

Some think that the Court of Appeals will see that no injustice is done to a party by the Circuit Court. True it would not see it, yet nevertheless it may be done—that is the secret! Now I have great confidence in the members of this tribunal, and am satisfied that they would not wink at anything improper, but I would ask how is it possible for it to decide according to truth and justice, without knowing all the facts, and when it is not its province to examine into the merits of a cause and have no other guide to govern them, than the report of the Judge before whom the case was tried? The report may be correct or it may not; it may conceal one fact and give a high colouring to another; in short, it may be every thing but a true and impartial statement of the case. Yet the Court of Appeals has to determine upon this very report, when perhaps it does not even place at the merits of the original question, I do not say that this is always the case, but I verily believe that it has often happened and will happen again and again if the present state of things are suffered to continue as they are. The Court of Appeals then is no surety against those acts of injustice which are sometimes practiced by the Circuit Court—for if the Judge who tries a case be not what he ought to be, he can wield and direct its destiny and may do so with impunity, ay and with a vengeance too. I think I have now shown that the great cause of all the evils which are attached to the law bench of this state,—to wit: the increase of business in the Appeal Court, the great trouble and expense which parties are put to in prosecuting and defending their rights, and the uncertainty of an issue, is in consequence of Judges who are incompetent to discharge in a proper manner the important duties of their station. And I doubt not but that it would be a saving to the people to make them *henslers* and elect others capable of performing what appertains to their office, than to have the business of the country disposed of as it has been for some time past; and this would be bad enough, but it is the lesser evil.

COMMUNICATIONS.

RICHLAND NO. IV.

CONTINUED FROM OUR LAST.

The latest of all the cases from the Southern Circuit is not yet known, though in relation to a review of the appeals from this District (Richland) I am at liberty to speak, and it is a fact that six of the number have been determined in favour of the *Appellants*. The Court was in error; that it was *in error* and *in error*—a *hit* and a *miss*. Now, my friends, I think, like *quasi* work—a *quasi* trial, a *quasi* judgment, and yet it proceeds from a tribunal that some would have us believe is sufficiently *competent* to sit in judgment upon the rights and liberties of a citizen. Let him believe it who can—I cannot. If these facts do not show the necessity of administering a *surge* to the judiciary of this state, I do not know any *remedy* that will require it. However, others may not think as I do; if they do not, they may say so, but if they do, I beg of them to come out and lend a helping hand, to remove the *sick and afflicted*, who are now groaning under the weight of *three thousand five hundred* a year.

When it is considered that the use of so many appeals is chiefly owing to the improper decision of a Judge, and that both parties are put to enormous trouble and expense in prosecuting and defending their just rights, and that the uncertainty of the issue; who will wonder at the prejudices which have taken such deep root in the minds of the people against these who are in any manner connected with our courts of justice. What other cause but this, could have created such a general cry amongst all classes of people, for "Codification, Codification?" but here I would presume to tell those persons, that the evils they complain of, can never be remedied by codifying the laws, while some of our present judges are suffered to remain upon the bench. To them light would be darkness, and darkness light. For I do believe that the great difficulty and uncertainty of law, and the many acts of injustice which have been experienced by those who have been forced into court, are to be ascribed more to the judges than to any other source. Hence the importance of an able and efficient judiciary; one of any other character, is worse than useless—a curse to any country, and more oppressive to the people than when direct tax would be, for although his destructive influence is not seen at first sight, yet it is felt, and many can testify that it has almost ruined and driven them to beggary and want. Only see the costs, independent of the trouble, parties are put to in prosecuting and resisting an appeal. Perhaps a couple of lawyers on each side coming from one of the upper districts, waiting a week or two about Columbia before their cause can be tried. All this is expensive and very expensive, as some well know; and out of whose pocket does it come? Why, the parties litigant to be sure; they are the ones that must pay for the roast. These consequences keep many a cause from getting into the Court of Appeals; a party wises by declining it, or to submit to half a loaf than to run the hazard of losing it all.

It would be well if the Judge who decides a case, immediately could be made to pay all the costs which accrue in consequence of his error. If this was the case there would be but few appeals, and seldom any occasion for them. As it is now, nothing can lessen his salary; he may stay at home to nurse his *little fingers*, or forget when the court should meet, while the business of the country is neglected and neglected. Yet it is no loss to him, his three thousand five hundred is sure, and this pay is his greatest concern. He is responsible to no one and feels but little apprehension of being called to account for his deeds and doings; thus fixed for life, he is independent of the law, as he is of the people.

"Is this an independent judiciary?" Yes, truly it is!!

Those who are so much in favour of having Judges elected for life, instead of a term of years, in order to have an "independent judiciary," as they call it; should now pause and reflect upon the consequences which this doctrine is now dealing out to the people of South Carolina. For my own part, I look upon the principle of appointing a man to an important station for an unlimited period of time, as inadvisable and absurdity as was ever practiced upon an intelligent people. It is perfectly inconsistent with every feature of our government, a violation of the spirit of the constitution and contrary to the best interests of the country. It is a source of what gives beauty and grandeur to our happy form of government; destroy it, and tell me the difference between it and a monarchy? Sure we must, if we would be consistent never lose sight of first principles, and supply them not only to the first class in government, but from which through all the intermediate ranks, down to those of the lowest grade. For reason in office is the life and spirit of a republican gov-

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I cannot conclude these remarks without saying a word as to the power which is so often exercised under the head of "the discretion of the court," the power of hearts and the best of heads have done wrong in exercising this powerful engine; it therefore might not be entrusted or seized so readily by this one and that one, and every one, who may happen to wear the robes for in bad hands it is a most dangerous weapon. A motion to postpone a cause is an appeal to the discretion of the court, should it be granted, it might be the death-blow to the rights and interest of the opposite party. Yet it may be done—it has been done, and that too without the party showing good cause (I mean such as the rules of court require) why it should be done. This power is abused in various instances, scarcely a court passes without furnishing some proofs of it. Do we not often see the Judge using all his eloquence and learning to influence a jury and finally directing them what verdict to find?

Sirs, this is a fact that cannot be disputed; and I would ask, is this not usurping the province of the jury? It certainly is. Forsooth, we are told, that this is "the discretionary power of the court." It was but a few days since, I heard a distinguished lawyer, on a motion for a new trial, state that the Judge who tried the cause, (I think it was an action to try titles) in concluding his charge to the jury, told them "that according to the oath they had taken, they were bound to find a verdict for the defendant," which was accordingly done. This was a case which involved matters of fact depending entirely upon the evidence which he longed exclusively to the consideration of the jury; and it was their peculiar right to determine what should be their verdict. The Judge therefore ought not to have charged them as he did. I am therefore warrantable in saying, that he has been guilty of a daring outrage upon one of the greatest privileges of freemen, and a usurpation as presumptuous as it was wicked.

This is what I call the usurping power of the bench; and if it is to be sustained, I confess I can see no necessity for a jury, particularly if they are to bow at the nod of the Judge, and give whatever verdict he may think proper to intimate. But there are no bounds or limits to the discretion of some, and the Court of Appeals has said that it has no power to determine "how far a Judge may go in giving his opinion to the jury." It is therefore to be hoped, that those who have the authority, will exercise their "discretion," by intimating to those gentlemen who are so fond of dictating, to attend to their own duties, and not to go beyond their latitude; that "so far and no farther shall they go"—their discretion to the contrary, notwithstanding. In conclusion, I will observe, that I believe the best interests of the people require that something should be done to bring about a reformation on the law bench. If this be the general opinion throughout the state; (and I am told it is) I hope the citizens of every district will take the matter into serious consideration, and adopt measures, that will have a tendency to remedy the evils we are now laboring under, and save us for the future from falling into the hands of such long lived Judges. To effect this, the constitution will have to be changed; and to bring this about, the people must mind who they elect to represent them, whether he be in favor of a Judge for life, or for a certain term of years. I know it was formerly thought by some that it was best to elect this officer for an unlimited period of time, but times have changed, and so have men.

I am aware of the abrupt and desultory manner in which I have brought this question before the public, though I am not aware of having done any injustice to any particular individual, neither is it my intention; and I disclaim being under the influence of any thing like personal feeling or interest. What I have said, is intended for those who are justly entitled to it, and no one else;—and the public will determine for themselves who they are. But so long as I am a citizen of this country, and have any pretensions to the principles of a republican, I shall be free to declare my opinions of the conduct of public men, and so long shall I be disposed to electing any man for an un-

limited period of time, without the right to remove him from office, whenever it may be expedient. And I would ask, that the people of this country should ever again tolerate the doctrine, that it is better that they should be dependent upon the power and discretion of a public officer, rather than have him dependent on them. Although what I have said and written on this subject, may be an injury to me, yet, in the end, it should prove an advantage to the state and people. I shall be satisfied, and never complain or murmur. Let justice speak; and when she does, she will cast no blushes upon honest cheeks."

RICHLAND.

MARRIED.—That the intention constitutes the crime, is a fact universally acknowledged, and, from this, we must conclude, that the praise a man obtains by acting properly, depends, or ought to depend, entirely upon his intention to do so. This observation is intended as introductory to an inquiry into the propriety of going to church. It is generally the case, that those persons who are in the habit of attending church, censure others for (as they consider it) neglect of duty. Now I would ask, which is the most culpable, to attend church for the purpose of showing some new suit, of appearing in some new fashion, or, as the common saying is, "to be seen," or to stay at home? Evidently the latter; because by staying at home, we only omit a duty, whereas going to church without intending to listen to the gospel, is not only an omission of duty, as regards attending to the sermon, but a flagrant sin in converting the house intended for religious purposes, into a place for ogling and whispering. And sometimes the object of attending is to observe and criticise on the language of the divine, instead of reflecting on the substance of the discourse. I do not pretend to say it is proper not to attend church; on the contrary, I think it is a duty incumbent on us; but when about to start, let us always consider what is our object in going—and if we find it is to hear and pay attention to the sermon, we ought to go; if not, it will undoubtedly be preferable to stay where we are. Then let those that go to church, consider before they censure others for not going; let them reflect seriously on their own intentions; let them find out satisfactorily that they have clean hands and upright hearts, before they attempt to wash the hands or purify the hearts of others; and, finally, let them "pull the beam out of their own eyes," that they may see clear before they attempt to "pull the mote out of their brother's eye."

MARRIED.

On Thursday evening last, the 8th inst. by the Rev. Dr. Gadsden, Dr. JAMES RAMSAY, to ELIZABETH, daughter of the late Henry L. Ramsay, Esq. all of Charleston.

A CARD.

I WOULD respectfully invite the attention of our Citizens to a walk or ride, (either with or without a team) to the Tan Yard of Messrs. Cookshanks and Clyde, near Mr. Young's Mills, where they will find an improvement in operation, which will perhaps, surpass their expectations, and fully compensate them for the expense.

February 15. A CITIZEN.

Penitentiary.

THE subscriber begs leave to give notice of his return to Columbia, after an absence of much greater length than was expected and has commenced business at his office at Mr. Clark's Hotel, where all calls relating to his profession will be thankfully received and attended. He would likewise mention that he intends devoting his time the present year, and in future, alternately at this place, Camden and Augusta, and will be able to appoint stated periods, when he will be at either of the above places. Ladies and gentlemen attended at their residences if requested.

D. C. AMBLETT, M. D.
Graduate of the University of N. Y.
References at Columbia to Drs. Davis, Wells and Harris. At Camden to Drs. E. Anderson, R. Anderson, Wm. Blanding, S. Blanding, M. Can, Dr. Leon and Reid.

February 15. 7 f

Court of Equity.

AN EXTRA COURT OF EQUITY will be held at Barwell court house on the third Monday in March ensuing; and at Cooperswhatchie on the fourth Monday of the same month. Chancellor TROSPER will preside.

February 17. 7 3

Notice.

ALL persons indebted to me twenty dollars and under are requested to call and pay the same before the 25th inst. otherwise they will be placed in the hands of an officer for collection, without distinction of persons; and all who owe me larger sums must call and settle the same, as money must be had. THOMAS MAXWELL.

February 17. 7 3

Drawing on Wednesday.

GRAND MILITARY LOTTERY,

THIRD CLASS.

Will be drawn in the city of Charleston, on the 28th inst.

THE Capital Prize is \$7,000, \$5,000, \$3,000, \$1,500, \$1,200, \$1,000, &c. &c. Only 7,000 Tickets—Price of Whole Tickets \$5, shares in proportion. Packages of 7 made up (warranted to draw \$12 75 full) may be had for \$42 00. Full printed schedule to be had of the subscriber. Orders for Tickets, enclosing the cash or Five Dollars for the 1st and 2nd class, post paid, will be promptly attended to, if addressed to

B. D. PLANT.

February 17. 7 3

A CARD.

Claudel Girardin & Edw. Serat, inform their friends and the public in general, that they have opened a shop on Richardson street opposite Mr. Edgar's Tavern, where they will carry on the CONFECTORY and PASTRY COOK business in all its various branches. Pastry houses and private families, can be supplied in a style of neatness and taste on short notice.

E. Serat will attend at public houses or private families in a COOK, provided two or three days previous, notice be given him.

TURTLE SOUP.

will be served up every Thursday from 11 o'clock to 12 M. at 3 P. M.

READY MADE CLOTHING.

AT COST. For a few days only. PREVIOUS TO ITS REMOVAL TO CHARLESTON. THE stock of CLOTHING at the new Brick Store three doors south of the Washington Hotel, will be offered at cost.

Sheriff's Sales.

ON SHERIFF'S SALES. WILL be sold before the Court-house, in Columbia, on the first MONDAY and TUESDAY in MARCH next, within the legal hours.

The House and Lot where the defendant lives on Richardson street, containing half an acre, more or less; and the several and separate parts of the President and Directors of the Bank of the State of South Carolina, and John Boyce, vs. Derrell Harrison and Barrett and Dupuy vs. D. and D. Harrison.

One half of 200 acres, more or less, on which stands a grist mill, &c. adjoining lands belonging to Col. F. Myers, N. and W. and S. and E. by Marshall and Edwards lands. Also, one half of 150 acres of land, more or less, bounded on all sides by Marshall and Edwards, land at the suit of Wm. Hall, two cases, John Black, and Wm. L. M'Vay, vs. John Marshall.

800 acres of Land, more or less on Rice creek, bounded E. and N. E. by lands belonging to the estate of Samuel Dougherty and Jacob Perry, S. and B. W. by Chford Brown's land, N. W. by Jacob Shirah, and at the suit of Abigail Mulder, vs. Moses Duke and John Grim.

One half of a tract of land, containing 300 acres, more or less, lying on both sides of Cedar creek, bounded by lands of Samuel and James Patterson, Frederick Myer and John Marshall; at the suit of F. Lykes, vs. Thomas Edmonds.

The house and lot where Mr. Wm. Gray now lives, in the town of Columbia, bounded north by Laurel street, west by Gadsden street, containing two acres, more or less; at the several suits of D. & J. Ewart, and Chauncey Hall vs. Wm. Gray, and Dr. Wm. Anderson vs. Adm. L. Loomis and Wm. Gray.

417 Acres of land, more or less, in the fork of the Congaree and Wateree rivers, bounded by the lands of Elisha & Edjib Fox, and Thomas H. Brown; at the suits of Smith & Wright, Boyce & Henry, and W. P. Hatter vs. Frederick Myer.

To be sold on account and at the risk of the former purchaser 450 acres of land, more or less, situated in Richland district, about 11 miles from Columbia, including what is called the muddy springs, where St. Cord's Ferry road crosses the middle road, leading from Columbia to Camden, a fine healthy place, and said to be the best range in the district.

125 Acres of land, more or less, bounded by Jonathan Morrell, Samuel Watkins, and C. B. Byrd; at the suit of Abigail Mulder, adm'r. of A. Mulder, S. Nolan, and James T. Wade, vs. Daniel Buford.

At the right, title, and interest, which the def't. C. Watkins, has in and to a tract of land, containing 100 acres more or less, lying on the waters of Crane creek; the said land was originally granted to John Goodwin, and has such shares as the original grant represents, at the suit of Boyce & Henry, and Allen Gibson, vs. Cornelius Watkins.

The house and lot where the defendant now lives, on the corner of Bull and plain streets, bounded north by Bull and west by plain street, containing half an acre, more or less, laid upon and to be sold as the property of U. Frit, at the separate suits of Wm. Hall, J. & C. Graham, the first Presby. terian Church in the town of Columbia, Wm. Hatter assignee, and Justus D. Lynch & Co. vs. U. Frit; Abram Nutt, and Boyce & Henry, vs. Frit & Hardy.

The back houses and one half the lot on which the Masonic Hall stands, containing one half an acre more or less, on Sumner street; at the suit of John H. Howell, vs. C. Levy and others.

2 houses and lots, in the town of Columbia, one on the south west corner of Bull and Laurel streets, the other on Bull street, the two lots contain one acre more or less; at the suits of Selma Waring, Wm. Hall, John Bryce, Barret & Dunlap, Wain & Doan, and M. Ford, vs. John H. Howell.

100 acres of land more or less, lying on the waters of Crane creek, bounded by John A. Hawkins, James B. White and A. Wallace; at the suit of George Morrell, vs. Wm. Hawkins and John C. Hawkins, sold as the property of W. Hawkins.

300 acres of land more or less, about five miles from Columbia, adjoining Jas. S. Gulgard, Wm. Livingston and others, on ten mile branch; at the suits of J. Barrett & Co. and John F. Marshall, vs. John Smith.

84 acres of land more or less, in the fork of the Congaree and Wateree rivers, bounded by lands belonging to Eli Williams and Abraham Sheppard; at the suit of Wm. Hall vs. Green Williams.

150 acres of land more or less, where the defendant now lives, in the fork of the Congaree and Wateree rivers, bounded by lands belonging to J. Scott, J. Rawlinson and B. Rawlinson; at the suit of Adam Edgar vs. D. R. Frowell.

163 acres of land more or less, bounded by lands belonging to John Hopkins and John Howell; at the suit of Joel A. Tucker vs. John Spiguer.

185 acres of land more or less, lying on Harford's creek, waters of the Congaree river, conveyed to Joseph B. Stanton by the executors of Wm. F. Goodwyn; at the suit of Wm. Hall vs. Joseph B. Stanton.

The house and lot belonging to the defendant, containing half an acre, more or less, bounded S. by Divine, and E. by Richmond street; at the suit of J. M. Wayne and G. Anderson, surviving executors of H. Wayne, and Wm. Hall vs. James T. Wade.

One tract of land containing 200 acres more or less, lying in the fork of the branch of Crane creek, formerly owned by Joel Cooper; at the suit of John Black vs. John Shirah.

110 acres of land more or less, on Carter's creek, bounded by lands belonging to John Boyce, B. B. Carter and C. & J. Ferrin; at the suits of D. Carter and E. Fairweather vs. Charles Perry; John D. Brown vs. Joseph Ferrin and Christian Ferrin; and Wm. Galloway, John Boyce, Joseph Rawlinson and E. Fairweather; C. Co. vs. Joseph Ferrin.

The house and lot where James Peckham lives, containing half an acre more or less, adjoining Mrs. Fanning's lot on Henderson street; at the suit of Wm. & Gibson vs. Henry Gode. 1827.

W. HILLIARD S. R. D.

Best Company.

Will, periods in the Court House, on Thursday the 2nd inst. at 10 o'clock, for Ballistol inspection and drill. The members of the company are entitled to be present in the Hall and to be properly equipped. By order Capt. J. M. COLEMAN.

February 15.

Notice.

SPENCER J. MAN about to leave for England, will sell a few days for England, will sell at PUBLIC SALE.

On Tuesday next, 23rd inst. at his domicile. (SALES TO COMMENCE AT 10 o'clock.) The Household and Kitchen Furniture, Bed &c. Horse, Plough Horse, Dray-borne and Wagon.

CONDITIONS FOR THE PURCHASE. All sums under fifty dollars Cash, exceeding fifty dollars, at sixty days including interest.

On Wednesday, 24th inst. at the MARKET PLACE, the HOUSE & LOT. A description will be given by the Auctioneer. Conditions 12 months in approved notes at sixty days including interest, will be received at Bank.

On Thursday, 25th inst. at the MARKET PLACE, at 10 o'clock, many valuable SLAVES. Conditions 12 months in approved notes at sixty days including interest, will be received at Bank. J. BARRETT Auctioneer.

Negroes For Sale.

THE subscribers have a likely parcel of NEGROES for sale, men, women, boys and girls. Apply at the Washington Hotel for further particulars. W. PARKER & B. F. WILSON.

February 15.

Selling Off.

The Subscribers having determined on removing from Columbia early in the Spring, are induced to offer their present LARGE AND VALUABLE STOCK OF DRY GOODS.

AMONG THE GOODS ARE—

- SUPER blue and black Cloths,
- Common and middling do
- Mazarine blue Felice Cloth,
- Super blue, drab, and Oxford mixt Cambrics,
- Valencia, Swandown, and Faintest Vestings,
- English and French black Silk do
- White, red, and yellow Fannels,
- Richmond Carpetings and Hearts Rugs,
- White, black, and red Merino Scarfs and Shawls,
- Do do do 18th and Points,
- Assorted Cambrics and Crapes Shawls,
- Black and col'd worsted flizes,
- English and French black and white Silk Hosi,
- Black and white Cotton do
- Black and white Silk Gloves,
- Ladies' black and col'd Horse Skin do
- Men's super Buck, Dog, and Beaver Skin do
- A large assortment of Furniture Calicoes, Cambric and Jaconet Muslin,
- Plain and fig'd Swiss do
- Mall do—plain and fig'd Book do
- Elegant worked Madras Robes,
- Worked Muslin Capes and Points,
- Plain and fig'd Nankin and Canton Crapes,
- Do do Gros de Naples, Silk, black and white,
- Black, white, and assorted col'd Satins,
- Do do do Croptins,
- Do do do Italian Crapes,
- Black Scotchwools, Saracot, and Italian Lustrings,
- Cambric and Swiss Muslin Lustrings,
- Velvet and Lustring Belt Ribbons, assorted,
- Elegant Plain and Gauze Bonnet Ribbons,
- Furniture Fringe and Binding,
- 4-4 Bobbinet Lace, Thread Laces and Edging,
- Elegant Bobbinet and Gauze Veils,
- A complete assortment of Truck and Side Combs,
- 7 8, and 10-4 Irish Diapers,
- Russia and Bird Eye do
- 4-4 Irish Linens and Lawns,
- Irish Sheetings, very fine, Thread Cambric, Flings, Bandannoes, and Thread Cambric Hosiery.
- An extensive assortment of Calicoes, Prints, &c.
- Very Cheap Muslin Ginghams,
- Cambric, Garmet and Furniture, Dimities,
- Ladies Curis and Corsets,
- Silk and Tabby Veivets,
- Two Bales Linsey, Stout for Negro Clothing,
- Large and Small Rose Blankets,
- Brown and Bleached Shootings and Shirtings,
- Coloured Domestic,
- Superior Bed tickings, Osaburg, &c.

With many other articles too tedious to enumerate in an advertisement.

The public are respectfully invited to call and examine the above GOODS and prices, which we are confident will give entire satisfaction. Those indebted to us by open accounts, are requested to settle the same without delay.

KYLE & FORBES.

January 10.

Company Orders.

Columbia, 7th February, 1837. THE REPUBLICAN LIGHT INFANTRY Company, is ordered to parade on Thursday the 2nd inst. at 9 o'clock A. M. for Ballistol drill and exercise.

The non-commissioned officers are required to extend this notice.

By order of Capt. Arthur.

J. B. PARK, O. S.

Positively must have Money.

THE subscriber wishes to inform all those that are indebted to him by bond, note or other account, previous to the first day of January, that they must come forward and settle the same before the first day of March, if not, he will foreclose in the hands of an attorney that day, and any respect to persons whatsoever, for the possibility of his waiting any longer, would notify the sheriff of any delay, or when there may be execution in his hands, they must do their duty as far as the law demands, if not they must take what they can.