

## Communications.

FOR THE FREE PRESS.

**Mr. Howard:** I have been much gratified in reading the remarks of a late writer in your paper under the signature of *Constitution*. I have long thought, (indeed known,) that the present mode of collecting debts by justices of the peace and the officers who execute their precepts, was most sadly defective, and I have long wished for a change; but if those who alone are clothed with the proper powers of enacting and amending laws, will not trouble themselves about it, what can be expected from private individuals.

One fact is certain—uniformity must exist else there can be neither equity nor justice, in the administration of any system of laws under heaven. Is such the case in the mode alluded to? It is not. I have had, and now have, claims in the hands of constables which have been there for years. They are not collected, while other debts of a less dignity and subsequent date have been collected by other, (or perhaps the same) constables. It is moreover a fact, learned by experience, that the decision of a doubtful case, coming under his jurisdiction, depends more upon the good sense of the presiding magistrate, than upon law. He does not, neither can he be presumed to know it, and as such it is not to be presumed that his decision can be governed by law. Here then it is apparent that if the same case were to be tried before a less discerning justice, his decision, resting, as in the other case, upon his sense of justice, might, and probably would be entirely different. In one case the law may decide the case, in the other it may not. And to cap the climax, it may not in either.

Had I been asked to have pointed out a mode better suited to accomplish the ends of justice, "speedily and without delay," I do not know that I could have fallen on any better plan than that recommended by your correspondent. His plan however, as might be expected when briefly expressed, is subject to much amendment and improvement. But I apprehend that it was not the purpose of "Constitution" to develop in his communication, every minutiae as he would have it to appear on the statute book. He has sketched the outlines, leaving the legitimate body, to erect the superstructure. But I would here beg to suggest one omission, (for I doubt not such it was,) of your correspondent. He has not said any thing in regard to a stay of execution. I imagine that in a country like ours, where by far the principal part of our population are farmers, and who cannot make regular payments more than once in the year, that it would be a leniency not conflicting with the justice of the law, to allow stays of execution, at the time when sued out, pretty much as they are regulated by the existing law.

The importance of this subject and the necessity for reformation is so evidently needed, that I cannot but wonder that our sage legislators should have so long omitted taking notice of it. They may have acted however upon a false notion of the Roanoke Senator's maxim, "*de minimis non curat, &c.*" Now although I feel my own incompetency to remedy evils of such magnitude, yet I think it requires not the astuteness of the Athenian lawgiver to perceive the evil and the crying necessity of amendment. It has been said by Junius, ("*quidat nominis umbra*,") in a letter addressed, I believe, to the Duke of Grafton, that the complaints against his lordship were not so much, that "he always did wrong by design, but that he never did right by mistake." This maxim with a little alteration might apply to certain men clothed in a "little brief authority." The complaint is not so much that they seldom do good by design, but that they so often do evil by mistake.

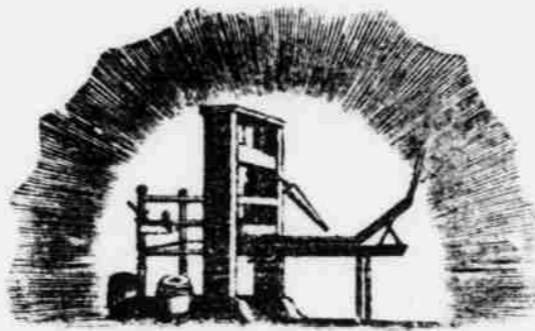
"Constitution" has also briefly mentioned that a court on his plan might be made to answer the purposes of a court of probate, ordinary, &c. Yes, sir, no doubt of it. It might bind out apprentices, appoint guardians, grant letters of

administration, take the examination of some coverts in regard to their conveyance of lands, &c. &c. Indeed such a court, properly constituted, might, in my opinion, be made to supersede the necessity of the county court altogether. I can see no reason why attorneys could not as well attend these inferior courts, and there be allowed a reasonable *tax fee*, as in the county court. They would not probably often do so, unless they were well paid, but if they must be paid, (and *paid they must be*), why not pay them there, if they are disposed to go there? I would say let sums under \$100, of any character, be decided here, and then let an appeal lie to the Superior Court.

I would mention, by the bye, that it appears to me, that many people entertain a very imperfect idea of the authority, dignity and responsibility, which belongs, or ought to belong, to the office of a magistrate. Indeed many who hold it, appear to be insensible of the dignity and authority which the law supposes to attach to the appointment. Let "the thing" be altered. Let the necessary alterations be made, and we shall find magistrates exercising their legitimate authority and sustaining their proper dignity. There would be uniformity in their decisions—there would be regularity in the collection of debts—no man would be called upon to pay a debt *instantly*—no man's property would be sacrificed, and while the defendant would have due notice of a coming crisis, justice would be done "speedily and without delay."

"*Fiat justitia ruat cælum.*"

PHILO-CONSTITUTION.



## TARBOROUGH.

FRIDAY, OCTOBER 18, 1833.

**Cotton.**—Notwithstanding the discouraging accounts from abroad, we find this article is still in good demand in our home markets, and prices fully sustained. The Petersburg Times of last Tuesday says: "About 2,000 bales arrived last week, and were sold at 16 cents. Some decline in price is apprehended, as the accounts from England, and from our Northern markets, are unfavorable."

**Good Prospects for the Farmer.**—The Newbern Spectator of the 11th inst. says: "If ever there was a season in North Carolina which especially deserves the appellation of prosperous, this is the one. Produce of every description finds not only a ready market, but brings a high price. Cotton, corn, bacon, butter—in short every thing that the farmer offers for sale, commands such rewards for his past labors as must satisfy his utmost wish and encourage him to enter on the toils of the coming year with renewed energy and hope. And what is yet more consolatory and cheering, the prospect in advance speaks of a continuance of our prosperity."

**Raleigh, Oct. 15.**—Jonathan Lewis, charged with having set fire to this city, in June last, was tried at Franklin Superior Court, last week, and acquitted. We understand that Judge Martin, in his charge to the jury, seemed decidedly of opinion, that the fire was the work of an incendiary, but that the evidence was not sufficient to connect the prisoner with it.—Register.

**Murder and Arson.**—We learn that a deed of horrible atrocity was committed in the lower part of Moore county, near the line of this county, on Sunday last. The family of Mr. John McKinnon being at church, except a negro girl who was preparing to follow them, his house was set on fire and burnt to the ground, the remains of the girl were discovered amidst the ruins, and a trunk which contained \$250, found in the woods, a short distance off, broken open and robbed.

No doubt that the girl was murdered by the incendiary and robber. No discovery has yet been made of the monster.

Fayetteville Obs.

**Charlotte, Oct. 5.**—We are informed that a report has been put in circulation that Charlotte is very unhealthy, and that 4 or 5 die weekly. We are glad to be able to contradict this report and say that the citizens of this place have not enjoyed better health for several years. It is true, that we have had one or two sudden deaths and some sickness, but at this time there is not a case of fever to our knowledge in the town.—Jour.

We copied last week, from the Edenton Miscellany, a paragraph, stating "that the wreck of a vessel, supposed to be the steam packet [David Brown] between New York and Charleston, came ashore at New Inlet."—This we find now to be an incorrect surmise, as the David Brown was up at New York for Charleston on the 5th inst.—Chapel Hill Har.

**Speaker of the House of Representatives.**—The Albany (N. Y.) Journal, in an article on the election of Speaker of the House of Representatives of the United States, pays the following compliment to one of the Delegation from this State:—

"Among the gentlemen spoken of for Speaker of the next House of Representatives, we are happy to find the name of the Hon. Lewis Williams, of North Carolina. Mr. Williams, upon the retirement of the venerable Newton, becomes the Father of the House. He was for many years Chairman of the Committee of Claims, and in the discharge of its laborious and responsible duties, was eminently distinguished for his untiring industry, patient research, and incorruptible integrity. He is among the few public servants who have encountered all the vicissitudes of trial, and been found ever faithful."

**Boonsville, (Missouri) Sept. 19.**—Gov. Stokes, of North Carolina, one of the U. S. Commissioners to settle and adjust the boundaries of Indian lands south and north-west of Missouri, passed through this place on his way to Cantonment Leavenworth, on the frontier.—The object of his present visit, as he informed us, being to settle difficulties with a refractory portion of the Kickapoo tribe, who have refused to live upon the lands allotted to their nation—and have crossed over on those of the Delawares.

**Dentistry.**—The Newbern Spectator of the 4th inst. remarks:—"The death of the young gentleman [Mr. George B. Stanly] whose name appears to day under our obituary head, offers a serious admonition to those who submit imprudently to dental operations. During the last three or four years we have had a rapid succession of visits from itinerant dentists, each superior to his predecessor, and each reaping a rich harvest from our credulity, leaving us, by great good fortune, nothing worse in return than symptoms of lockjaw and injured teeth. These warnings were insufficient, and we have now to witness and lament the melancholy effect of our temerity. We do not pretend to say that want of skill in the operator, or an injudicious application of it in the present case, caused the death of Mr. Stanly; unfortunate results may attend the efforts of the most experienced practitioner; but the employment of the dentist has become much too fashionable for comfort and safety, and we wish to decry unnecessary practice and inculcate caution."

**Steam Boat Explosion.**—The steam boat New England, on her passage from New York to Hartford on the 9th inst. when off the north parish of Saybrook, both boilers exploded, and so great was the concussion that hardly a fragment of either was left. There were upwards of one hundred passengers on board—about twenty-six are badly burned, some of whom it is thought cannot survive. The clerk of the boat, two of the hands, and two passengers are missing—undoubtedly blown into the stream and lost. Sev-

enteen persons were landed at Essex, dangerously wounded, not more than half of whom, it was thought, could recover.

The Philadelphia papers contain the following Card from Mr. Duane, late Secretary of the Treasury:—

A Card.—W. J. Duane, finding that his name is used by each of the contending parties at the present election, to promote their several purposes, without regard to facts or to his feelings, deems it a duty to himself to request the public not to give credit to any publications respecting his principles, views or sentiments, unless sanctioned by his own name. Recent occurrences at Washington have produced no change in his principles; nor can flattery on one side or menaces on the other, divert him from the course that he has pursued from the first moment at which he was competent to think for himself. October 7, 1833.

**Florida.**—The Baltimore American says:—"We have seen a letter from a gentleman in Quincy, Florida, dated in September, which contains the following paragraph:—

"There are now several gentlemen here from the West India Islands for the purpose of ascertaining the fitness of our lands for the cultivation of sugar. It is their opinion that if the design of the British Government in relation to the emancipation of the slaves is carried into effect the planters will be driven away from their estates. These gentlemen think that by managing the cane as they do in the islands this will prove a fine sugar country."

**"Beauty and Booty."**—There is probably scarcely an individual in this country who does not recollect the charge made against the commander of the British army at New Orleans in 1815, that on the memorable 8th of January his watchword was "Beauty and Booty," implying that in the event of the capture of the city, it was to be given up to the plunder and violence of the soldiers. It is matter of surprise, therefore, that after having remained undisputed for nearly 19 years, the charge is now fully disproved. It appears that the charge was not known to those most interested in its refutation, until stated in Stuart's "Three Years in America," into which it was copied from Eaton's Life of Jackson. On its thus coming to their knowledge, they publish a certificate, declaring that the whole story is utterly false, and that it was not before denied because they never before heard of it. This certificate is signed by Lieut. Generals Lambert and Keane, Major Generals Thornton and Blakeney, and Col. Dickson, who were the principal officers, and through whom all orders to the troops were promulgated.—Fay. Obs.

**Miss Crandall's Trial.**—A letter from Brooklyn, Connecticut, in the New York Commercial, gives an account of the conclusion of this famous trial yesterday, before the Supreme Court, over which the Hon. D. Daggett, Chief Justice of the State, presided, for harboring and boarding foreign blacks, &c. The defence rested entirely on the constitutionality of the law in question, and when the case was committed to the Jury by Judge Daggett, the charge presented the most able, lucid and conclusive constitutional opinions ever pronounced in this State. He established, by unquestionable legal deductions, the constitutionality of the Connecticut law, which had before been so much misunderstood. The jury gave a verdict, with little or no hesitation, against the defendant. All who heard, or who may hereafter have an opportunity to read, this learned exposition of the right of this State to pass the law in question, for its own protection, will be satisfied of its soundness.

## FOREIGN.

**Latest from Europe.**—By the packet ships New York and Thames, London papers to the 3d, and Liverpool to the 5th September, have been received at New York. A Liverpool date of Sept. 2, says: "Our Cotton market in the early