

RALEIGH REGISTER,

AND NORTH-CAROLINA STATE GAZETTE.

"Ours are the plans of fair, delightful peace,
"Unwarp'd by party rage to live like brothers."

Vol. II.

Tuesday, July 19, 1825.

No. 174.

THE REGISTER

Is published every TUESDAY and FRIDAY, by
JOSEPH GALES & SON,
At FIVE Dollars per annum—half in advance.

ADVERTISEMENTS

Not exceeding 16 lines, neatly inserted three times for a dollar, and 25 cents for every succeeding publication; those of greater length in the same proportion. COMMUNICATIONS (thankfully received) LETTERS to the Editors must be post-paid.

COURT OF OYER AND TERMINER.

Present—Hon. Ogden Edwards; Aldermen Davis, Cowdrey, King and Ostrander.

Moses Parker, James Buckland, Joseph Wade, Wm. Walker, Cornelius Holley, Abraham Potts and Noah Doremus, being put to the bar, the Clerk addressed them as follows:

Prisoners—you may remember you were heretofore indicted for a certain felony and murder, alleged to have been by you heretofore committed; on that indictment you were arraigned; on your arraignment you severally pleaded not guilty; and put yourselves upon your country for trial; which country has acquitted you of the murder and found you guilty of manslaughter. What have you now to say, or either of you, why judgment should not be pronounced against you, according to law? Abraham Potts rose and addressed the court.

Gentlemen—I have been found guilty of a crime of which I am perfectly innocent: I feel sensibly the situation in which I am; and I know the awful doom that awaits me. I am to be cut off at my early age from society. I leave behind me an aged mother and weeping sisters. I do not believe any of these young men ever killed Mr. Lambert. I know what must be the feelings of his family, at thus losing their head; and I trust whoever committed the deed, it will hereafter be known. Such deeds will never remain secret. I throw myself on the mercy of the court, and I trust if any mercy is extended, it will be shown to me.

Wm. Walker then addressed the court.

For my part, gentlemen, I am perfectly innocent; and as for what Mr. Rea has testified against me, he will have to answer for it before another and a better Judge, in a world to come. I am innocent of striking any man, though I know I must suffer for being in the company.

His Honor, Judge Edwards, then addressed them as follows:

A jury of your country, selected under circumstances peculiarly favorable to you, have, after a long and patient hearing of your cause, pronounced you guilty of the crime of Manslaughter. The circumstances which led to, and attended, the commission of this crime were briefly these—[The Judge here recapitulated, in a lucid manner, the testimony which, we think it unnecessary to repeat.]

This outrage upon the peace of the city, the laws of your country, and I may well add, upon humanity, eventuated in the death of Mr. David R. Lambert, a gentleman who has been long and pre-eminently distinguished among us for the purity and amiability of his character;—who was warmly and most affectionately regarded by all who knew him; whose whole life was so remarkably characterized by acts of kindness and generosity, that I may almost say that when Mr. Lambert died a whole community were in tears. Under any circumstances, even by the act of an infinitely wise and holy Providence, the death of such a man would have been mourned as a public misfortune; but, to have him cut off by the hand of violence, in the dead hour of the night, in a lone part of the city, in the full possession of his faculties, with all his kindly feelings warm about him, by men whom he had never injured, in mere wantonness, in the exercises of a ferocious disposition, gave a shock to the moral sense of this community which has been but rarely witnessed. In you we behold the perpetrators of this deed. I do not impute it to you that you meditated the death of any man: I do not believe it: But the outrage you did meditate was one which, in the ordinary course of events, is not unfrequently attended with such consequences.

This view of your conduct, if you possess those feelings which are common to the youth of our country, will awaken reflections more painful than the punishment which the law inflicts

upon your crime. If, fortunately, they should produce this effect, it may be the means of so far mollifying your dispositions, and regulating your conduct, that hereafter you will become duly sensible and duly respectful of all your relations to your fellow men, and to your kind and merciful Creator.

We do not feel ourselves at liberty to limit our views of your case, in fixing your punishment merely to what would be due to you personally for your crime; nor to what might be necessary to reform you. The leading object of the law, in punishing the guilty, is to protect the innocent.—The laws have been most wisely framed to answer this end. They have, however, necessarily vested a discretionary power, within certain limits, in the courts in fixing the punishment. This power was delegated, under a full confidence that it would be exercised in strict pursuance of the policy of the law; and that mercy would be no further shown to the guilty than might be consistent with the safety of the innocent. We therefore do not consider ourselves at liberty to close our eyes upon the fact that we reside in an immense and growing city, comprising a mixed population; and, like all such cities, containing a multitude of vicious spirits, always ready, the moment they cease to feel the restraints of the law, to depredate upon the rights of others. Riotous assemblages at night, like the one you were engaged in, are, from the sudden combination of strength which they can here readily acquire, peculiarly calculated to break down the safeguards of the law, and to lay the community open to lawless violence. For these reasons the law, which is the offspring of the experience of ages, frowns with severity upon them. For these reasons it denounces as murder the killing of a man in a riot, in pursuit of an object which might be attended with danger to another. As the jury have acquitted you of the charge of murder, it cannot legally be imputed to you; but the crime of which you are guilty, in legal contemplation, falls but little short of it; for the court to disregard these considerations in fixing your punishment, would be equivalent to an assumption that they were wiser than the law.

In fixing the punishment, we intend not only to teach you to know, but all vicious young men, as well as others, that the law is and will be master; that by night as well as by day—that in the lone parts of the city as well as in the populous places—it walks side by side with the citizens; and if it cannot always protect, yet it will always punish, and severely too, whenever the workers of iniquity are brought within its grasp; and that, "although it has leaden feet, yet it has iron hands; and although slow in its operation, yet it is irresistible when it seizes upon its prey." No matter how extensive may be the combinations, how violent may be the outrages, yet such is the energy of the law, such is the fidelity and vigor of the great body of the community, that the workers of iniquity will be forever foiled—will be made severely to suffer.

In fixing your punishment, therefore, we have most deliberately considered what is due to your crime, what is proper for your correction, and above all, what is due to the people, who, under the law, must look to their courts of justice for protection. By these considerations, we are bound to govern ourselves, by assuming the trust which the people have delegated to us, and by a humane regard to the welfare of our fellow men. However much we may pity your situation, however much we may commiserate the feelings of your parents, (and we do most sincerely commiserate them) yet they must yield to the paramount duty of protecting a whole community. Were we to pass lightly by a crime of your enormity, were we to drop the sword of justice on an occasion like the present, we should weaken the confidence of the community in the protection of the laws; it would give head and confidence to violence, and public opinion would, and justly, visit upon us the consequences of future outrages.

We have duly considered the testimony which was given in support of your characters; and we have estimated it in connexion with the evidences of it afforded by the facts developed on the trial. We have paid a most respectful regard to the recommendation of the jury. We have considered your youth. In fixing your sentence we have mitigated your punishment as far as a commanding view of the whole ground will warrant us in doing.

The sentence of the court, therefore, is, that you be confined in the state

prison of the southern district, at hard labor, for the term of seven years; the three first months to be in solitude and the remainder at hard labor.

Before you leave the bar, let me admonish you not to indulge in expectations of a speedy pardon. However lightly you may estimate your crime, depend upon it, that all considerate men think it a serious one; and that in all probability you will be made to suffer long for it. What impression upon the executive a course of most exemplary conduct may produce, time will show. It is, however, the only key which will unbar your prison doors; it is the only mode by which you can restore yourself to the confidence of your fellow citizens; it is what you must solely rely upon towards rendering your lives respectable and happy.

Before I leave the bench, I owe it to my station. I owe it to the community, to whose favor I am indebted for the honor of serving them here, to avail myself of this public occasion to make some observations upon an evil, the existence of which has been developed in the course of this trial. It appears from the testimony, that these young men were intoxicated at the house of one of our licensed retailers of spirituous liquors; that the keeper of the house helped them to seven glasses each. That this city abounds with houses licensed to retail spirituous liquors, which are the resort, not simply of laborious men, who go for refreshments, but for fathers, of husbands, of sons, who go for the purpose of being intoxicated, is a fact of general notoriety. That the deplorable mass of human misery which results from intemperance is to a considerable extent to be ascribed to the encouragements which are afforded by many licensed retailers of spirituous liquors, cannot be denied. The evil has long rankled in the bosom of this community. We have in these young men a dreadful example of the consequences of it. I here put it emphatically—is there no remedy? if so, why is it not applied? How many of our respectable citizens must be murdered in our streets? how many of our youth must be sent to the state prison? how many victims of intemperance must first find an untimely grave? how many broken hearted widowed mothers and orphan children must first be sent sorrowing through the world, before this slumbering community can be awakened to their duty? Believe me, there is in this city a moral sense, a due regard to what they owe to their fellow beings, which if drawn into action would purge this land of this sin. Surely it is not an unreasonable thing to require that houses of this description should be placed under such regulations, and subject to such censorship as will prevent them from becoming common nuisances, that no more licenses should issue than is compatible with the general welfare; and that all which are held by men whose houses are resorted to by the vicious, for the purpose of obtaining the means of being intoxicated, should be withdrawn. The community will look in vain to the laws and the courts of justice for protection, so long as such facilities are afforded for dethroning the reason of the vicious.

Valuable Real Estate

FOR SALE.

IN pursuance of powers vested in me by the last will and testament of William Twitty, dec. I offer for sale all that valuable Tract of Land in Warren county, on which said William lived at the time of his death, containing thirty-two hundred and sixteen acres. On it is a valuable Grist & Saw Mill, both lately repaired—and a large and commodious two story dwelling-house with the necessary outhouses, which with some repairs may be made a comfortable reception for a numerous family. There is a large body of Low Grounds on the waters of Fishing Creek, and a considerable quantity of good wood land attached to this tract. Eight hundred acres of this land are subject to a life estate, which interest I have good reasons to believe can be purchased at a fair price.—The balance of the land is also subject to the dower of the widow: which I can confidently say may also be purchased. This land would be sold privately on very accommodating terms, for a great part of the money, the purchaser paying the interest annually & giving good & satisfactory security for the performance of his contract. If this land should not be disposed of before the 22d day of August next (it being the 2d day of Warren Court) on that day it will be offered at public sale at the Market-House in the town of Warren. The Executor reserves to himself the privilege of a bid.

It is thought unnecessary to give a minute description of this land, as those who may wish to purchase will view it and judge for themselves.

ROB. PARK,
the surviving Executor.
Warren county, N. C. June 9. 65 6w

Just Published,

By J. Gales & Son, Raleigh.
Price bound, Two Dollars.

A DIGEST of the Statute Law of North-Carolina, relative to Wills, Executors and Administrators, the Provision for Widows, and the Distribution of Intestates.

By JOHN LOUIS TAYLOR,
CHIEF JUSTICE OF THE SUPREME COURT.
Copies of this Work may be had at the Bookstores of John M' Rae and J. Haddock, Fayetteville; D. Smith, Wilmington; Salmon Hall & Thomas Watson, Newbern; H. Wilks, Edenton; R. Davison, Warrenton; N. J. Palmer, Hillsborough; J. A. Mebane, Greensborough; Gotlieb Shober, Salem; and D. Reinhardt, Lincolnton.
May 13. 65.

North-Carolina Lottery, FOR THE BENEFIT OF THE OXFORD ACADEMY.

SECOND CLASS.
To be drawn positively in November next, and completed in a few Minutes.

J. B. YATES & A. M'INTYRE, MANAGERS.
SCHEME.
1 Prize \$20,000 is \$20,000
1 10,000 10,000
2 5,000 10,000
2 1,990 3,980
18 1,000 18,000
18 500 9,000
18 100 1,800
186 50 9,300
186 25 4,650
1488 10 14,880
13950 5 69,750

15,870 Prizes. \$171,360
26,970 Blanks.

42,840 Tickets \$171,360

This is a Lottery formed by the ternary combination and permutation of 36 numbers. To determine the prizes therein, the 36 numbers will be severally placed in a wheel on the day of the drawing, and 5 of them be drawn out; and that ticket having on it the 1st, 2d and 3d drawn Nos. in the order in which drawn, will be entitled to the prize of 20,000 dollars; and those five other tickets which shall have on them the same Nos. in the following order, shall be entitled to the prizes affixed to them, respectively, viz:

The 1st, 3d and 2d to \$10,000
2d, 1st and 3d to 5,000
2d, 3d and 1st to 5,000
3d, 1st and 2d to 1,990
3d, 2d and 1st to 1,990

The 18 other tickets which shall have on them three of the drawn Nos. and those three the 2d, 3d and 5th, the 2d, 4th and 5th, or the 3d, 4th and 5th, in some one of their several orders of combination or permutation, will each be entitled to a prize of 1,000 dollars.

Those 18 other tickets which shall have on them three of the drawn Nos. and those three the 1st, 2d and 4th, the 1st, 2d and 5th, or the 1st, 3d and 4th, in some one of their several orders of combination or permutation, will each be entitled to a prize of 500 dollars.

Those 186 tickets which shall have 2 of the drawn Nos. on them, and those two the 2d, and 4th, in either order, will each be entitled to a prize of 50 dollars.

Those 186 tickets which shall have 2 of the drawn Nos. on them and hose two be 3d and 4th, in either order, will each be entitled to \$25

All others, being 1488, having two of the drawn Nos. on them, will each be entitled to a prize of 10 dollars.

And all those 13,950 tickets, having but one of the drawn Nos. on them, will each be entitled to a prize of 5 dollars.

No ticket which shall have drawn a prize of a superior denomination, can be entitled to an inferior prize.

Prizes payable 30 days after the drawing, and subject to the usual deduction of 15 per cent.

Tickets and Shares in the above scheme for sale at the Manager's Office in Raleigh.

Whole Tickets, \$5
Half do. 2 50
Quarter do. 1 25

New-York State Literature

Class No. I. for 1825.

J. B. YATES & A. M'INTYRE, Managers.
To be completed in one drawing on the 20th of July next.

60 numbers—9 ballots to be drawn.
SCHEME.
1 Prize of \$30,000 is \$30,000
1 of 15,000 is 15,000
1 of 10,000 is 10,000
1 of 5,737 is 5,737
20 of 1,000 is 20,000
50 of 500 is 15,000
30 of 200 is 6,000
51 of 100 is 5,100
51 of 50 is 2,550
1734 of 22 is 33,148
11,475 of 11 is 126,225

13,395 Prizes \$273,760
20,825 Blanks

34,220 Tickets.
Whole tickets \$ 10
Halves 5
Quarters 2 50
Eighths 1 25

Delaware State Lottery,

FIRST CLASS.
To be drawn the 3d of August next, and completed in a few minutes.

SCHEME.
1 Prize of \$10,000 is \$10,000
1 5,000 5,000
1 3,000 3,000
1 2,000 2,000
2 1,151 2,302
12 1,000 12,000
12 500 6,000
80 100 8,000
186 50 9,300
186 20 3,720
1488 6 8,928
13950 9 41,850

15,870 Prizes. \$107,100
26,970 Blanks.

42,840

Whole Tickets \$3 50
Half - - - 1 75
Quarter - - - 87 1/2

Washington City Canal Lottery.

Class No. I. for 1825.

To be drawn on the 17th of August next, and finished in a few minutes.

60 numbers—8 ballots to be drawn.

SCHEME.
1 Prize of \$25,000 is \$25,000
1 10,000 10,000
1 5,000 5,000
2 2,500 5,000
1 2,360 2,360
20 500 10,000
30 250 7,500
52 50 2,600
156 25 3,900
1,248 10 12,480
10,608 5 53,040

13,120 Prizes 34,220 tickets, \$136,880
22,100 Blanks

Whole Tickets, \$5
Halves, 2 50
Quarters, 1 25

Union Canal Lottery of Pennsylvania.

Eighteenth Class—New Series.

To be drawn on the 7th September next, and finished in a few minutes.

66 numbers—9 ballots to be drawn.

SCHEME.
1 Prize of \$25,000 is \$25,000
1 12,500 12,500
1 5,660 5,660
1 5,000 5,000
10 1,000 10,000
20 500 10,000
50 200 10,000
57 100 5,700
114 50 5,700
285 20 5,700
1,596 10 15,960
14,364 5 71,820

16,500 Prizes 183,040
29,260 Blanks

45,760 Tickets.

Whole Tickets, \$5
Halves, 2 50
Quarters, 1 25

Tickets in all of the above schemes will advance in price very soon, and adventurers would do well in applying soon, as the sales have been very rapid, there will be few if any remaining unsold on the day of drawing.

Prizes in any of the Lotteries of New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, and Washington City, will be received in payment.

Orders enclosing the cash or prizes (post paid) for tickets or shares in any of the above Lotteries, will receive prompt attention, if addressed to

YATES & M'INTYRE,
Raleigh, N. C.

Lands For Taxes.

THE following Lands will be sold at the Court House door of Hyde County, on the last Monday in August next, to satisfy the taxes due thereon for the year 1823:

105 Acres, property of Wm. S. Bell's children

193 Henry Bishop
300 Chas. Crawford's heirs
200 David Jarvis' heirs
175 Joshua Fortiscue
60 John B. Jasper
370 Hugh H. Foddy
60 Joseph G. Gowers
383 Wm. Gordon
150 Reuben Rew
180 Benjamin B. Ratliff
200 John B. Jasper or Thomas Smith

1925 John Selby, Jr.
80 Jacob Swindle Jr.
250 Aaron Tyson's heirs
90 Jacob Swindle, Sen.
B. FOEMAN, Dep. Shff.
Germanton, Hyde County June 25, 1825.

71—3w

BLANKS,
Of every form and description,
At this Office.