WATCHMAN.

Salisbury, March 11, 1837.

The Supreme Court of this State adjourned on Saturday the 4th inst. after a laborious session of about ten weeks.

We take pleasure in returning our thanks to the Hon. Bedford Brown, for a copy of the Farewell Address of Andrew Jackson, to the people of the United States; and the Inaugural Address of Martin Van Buren, President of the United States. We will endeavor to lay them before our readers in a subsequent number.

We received no Northern Papers by the last Mail, indeed it has become too common to receive them by the Southern Stage. We do not at *this time* charge any one with culpable negligence, but unless there is some speedy alteration in the transportation and receipt of our papers, we will *at least* inform the public, what we believe upon the subject, so let those interested take the hint. A word to the wise, &c.

THE FAYETTEVILLE & [illegible] RAIL ROAD.

We believe there [illegible] counties of Rowan, Iredell, [illegible], Davidson, Randolph, [illegible] and Guilford, on the subject of the [illegible] and that is, if it shall be so located as to strike Deep River above the mouth of Abbot's Creek, the residue of stock will be forthwith taken by these counties. Otherwise, the amount of subscription will be exceedingly small. We have not heard of a dollar being subscribed to the absolute subscription: we find also, that most of those interested in the work, are opposed to a conditional subscription, they fear, if one section of the country commences with conditions, that another will with another, and a different one, so that at last there will be interminable dissension. We think with them this point, that unless the whole West can unite in one and the same condition, it is better to have none at all. Under the present state of things, we cannot urge too strenuously upon the Directors to have the surveys and estimates completed at an early day: all eyes are turned with eagerness to the expected Report of Major McNeil: until that comes out it will be useless and vain to press any subscription of any kind. The people hereabouts are unwilling to take a step in the dark: They say, they want a reasonable assurance that the Report will open the great grain growing counties of the West: should that be done the work will proceed with the certainty of existence which if not be done, it will have to be executed with other means than theirs. Such is the growing confidence in the northern route, that we believe the whole stock would be taken in one week, should it be found practicable. We know of several large subscribers to the condition, who would double their subscriptions, and several others who would make large [illegible] Court taken by them: Greensboro and Lexington, with the rich territories of Abbot's Creek, Swearing Creek, Arrowway, Uwharie, Little River and Deep River, containing as able a population as any to the same extent in North Carolina, we are assured will go in liberally, if a point as high up as the mouth of Abbot's Creek can be made the first terminus. There is scarcely a county not a mile that we know of on the routes now undergoing a survey that will compare with these sections which all are sufficiently near to the upper route.

TO THE RIGHT ABOUT.

The President's pet, General Jesup, who has intrigued himself into the place of his commander in chief, after intriguing him out of it: now that that commander has vindicated himself to the entire satisfaction of the Court that tried him, as well as the whole nation, hopes to escape from the disgrace which that transaction covers him, and all concerned in the base plot, by a formal retraxit of his former charges. In an official letter to the War Department, published in the Globe, he thus endeavors to remove the stigma which his own dirty conduct has fastened upon his reputation:

"As an act of justice to all my predecessors in command I consider it my duty to say that the difficulties attending military operations in this country can be properly appreciated only by those acquainted with them. I have had advantages which neither of them possessed, in better preparations & more abundant supplies; and I found it impossible to operate with any prospect of success until I had established a line of depots across the country.

"This is a service which no man would seek with any other view than the mere performance of his duty; distinction or increase of reputation is out of the question; and the difficulties are such that the best concerted plans may result in absolute failure, and the best established reputation be lost without a fault.

"If I have at any time said aught in disparagement of the operations of others in Florida, either verbally or in writing, officially or unofficially, knowing the country as I know it, I consider myself bound as a man of honor solemnly to retract it."

But this all comes too late: public opinion is formed as to his conduct: Honorable men in the army, as well as in civil life, have all formed the same conclusion, to wit, that General Jesup made a secret assault upon the reputation of his superior officer, which he intended to be kept dark, and which was only brought to light by the precipitous temper of the President, in a moment of excitement, and but for which disclosure and the odium which it has produced, this reparation would never have been made.

GENERAL GAINES.

We have read the defence of this war worn patriot, with feelings of great regret. We are mortified to see two such men as Generals Scott & Gaines laboring to degrade and criminate each other, when we verily believe, that each has done all they could for the honor of their country, and when the fault, as all the testimony shows, lies at the door of neither of them. If any thing were wanting to clear the reputations of these gallant men, we think it may be found in the extract which we have copied into the foregoing paragraph. The government which has thrown these two brave men into this attitude towards each other, as well by its remissness, in providing for the Seminole Campaign, as by subjecting them to this ignominious trial, has a great deal to answer for: and the more, for the fact turns out to be, that the government itself is the party that ought to have been tried for the failure of this war in Florida.

THE PRESIDENT.—The Washington correspondent of the Courier & Enquirer says:

"The President is very, very feeble, and will not be able to commence his journey to the Hermitage on the 6th of March, as he intended. In consequence he has given notice of his intention to take up his lodging with Mr. Blair on the morning of the third!!! This may be a fit termination for such an administration as the present, but it does not become the dignity of station that any Ex-President should domiciliate himself under the roof of such a man as Blair."

Bank of Cape Fear.—Col. John D. Jones has been elected President of this Institution, *vice* Gen. James Owen, resigned—the latter having been chosen President of the Wilmington and Halifax Rail Road Company, *vice* Gov Dudley resigned.

Wilmington and Halifax Road.—The Subscription of Stock to this Road by individuals, it is ascertained, has reached that point, which entitles the Company to the State subscription of *two fifths* of its Capital. There is no longer, any doubt of the successful prosecution of this work.

REPORT OF THE TRIAL OF HENRY SWINK.

STATE vs. HENRY SWINK. } Superior Court of Law for Rowan Co., Fall Term, 1836.

At 10 o'clock, October 12th, 1836.—The Prisoner was brought to the bar—arraigned and Plead "not guilty." The Indictment charged in four counts, that the prisoner had murdered his own wife, Margaret, on the 10th day of April, 1836.—1st. Hanging, choaking and killing, with a rope, value sixpence—2nd; choaking with the hands—3rd; beating, wounding and [illegible] with hands, feet, fists, with force and [illegible] 4th; giving a mortal wound on the side of the head with a smoothing Iron of the value of two shillings. At 20 minutes after 12 o'clock a Jury was sworn and empannelled, many being rejected, as well by the prisoner's objections as by their own opinion having been formed and expressed. The Indictment was then read in the hearing of the Prisoner, Court and Jury, by Mr Solicitor Poindexter. Witnesses were then called—1st, Samuel Lemly, the Coroner presiding at the inquest taken upon view of the body of the deceased, on the morning after the murder. He saw the wife of the prisoner dead in the bed where he was informed she usually slept—the corpse was much mangled and bloody—saw the wound on the head—prisoner was present when witness arrived—the hair of the deceased was drawn over the wound on the head, blood congealed in the hair, he arrested and brought prisoner to the Court House, 3 miles distant from his dwelling, there saw blood on the sleeve of his shirt, and two spots of blood on the skin of his arm. Prisoner said the stains of blood come from a horse that he had bled; afterwards said his nose bled, and the stains were from it. He was then cross examined, and only repeated verbatim as before: further examined by the Solicitor, said the prisoner did not pretend to account for the murder, he appeared careless and indifferent.

George Vogler, one of the Jurors of inquest, stated that the wound on the head of the dec'd. was one and a half inches long, that the purple prints of a rope on the neck and throat were quite plain; her black hair carefully drawn over the wound on the head congealed with blood; prisoner was present at the time of examination, he was taken to the kitchen, afterwards brought to town, there examined, marks of blood appeared upon his shirt sleeve, and on the skin of his arm, prisoner first said that the stain was occasioned by the bleeding of his nose, and afterwards said that the stains were occasioned by the blood from a horse.

John Cochenhour, said he saw the dead body during the time of the inquest, saw blood on prisoner's left arm, and on his shirt sleeve; had not often been at prisoner's house; the blood on the sleeve, appeared to have been as if dabbled in or smeered on, and not as falling or droping on it. Prisoner owned a Negro woman and three or 4 children; there was but one room in the house, two beds in it, prisoner on account of having a sore leg, slept alone.

Dr. Bouchell, saw the dead body at the time of the inquest, saw the wound on the head, mark on the front part of the neck with the impression of a rope sufficient to have caused repression of circulation and respiration. The wound on the head was a lacerated one 2 inches long.

William West, Step Father of the prisoner said he was at the House of prisoner about sun rise, on the morning of the inquest; the mother of dec. was present, charged prisoner with having killed her daughter, his wife, because of his having to pay money, the cost in the proceedings on a peace warrant, issued against him at the relation of his wife; prisoner remained silent, and did not deny the charge; the prisoner and his wife lived disagreeably, had frequent quarrels, dec'd. had a good character; witness saw dec'd. at sun down, the previous evening in good health, knew prisoner to have beaten his wife once about 12 months before, that they had been married about eighteen years, she had three children.

Nancy Smith went to the house of prisoner before sun rise in the morning of the inquest, in consequence of information received from a Negro boy—found Swink was up and dressed, the body of dec'd. was still warm, two of the children were also up and dressed, one still asleep in the bed that Swink usually slept in. Swink usually slept alone on account of having a sore leg—the children, particularly the youngest one, always slept with dec'd. There was but one room in the House, the two beds were in it, not six feet apart; prisoner appeared stupid and sullen.

Samuel Jones in the Spring of 1836, bought fodder of Swink, who delivered at a previous time 600 bundles without receiving payment; delivered 400 on the day previous to the murder, and received payment for 1000, to the amount of $7,50 or thereabouts, said he was going to pay the costs in the case with his wife.

Jehu Foster saw Swink on the evening previous to the affair—rode some distance with him on a wagon towards home, discovered he had been drinking, and was slightly intoxicated, left him on the road two miles from home near dark.

Jesse Johnston said he was present on the morning on which prisoner's wife was found dead; saw blood on Swink's clothe, the sleeve of his shirt smeared 2 or 3 inches—blood on the skin of his arm, blood of the same colour as that on the bed. Witness charged Swink with having killed his wife; he said I never did so before nor never shall—rope found; prisoner said this is not the rope. The rope had blood on it, prisoner said he had used the rope the fall before about beef.

The Prisoner offered no testimony. Mr. Pearson one of the prisoner's counsel opened the defence in a long argument, commenting on the testimony and insisting on its insufficiency. Solicitor General Poindexter insisted that the testimony was sufficiently strong to raise a violent presumption of guilt. Prisoner was in the house at the time of the murder, he has been traced to near his own house taking his course towards it late on the previous evening—he is found there early next morning, with none else but the dec'd. and three small children; he relied on other strong circumstances, as his not denying when charged with the murder, never even insinuated that any other person was guilty of the murder. Prisoner's confession to the witness Johnson, "I never did so before nor never shall," amounted to an absolute confession. Mr. Nash, the other counsel for the prisoner, occupied nearly the same ground that Mr. Pearson had previously done, insisting on the insufficiency of the testimony against the Prisoner, the slightness of the circumstances, and the probability of the murder being committed by some other person. A crime so contrary to nature, should not be admitted to rest on any human being without strongest direct proof or circumstances so strong as to amount to positive proof.

Judge Settle charged the Jury, that the argument of the Solicitor, that it was impossible for the State in capital cases ever to introduce positive or direct testimony was correct as an abstract proposition; it had been observed in the defence that the prisoner's children should have been introduced as they were present at the time of the alleged murder, but they were of incompetent age and capacity. Circumstantial testimony or presumptive evidence is of three grades, as light, probable and violent, light presumption moveth not at all, probable presumption moveth but little, violent presumption is equal to full proof, as to the circumstances, strong enough to be called violent presumption, this depends on the length of time between the happening of the facts and the observation of the witness—if circumstances of the accused be inconsistent with innocence, this is violent presumption; cases of conviction on circumstantial evidence, where the accused was, or afterwards proved to be innocent, are cited by the prisoner's counsel, should only be allowed to have the effect of making the jury cautious. Technicalities in this and similar cases introduced and acted upon to protect the innocent. In this case the great question is, who is the person guilty—the proof is sufficient to show that a murder has been committed, and then another question arises narrowing the field of enquiry, is the prisoner guilty? If the circumstances detailed by the witnesses show that his conduct and the facts positively alledged by the witnesses, show that they were inconsistent with innocence, and you shall believe the witnesses, then the conclusion is that he is guilty. If the facts and circumstances set forth by all the witnesses be equal to the direct testimony of one witness, provided you can credit the testimony of the witnesses, this amounts to violent presumption. Was the blood upon the prisoner's shirt sleeve, the blood upon the skin of his arm? was the fact of there being no blood upon the children who usually slept in the same bed with the murdered mother? was the fact of one of the children being found asleep in the bed of the accused without the sign of blood? do all these facts induce you to believe any thing? does the fact of the prisoner's confessions and his standing mute, when accused? his not pointing to the probable murderer or designating and expressing some suspicion of the murderer? will not these things have some weight with you? I tell you as the presiding officer of this court that they should have a prepondering weight with you in pronouncing your absolute judgment in this case. The alleged confession to the witness Johnson, is a matter of some delicacy; it may be construed into an absolute denial or an absolute confession. But you must, Gentlemen of the Jury, attend to the circumstances. It is admitted that the prisoner is an illiterate man, we must therefore forbear any grammatical criticism as to the construction in that point of view. We must take the words as it is reasonable to suppose the prisoner understood them to express his meaning at the time they were uttered: unlearned as he is, what is their common meaning and intent? in one way its plain meaning is a direct denial as to say "I never did nor I never will do so." But in another way equally free from critical construction is "I never did murder only this once, but I never will commit murder again!" Now taking the words to be, or have a meaning corresponding with either the one of the other of these interpretations, they do not amount to an acquittance, nor to a confession, but are to be taken by the jury as a circumstance connected with other circumstances and weighed and considered as consistent or inconsistent with innocence; you have heard the evidence of Lemly and Vogler, they have been examined separate and apart, they concur in showing that the prisoner equivocated about the blood on his arm; truth and consistency is evidence of innocence, falsehood and equivocation are concomitant with guilt.

The jury retired at about 9 o'clock in the evening—could not agree and were shut up all night—on a subsequent day the Jury came into Court, and asked the Judge, if the prisoner's not denying and remaining silent when accused of the murder, amounted to a confession of his guilt? His Honor replied, that is a circumstance which the Jury must consider, as the Court cannot undertake to say what evidence shall be satisfactory to convince the Jury of a fact, or how much it will require to induce a belief of a fact. The Jury continued to disagree, and were strictly shut up under the guard of an officer until 4 o'clock on the 4th day or 15th of October, when they came into Court, said they had agreed, and were polled, when eleven said directly guilty, and the other said, "Being forced by the laws of my country I am bound to say he is guilty." Shortly afterwards the Solicitor prayed Judgment upon the Prisoner, who was then asked if he had any thing to say, why judgment of death should not be passed upon him? when Mr. Nash, his counsel gave several reasons in arrest of Judgment, which were upon argument overruled *seriatum*, and Judgment of death pronounced.

The Prisoner then prayed an appeal, and the Record was made up, approved and forwarded to the Supreme Court.

From the Raleigh Register.

SUPREME COURT.—In the case of the *State v. Benton*, decided at the present term of the Supreme Court, questions relating to the mode of drawing Juries, the time and manner of making challenges and the nature and sufficiency of the grounds of challenges, were discussed at the bar and determined by the Court. And as the matters so determined are of immediate influence upon the practice in the Superior Courts, and, in the regular course of publication, the Report of the case will not reach the Profession before the close of the Spring Circuit, it is thought that a sketch of the points so determined, in anticipation of the full Report, will be acceptable alike to the Judges and the Bar of the Superior Courts.

A brief summary of these points has, under this impression, been prepared by a gentleman of the Bar from the very elaborate, clear and learned Opinion of the Court, as delivered by Mr. Justice GASTON & we now present it to the public:

STATE v. BENTON.

Abstract of the points ruled in this Case.

1. It is not error, for a Judge in a capital case to direct the Jurors of the original panel (more than twelve being in attendance) to the first drawn and tendered to the prisoner, although the prisoner demanded that names of the tales man should be put into the box and drawn with those of the original panel. For, although the latter proceeding *might* not be erroneous, the former is most regular and in best accordance with the statutory regulations on the subject of Juries. And the same mode of proceeding should be adopted, as well when a special *venire* has been awarded under the act of 1830, as where tales Jurors are summoned *de circumstantibus*.

2. When a Juror is directed by the Attorney General to stand aside until the panel is gone through, it is a challenge for cause *then* taken but of which the cause is not to be declared until, by the whole number of Jurors being disposed of without completing an inquest, it becomes necessary to enquire of the cause of such challenge in order to proceed with the trial. Where the original panel is first drawn, (as it should always be if more than twelve of the Jurors in attendance) the Attorney General must declare the cause of challenge taken to one of that panel so soon as that panel is disposed of, as it is not regular to call upon tales Jurors except for want of Jurors of the original panel. After the original panel is exhausted, *all the other Jurors in attendance*, whether summoned on a special *venire* or *de circumstantibus*, constitute but *one panel*—and the Attorney General has a right to withhold the declaration of his cause of challenge till it is gone through, subject to this qualification, that when the Court shall see that oppressive or other injurious consequences may result from the extreme assertion of such right, the Court may, in the exercise of a sound discretion to prevent such consequences, require him to declare the cause of challenge at an earlier period. Where less than 12 of the original panel are in attendance, they should be added to the *tales* and form one panel. The right to set aside a Juror exists now, as it did before the act of 1827, giving a certain number of peremtory challenges to the Officer prosecuting for the State. And when the officer is called upon to assign his cause of challenge the same Juror peremptorily, or he may, if he pleases, waive his challenge, and in that case the Juror may be tendered to the prisoner.

3. The allowance of a legal challenge, where by the party is compelled to accept as a Juror one whom he had a right to reject, is error in law, which vitiates the verdict and is to be corrected not by a new trial, but properly by a *venire de novo*. Therefore a challenge should be distinctly taken, in order that the opposite party may either deny the truth of the matter alledged, or avoid it by counter plea of new matter, demur to its sufficiency in law.—Where an issue of fact arises, as in the two first cases, it is to be tried, either by triers according to the ancient usage or (which is to the best and most convenient mode) by the Court, by the assent of the parties, according to our practice—and when the facts appear, either by finding or admission, the sufficiency of the challenge if a question of law, to the decision of which by the Judge, exception may be taken as in other cases—and the whole matter should then be distinctly set forth on the record. Where however nothing appears but a challenge taken for a certain cause and overruled by the Court, it will be intended that the cause of the challenge was admitted or proved and its sufficiency only passed on by the Judge. But if the *fact* be put in issue, *its* determination, whether by triers or the Court, is conclusive and cannot be re-examined.

4 The practice which has obtained in this State of putting to Jurors (before and without any challenge taken) what is called 'the preliminary question,' is irregular and unwarranted by law. It is true the Judge, if he have reason to think there are improper persons on the list of Jurors, may, if he pleases, proceed to purge the panel before drawing and tendering the Jurors; or a Juror may ask to be excused on account of his state of mind, as well as other grounds, and the Judge may consider the application and, in his discretion, discharge the Juror; or if the parties choose, they may submit to the Judge to examine into the indifferency of the Jurors for them and the Judge may, if he think proper, exercise this function, and in either case may, in order to exercise it with effect, examine the Jurors on oath; but in the last case, there should be an express waiver by the parties, of all right to challenge except peremptorily. Except in these instances, such preliminary examinations are improper—for until a Juror is challenged and the cause of challenge alledged, there is nothing before the Court to which any examination is pertinent. The party should first declare his challenge and its cause—if the fact alledged is denied, then, and not till then, arises a case for the examination of the Juror or any other person.

5 A Juror to be competent must 'stand indifferent as he stands unsworn,' and therefore, one who has made up and declared his opinion touching the matter to be tried, is not a competent Juror.—This prejudication of the matter constitutes a principal cause of challenge, for the law, upon the facts of such prejudication appearing, determines that the Juror is under such a bias as does not leave his mind free to act upon the evidence; and therefore the fact being proved or admitted, nothing is left to discretion but the Judge must declare the Juror unindifferent as a conclusion of law. But no one can object to the Juror, on account of such bias, but the party against whom the bias operates, and therefore when a juror is challenged by one accused of a crime on the ground that he has formed and expressed an opinion, it must appear, in order to sustain the challenge, that the opinion so formed and expressed was an opinion that the accused was guilty. To constitute ground of principal challenge, there must be a settled opinion—a case where the mind of the Juror is made up on the question to be tried. Hypothetical opinions——impressions not amounting to this state of mind—do not support a principal challenge. They lead to suspicion of bias, but do not shew bias expressly—from them the law does not draw an inference of unindifferency and therefore they can only be offered as ground of challenge to *the favor*, in which class of challenges, the question of unindifferency is submitted to the Court or the trier, as an inference of *fact* to be drawn or not drawn, as, to their discretion, shall seem proper in each case.

6. A Juror may be examined in every case to prove the cause of challenge alledged against him, unless the matter tend to his infamy or discredit; but to form and express an opinion that one accused of a crime is guilty, does not of itself, import any thing infamous or discreditable in the Juror; and therefore a Juror challenged on that account may be himself examined to shew the fact.

7. The ground on which declaring an opinion disqualifies a Juror, is, that he may probably be influenced by that opinion, or the reasons on which it is founded, and not solely by the evidence offered on the trial. Therefore he, who has found the same matter between other parties, or between the same parties in another suit or in another trial between the parties in the same suit, is disqualified, since he ought not to be influenced by what he heard on the former trials; and yet the law presumes that he will be so influenced. And for the same reason, he who forms & declares an opinion from report or hearsay, is disqualified.

REGULA GENERALIS.

Whereas, appeals are frequently brought to this Court upon transcripts, in which the pleadings are not set fourth, otherwise than by an abstract or memorandum thereof; and whereas, the Act of Assembly creating this Court requires of the Judges to inspect the whole record and to render thereon the proper judgment of the law, it is declared that, henceforth, no final Judgment shall be here entered in any cause, until the Declaration and other pleadings be fully made up and entered of record.

Avowed at last.—The Emancipator of yesterday has distinctly taken ground as the advocate of the amalgamation of colors by intermarriage. Every man to his taste.—*N. Y. Com.*

A COMPLIMENT!

Col. White, the delegate from Florida, in an address to his constituents, says—"I have now been here twelve years, and I say it, with sincerity that I never served in a Congress so deteriorated in morals and politics as the present, with some honorable exceptions. There is no topic which enlists general interest, and no feeling which seems to prompt them to action of any sort, except the most degrading of all impulse—party spirit, and the stimulous of faction." No one doubts the accuracy of the picture.

Lynchburg Virginian.

MASSACHUSETTS

A committee of the Massachusetts Legislature have reported a bill authorizing the Governor to appoint a practical Farmer to make an agricultural survey of the Commonwealth, and to make a detailed report every six months. The sum of $2,500 to be appropriated to the purpose.

An article in a late number of the Mobile Register gives an interesting account of the cotton growth of the United States. It says that in only four states, Alabama, Mississippi, Louisiana, and Florida, has the cultivation of cotton increased. The whole of the crop of the United States in 1836, was estimated at 480,000,000 of pounds. The number of field hands, as correctly as could be ascertained, was supposed to be 340,000 valued at $800 each. The total capital invested in the growth of cotton in the United States was estimated at $800,000,000. The great increase in the demand of slaves has enhanced their value enormously, and therefore the above may be considered as falling far short of the actual value of property invested in the cultivation of cotton.

FAYETTEVILLE.—ARRIVED.

On the 27th, steamer Henrietta, with tow boat Only Son, in tow, with goods for sundry persons in Fayetteville, and in the interior.

Also, on the 26th, steamer Wilmington of the New York Line, with boat Peter Ross in tow, with Goods for sundry merchants in Fayetteville, and J C McLaurin, Troy & Drake, J Loring, Bennet & Neal, of the interior. Also, a large quantity of Machinery for Henry Humphrey, of Greensboro', and C P Mallet, of Fayetteville.

Also, on the 23d, Steamer Clarendon, with Goods for sundry Merchants of Fayetteville, and for Gov. Dudley, and Mordecai & McKinnon, of the interior.

MARRIED

In Tarborough on the 22d inst. by the Revd. John Singletary, Mr JOHN L. HARGRAVE, of Lexington, Davidson Co. to Miss CAROLINE C. S. PARKER, daughter of Theo. Parker, Esq.

Obituary:

HUGH LAWSON HENDERSON, Attorney at Law, who died with a pulmonary consumption, on the 26th January, 1837, on board of the Brig Orson, on his passage from the Island Santa Cruz to Savannah, (Georgia,) 20 days from the former place, was the son of Lawson Henderson, of the county of Lincoln, in the State of North Carolina, born on the 21st March, 1812, in said county. At the age of about 15 years he was sent to the Ohio University at Athens, under the care of the Revd Dr. Robert Wilson, President, where he entered the Sophomore Class, and remained one year, at which time, he was admitted into the junior Class, but while at that place he had an attack of fever; his father being under the impression that the climate was too cold for him, sent for and had him removed to Franklin College at Athens, (Georgia,) where he graduated at about the age of 19 years, receiving the first honor, he then returned home and commenced the study of Law with his brother J. P. Henderson, and in the Fall, 1831, he went to Newbern, (Connecticut,) and entered the Law School of Judge Daggett, where he remained until he obtained licence to plead law in that State, on the 21st March, 1835, (the day he arrived to the age of 21 years) practiced there for a short time and then returned to North Carolina, and on his way home obtained a licence from the Judges of the Supreme Court of North Carolina to practice in this State, and fixed his residence at Rutherfordton, where he remained until the Fall, 1834, when upon a visit to his father's house in Lincoln, he was attacked with the bilious fever and a violent hemorhage from the lungs, which terminated in a Pulmonary consumption; he went to Florida and remained there the greatest part of the Winter of 1835–6, at Quincy, and visited the Red Sulphur Springs (Virginia) both the Summers of 1835 and 1836—and in the Fall of the latter, went to New York, and sailed from thence to the Island of Santa Cruz, where he remained until the 6th January last, when he sailed on board of said Brig Orson for Savannah, (Georgia,)—being in a weak state of health, and meeting with a very rough sea and long passage, he was unable to weather the storm, and died on board on the 26 January last, twelve days before said Brig arrived at Savannah, and was buried in the vast deep. This young man hath left an aged father and mother, and many friends to lament his early death and I presume not an enemy upon earth: his conduct from a child was conciliatory and above contention.

The climate of the North was too severe for him, and *Santa Cruz* too warm and damp, and it is believed that he fell a victim to the too great contrasts.—[*Communicated*].

Died

In this County on the 6th instant, Mr. WILLIAM RAINEY, aged 65.

At Georgetown South Carolina, on the 13th ultimo, the Hon. THOS. R MITCHELL, formerly a Representative in Congress.

Also at the same place on the 14th, Mrs. M S M. HARDWICKE, Register of mesne conveyances for Georgetown District, & the only female officer in that State. She had held the office for 12 or 14 years.

Lately in Mecklenburg county, Virginia, JOHN G. BAPTIST, Clerk of the County Courts. Mr. B is said to have been an able, experienced and faithful officer.