

NORTH CAROLINA SPECTATOR

AND WESTERN ADVERTISER.

VOLUME I.

RUTHERFORDTON, FRIDAY MORNING, DECEMBER 31, 1830.

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State of North Carolina, Rutherford County.

Superior Court of Law, October Term, 1830.
James J. Hoyt, John Ward
and William Ward }
Petition and sci. fa.
to
Vacate Grant.
vs.
Waitman Dishroon and
Michal Hawkins.

It appearing to the satisfaction of the Court, that Waitman Dishroon one of the defendants, resides beyond the limits of the State: It is therefore Ordered by Court, that publication be made six weeks in the North Carolina Spectator and Western Advertiser, that unless the said defendant appear at the next term of said Superior Court, to be held in Rutherfordton, on the third Monday after the fourth Monday in March next, that Judgment will be taken pro confesso against him.

Copy Teste. JAMES MORRIS, Ck. 42 6w pr. adv. \$2.50
Nov. 18, 1830.

State of North Carolina, Rutherford County.

Superior Court of Law, October Term, 1830.
James J. Hoyt, John Ward
and William Ward }
Petition and sci. fa.
to
Vacate Grant,
vs.
George Russel and
John Whitesides.

It appearing to the satisfaction of the Court that George Russel one of the defendants, resides beyond the limits of the State: It is therefore Ordered by Court, that publication be made six weeks in the North Carolina Spectator and Western Advertiser, that unless the said defendant appear at the next Term of said Court, to be held in Rutherfordton, on the 3d Monday after the 4th Monday in March next, that Judgment will be taken pro confesso against him.

Copy Teste. JAMES MORRIS, Ck. 42 6w pr. adv. \$2.50
Nov. 18, 1830.

State of North Carolina, Buncombe County.

Superior Court of Law—October Term, 1830.
John Roberts }
Petition for Divorce.
vs.
Agnes Roberts.

It appearing to the satisfaction of the Court, that the defendant, Agnes Roberts, is not an inhabitant of this State; It is ordered that publication be made for three months in the Raleigh Star and Western Advertiser, that the said Agnes Roberts appear at the next Superior Court of Law to be held for the county of Buncombe, at the Court House in Asheville, on the 2d Monday after the 4th Monday in March next, and there to plead, answer or demur to the petition filed against her by John Roberts, or the same will be taken pro confesso, and heard ex parte.

Witness Joshua Roberts, Clerk of said Court, at Office, the 2nd Monday after the 4th Monday in September, 1830.
43 3m Pr. adv. \$4.50
J. ROBERTS, Clerk.

State of North Carolina, Buncombe County.

Superior Court of Law—October term, 1830.
Alexander Henry }
Petition for divorce.
vs.
Happy Henry.

It appearing to the satisfaction of the Court, that the defendant is not an inhabitant of this State, it is ordered that publication be made for three months in the Raleigh Star, and North Carolina Spectator, that the defendant, Happy Henry, appear at the next Superior Court of Law, to be held for the county of Buncombe, at the Court House in Asheville, on the 2d Monday after the 4th Monday in March next, then and there to plead, answer or demur to the petition filed against her by Alexander Henry, or the same will be taken pro confesso and heard ex parte.

Witness Joshua Roberts, Clerk of said Court, at Office, the 2nd Monday after the 4th Monday in September, 1830.
43 3m Pr. adv. \$4.50
J. ROBERTS, Clerk.

State of North Carolina, Rutherford County.

Court of Pleas and Quarter Sessions—October Term, 1830.
Margaret Horton, doweress, William Horton and others, heirs at Law of William Horton, senior, deceased— }
Petition for Dower and Partition.
vs.
David Horton, Payton Horton and others.

It appearing to the Court, that David Horton, one of the defendants in this cause, is not an inhabitant of this State: It is ordered that publication be made for six weeks, successively, in the North Carolina Spectator and Western Advertiser, that unless he appear at the next Court of Pleas and Quarter Sessions to be held for this County, at the Court-House at Rutherfordton, on the second Monday of January next, and answer, plead or demur, the petition will be taken pro confesso and heard ex parte as to him.

Copy Teste. ISAAC CRATON, C. C. 38 6w
Oct. 26, 1830. Pr. adv. \$2.75.

WEIGHTS AND MEASURES.

THE subscriber having been re-appointed by the Court as STANDARD KEEPER, for the County of Rutherford, is now ready to attend to the duties of his office.
JOHN LOGAN.

MONEY I WANT! And Money I must have!!!

THE subscriber having disposed of his interest in the Tin Ware Manufactory, in this town, is desirous to make settlement with all his customers, that he may close his concerns. Also, all those indebted to him for Goods, are requested to come forward and make immediate settlement for the same and thereby shun such costs as will otherwise follow. All persons against whom the subscriber holds notes of hand, are hereby notified to attend to and pay the same, or they will be placed in such hands as will insure their immediate collection. The determination of the subscriber to wind up his affairs, will be a sufficient reason for the legal and compulsory course which will be taken against such as fail to comply with this notice.
HARVEY CARRIER.
Rutherfordton, Nov. 25, 1830 411f

PLEASANT RETREAT ACADEMY. LINCOLNTON, N. C.

THE Trustees of this Academy take pleasure in announcing to the public, that the exercises of this institution have closed for the present year, under the tuition of Mr. Benjamin B. Dye, with much satisfaction to all concerned; and that they will be again resumed, under his care, on the first Monday in January next. Mr. Dye, since his residence at this place, having devoted his whole attention to teaching, we believe no one has ever surpassed him in regular attendance, and that few if any, are better qualified to teach all the branches of Literature, which are usually taught in such Institutions. This Academy is situated in one of the most healthy villages in the western part of North Carolina, where boarding can be obtained in good and respectable families, either in town or in the adjoining country, on moderate terms.

The prices of tuition, per session, will be as follows, viz:—
Reading, Writing and Arithmetic, \$5.00;
English Grammar, and Geography, \$7.50;
Latin & Greek languages & Sciences, \$10.00;
By order of the Board of Trustees.
JAMES P. HENDERSON, Secretary.
December 6, 1830. 45 6w.

State of North Carolina, Buncombe County.

Superior Court of Law—October Term, 1830.
Charles Williamson }
Petition for Divorce.
vs.
Polly Williamson.

It appearing to the satisfaction of the Court, that the defendant, Charles Williamson, is not an inhabitant of this State; It is ordered that publication be made three months in the Raleigh Star, and North Carolina Spectator, that the said Charles Williamson, appear at the next Superior Court of Law, to be held for the county of Buncombe, at the Court House in Asheville, on the 2d Monday after the 4th Monday in March next, and there to answer, plead or demur to the petition filed against him by Polly Williamson, or the same will be taken pro confesso, and heard ex parte.

Witness Joshua Roberts Clerk of said Court, at Office, the 2nd Monday after the 4th Monday in September, 1830.
43 3m Pr. adv. \$4.50.
J. ROBERTS, Clerk.

State of North Carolina, Buncombe County.

Superior Court of Law, October Term, 1830.
Sarah Wicaser, }
Petition for Divorce.
vs.
George Wicaser.

It appearing to the satisfaction of the Court, that the defendant is not an inhabitant of this State: It is Ordered, that publication be made for three months in the Raleigh Register, and North Carolina Spectator, that the defendant George Wicaser, appear at the next Superior Court of Law to be held for the county of Buncombe, at the Court House in Asheville, on the 2d Monday after the 4th Monday in March next, then and there to plead, answer or demur to the petition filed against him by Sarah Wicaser, or the same will be taken pro confesso, and heard ex parte.

Witness Joshua Roberts, Clerk of said Court, at Office, the 2nd Monday after the 4th Monday in September, 1830.
42 3m Pr. adv. \$4.50
J. ROBERTS, Clerk.

NOTICE TO GOLD MINERS.

THE subscriber having made several important improvements on the rocker and raffle principles, and constructed a machine called PALMER'S IMPROVED ROCKER, for washing and cleansing gold from the earth, &c. connected with it, by means of metal sives, &c.; by which the process of collecting gold is greatly facilitated, as this new machine may be placed in such a situation in the pits that those engaged in digging can throw the grit at once into the machine without any further labor, and its location be changed to suit the convenience of those employed,—and at the same time, from its formation, secure the gold collected by a lock and key, from pillage. A part of said machine may be attached with great advantage to machinery now in use. The subscriber intends to apply to the Patent Office, immediately, for a patent on his improvements—and, hereby forewarns all persons from using or making the whole or any part of a machine upon his plan and invention; as the patent law will be enforced against such as infringe on his right and improvement.

GREENE B. PALMER,
Brindletown, Burke, Nov. 30, 1830. 42 4wp

SALE OF LANDS FOR TAXES.

ON the first Monday in January next, (it being the week of Buncombe County Court) I shall expose to public sale, at the Court-House in Asheville, the following tracts of Land to satisfy the taxes due thereon for the years 1826 and 1829.
200 acres given in by John Kelly, lying on the waters of French Broad River, in Gloster settlement, joining lands of Andrew Brown. Tax due \$2,694.
200 acres given in by Jesse Burrell, lying in Gloster, joining lands of Jonathan Seiniard and Andrew Brown. Tax due \$1,174.
100 acres given in by Benjamin B. Allison lying on Avere's Creek, joining lands of John McKey. Tax due \$1,174.
100 acres given in by James Morgan, lying on the waters of the East Fork of French Broad River. Tax due \$1,014.
100 acres given in by Joseph A. Dunn, lying on the head waters of Davidson's River. Tax due \$1,014.
N. HARRISON, Sheriff.
By WM. FORTUNE, D. S.
Buncombe Nov. 15, 1830. 40 tds.

NOTICE.

THE Subscriber, having been appointed Agent and Attorney for the purpose of closing the business of Maj. B. F. Patton, formerly a Merchant in Asheville, respectfully requests all persons indebted to him, to come immediately and make payment by cash; otherwise their notes and accounts will be put in suit, without discrimination.
RICH. E. FORTUNE.
Asheville Dec. 8, 1830. 44 4w.

WANTED.

THE subscriber (residing in Asheville) wishes to purchase 6 or 8 NEGRO YELLOWS, good field hands and bearing a good character; for which he will pay cash.
JAMES M. SMITH.
Asheville, Dec. 3, 1830. 43 5w

NOTICE.

FOREWARN all persons from trading for a Note of hand of Twenty dollars and fifty cents, bearing date the 20th of Feb. 1830, payable to Benjamin Davidson, of Buncombe county, as I have paid him for the same in 1821, as I am determined not to pay the same unless compelled by law and equity.
JONATHAN M. BRYSON.
Macon County, N. C. Oct. 15, 1830. 36 4

STATE LEGISLATURE.

SENATE.

Wednesday, Dec. 8.
Mr. Martin from the committee of Claims, recommended the adoption of the resolution in favor of William Carson; and it was read the first time and passed.

The Senate agreed to the proposition of the House of Commons, contained in the resolutions submitted by Mr. Glenn, to raise a joint select committee, to inquire into the expediency of selling the Cherokee lands, and of memorializing Congress on the establishment of a Mint in this State, and appointed Messrs. Spaight, Guinn, Dick and Boddie to form said committee on their part.

Thursday Dec. 9.
Mr. Dick from the select joint committee to whom was referred the several bills and resolutions relative to clerks and sheriffs' fees, reported a bill fixing the fees of the clerks of the Superior and County Courts and sheriffs' fees; which was read the first time, passed and ordered to be printed.

The bill for the better regulation of the town of Williamston; the bill to amend an act, passed in 1805, to prevent vice and immorality; the bill to regulate the emancipation of slaves; the bill to amend the act of last session, vesting the right of electing sheriffs in the free white men of the State; and the resolution in favor of Wm. Carson, were read the third time, passed, and the two last mentioned bills amended and ordered to be engrossed.

The bill to prevent all persons from teaching slaves to read or write, the use of figures excepted, was also read the third time and ordered to be engrossed—years 36, days 22.

Yeas—Messrs. Askew, Barnes, Beasley, Boddie, Borden, Cowper, Crump, Devenport, Dickinson, Gavin, Hall, Hawkins, Hill, Hinton of Wake, Howell, Jones, Lindsay, M'Daniel, M'Entire, M'Farland, Mathews, Meares, Miller, Mosely, Moye, Murchison, Ramsey, Spaight, Selby, Simmons, Sneed, Walton, Ward Williams of Franklin, Williams of Martin, Wilson.

Nays—Messrs. Brower, Caldwell, of Iredell, Dick, Dobson, Gudger, Guinn, Hare, Harris, Hinton of Beaufort, Hoke, Kerr, M'Neil, Marshall, Melchor, Montgomery, Newland, Ray, Sherard, Skinner, Vanhook, Welch.

Friday Dec. 10.

Mr. Miller, from the committee on Privileges and Elections, to whom was referred the petition of Benjamin S. Brittain, contesting the election of James Guinn, the sitting member from the county of Macon, made a report accompanied with a resolution, declaring Mr. Guinn entitled to retain his seat, which was concurred in and the resolution adopted. Mr. Miller subsequently made an unavailing motion to consider said report.

Mr. Newland from the committee to whom was referred the memorial of sundry citizens of Wayne, Johnston, Nash and Edgecombe, praying the creation of a new county out of parts of said counties, made an unfavorable report thereon; which was, on motion of Mr. Askew laid on the table.

Bills presented. By Mr. Dobson, a bill to vest the right of electing clerks of the Superior and County Courts in the free white men entitled to vote for members of the House of Commons; by Mr. Perkins, a bill to vest the right of electing constables in the county of Camden, in the free men thereof; which were read the first time, passed, and the former ordered to be printed.

Monday, Dec. 13.

Mr. Guinn presented the following resolution, which was read and adopted: Whereas the Legislature in the year 1819, passed a law authorizing the commissioners to survey and sell the Cherokee lands; and they were further authorized and empowered to set apart 400 acres of said land for a town site and County uses:

Be it therefore resolved, That there be a select committee appointed, consisting of five members, to inquire into the expediency of the State relieving the citizens of Macon county of a heavy tax, by relinquishing her right unto them of that part of the 400 acres of land that remain unsold and reserved by the commissioners in the year 1819, for the use of the public building, and that they report by bill or otherwise.

On motion of Mr. Martin, the Senate went into committee of the whole, Mr. Hinton of Wake, in the Chair, on the bill to establish a Bank on the funds of the State; and, after some time spent therein, the committee rose reported progress and obtained leave to sit again.

Mr. McKay presented a bill to prohibit the circulation in this State, after the time therein mentioned, Bank notes under five dollars, issued by the Banks of other States; also a bill declaring that the repeal of a statute shall not affect suits brought before the repeal.

Tuesday, Dec. 14.

Mr. Meares, from the committee on the

Judiciary, to whom were referred the resolution instructing them to inquire what amendments are necessary to the existing law as to the priority of entries of vacant lands, &c. the expediency of compelling persons owning large grants of land, known as speculation land, to survey and mark the same; the expediency of requiring (by law) executors to give security for their faithful administration, and the expediency of amending the law relative to slaves offering violence to white persons, made unfavorable reports thereon, and asked to be discharged from the further consideration of the several subjects. Concurred in.

Mr. Ward from the committee on Military Affairs, to whom was referred the resolution inquiring into the expediency of distributing a portion of the public arms among several counties in the State, made a report thereon, accompanied by a bill, entitled a bill concerning the public arms to the police authorities, and to provide in case of invasion or insurrection, which was read the first time and passed.

HOUSE OF COMMONS.

Wednesday, Dec. 8.

Mr. Alexander, from the Judiciary Committee, to whom the subjects had been referred, reported a bill to compel executors to give security in all cases in which the will does not otherwise direct; a bill to amend and explain the 9th section of an act, passed in 1786, prescribing the mode of allotting dower; and a bill to amend an act, passed in 1822, entitled "an act for the relief of debtors for debts which may be contracted after the first day of May next;" which were read the first time and passed.

Mr. Alexander, from the same committee reported unfavorably to the petition of Isabella Staton. Concurred in.

Thursday Dec. 9.

Mr. W. J. Alexander in pursuance of notice heretofore given, now moved that two members be added to the committee on the Judiciary; whereupon the Speaker appointed Messrs. Barringer and Bragg upon said committee.

On motion of Mr. Bynum the committee on the Judiciary were instructed to inquire into the expediency of altering or amending the law allowing slaves to give evidence against free persons of color, so as more effectually to prevent a future abuse of the same.

The following resolution offered by Mr. Pearson, was read and adopted:

Resolved, That the committee on the University be instructed to inquire into the expediency of establishing a Board of Commissioners, to be denominated the Commissioners of Education, who shall have the entire management of the finances of the University, and such common schools as may be established; and the expediency of granting to the University all the aid which its situation at present requires, on condition that the Trustees will convey to said Commissioners all the funds of the University; which, together with the Literary Fund, shall constitute a general fund for education; out of which the University and such other schools as may be hereafter established by the State, are to be supported.

Mr. Polk, in pursuance of notice heretofore given, moved a reconsideration of the resolution adopted on his motion, authorizing a select committee to procure and publish the documents relating to the original Declaration of Independence by the free men of this State. The resolution was accordingly reconsidered, and on motion of Mr. Polk, the whole of it was stricken out except the word "resolved," and the following substituted by way of amendment:

"That a select committee be appointed, whose duty it shall be to examine, collect and arrange in proper order such parts of the Journals of the Provincial Assembly of North Carolina as relate to the Declaration of American Independence. Also such documents as relate to the Declaration of Independence made by the patriotic men of Mecklenburgh, in 1775; and also such measures as relate to the same cause, adopted by the freemen of Cumberland county previous to the 4th of July, 1776; and that the committee place the papers thus collected and arranged in the hands of the Governor, whose duty it shall be to cause the same to be published, with a proper preface and notes of explanation; and to be distributed as follows: Twenty copies to the Library of the State, ten copies to each of the Libraries of the University, ten copies to the Library of the Congress of the United States, and one copy to each of the Executives of the Union."

The Speaker appointed Messrs. Polk, Bragg, E. Alexander, Henry and M'Neil to compose said committee.

Mr. W. J. Alexander, from the committee on the Judiciary, reported the bill to amend an act of 1829, to provide for a division of negroes and other chattel property held in common, with sundry amendments, which were concurred in, and the bill was read the third time, passed and ordered to be engrossed.

Mr. Wyche from the committee of Finance, to whom was referred the resolution instructing them to inquire whether John M'Rea, of Fayetteville, had complied with the terms of an act of 1825, authorising a loan of 5000 dollars, to enable him to complete a map of the State, reported that upon due investigation of the subject, the act of 1826, (not of 1825, as stated in the resolution,) authorising said loan, has been duly and strictly complied with, and begged to be discharged from the further consideration of the subject. Concurred in.

Mr. Stedman presented to the House the following communication from his Excellency Governor Owen:

EXECUTIVE OFFICE,
Thursday Nov. 9, 1830.
To the Honorable the General Assembly of North Carolina.

GENTLEMEN.—Grateful for every expression of public favor, and fully sensible of the honor done me by the Legislature of my native State, in elevating me to its Executive Chair, I shall be wanting in respect to myself, and more particularly for you, were I to retire from the Governorial Chair without returning you my thanks for the honor received at your hands. With every sentiment of gratitude for past favors, circumstances, nevertheless, beyond my control, and not of a public character, induce me to request that my name should not be before the General Assembly again for the high and respectable office of Governor of the State.

I have the honor to be, Gentlemen, most respectfully, your obedient servant. JOHN OWEN.

Bills presented. By Mr. Edmonston, a bill for the better regulation of the County Courts of Haywood; and also a bill to discourage malicious or frivolous prosecutions in this State; and by Mr. W. J. Alexander, a bill to incorporate the Mecklenburgh Gold Mining Company; which were read the first time past and the two latter referred.

Friday, Dec. 10.

The engrossed bill to reduce the number of Jurors to lay off roads in the county of Macon to freeholders, which was read the second time, amended on Mr. Love's motion, by extending its provisions to the county of Haywood, and passed and ordered to be engrossed.

The bill to amend an act, passed in 1829, to authorize the County Court of Burke to appoint and lay off a turnpike from the Lincolnton line to Mull's mill; was read the third time, passed and ordered to be engrossed.

On motion of Mr. Wheeler, a select committee was appointed to inquire into the expediency of enacting some regulation to repress the practice of medicine by persons who are unqualified. The following gentlemen compose the committee: Messrs. Wheeler, Frederick, Buie, Haley, and Skinner.

The resolution relative to the re-opening of Roanoke Inlet, was taken up, and, on motion of Mr. O'Brien, amended so as to read as follows, and adopted, 119 to 9:

Whereas, by the Constitution of the United States, the subjects of commerce and of national defence are committed to the regulation of the General Government, and whereas, in the opinion of this General Assembly, it is important to the committee of the country and to the national defence, that the old Roanoke Inlet, recently filled up, should be re-opened by the arm of the General Government.

Therefore resolved, That our Senators and Representatives in Congress be requested to use their best endeavors to influence the General Government to undertake the re-opening of the communication at or near Nag's Head, between the Albemarle Sound and the Atlantic Ocean.

Saturday, Dec. 11.

The bill for the better regulation of the County Courts of Haywood; was read the third time, passed and ordered to be engrossed.

Monday, Dec. 13.

Mr. W. J. Alexander, from the committee on the Judiciary, to whom was referred the engrossed bill to authorize courts of justice to regulate the business thereof, reported unfavorably to said bill, and it was read and rejected.

Mr. W. J. Alexander, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of amending and explaining the law in relation to constables' fees, reported that the law fixing the fees of constables is sufficiently explicit, and requires no amendment in the mode contemplated, and prayed to be discharged from the further consideration of the subject. Concurred in.

Tuesday, December 14.

The engrossed resolution in favor of William Carson, was read a third time, and ordered to be enrolled.
Mr. M'Affee presented a bill to amend an act, passed in 1820, authorizing the County Court of Rutherford to hold a Court of Probate in said county; which was read the first time and passed.

Mr. Webb, from the Committee to whom was referred a bill to authorize the building of a Penitentiary in this State, reported the same with sundry amendments; which were concurred in, and the bill, as amended, was ordered to be printed and made the order of the day for Tuesday next.

On motion of Mr. Webb:
Resolved, That the committee on Finance be instructed to enquire into the expediency of passing a law directing the Trustees of the State not to issue any of the Treasury notes that may now be in his Office, or they may be in future paid in; and further to inquire into the expediency of issuing