



AND North-Carolina State Gazette.

Quis are the plans of fairdelightful peace, Unwarped by party rage, tollive like brothers.

Vol. VI.

MONDAY, AUGUST 5, 1855.

o. 376.

From the Richmond Enquirer.

TRIBUNAL OF CONCILIATION.

THE administration of justice is a matter of peculiar importance to all the United States: particularly in Virginia, where our present system has been so much complained of and so often attempted to be improved: and more especially at this time in Pennsylvania, where the same complaints of imperfection have prevailed where the labours of reformation have assumed effective form, and where the attempt to extend them to a greater variety of objects has contributed to bring the legislature and the governor into a disagreeable collision with each other, and to divide the republicans into two hostile parties.

Among those changes which their political reformers have partly succeeded in introducing, and which they are now attempting to consummate, not one is of more extensive importance than the introduction of a new tribunal for adjusting the contending claims of individuals, in case of trespass and damages, as well as in case of debt and contract. While the governor, the judges the lawyers and all the advocates of antiquated institutions have avowed their approbation and extended their support to the whole routine of courts of law their modifications, their counsellors, their numerous learned and disciplined judges, a new circle of speculative politicians has appeared, who would limit the superintendence of the courts of law to comprehensive or complicated cases, and would introduce the simple, expeditious, and unexpensive system of arbitration for deciding all cases of subordinate importance.

Whoever meditates for a moment upon the construction of such a contrivance, must perceive the vast variety of modifications of which it is susceptible. The organization will be infinitely diversified, by the different modes of appointing the arbitrator, the nature of the cases which are submitted to their decision, the formalities which are to be observed in the progress of the suit, and the final conclusion and obligation of their verdicts upon the contending parties. Beginning with the simplest and ascending to the more authoritative forms of his system, the following modifications may be made successively to appear.

1st. The two parties may agree to refer their contention to any persons whatsoever whom they may please to select without binding themselves to acquiesce in their decision. Or 2dly, they may previously enter into an arbitration bond, to abide by this decision, which is to be enforced upon the delinquent party by the regular process of the law. 3dly. They may agree to refer their suit to such arbitrators as the government itself may select, whose judgment is neither to be enlightened, nor obscured by the pleadings of disciplined lawyers, and whose decree is not to be obligatory upon the parties, until it has obtained their own approbation; or 4th. It is made so obligatory by their having previously consented to submit to its dictates. 5th. The powers of this tribunal may be placed above the discretion of the parties. Instead of requiring their uncontrolled consent to submit their cause to its decision the law may invest it with this authority while it compels the plaintiff to seek redress from its influence, by shutting up every other tribunal against him. 6th. The third case may be varied by giving them permission to employ the regular process of the law; 6th. And 7th. It may be varied by the addition of the same features.

They have now arrived at a stage of the system when the difference between the two systems insensibly vanishes in regular trials. Let any one of the two systems be adopted, and he will at once discover that instead of a tribunal or arbitrator, we have in fact described the entire structure of a court of law, save only the multiplicity of the forms, which it employs, with the tediousness and procrastination of its proceedings.

imparted to these cases, from the greater or smaller variety of its forms or the greater or smaller number of cases which might be submitted to the arbitrators.

Which of those various organizations would be most favourable to a cheap and speedy administration of justice, or whether the present complicated mechanism of legal codes and regular tribunals is superior to them all; we have neither a sufficient acquaintance with the theory and practice of the law nor with the consequences of the arbitration system, satisfactorily to determine. For our own part, we do not hesitate to express a high degree of approbation for the plan of the Danish "tribunal of conciliation" as Cateau describes it in the following paragraph; a plan which the reader will find little difficulty in reducing under its proper case. One truth at least is not to be disputed: that the nation which first introduced down to antiquated institutions, can never expect to soar up to the most elevated improvements. "There is no science," exclaims the celebrated Galiani "that is not capable of addition; there is no art that may not be carried to a still higher perfection. If this be true of all other arts, why not of social institution? Let us look back, that we may profit by the experience of mankind; but let us not look back, as if the wisdom of our ancestors was such as to leave no room for future improvement."

From the present state of Denmark, by Cateau, 1802.

"The tribunal of Conciliation, established since 1735, is composed of the most intelligent and respectable men in the vicinage; and its sessions are private. It is competent to determine upon a great number of civil questions; and if both parties agree to the arrangement proposed by the court, its decree is registered, and has legal authority. If the parties cannot be brought to agreement by the amicable interference of the mediators, they are at full liberty to prosecute their suit in a court of justice. All the proceedings of the Tribunal of Conciliation are upon unstamped paper, and they cannot be protracted longer than fifteen days in the country, and eight days in the towns, unless both parties consent to a longer delay. The expenses, which do not exceed three shillings, are not payable but in case of reconciliation. During the three years preceding this institution, there came before the courts of law 25,321 causes; and for the three years following, 9,653, making the astonishing difference of fifteen thousand eight hundred and sixty-eight lawsuits. The idea of this court was taken from the Dutch, among whom it likewise produced the most happy effects. And when we consider what an important point it is that there should be a tribunal for disputants to consult: the strong probability there is, that four or five impartial men from the vicinage will take a right view of the case, and the reluctance that any man must feel to embark his reputation and property in opposition to their opinion, we cannot entertain a doubt of the beauty and importance of the invention. It is hardly possible that should be had justice which satisfies; and this species of mediation has no validity, but upon such condition. It is curious, too, to remark, how much the progress of remark obstructs the natural sense of justice; it appears that plaintiff and defendant were both satisfied in 15,883 causes. If all these causes had come on to a regular hearing, and the parties been inflamed, by the expense and publicity of the quarrel, we doubt if their words have been one single man out of the whole number who would have acknowledged that his cause was justly given against him."

LOUISIANA.

The following is a letter from Capt. Clark to his Excellency Governor Harrison. Fort Mifflin 1600 miles up the Missouri, lat. 47° 21' 42" N. long. 101° 25'—April 21, 1805.

DEAR SIR,

I do myself the pleasure of giving you a summary view of the Missouri, &c.

In ascending, as high as the Kansas river, which is 334 miles up the Missouri on the S. W. side, we met a strong current, which runs from 5 to 7 miles an hour, the bottoms extensive, and covered with timber, the high country is interspersed with rich handsome prairies, well watered, and abounds in deer and bears; in ascending as high as the river Plate we met a current less rapid, not exceeding 5 miles an hour; in this distance we pass several small rivers on each side, which water some fine diversified country principally prairie as between Vincennes and the Illinois, the bottoms continue wide, and covered with timber; this river is about 600 yards wide, at the mouth not navigable, it heads in the Rocky mountains, with the North River, and Yellow Stone River, and passes through an open country; 15 leagues up this river the Ottos and 20 Missourians live in one village and can raise 200 men; 15 leagues higher up the Pateas and Ponea Republicans live in one village, and can raise 700 men; up the wolf fork of this river the Pania Louis live in one village and can raise 280 men; these Indians have partial opinions frequently. River Plate is 530 miles up the Missouri on the south west side. Here we find the antelope or goat; the next river of size ascending, is the Stone river, commonly called by the Indians, Little River Destoux, it takes its rise in lake Despoice 15 miles from the river Demois, and is 64 yards wide, here commences the Sioux country, the next river of note is the big Sioux river, which heads with the St. Peters and waters of lake Winnipeg in some high wooded country; about 90 miles still higher up the river Jacques falls in on the same side, and about one hundred yards wide, this river heads with the waters of lake Winnipeg, at no great distance east from this place; the head of the river Demois is in Pili-can lake between the Sioux rivers and the St. Peters. The country on both sides of the Missouri from the river Plate to that place has very much the same appearance; extensive fertile plains containing but little timber, and that little principally confined to the river bottoms and streams, the country east of this place and west from the Missouri as low as Stone river contains a number of small lakes, many of which are said to be so much impregnated with glaucous salts as to produce all its effects, certain it is that the water in the small streams from the hills below in the south west side possess this quality. About the river Jacques Bruff a country contains great quantity of mineral, Cobalt, Cinnabar, Alum, Coppers, and several other things; the stone coal which is on the Missouri is very different. Ascending 52 miles above the Jacques river the Quicum falls in on the south west side of this river, is 1275 miles up, 150 yards wide, not navigable, it heads in the black mountains which run nearly parallel to the Missouri from about the head of the Kansas river and ends S.W. of this place. Quicum waters a broken country, 122 miles by water higher White river falls in on the south west side, and is 300 yards wide, and navigable, as all the other small streams are which are not particularly mentioned; this river heads in some small lakes, short of the black mountains. The Mahan and Ponea nations rove on the heads of this river and the Quicum, and can raise 250 men, they were very numerous a few years ago, but the small pox and the Sioux, have reduced them to their present state—the Sioux, possesses the south west of the Missouri above White river; 132 miles higher, and on the west side, Teton river falls into it, it is small and heads in the open plains; here we met a large band of Sioux, and the second which we had seen called, Teton, those are great rascals, and may be justly termed the pirates of the Missouri, they made two attempts to stop us; they are subdivided and stretching on the river near to this place, having the Ruars, and Mandans, and them from the country

they now occupy; the Sioux bands rove in the country to the Mississippi. About 47 miles above the Teton river, the Chyenne river falls in from the south west, 400 yards wide, and navigable to the black mountains, in which it takes its rise, in the 3d range. Several bands of Indians but little known, rove on the heads of this and the river Plate, and are stated to be as follows:

Chyenne 300 men; Startons 100 men, Canenavich, 400 men, Caynwa and Wetchsto, 200 men; Cataha, 70 men; Detame, 30 men; Memewoon, 50 men; Castahona, 1500 men; it is probable that some of those bands are the remains of the Padouca nation. At 1440 miles up the Missouri (and a short distance above two handsome rivers which take their rise in the Black mountains;) the Ricars live in three villages, and are the remains of ten different tribes of Panecas, who have been reduced and drove from their country lower down, by the Sioux, their number is about 500 men they raise corn, beans, &c. and appear friendly and well disposed, they were at war with the nations of this neighborhood, we have brought about a peace, between the Ricars and this place two rivers fall in on the south west, and one on the north east, not very long, and take their rise in the open country; this country abounds in a great variety of wild animals but a few of which the Indians take. Many of those animals are uncommon in the United States, such as white, red and grey bears, long eared mule or black tail deer, (black at the end of the tail only) large hare, antelope or goat, the red fox, the ground prairie dogs, (burrowing in the ground) the praroca, which has a head like a dog, and the size of a small dog; the white bear, magpyre, calumet eagle, &c. and many others are said to inhabit the rocky mountains.

I have collected the following account of the rivers and country in advance of this, to wit, at two days march in advance of this, the Little Missouri, falls in on the south side and heads at the north west extremity of the Black mountains, six days further a large river joins the Missouri, affording as much water as the main river, this river is rapid, without a fall and navigable to the Rocky mountains, its branches head with the waters of river Plate; the country in advance is said to be broken.

The trade of the nations at this place is from the N. W. and Hudson's Bay establishments, on the Affineboin river, distant about 150 miles; those traders are nearly at open war with each other, and better calculated to destroy than promote the happiness of those nations to whom they have latterly extended their trade, and intend to form an establishment near this place in the course of this year.

Your most obtt servt. WM. CLARK.

The Subscriber has just received from New York a Fresh Supply of

Dry Goods, Hardware, Crockery, and Groceries,

Which he offers for Sale at very low Rates. R. FORTER. Raleigh, June 22, 1855.

FOR SALE

In the Town of Fayetteville, THE HOUSE and Lot formerly the Property of Wm. D. Grove, Esq. Green Street. The Lot is large and on a large two story Dwelling-House, Kitchen, Warehouse, Smoke-House, Carriage-House and Stable, with other convenient Buildings, all in good Repair. The whole under good Plank Fence. For Terms apply to W. H. WILLIAMS. Fayetteville, June 20th, 1855.

STATE OF NORTH CAROLINA, HERTFORD COUNTY, ss. May Term, 1855.

Simon Baker et alias } Petn. for division of the land of Job Baker, dec. To the Court. }

IT having been suggested to the Court that Job Baker, a Tenant in common of this Land, is not an Inhabitant of this State; It is therefore ordered that Notice, under the Act of Assembly, 1833, be given the said Job Baker, to come forward at our next Term, on the first Monday of August next, and show Cause if any he can, wherefore the Prayer of the Petitioners should not be granted. The decision will be made on the 1st day of August next.

VALUABLE PROPERTY.

A Greecably to the last Will and Testament of Peter Mallet, Esq. late of Fayetteville, the Subscribers offer for Sale on a Liberal Credit, the following Property lying in different parts of Fayetteville, Cumberland County and Town of Fayetteville. A Tract of Land adjoining Lots of Mr. Smith and Isaac Williams, Esq. near the Gasborough, on the south-west side of Cape Fear River, about 20 miles above Fayetteville.

A Tract of Land containing about 30 Acres, known as the name of Daniel Hall Tract, adjoining the town of Fayetteville, from the vicinity of the said Land's Vicinity to the Town, this Land is considered as very valuable, and will be sold off in Lots to suit the Purchasers.

A Lot and Dwelling-House on the west Side of Gillespie Street, in Fayetteville, where has been used formerly as a residence. The buildings are in good Repair, and the whole well calculated to accommodate a good family.

Three unimproved Lots on the west side of Gillespie Street, between Franklin and Muncie Streets, adjoining the Lots on which the Dwelling House stands.

Two or three unimproved Lots on the west side of Gillespie Street, now in Muncie Street and Mallet's Mill.

A large Warehouse at present occupied by Messrs. Nesbitt and Co., built on Gillespie Street, near the Town House, suitable for a small group of rents.

A Lot and Dwelling-House on the east Side of Green Street, near the Court House, now occupied by Wm. H. Williams, Esq.

A Lot and Dwelling-House on the east Side of Green Street, in possession of Mrs. Mallet, and subject to her Life Rent.

Two Lots at Lower Fayetteville, on which there is a Tobacco Inspection, under the direction of Messrs. Davis and McDonald, together with a large three story Warehouse, three small Warehouses, and some extensive Sheds, with every necessary Accommodation for the Inspection and storage of Tobacco. If the Purchaser should acquire one of the Lots on which stands a large Shed, will be sold separate or divided into two Lots.

Orange County, ss. 500 Acres of Land in the Parish of Orange, Louisiana, and joining Lands of General Melancon.

A Grist Mill on the River in the Town of Hillsborough. The Mill runs by Pair of Stones, with the necessary Machinery of a Merchant Mill; the whole is in good Repair. From the natural Advantages of this Mill, it is considered to be one of the most valuable in the State.

New-Haven Court, ss. Town of Wilmington. A Half Lot on the East side of Wilmington, on the South Side of Prince Street, extending along said Street, from Front Street to the River.

A Tract of Land on the east side of the north-west Branch of Cape Fear River, extending three miles above Wilmington, in the Parish of Wm. W. Jones and Henry Waters, Esq. A considerable Part of this Land is of the very best Turpe Swamp, and is considered by Judges to be good, if not superior to any Rice Lands in the State. It is well watered, and the Attention of those who possess engaging in the Culture of Rice. The whole will be sold, or will be divided to accommodate the Purchaser.

A large Body of Land on the west Side of the north-east River, extending along the River from Henry Waters's Plantation called Forceport to Major Moore's on Fishing Creek. A part of this Land is Turpe Swamp, and well suited to the Cultivation of Rice. Also, three Tracts of Land, on Little Cohery, well calculated for Cotton.

The Subscribers will receive Proposals at Fayetteville, by letter or otherwise, for all or any Part of the above described Property until the 1st of October next, 1855, to be sold at Auction in Hillsborough on the 9th day of October. The Lots, Houses and Lands in Cumberland, at Fayetteville, on the 26th day of the same Month. And the Lands in New-Haven, on the 13th day of November next. Application may be made to Mr. James Muncie, at Wilmington, who will describe and show the Lands in the Vicinity of this Place.

JOHN ECCLES, JOHN WINSLOW, Executors of Peter Mallet.

June 19, 1855.

Lands for Sale.

THE Subscriber will dispose of this Tract of Land, containing 300 Acres, situated on the Waters of Cape Fear River, two Miles West of Hillsborough, on the main Post Road, with a large and valuable Peach Orchard which ever falls to produce Fruit; Young Apple Orchard, containing 162 Acres of excellent Fruit of a Variety of Kinds. The Land is well watered, well timbered, and of a good quality, handsomely situated.

It is presumed, that any person having a Disposition to purchase, will examine the Premises, therefore further description is not necessary. This Land will be disposed of for Cash, part Cash, Negroes, and as may be suitable to the purchaser. Credit would be given, on a sufficient security. The Subscriber will treat with persons inclined to buy, on the premises; or by Letter post-paid.

There is likewise on the said Tract, the property of the subscriber, one half of a valuable single geared Mill, new and in good order, capable of running ten months in the year.

WM. ELLIOTT.

Orange, June 15, 1855.