

NORTH CAROLINA SPECTATOR

AND WESTERN ADVERTISER.

VOLUME I.

RUTHERFORDTON, SATURDAY EVENING, JANUARY 3, 1831.

NUMBER 47.

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ROSWELL ELMER, JR.

Terms of subscription. Two dollars and fifty cents, per annum, if paid in advance; or three dollars, if paid within the year:—but if delayed after the close of the year, twenty-five cents will be added.

No paper will be discontinued until particularly ordered and all arrearages paid, or at the discretion of the publisher.

Advertisements inserted on the usual terms.—All persons advertising will please note the number of times they wish to have them inserted, or they will be continued and taxed accordingly.

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.

INFORMATION.

A LETTER was received sometime since, at the Post Office in this town, directed to Mr. Ezekiel Ambrose. Mr. Ambrose having left the county—the letter was not taken out of the Office, and was consequently sent to the General Post Office as a dead letter. The head of that Department has examined and sent back said letter, with instructions to the Post Master to take measures to deliver the letter to the person to whom it is addressed and obtain his receipt; as it was written by Mr. Harvey and Mrs. Johanna Mathews, and originally mailed at Boston Mass. & although the letter is without an inclosure, yet as it is from Mrs. Mathews it is supposed to be very interesting to Mr. Ambrose. Mr. A. at the present time, is supposed to be engaged in the gold mines of Mecklenburg, Cabarrus or Davidson counties in this state, and is hereby requested to come forward and take out said letter and pay necessary charges, or it will be returned to the General Post Office after forty days.
GEO. WALTON, P. M.
Rutherfordton, Dec. 30, 1830. 46 1f

UNDER DECREE IN EQUITY.

ON Monday the tenth day of January next, (being Monday of the County Court,) I will expose to sale before the Court House at Rutherfordton, all the Lands belonging to the Estate of the late **DAVID WEAVER**, deceased, comprising:—
One tract adjoining the lands of David Hardin, Beatty, and others, situate on or near Hickory Creek.
One other tract, adjoining Crow's lands, Wm. Beatty, and nearly adjoining the above mentioned.
And another tract, joining or nearly adjoining each of the above mentioned tracts, also situate on or near Hickory Creek—the whole containing about 100 acres.
Gold is said to have been discovered on these lands. Terms: One half payable at the end of one year, the remainder at six months thereafter; the purchaser giving bond and approved security for the purchase money.
Titles will be made accordingly as shall be ordered by the Court.
Nov. 5, 1830. **T. F. BIRCHETT, C. & M.** 39 1f

UNDER DECREE OF FORECLOSURE.

THERE will be sold before the Court House at Rutherfordton, on Monday the tenth day of January next, (being the Monday of the County Court,) within the legal hours of sale, *Seven several tracts of Land*, as the property of the heirs at law of **EDMUND FEWELL**, deceased, containing an aggregate amount of **658** acres, or so much thereof as will be sufficient to satisfy the Decree.
One of these tracts of Land includes a part of the Iron Works and High Shoal on Second Broad River. The other six lie adjoining to it and to each other or nearly so.
To such persons as wish to engage in the manufacture of Iron, or of other things, this property may well be recommended as possessing advantages rarely to be met with.
Terms, Cash in hand. Titles to be executed by the Clerk and Master.
Nov. 5, 1830. **T. F. BIRCHETT, C. & M.** 39 1f

NO PUFFS NOR BLUFFS BUT STUBBORN FACTS!!

THE subscriber respectfully informs the citizens of Asheville and the public generally, that he continues to carry on the **TAILORING BUSINESS**, in all its various branches, in the shop formerly occupied by **Doct. J. F. E. Hardy** as an Apothecary Shop; where he is ready to execute all manner of work appertaining to his line of business. The subscriber having devoted his attention to the above business for many years, and in some of the most fashionable cities in the United States, feels no hesitation in pledging himself to those who may favor him with their patronage, that his work shall not be inferior to any in this State; and having received the latest Northern directions, he flatters himself capable of performing every minutia of his business with accuracy and despatch. Respectfully, to the public in general.
43 3w **G. C. SPECK.**
Asheville, Dec. 6, 1830.

WANTED.

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

HOUSE AND ORNAMENTAL PAINTING.

THE subscribers take this method of informing the citizens of Rutherford and its vicinity, that they expect to be at Rutherfordton, on or about the first of February next, prepared to execute any Job in their line of business with despatch and neatness not inferior to any in the Northern or Southern States. Business will be attended to on the shortest notice.
**G. W. DAVIS,
SAM'L D. PEUGH.**
Rutherfordton, Dec. 15, 1830. 44 1f

PAPER FOR SALE.

THE undersigned, Paper Manufacturers, at the Houlston Paper Mills, can at all times furnish any quantity of
Imperial, Super-Royal, and Medium PAPER;
and Fool's Cap, Letter and Wrapping PAPER;
PASTE-BOARDS, &c. &c.
which they will forward on to any of the Southern States, on as reasonable terms for Cash as can be procured from the North.
Orders addressed to **Marshall's Ferry, Gran- ger County, Tennessee**—will be promptly attended to.
SHIELDS, JOHNSTON & RICE.
Marshall's Ferry, Ten. Nov. 16, '30. 41 1A

SPECULATION LANDS.

THE subscriber hereby gives notice, that he is duly appointed the Agent of Isaac Bronson & Gould Hoyt, Esquires, of the city of New York, the present proprietors of the lands formerly owned by Tench Cox, Esq. in the counties of Rutherford and Buncombe, called Speculation Lands, with power to sell and lease the same and to settle and compromise all questions in relation thereto; the Injunction issued at the suit of the representatives of James Thomson, deceased, having been dissolved at the last Court of Equity in this County, as will be seen by the Decree of the Court herewith published.—he is now ready to make any contracts in relation to said lands he may think proper, and he invites all persons who have claims to parcels thereof to call upon him and purchase the land or make an amicable settlement in relation thereto, which the subscriber is willing to do, on fair terms, moderate prices and reasonable credits. While he is thus anxious, as far as possible, to settle all controversies in relation to these lands without recourse to legal measures, and does not desire to take the benefit of improvements made by innocent or ignorant persons, he feels bound to notify all interested that if not so settled he shall be obliged, as such agent, to institute suits against every one who shall be found holding a patent or occupying any part thereof, to which his principals have title; and he suggests to them the policy of settling their claims without costs, while it may be done, in many instances for less than the cost of defending a litigated suit, rather than suffer their passions or prejudices to lead them to be embarked in law suits which must eventuate in the loss of their improvements and involve them in heavy bills of cost; for whatever interested and prejudiced men may say to the contrary, as these lands were entered by citizens of this State and patented according to the existing law, thirty-five years since, and were sold to those under whom the present proprietors claim, for their fair value, and the taxes on them have been regularly paid—they have as valid a legal and equitable title to them as any other title whatever, which cannot fail to be sustained by the same wholesome laws which protect the rights and property of all the citizens of this State.
JOSHUA FORMAN.
Rutherfordton, Nov. 4, 1830.

State of North Carolina, Rutherford County.

In Equity.—Fall Term, A. D. 1830.
James Thomson's Executors, &c. }
vs. }
Arthur Bronson and others. } Injunction.

THIS cause coming on to be heard upon the Bill, the answer of Joshua Forman, agent for the defendants, the exhibits thereto attached; and the exceptions to the said answer filed—After solemn argument of counsel, It is ordered, adjudged and decreed by the Court, that the said exceptions be overruled, and that the Injunction obtained upon the said Bill be dissolved—the costs thereon to await a future hearing.
The foregoing is truly extracted from the decree made in the above entitled cause, at October Court, 1830, by
T. F. BIRCHETT, C. & M. 38 1f

FARM FOR SALE.

THE FARM owned by the subscriber in Whitesides' Settlement, in this county, about 18 miles northeast of Rutherfordton, in the neighborhood of the Gold Mines. Quantities of gold have been found on said land, though no considerable search has been made. The said Farm contains 160 acres of land including a good peach and apple orchard; a small house; a good blacksmith shop with two fire places. The above farm will be sold at private sale, any time before the second Monday in January next; and if not disposed of previous to that time, will be sold at auction. Application relative to the terms of sale, can be made to the subscriber, living on the premises.
36 1c **JOSEPH TAYLOR.**
Rutherford, October 21, 1830.

FASHIONABLE TAILORING. J. & C. OSBORN.

RESPECTFULLY inform their customers and the public, that they continue to carry on their business, in the southern part of Asheville, on a more extensive scale than formerly, and have made arrangements to accommodate their patrons in such a manner as will give entire satisfaction; having in their employ several experienced and excellent workmen, they pledge themselves to do all kinds of TAILORING in as neat, fashionable, expeditious and durable a manner as can be obtained in the State—a whole suit will be furnished to any person when called for in twenty-four hours after taking the measure. They receive regularly from Philadelphia and New-York Drafts of the latest American, London and Paris Fashions,—and they hope by their exertions to please their customers, and their liberal prices, to secure a reasonable share of public patronage.
Asheville, Nov. 1, 1830. 38 4w

FOR SALE AT THIS OFFICE,
SUPERFINE Letter Paper, Writing Paper and a general assortment of Blanks.

State of North Carolina, Rutherford County.

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

IT appearing to the satisfaction of the Court, that Waltman Disharoon 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 holden 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, Clk.**
Nov. 18, 1830. 42 6w pr. adv. \$2.50

State of North Carolina, Rutherford County.

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

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 holden 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, Clk.**
Nov. 18, 1830. 42 6w pr. adv. \$2.50

State of North Carolina, Buncombe County.

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

J. ROBERTS, Clerk.
43 3m Pr. adv. \$4 50.

State of North Carolina, Buncombe County.

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

J. ROBERTS, Clerk.
43 3m Pr. adv. \$4 50.

State of North Carolina, Buncombe County.

Superior Court of Law—October Term, 1830.
Charles Williamson }
vs. } Petition for Divorce.
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 2nd Monday after the 4th Monday in March next, then and there to plead, answer 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.

J. ROBERTS, Clerk.
43. 3m Pr. adv. \$4. 50.

State of North Carolina, Buncombe County.

Superior Court of Law, October Term, 1830.
Sarah Wicaser }
vs. } Petition for Divorce.
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 2nd 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.

J. ROBERTS, Clerk.
42 3m Pr. adv. \$4.50

NOTICE.

FOREWARN all persons from trading for a Note of hand of Twenty dollars and fifty cents, bearing date the 20th of Feb. 1820, 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 3

COMMUNICATIONS.

CONVENTION.

MR. EDITOR: Various causes united, have rendered it inconvenient for me to resume, at an earlier period, the important subject at which I merely glanced in a former communication. Indeed, it is a subject of such magnitude, and so intimately connected with the political welfare, and highest interest of the free people of North Carolina, that the mind almost involuntarily shrinks from a discussion involving such momentous considerations.

The subject of a Convention has been freely discussed in our State, as well in the Legislature, as through the medium of newspaper essays. I must confess that I have undertaken to write upon it, more with a view to keep it alive—to excite enquiry—and awaken the public mind, than of shedding additional light, or of imparting to it a consequence which it does not now possess. I am aware, that innovations upon established forms of government, are much derided by certain politicians, who are not disposed to recognise a distinction between innovation and mere novelty. The term as applied to the affairs of government, imports a change or new modelling of an established system, which time and experience have shown to be defective. If this be a correct definition of the term innovation, I can see no good reason why the bare mention of it, should excite such unnecessary alarm. Because we have got along tolerably well for the space of fifty-four years, are we therefore to reject the light of experience? If this be adopted as a general rule, there will at once, be an end to all useful improvement. No individual in our community, who is acquainted with the imperfections of man, and the fallibility of his judgment, will contend that our present Constitution is perfect, and unexceptionable in all its provisions. To assert this would be against reason, and in derogation of the Omnipotent Ruler of the Universe, who alone is perfect. I am free to admit, that the "form of government agreed to, and resolved upon, by the representatives of the freemen of the State of North Carolina, in 1776," is the work of men highly distinguished for their political acumen, and devotedness to the cause of liberty. They were smarting under the iron rod of regal oppression. They were writhing under an insupportable load "of dire wrongs and calamities inflicted by despots," and certainly had the most powerful incentives to form a Constitution based on equality, the future operations of which, would be most conducive to the general happiness and prosperity of the people whom they represented and by whose authority they acted.

But, on the other hand, it may be proper to observe, that our form of government was conceived and adopted amidst "the trying scenes and arduous struggles of the revolution," a time exceedingly unpropitious for that mature reflection and calm deliberation, which ought to controul the judgments of men acting for future generations. Their minds were deeply agitated by that mighty revolution, which gave birth to our independence as a nation.—Well may they be excused for not digesting a form of government adapted to all times, and every change of circumstances. A Constitution, although it takes effect in present, (or so soon as adopted by the people) must necessarily effect interests in futuro, which no human power of perception can possibly foresee. And it may not be inappropriate by way of illustration, to remark, that it is frequently found necessary to amend or enlarge the provisions of a statute, so as to protect contingent and incidental rights and interests, which the utmost stretch of our limited intelligence could not anticipate. This too is necessary, notwithstanding the law may have been originally penned with the utmost degree of caution and technical precision, with a view to its future operations. Our situation is very different now from what it was in 1776. Then, we were deficient, both in point of population and wealth, & in ascertaining and fixing a basis of representation, pro tempore we were probably allowed as much power and influence in the affairs of state as we were entitled to.

But it seems we were not to remain stationary. As soon as we emerged from a state of colonial dependence, and "when the storm of war was gone over," a new impulse was given to industry and enterprise, and wealth flowed in as a necessary consequence. Ever since that period, our situation in the West, has been continually progressive, beyond all calculation, in point of population and governmental resources. Yet the quantum of our political importance has not been increased, but remains hemmed in by certain artificial lines, over which we never can come, so long as we

are represented according to the present Constitutional basis.

According to my views of a representative government, there is something exceedingly absurd in the idea of representing a County in the State Legislature instead of the people.

It seems to be a generally received opinion that, our Constitution is materially imperfect in this particular. Under this arrangement, the smallest County in the State has as much weight, and an equal voice in our Legislative Councils with the largest, regardless of any disproportion in point of numbers. Surely this principle is in violation of every rule of equality and fair representation. Under this arrangement, the acts of the minority are absolutely obligatory on the majority, contrary to the nature and spirit of a republican government.

Will the free and independent republicans in the West, silently acquiesce in such a privation of their rights? Will they continue to cherish and sustain a government, in the political transactions of which, they are unjustly denied a due participation? These are questions of the first magnitude, and ought to engage our serious and solemn consideration. I propose in my next, to enter into some statistical details connected with the further investigation of this subject.

HORTENSIVS:

CHEROKEES—TARIFF.

MR. EDITOR: Sir, you will oblige a friend by giving this a place in your valuable paper.

To the People of North Carolina.
Fellow Citizens: In looking over the late message of his Excellency, Governor Owen, I am well pleased with his views on several subjects intimately connected with the interest, happiness, and welfare of the State of which he has the honor of being the chief magistrate. But with regard to some others as a citizen of North Carolina, I am not satisfied, and beg to offer to you my views upon those parts of that valuable document, which I think objectionable.—And 1st, as to that part in which he recommends the Legislature to extend the laws of the State over that portion of its territory, occupied by the remnant of Cherokees, who have remained within the State. Secondly, the part in which he says "the tariff of duties imposed by the Congress of the United States upon imports, has ever been deemed not only unwise, but unconstitutional, and calls at this time for your solemn protest."

I shall take the liberty of observing upon those points as they are arranged, in said message. The 1st point or subject of enquiry is, has the State of North Carolina the right at this day, of extending her laws over the Cherokee nation, so far as her chartered limits extend, so as to subject that nation to their obedience & to yield to their binding enactments? In order to arrive at the proper solution of the question, it is necessary and proper to examine the situation and character of that people—whether they are a free and independent people—and whether they have been so acknowledged by the treaty making power of the United States, and by the framers of our Federal Constitution? Now if the Cherokees are a free and independent people, does it not follow that they have the right of self government.—And it matters not whether they have an absolute right to the soil, or only a qualified one by occupancy. In either case they have the *jura summi imperii*, or right of sovereignty as long as they remain in possession. But it is contended by some that they have only a *pedes possessio*, such as the Bear or Fox, in traversing the forest. How far that position may be correct, when applied to some tribes of Indians in their savage state, it is not necessary for me at this time to controvert; it is sufficient to prove that such a case is not applicable to the Cherokee nation at this day, they having made a considerable progress in civilization, and become the cultivators of the soil, in a degree, equal if not superior to many of the white people of the country. Now let us examine the treaties between the United States and the Cherokee nation, by which the national character of that people is recognized, and the lands of which they are now in possession, have been solemnly granted to them, by the treaty making power of the United States. The 1st. was concluded at Hopewell, on the 28th of November 1785. In the third article of that convention, the Cherokees acknowledge themselves to be under the protection of the Government of the United States. The fourth article defines the boundary of the lands ceded by that treaty to the United States; and the fifth article prohibits any citizen of the United States, from settling on any part of the land allotted to that nation, westward or southward of that line, upon pain of