RALEIGH

North-Carolina State Gazette.

Ours are the plans of fairdelightful peace,

MONDAY, SEPTEMBER 15, 1806:

Unwavp'dby party rage, tolivelikebrothers

Vor. VII.

To the Editor of the Register.

Calumny, in whatever garb it may be dressed, or however secure the object may be from its deadly mischief, should at all times be treated with a marked disrespect : Not with the view of rescuing a character already out of reach of its feeble shafts, but for the sake of example, to deprecate the practice, and correct the little minds of its votaries. And as, Truth is the best specific to purify the fetid breath of the calumniator, that should be an ministered boldly and in large doses.

These sentiments are particularly applicable to a piece that appeared in your last Monday's paper, signed by the Justices of Lincoln County, introduced with the avowed and specious pretence of vindicating their reputation against the supposed aspersions of Judge Potter, but really and in fact, with secret malice, to lessen the worth of the Judge, for daring to issue criminal warrapts against some of their own body.)

Having read the publication, and not doubting of the real motives of the authors, I enquired if the Judge intended to answer it; and was informed (as I expected) that he did not; for that he declared, his conscience approved every motive which actuated him on the bench, and his judgment approved every expression that fell from him relative to the motion for bailing the prisoners mentioned ; and that as the Justices were not satisfied with salling for an explanation, but thought proper to cast out insinuations of official misconduct in him. he should treat the publication with. that silent, but ineffable contempt which he deliberately thought it merited. Not satisfied however with this passport to oblivion, I, as a friend to truth and foe to calumny, thought that, cre the piece withdrew from public notice, it would be best to lash it with a few truths; and therefore sought for such information as the nature of he case afforded. The facts which I shall disclose, though galung to the Justices of Lincoln, are not, 1 am persuaded, so ample as might be developed by the Judge. Bat such as I have been able to collect, shall form the basis of my remarks. and will be found by the candid reader, to answer the purpose I have declared. I was one who happened to be present in court when the motion was made for bailing Collins and Twitty at the last term, and heard, I believe, every word that was uttered by the court upon that question ; and although I do not recollect what the literal expressions were, I know I felt myself fully impressed with the propriety of every expression, and with the manner and spirit in which they were uttered, as I think every on. present, who had any knowledg. of the case, felt. And it should not be forgotten, that several citi zens of Lincola County (perhaps some of them Justices) were present, yet not a murmur was heard ; nor do I believe it entered into the head of any living soul at court to conceive, that any kind of offence was intended by the Judge-but that his language was proper, as an answer to the counsel for the motion, and as expressive of his opinion thereon. It is a little singu lar too, that these injured Justices have remained so long is a corpid state. But they have the merit of being at least slow to anger. Whether the words published in the Register compare exactly with those spoken by the Judge, my memory cannot determine; but it is well known that publications of this kind are made up from memory, and are therefore the less certain. But admitting this publication to be literally correct, what was said ? That " the combination in this fe-

" lony appeared to be so extensive, t "and the prisoners at the bar so " influential and hardy, that no "justice in that county was to be " trusted with the performance of " such a duty-that whatever his " confidence in the integrity of " some of them might be, he con-" sidered them all under the influ-"ence of fear or favour." Nolet us see what cause the Ludge had for withholding his confidence from these men.

IThat many persons of Lincoln County have been long suspected of making and passing counterfeit bank notes that it was so understood and confidently believed in the county generally-and that the combination formed for such practice was very extensive, are facts not to be controverted ; yet it is believed, that no person was apprehended, nor any attempt made to suppress the evil, until the Directors of the Branch Bank of Savannah employed and sent on a man from the State of Georgia for that purpose. And it was then! said, as it has since been frequently said, by some of the citizens and justices of Lincoln, that a number of rich, influential and respectable citizens of their county were strongly suspected-that the influence of Collins and Twitty was so great, and their friends and accomplices so numerous, that notice would at all times be given them of an approaching officer, or one suspected of having a precept, and recommended the utmost secrecy, lest the air of Lincoln-should waft the intelligence to the Bankers .--Hence the necessity for putting, the warrants into the haads of men unsuspected by them. So much did some of these justices distrust their companions and themselves, that they desired special warrants issued, returnable before the Judge, so that a fair enquiry might be had and proper recognizance taken .---Twitty, when first apprehended, was bailed by the Lincoln Justices in so small a sum, that he chose to forfeit his recognizance rather than [] appear. It is neither my wish nor purpose to give to this conduct a hard hame; but a member of their own body has insinuated, in terms too unequivocal to be misunderstood, that the Justices who took the bail were actuated by fear or favour. Indeed there was a general distrust prevailing in that county-all confidence was lost, and the appellation of Friend, was but another name for Counterfeiter. The cilizens were charging each other by turns, and when one was apprehended, he implicated many others. Nor was this immaculate and patriotic body of Justi-esexempt from the censure of the times. Warrants were issued against some of them for passing counterfeit notes, and others were suspecied. One, it is presumed, still lurks, as it is several months since a special warrant was issued against him, and no return is yet made ; by one mean or another, he contrives to clude the vigilance of these patriotic guardians. I am inclined to think it was not without some reason that one of those Justices said, " If Collins or Twitty should be, again balled, it would be impossible to raise persons in the county that could be depended on to take him again.") The persons engaged in apprehending these men, considered the felonious pary so strong, influential and base, that their lives were hazarded by taking an active part against them. But it is said by the committee, that " what-"ever has been done towards the " suppression and bringing to justice " the offenders in question, has been " done by the people of Lincoln." What! did they derive no aid from Georgia or from Rutherford ? Or, if they claim all the merit, let me ask, When were they first roused from their lethargy ? What was the impetus which put them in motion, or what the accelerating principle ? Was it money ? Was it the \$500 advanced by the Charleston Bank, with the promise of more ? Or had the reward offered by the Keeper of I the Hillsborough Gaol, for the appre- I pursued; where, as a matter of right,

hension of Collins and others, any influence? Or could it be the large sums advanced by the Government of the U. States as an extraordinary dinary services ?

and beware; for it is already rumoured, that, under the mask of Patriotism, the vilest speculations have } beep practised upon the Government. and that these men are so perfectly alive to their own interests in money concerns, that they have become jealous of each other-so much so, that they have charged some of the most respectable amongst them with froud and perjury, in obtaining and not distributing the U. States money.

(and the facts cannot be denied by the Justices individually, whatever they may do collectively) where are those || just ground to believe, such an one unjust and unfounded aspersions in the publication alluded to ! Did the sent case, however, the oath was full, Justices wish the power of bailing, in order to multiply the chances of es- || commission of the crimes, and the cape ? I trust not-I think not. Did || identity of the persons charged. they suppose the Judge, after allowmen of whom he had heard so much? Preposterous! Why was the motion made? Surely to benefit the prisodiscretion of complying or refusing : It very properly chose the latter; and its refusal. The committee who signed the publication from Lincoln (or from Salisbury, or from whatever quarter it came) acted ostensively under an appointment by all the Justices of the county. Can the fact be so? Were those against whom warrants have teen issued parties to the appointment? Or were any Justices, suspected of counterfeiting or passing counterfeit notes, consulted toon this occasion? But more especially I ask, was the Justice against whom the warrant is now out, at this general meeting, or privy to the nomination of the committee? If yea, why did not these vigilant, disinterested Lincoin Justices lay hands on their implicated brother? Or was he a necessary agent in their real design ? Were his feelings better tuned than others for chanting the song of calumny up and down the country with vengeful ire? Whatever 'Squire Wheeler may have done or refused to do, I neither know nor care; but I cannot agree that his decisions have a binding authority upon the opinions of Judges. I believe him to be an honest man, because I do not know, nor have I heard the contrary; but that his refusal to issue the warrants, as mentioned by the committee, was contrary to law, there can be no doubt entertained beyond the limits of his county. What! are the Lincoln Justices privileged from arrest? Are they superior to the constitution and laws of their country ?" Is it the business of a Judge, when application is made to him for a crimi-al warrant against a Lincolu Justice, to say to the informer, You dare not approach the sacred ground of this man-it is consecrated the holy land, which no unhallowed foot is permitted to tread? Or do the come mittee mean to insinuate that the Judge should not have given credit that be their meaning, it is high time to have done with them. Can it be true, that this country affords even a solitary indiv.dual, who would wish a judicial officer to exercise the authority so contended for by implication ? I hope in God there is not once I sincerely hope I shall not live to see the Trial by Jury-that boasted bulwark of American Liberty-laid prostrate by the arbitrary hand of an usurping officer-that I never shall see a Judge so unmindful of his duty as to weigh like a jury the credit of a witness. And, above all, I trust, I shall never hear of an American Judge so degraded and mean, as to refuse his warrant because the person sought to be charged holds an elevated position in society. But I do confidently hope, that I shall always see the usual and legal course | thorised to receive such debas, and grant

any person, upon the information and r oath of one competent in law to make such oath, may demand a criminal warrant against any person, whether remuneration for supposed extraor. The be rich or poor, or whether he be a judge', a justice, or a vagabond .---Let your Lincoln men look to this || Then I shall see the accusation constitutionally and legally tried-then he Jury, whose peculiar province it is, will weigh the credibility of the witnesses.

REGISTER,

Whether Clary carried with him his reprieve, as represented by the committee, is to me unknown ; nor was it at all material to be known when the application for the warrant was made : But that he was a competent withtes, the committee theniselves can entertain no doubt ; nor can they When these things are known | be ignorant that a criminal warrant may be granted upon the oath of one who states that he believes, or has committed the offence. In the preclear and positive, both as to the

The committee say, that if they ing several thousand dollars of the || had taken Clary's deposition, they U.S. money upon the subject, would || would have preserved a duplicate of surrender the hold he had upon the []it : I say, that if the Judge had taken prisoners, to the uncertain event of [[it, he would have preserved the ori. having them properly recognized by ginal. But the fact is, as I am intaken; but that the warrants were granted in the usual way upon the ners. But the court possessed the parole oath of Clary. And so cautious was the Judge when the appli cation was made to him by Clary and as properly gave the true reasons for [his companion Glass, that he examined them separately, and very circumstantially, in order to detect and commit them, if they should appear guilty, as was suggested to him from Lincoln ; but they were too well prepared-nothing against themselves could be extracted from them. The committee " would not have omitted to have taken security of Clary to appear to support the charge he had exhibited." Nor would the Judge have omitted it, had it been offered. Indeed I am assured, that he told Clary to look out for sureties. Not that he possessed the power to commit him, in case of neglect or refusal to do so; but on account of Ciary's ill name and character, he would have taken bail had it been procured, so as to have insured his appearance at the enquiry, No sureties how v-r could be procured, and CI ry was permitted to go, as he had a legal right to do, on his own recogmizance. To have committed him, as a witness, prior to the enquiry, without any charge against him, would have been as great'a novelty in law as in justice. Now say, impartial reader, whether any blame attaches to the Judge I for the declarations ascribed to him, and which, for ought I can positively say to the contary, may be correct. (To every honest man of Lincoln county, I here offer an apology for the general y of the remarks I have been led to make-They will readily see that such a course was unavoid able in answering the complaint and charges of the committee. And, feeling no disposition to continue a controversy, unpleasant in itself and irritable in its consequences, I take my leave of the Lincoln Justices, as they have already done of VERITAS.

SHERIFFS' SALES. WILL BE SOLD.

At the Court- House in Elizabeth Town, et Thursday the 25th day of September, 1

THE following Lots in said Town, or so much thereof as will satisfy the Taxes for the year 1805, and costs of advertising, viz. Nos. 1, 2, 3. 5, 6, 7, 8 9, 10, 11, 12, 13, 14, 16, 18, 19; 20, 21, 22, 23, 24, 25, 20, 27, 28, 29, 30, 31, 32, 23, 54. 35. 36, 37, 58, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77 78, 79, 80, 51, 82, 83, 85, 86, 87, 89, 90, 91, 92, 93, 94; 95, 96, 97, 93, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 113, 114, 115, 116, 117, 119, 120, 121, 122, not given in Alto, he following Tracts of Land not given ins

1257 Acres, lying on Big Swamp, the property of William Henry of Newbern.

416 Acres, lying on Big Colly Swamp; property of the same.

720 Acres, lying on the Big Swamp on Reganses Path, joining Thomas Peters & John Robeson's land, the property of the late Benjamin Moore, dec.

DAVID L. WHITE, Skf. Bladen, Aug. 11, 1806,

WILL BE SOLD. At the Court House in Newbern, on Saturday the 11th of October, the following Treets of Land, or so much thereof, as will pay the Taxes due thereon for the year 1065,-800 Acres, the Property of William Slade, on Bachelor's Creek, 200 acres the property of Roger Moore, formed, no written deposition was lying on the north side of Neuse river, joining the Lands of Samuel Garrick. 250 acres the property of Whitaker, Shadford, in Bay River Poccson, joining the Lands of Col. Henry Tilman 640 acres the property of Jonathan Band craft and wife. lying in Bay River Pccpson, joining the Lands of Joshua Fulsher. CHARLES WILLIAMS,

12th September, 1806.

NEW WHOLESALE STORE.

to the oath made before him ? If THE Subscribers beg leave to inform their Friends und the Public in general, that they have entered into Co-Partnership, under the Firm of HOGG, HALLIDAY & MENG, Who have commenced Business (in the Houses heretofore occupied by their R. Halliday) in the Wkolesale and Retail Line. In addition to their Stock on hand of Dry, East and West-India Goods and salt, they have imported in the Ship Rodney, Captain Heard, from Liverpool, an extensive and general Assortment of Dry Goods, suitable to the Market and approaching Season, which they will sell on reasonable terms for Cash or Produce, or on the accustomed Credit, by wholesale, to known responsible and punctual persons. 11 mis JOHN HOGG, R. HALLIDAY, WM. MENG. Favetteville, Aug. 1, 1806.

Sheriff of Graven County.

WILL BE SOLD On the 27th of October at the Court Hause of Brunswick County. for the taxes due there. on for the year 1805. 50,000 Acres of Land the property of

Mr John Gray Blount situated in Bruns. wick County.

JOHN G SCULL, Shf.

WILL BE SOLD, At the Court-House in Raleigh, on Tuesday the 7th of October, if the sums the thereon for City Taxes be not paid to the Collector in the mean time ;

THE following Lots in the City of Raleigh, on which the City Taxes have not been paid for the present year, and upon some of them for several precedmg years, viz.

Lots not given in, Nos. 3, 5, 9, 10, 13, 14; 26. 17, 28, 29, 30, 40, 42, 43, 45. 54. 59. 60, 61, 120, 121, 122, 186, 137, 138, 141, 152, 184, 213, 216, 217. 209, 242, 943, 248, 249, 264, 267, 268, 27.3 and 273.

Lots returned, but not paid for. Nos 4, 54. 55, 58,78, 143, 143, part of 147, 151, parts of 163, 164, 196, 226, 249, and 265 JOSIAH DILLARD.

Collector of the City Tux. Aug. 23.

MARSHAL's SALE.

TO BE SOLD to the highest Bidder for ready Money, Gold or Silver Coin, at the House of William H. Peace in Granville County. near Dickinson's Bridge on Tar River, on Saturday the 4th day of October next-

930 Acres of Land on the north side of Tar River, adjoining the River, the Lands of William Williams, John Taylor and others.

150 Acres on Little Creek, adjoining William Williams and Wm H. Feace. 250 Acres lying on Lick Branch of Gold's Creek in the Couaty of Anson.

ALSO, eighteen likely Negroes, consisting of Men, Women, Boys, likely Girls and Children; among the men are two excellent Blacksmiths,-or so much of the above Property as will raise the sum of \$4559 58 Cts. and the expenses of Sale, to satisfy an Execution from our Circuit Court at Raleigh, in favour of John Hamilton and Co. against the Executor of John Dickinson, dec. J. LOCKHART, D. M. For JOHN S. WEST, M. N. C. D. August 12th, 1806. CAUTION. WHereas the conduct of my Wife MILLY, in leaving my house, and carrying away my property, has been such that, however unwillingly, I am compelied to forewarn all persons from maintaining her, from purchasing any kind of property from her, and from giving her any credit in expectation of payment from me, as I will not be answerable for any of her contracts. JOHN FARRAR, jun. Chatham County, Aug. 21, 1806.

The Debtors of R. Halliday, and Hogg and Meng, are requested to make payment to Hogg, Halliday and Meng, who are audischarges.

1 hereby give Notice to all Persons te whom I am indebted to present their Accounts for Settlement immediately; and such as are indebted to me, are requested to make payment by the 15th of September, as 1 am about to move to the State of Temnessoa. 1. 1.