

NORTH CAROLINA SPECTATOR

AND WESTERN ADVERTISER.

VOLUME II.

RUTHERFORDTON, SATURDAY EVENING, SEPTEMBER 3, 1831.

NUMBER

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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 arrears 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.

LOST.

ON the public road, between the residence of Col. J. M. Alexander and Asheville, on the 7th inst. a common sized FINE GOLD WATCH SEAL, attached to an ordinary Plated Ring, to which was also attached a Steel Watch Key. To such person as may find said Watch Seal, &c. and place the same in the hand of James Patton, Esq., in Asheville, a liberal reward will be given.

WILLIAM H. WALTON.
Rutherfordton, August 13, 1830. 26tf

MORE MONEY!!!

CASH will be paid, whenever the work is completed, for the building of an amendment on the Hickory-put road, at the Stone Bridge or Half Ford, near Mr. Dobson Freeman's. It will be let in one, two or three parcels, as may best suit undertakers, and will be shown to such as wish to undertake by Mr. Freeman. It is desirable that it be undertaken and executed as soon as possible; we therefore advise such as want the money to apply immediately.

T. F. BIRCHETT, } Com'rs
JAS. GRAHAM, }
July 29, 1831. 24tf

State of North Carolina,

Haywood County.
Court of Pleas and Quarter Sessions—June Term, 1831.

Polly Gambell } Petition for Dower.
vs.
John Gambell }

IN this case, it appearing to the satisfaction of the Court, that the defendant, John Gambell, is not an inhabitant of this State:—It is therefore ordered by the Court, that publication be made for three months, in the North Carolina Spectator and Western Advertiser, for the defendant, John Gambell, to appear at a County Court, to be held for the County of Haywood, at the Court house in Waynesville, on the 1st Monday in December next, then and there to plead, answer, or demur to the petitioners petition; otherwise the several matters and things therein set forth, will be taken for confessed, and decreed accordingly.

Witness, Robert Love, Clerk of said Court, at office, the last Monday of June 1831, and in the 5th year of the American Independence.
ROBERT LOVE, C. H. C. C.

State of North Carolina,

Rutherford County.
Court of Pleas and Quarter Sessions—July Session, 1831.

James Breedlove } Original Attachment,
vs. } laid on lands.
Benjamin Magness }

IT appearing to the Court that the defendant in this cause is not an inhabitant of this State—It is ordered, that he appear before the Justices of the Court of Pleas and Quarter Sessions, at the next Court to be held for the county of Rutherford, at the Court House at Rutherfordton, on the 4th Monday after the 4th Monday of September next, give bond and security, and plead to issue, or judgment by default will be entered up against him, and the lands attached condemned for the payment of plaintiff's demand.

It is further ordered, that publication of this order be made, for six successive weeks, in the North Carolina Spectator and Western Advertiser.
Teste, T. F. BIRCHETT, Clerk.
August 13, 1831. Pr. adv. \$2.50 26tf

Look at this!

THE compass has been so long in use, that I hope its utility will ere long find its way into Rutherford county, and put every man in possession of his own land marks—they may then escape the judgment denounced in a certain book.

This is therefore, to notify all persons, (that they may not plead ignorance in future,) that I am determined to prosecute all and every individual, who shall be found trespassing, by cultivating the soil, removing timber, or by any otherwise committing waste upon any of the various tracts of land belonging to Col. RICHARD LEWIS, situate in the Rutherford county—lots and land adjoining the village of Rutherfordton, unless with my written or verbal consent; and it is presumed that all leases and permissions granted by him, for any of those purposes, have expired.

Persons holding bonds on him for titles, would do well to present them.—Also persons having made purchases of land, in which he is interested, are hereby notified that no titles will be executed, unless satisfactory evidence is adduced that, his proportion of the purchase money has been actually paid, or secured to be paid, either to himself or his properly authorized agent.

J. OVERTON LEWIS, Agent.
Rutherfordton, 25th Jan'y, 1831. 50 1y p

DR. O. P. MILLS,

HAVING located himself at Rutherfordton, tenders his professional services to the citizens of the village and its vicinity.

He would add, that having had considerable experience in private as well as public practice, he hopes to receive a liberal share of patronage.

His office will be kept in a front room of R. G. TWITTY'S HOTEL. OTIS P. MILLS.
Rutherfordton, June 4, 1831.

HOUSE, SHOP & LOT FOR SALE.

THE subscriber offers for sale his House, Shop and Lot, in the town of Rutherfordton, situate two lots north of Wm. Twitty's Hotel, which he offers on the most advantageous terms.
MAURICE M' CARTHY.
June 11, 1831. 17tf

FANCY PAPER.

JUST received and for sale, at this Office, an assortment of superfine colored and white gilded Letter Paper—also, superfine white Letter Paper; Foolscap Writing Paper, &c.

Information WANTED.

THE subscriber, anxious to gain evidence relative to the outrageous murder of Caleb Woodruff, in Spartanburg District, S. C., who was murdered by a gang of negroes on the 3d of February last,—having been informed that a certain wagoner returning from market camped within a few yards of the spot where the murder was committed, who upon being informed by some of the friends of the deceased, that it was supposed Mr. Woodruff had been thrown from his horse, &c., passed on his journey the next morning, and repeated the report which he had heard (or rather from a misunderstanding of the name called the deceased 'Underwood')—this notice is given that information may be had whether said wagoner did or did not see or trade with certain negroes during the night of the 3d of February last.

The wagoner's name and residence being unknown, and the circumstantial evidence which he may possess being thought important to the discovery of the accessories, it is desired to make himself known to the subscriber by calling on him, by letter, or by leaving his name and residence at this office, that inquiries may be made of him—and in so doing aid the cause of justice.

THOMAS WOODRUFF, P. M.
Woodruff's P. O., Spartanburg Dist., S. C.
July 29, 1831. 24 6w p

HOUSE OF ENTERTAINMENT.

AT THE SIGN OF THE BELL,
Union Court-House, S. C.

JAMES NORRIS

RESPECTFULLY informs his friends and the public in general, that he has taken that large and convenient house lately occupied by Joseph Reid, Esq. He thinks it unnecessary to make promises and will therefore only invite travellers to call and judge for themselves. (52 1y p)

OLD FORT

WOOL CARDING MACHINE,

THE undersigned informs the citizens of Burke, Lenoir, and Buncombe, that he has now in successful operation a Machine for carding wool near John Burgin's Esq. All work confided to his care, shall be attended to, with the utmost despatch, and executed in the neatest manner. Work from a distance will be punctually attended to.

Price for carding will be, eight cents per pound. Hatters wool, half price. The wool sent must be washed and carefully separated from burrs.

N. B. Those sending wool, will send sheets for enclosing and well securing the rolls.
JOSEPH HAMILTON.
July, 1831. 23 2w

State of North Carolina,

Buncombe County.
Superior Court of Law—April Term, 1831.

Charles Williamson }
vs. } Petition for Divorce.
Polly Williamson }

IT appearing to the satisfaction of the Court, that the defendant, Polly Williamson, is not an inhabitant of this State; It was ordered that publication be made for three months in the Rutherfordton Spectator and Raleigh Register, that the said Polly 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 3rd Monday after the 4th Monday in September next, then and there to plead, answer or demur to the said petition or the same will be taken pro confesso, and set for hearing ex parte.

Witness, Joshua Roberts, Clerk of said Court, at Asheville the 2nd Monday after the 4th Monday in March, 1831.

J. ROBERTS, Clerk.
14 3m Pr. adv. \$4 50.

NEW YORK CHEAP WHOLESALE

CLOAK, STOCK, & CLOTHING

WAREHOUSE—REMOVED.

THE subscriber has removed his establishment from No. 154, Maiden Lane, to the spacious Store No. 138, Pearl-street, over Messrs. Hyde, Cleveland & Co., where he will keep constantly on hand a much more extensive assortment than formerly. The style, make and materials of the cloaks will be greatly improved, and will be sold at about the same low prices as those of the last season. He has also on hand, a large assortment of low priced Clothing, made in good style, expressly for the Southern and Western trade, that will be sold at about the usual prices of the most inferior quality. Also, an assortment of Stocks, with many other desirable articles. Those who will take the trouble to examine this stock of Goods will probably satisfy themselves that they cannot select the same amount from any stock in the city that will be a safer or more desirable purchase.

For sale by F. J. CONANT, No. 138, Pearl-street, New York.

TERMS: Six months, for approved Notes, payable at banks in good standing in any part of the country; eight months for city acceptances; or five per cent. discount for cash. In all cases where the time is extended, interest will be charged at the rate of 6 per cent. per annum. Any goods purchased at this establishment that do not suit the market for which they were intended, will be exchanged for others. 11 12w
New York City, April 15, 1831.

DR. H. ASBURY,

CAN now be found in Franklin, ready to attend to the business of his profession.
Franklin, July 26, 1831.

TO GOLD-MINERS.

NOTICE is hereby given, that having obtained Letters Patent for my improvement in the Rocker and Rifle, called the "FANING ROCKER"; I forewarn all persons from making, vending or using the same, without written permission from me; as those violating my rights, will be dealt with according to the regulations of the Patent laws.

The subscriber, however, from the great difficulty of supplying the immediate demand, is desirous to sell rights to such competent persons as will construct the machines in a faithful and workmanlike manner—as their efficiency and utility depend in a great measure on this circumstance,—on the most advantageous terms, either by districts or single rights, and will afford every necessary instruction in the art and principle for building the same.
G. B. PALMER.
Brindletown, Burke co. May 1831.

POLITICAL.

[From the N. Y. Evening Post.] ANTI-TARIFF CONVENTION.

Messrs. Editors. I perceive by the Banner of the Constitution of the 20th June last, that there is to be an Anti-Tariff Convention, held in the city of Philadelphia, on the 30th day of September next, the object of which is expressed to be "The repeal of the Restrictive System"—and that citizens from all the States, "without distinction of party," who approve the object, are invited to attend.

Without going into particulars at present, I understand by the "repeal of the Restrictive System," a return to the principles of Free Trade, as speedily as is consistent with the interests of all parties—the North, the South, the Manufacturer and the Consumer.

Believing that the professed objects are the true ones, I am in favor of meeting, and shall support it heart and hand—and if the men who assemble, shall be drawn together as I trust in heaven they may, by an invincible love of country, there is now an occasion for them to do more good, than has been presented since the revolution. From the beginning, there has been a wild indiscretion in the manufactures, which is urging them headlong to ruin. Self interest has infatuated them. They seem to know nothing of public opinion—they will listen to none but that which originates with them, and those who favor them. In the present prosperity of the country, they see nothing but arguments for the tariff: they look for no change; what is, they think will endure; that every lap is filled as theirs is; that we shall be as happy the next year, and the next, as the present; and that all this is owing to the American System. A repeal of the Corn Laws or some essential modification of these laws, will come upon the manufactures like a thunderbolt, unless a wisdom greater than theirs shall avert it. The passage of the Reform Bill is not more certain than such an event.—Who believes that the interest of four or five thousand Landlords, or ten times as many if you please, can stand against starving men, women and children? Reason justice and mercy forbid it. What signifies a man's having a right to vote, if it does not help him to bread?

There are other considerations independent of foreign events, which are now submitted to the judgement of thinking men. A change, and a considerable change, too, in the Tariff System, must take place.—Call it, what you will, it must be a change accommodated in part at least, to the views of different sections of the country. And it will make no difference, if these views are persisted in, whether they be true or false—Many, indeed, who live in England, think that slavery is a pernicious system, bad for the slave, bad for the master, bad for the North, bad for the South. What then? Does not slavery exist by compromise, and to save us from discord and ruin? Who is to establish the abstract right about the Tariff or any thing else?—Can we in New England do it for ourselves and the South? No; they have their own opinion too, not the opinion of one State only, but of six or seven, and this contended for, as men contend for their lives. They say, that the Tariff is stalking over the land, like a pestilence in men's habitations, or like a murrain among cattle. We may think this very ridiculous, but they believe it, as much, as that there is a sun in the heavens, and think it detestable conduct in us to scatter death among them, not that we may live merely, but that we may live better than they.

Where does all this tend, but to an annihilation of the Union, and who can look for Union if might is to be right; if what numbers do is to be gospel truth, and measures are to be carried with a high hand, because there is a clear majority that can do it.

There is another point—The doctrines of free trade were the favourite doctrines of New England, and particularly of Massachusetts, down to the tariff of 1824.—Truth is truth, nor can a few short years change it. Mr. Webster said in the debate upon the tariff of 1828 very justly, that the tariff system was forced upon New England. In justice to this portion of the country, Congress in the measures which may be adopted, and which have now become inevitable will not lose sight of this fact. Mr. Editor, I am a New England man; I believe in the prosperity of New England, and of her manufacturers, and I rejoice in their prosperity too. I believe also, that in retracing our steps with moderation and prudence, we shall find a rock for them to stand upon. This rock is the natural advantage of our situation, and especially the ingenuity of our people. This is the favor of God, not of Congress, not of Man.

Mr. Editor—considerations of the deepest interest enter into the subject of the intended Convention. I rejoice for one, that it is to take place; the whole country ought to be up and doing, and especially your city, where we lament to see that nothing is yet done. That assembly ought to be composed, and I trust it will be, of men of knowledge and common sense; farmers mechanics, professional men; noble minded, disinterested individuals; philanthropists and patriots, uninfluenced by fear, favor or the hope of reward; and I hope that inspired from above with a spirit of moderation, prudence and true wisdom, they will assert and proclaim to the world, that the principles of free trade are the true principles for the prosperity and happiness of man, for North and South, for rich and poor, here, and every where.

MASSACHUSETTS.
[From the Banner of the Constitution.]
A merchant of this city, who has been an importer of cloths for thirty years, and who may therefore be considered a competent judge of their quality, has communicated to us the following facts, which, from his respectability in this community, we can assure our readers, may be relied upon with the most implicit faith.

On the 12th inst. he devoted a considerable time to a close examination of two parcels of cloth, consisting of thirty or forty pieces each, offered for sale at the same wholesale store. The one parcel was of American manufacture, and was invoiced and held at \$3.25 per yard, of the usual width of broadcloth of that quality—that is, about a yard and a half. The other parcel was of English manufacture, of the the same width, and was offered at \$2.87 $\frac{1}{2}$ per yard. Our informant says, that according to his judgment, the English cloth was the best of the two, and that he would have preferred it at the same price. But this is not the most material point in the case. That point is, that this English cloth, he had occasion to know, paid a duty of 45 per centum, and a profit, besides, to the importer, of 25 per centum. Now, with such facts before them—facts known to every dry-goods merchant in Market-Street—is it not evident that our woollen manufactures cannot stand against British competition, under the present Tariff? For, if they require \$3.25 for a yard of cloth, which can be imported, under the present duty, and sold, of the same quality, at \$2.87 $\frac{1}{2}$, how is it possible that they can avoid great loss after the competition amongst importers shall be pushed, as it will soon be, so as to bring down their profits to ten per cent, or less? Our informant is perfectly convinced that the present rates of duty do not constitute an adequate protection for many qualities of cloths, and he considers it quite probable that an application for increased duties will be made at the next session of Congress.

BANK OF THE U. STATES.

The subjoined letter from Mr. Madison to C. J. Ingersoll, Esq. has been sent to the editor of the Philadelphia National Gazette for publication:
Montpelier, June 25th, 1831.

Dear Sir—I have received your friendly letter of the 18th inst. The few lines which answered your former one of the 21st of January last, were written in haste and in bad health; but they expressed, though without the intention in some respects due to the occasion, a dissent from the views of the President, as to a Bank of the United States and a substitute for it, to which I cannot but adhere. The objections to the latter have appeared to me to preponderate greatly over the advantages expected from it, and the constitutionality of the former I still regard as sustained by the considerations to which I yielded in giving my assent to the existing Bank.

The charge of inconsistency between my objection to the constitutionality of such a bank in 1791, and my assent 1817, turns on the question, how far legislative precedents, expounding the constitution, ought to guide succeeding legislatures, and to overrule individual opinions.

Some obscurity has been thrown over the question, by confounding it with the respect due from one legislature to laws passed by preceding legislatures. But the two cases are essentially different. A constitution being derived from a superior authority, is to be expounded and obeyed, not controlled or varied by the subordinate authority of a legislature. A law on the other hand, resting on no higher authority than that possessed by every successive legislature, its expediency, as well as its meaning, is within the scope of the latter.

The case in question has its true analogy in the obligation arising from judicial expositions of the law on succeeding Judges; the constitution being a law to the legislator, as the law is a rule of decision to the Judge.

And formed by the repetition, regarded as settling the meaning of a law, to be answered, Ist, because a law is not established and the conduct of its members should be known, which would not be any judge, disregarding the decisions of his predecessors, should vary the law according to his individual interpretation of it. Misera est servitudo aut vagum aut inconstans causa an expositionem et repetitum et repeatedly corrected authority, in consequence, the sanction made the law, though it can appear to have determined the judiciary organ.

Can it be of any meaning?

fixed in the Constitution, if a particular construction is to be introduced into the Constitution, and are not only announced, but virtually pronounced by the legislature.

But it is said that the legislator sworn to support the constitution, support it in his own construction, however different from that put on by his predecessors, or whatever be the consequences of the construction. And is not the Judge under the same oath to support the law? yet has it ever been supposed that he was required, or at liberty to disregard all precedents however solemnly repeated and regularly observed, and by giving effect to his own abstract and individual opinions, to disturb the established course of practice in the business of the community? Has the wisest and most conscientious Judge ever scrupled to acquiesce in decisions in which he has been overruled by the matured opinions of the majority of his colleagues; and subsequently to conform himself thereto, as to authoritative expositions of the law? And is it not reasonable that the same view of the official oath should be taken by a legislator, acting under the constitution, which is his guide, as is taken by a judge, acting under the law which is his?

There is in fact and in common understanding, a necessity of regarding a course of practice, as above characterized, in the light of a legal rule of interpreting a law; and there is a like necessity of considering it a constitutional rule of interpreting a constitution.

That there may be extraordinary and peculiar circumstances controlling the rule in both, cases may be admitted; but with such exceptions, the rule will force itself on the practical judgment of the most ardent theorist. He will find it impossible to adhere to, and act officially upon, his solitary opinions; as to the meaning of the law or constitution, in opposition to a construction reduced to practice, during a reasonable period of time; more especially where no prospect existed of a change of construction by the public or its agents. And if a reasonable period of time, marked with the usual sanctions, would not bear the individual prerogative, there could be no limitation to its exercise, although the danger of error must increase with the increasing oblivion of explanatory circumstances, and with the continual changes in the import of words and phrases.

Let it then be left to the decision of every intelligent and candid Judge which, on the whole, is most to be relied on for the true and safe construction of a constitution, that which has the uniform sanction of successive legislative bodies through a period of years, and under the varied ascendancy of parties; or that which depends upon the opinions of every new legislature, heated as it may be by the spirit of party, eager in the pursuit of some favorite object, or led astray by the eloquence and address of popular statesmen, themselves, perhaps, under the influence of the same misleading causes.

It was in conformity with the view here taken, of the respect due to deliberate and reiterated precedents, that the Bank of the U. States, though on the original question held to be unconstitutional, received the Executive signature in the year 1817. The act originally establishing a Bank had undergone ample discussions in its passage through the several branches of

the Legislature.

the Legislature.

the Legislature.

the Legislature.

the Legislature.

the Legislature.