

The Cape-Fear Recorder.

"In proportion as the structure of government gives force to public opinion, it is essential that public opinion should be enlightened."—WASHINGTON.

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[BY REQUEST.]

FROM THE AMERICAN MONTHLY MAGAZINE.

"LETTERS FROM THE SOUTH."

The author's remarks on Charitable Societies are, we think, eminently just. If there be any one evil in our community, that cries out for extirpation more than another, it is the increase of pauperism, principally assignable to the manner in which alms are distributed by public charities, as the cause. On the subject, the following observations must be confessed by all to contain too much truth to be lightly overlooked. The author had been charged by his friend and correspondent, with cherishing a confirmed antipathy to charitable institutions, and especially to those venerable married ladies, and and thrice venerable spinsters, who go about our cities like roaring lions, doing good." To this charge the author thus replies:

"Here too, you mistake me, I only objected to the infinite number of these institutions, which are placed solely under the direction of women, whose easiness of belief, and want of experience of the various disguises under which the vicious practice on the credulity of the charitable, render them incompetent to such a task. I am satisfied that this almost indiscriminate charity causes far more misery than it alleviates; panders to vice and immorality by taking from the laboring class the strongest inducement to industry and economy, namely, the conviction that these alms would keep them from starving; by rendering it easier to get relief by begging than by work; and finally, by giving a sort of respectability to pauperism and beggary, which destroys the salutary contempt we used to feel towards those now right honorable and thriving professions. The moment you make beggary a tolerably respectable calling; the moment you relieve it from the tax which it pays to society, by being despised; that moment you create armies of Lazarones, and convert, the idle and indolent, whom the sense of shame had hitherto deterred, into sturdy beggars. When I was last in your city, where there is a society for the relief of every thing, I was struck with the bold and confident air which pauperism had assumed, which I suppose partly arose from the unaccounted respectability of the dress it had assumed. Formerly, it was necessary for a beggar to be both ragged and dirty, and to exhibit the strongest symptoms of inability to work. But during the period of my visit, I was accosted by stout hearty fellows, who under pretence they could not get work, begged without a blush. The friend with whom I stayed, complained to me that there was hardly a day in which he was not called on for charitable contributions, either to relieve somebody, or to convert the Hindus or Hottentots, by some of those good ladies I spoke of, who are such sturdy beggars that there is no refusing them. One day, as I was sitting alone in the drawing-room, thinking about matters and things in general, I was roused by a most confident rap at the door. On opening it, a smart dressed young lady tripped in. Professing a great respect for the sex, I bowed most profoundly, and invited her into the parlour. The moment she sat down, without being asked her wishes, and with the air of a demand rather than a request, she told me that her mother being in want of ten dollars, she had come with Miss —'s compliments, and a request that I would let her have the money. Now Miss — was secretary, or treasurer, I forgot which, to several charitable institutions, and exceedingly potent in the beamonde; so I paid the ten dollars, to escape the "terrible areopagus" of the tea table.—The young lady took the money, with the air of receiving her due rather than a favor; slightly flapped "Obliged to you, sir—Ma can now send me to a dancing-school this winter"—and slid out of the room with a right fashionable air. Ten dollars—laid up in heaven! thought I.

I had scarcely recommenced my cogitations, when there was another rap at the door, and a most respectable looking matron was shown in, who handed me a subscription book for raising money for the support of missionaries among the Hottentots. I asked her, with all the respect I could assume, whether all the poor Indians of this country were converted? Whether the soul of a Pottawottomy was not as well worth saving as that of a Hottentot? And whether their duty to God and their country would not be quite as well fulfilled, by converting dangerous and bloody savages at our doors, into mild and peaceable Christian neighbours, as by going to the East for that purpose? "Lord Sir," replied the lady, "nobody thinks of matters so close at home. Besides the Missionary Magazines, and Reviews, don't say half as much about our Indians as they do about the Hottentots and Hindus." This was conclusive; so I paid my contribution for the conversion of the poor Hottentots, in hopes of getting into the Missionary Magazine.

After this racontee I went out, leaving directions with the servant to note if any suspicious persons knocked in my absence. On my return he informed me that six ladies, with subscription-books, had called during the remainder of the morning.

I hope by this time you begin to comprehend what I mean; to wit, that the distribution of public charities ought to be in the hands of public officers, acquainted with the world, and able to detect imposture of every kind. It will then be bestowed with a wariness and circumspection, which, while it operates as far as is possible to the

relief of virtuous distress, does not encourage and pamper idleness and debauchery. I can hardly believe these good ladies, to whose desire to do good I give every due praise, do really benefit mankind by taking from the pockets of the good to bestow on the worthless."

The genius of our author is not a little versatile; he can, with much ease and grace, pass from the sarcastic and indignant reprehension of vice, or the sprightly and cutting railery of folly, to the most deep-felt enjoyment and poetical description of the retired and tranquil scenes of nature, or the delineation of the mild, benignant and placid features of domestic life. As a beautiful specimen of his power in the pathetic, we cannot resist the temptation to quote the following short account of the life, character and death of a Quaker lady. After some excellent, racy remarks on the manners and character so frequently assumed by young clergymen, the author thus indulges his contemplative mood.

[For the story alluded to, see Cape-Fear Recorder, No. 48, Vol. 2.]

Now, if this little true story wants a moral, I think it will easily be found. For my part, I cannot help believing this simple Quaker woman was a more valuable being, and fulfilled her duties far more to the benefit of society, than if she had been a member of as many charitable societies as aunt Kate—and had refused as many fools as a lady I once heard of in Virginia. I must own too, that I consider her silent, unobtrusive, suffering, fire-side virtue, as far preferable to the public and ostentatious newspaper charity, which, in the present time, stalks bravely forth, and beckons every worthless vagabond to its shrine, from Europe, Asia, Africa, and America."

LAW REPORT.

KING'S BENCH, FEBRUARY, NOV. 29, 1815.

The sittings at *Nisi Prius*, after Michaelmas Term, commenced this day.

HENRY V. FAGO.

This was an action to recover the value of a box conveyed by a Salisbury coach from Overton, of which the defendant is the proprietor. The plaintiff, a widow, was a passenger, by the coach, which travels at night: the value of the box and its contents (as appeared by a bill sent in by the plaintiff, on her demand at the coach office in London) was 10l. 8s. 3d.; but she was there told (the box not having been booked, or the value stated in any way at the time of delivery) that the proprietors were not liable beyond the value of 5l. She then demanded 5l. which the defendant refused to pay.

For the defendant, the ATTORNEY-GENERAL proved the following notice put up at the office at Basingstoke, 8 miles from Overton, where the coach arrived at half past 9 at night:—"Take notice, the proprietors of all stage-coaches which convey passengers, parcels, and other goods, to and from this house and its neighborhood, and to and from London, or elsewhere, will not be accountable for any article exceeding the value of 5l. unless the value of the said article is specified at the same time of delivery, and insured accordingly." He submitted in point of law, that the plaintiff could not recover any thing, on the authority of *Clay v. Willan* (1 Hen. Blackst. 298) because the plaintiff had shown that the value of the box was above 5l. by the bill she had delivered, and she ought to have insured it accordingly, in order to entitle her to recover in this action.

Mr. Marryat counsel for the plaintiff, in answer, cited the case of *Clarke v. Gray*, 5 East, 564; but on referring to the terms of the notice in that case, it was found that they varied very much from the notice in this. Mr. Marryat then submitted, that the defendant ought to prove that the plaintiff was acquainted that this notice was put up in the coach-office: it appeared already in evidence that there was no office at Overton, and that the coach arrived at night at Basingstoke, where there was an office.

Lord Ellenborough concurring in this opinion, a witness was called, who deposed that at the time the plaintiff made her demand in London, she admitted that she knew of the notice, and in consequence lowered her demand to 5l.

Mr. Marryat, with the permission of the Chief Justice, went to the jury, contending that upon this evidence they could not be satisfied that the plaintiff knew of the notice at the time she entered the coach and delivered her box: she might have heard of the notice in the coach-office in London, and not until then.

Lord Ellenborough, in summing up, observed, that by the common law carriers were liable for things lost in any way but by the act of God or of the King's enemies. In order to lessen this responsibility, about twenty years ago coach proprietors resorted to notices of the kind proved in this case; but unless it could be established that an individual who had lost a parcel or box was acquainted with this notice, the common law liability of the carrier was not removed. The point whether the plaintiff in this case knew of the existence of the notice was a question for the jury on the evidence; and if they found that she was ignorant of it at the time she put the box into the defendant's coach, she was entitled to recover the full value.—*Verdict for plaintiff, 10l. 8s. 3d.*

A sloop laden with oatmeal for Greenock, put into Leven, in Fifeshire, to receive some additional cargo. The poor people there, it appears, were at the time very much in want of *grain meal to make bread*, and understanding this vessel contained a quantity of that article, a number of women, headed by the butcher's wife, seized the sloop, and were beginning to help themselves, when the leader's husband appeared at the head of an opposite party, and set the example of putting in force his authority, by bodily chastisement on his better half.

This mode of reasoning had the desired effect, and rendered the interposition of the police wholly unnecessary.

The tax levied by the Danish Government on dogs produced the sum of 10,334 crowns last year, at Copenhagen. A part of this was applied to the relief of the poor.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. A PROCLAMATION.

WHEREAS, an arrangement was entered into at the City of Washington, in the month of April, in the year of our Lord one thousand eight hundred and seventeen, between RICHARD RUSH, Esquire, at that time acting as Secretary for the Department of State of the United States, for and in behalf of the government of the United States; and the Right Honorable CHARLES BAGOT, his Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, for and in behalf of his Britannic Majesty, which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes, by his Majesty and the Government of the United States, shall henceforth be limited to the following vessels on each side—

"On Lake Ontario, to one vessel not exceeding one hundred tons burthen, and armed with one eighteen pound cannon.

"On the Upper Lakes, to two vessels not exceeding like burden each, and armed with like force.

"On the waters of Lake Champlain, to one vessel not exceeding like burden, and armed with like force.

"All other armed vessels on these Lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

"If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited, shall be restricted to such service as will, in no respect, interfere with the proper duties of the armed vessels of the other party."

And whereas, the Senate of the United States have approved of the said arrangement, and recommended that it should be carried into effect; the name having also received the sanction of his Royal Highness the Prince Regent, acting in the name and on the behalf of his Britannic Majesty:

Now, therefore, I, JAMES MONROE, President of the United States, do, by this my proclamation, make known and declare, that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded and confirmed, and is of full force and effect.

Given under my hand, at the City of Washington, this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-second year of the Independence of the United States.

JAMES MONROE.

By the President: JOHN QUINCY ADAMS, Secretary of State.

FRAUDS.

Under this head a late New-York National Advocate contains extracts from a statement of Major Hogan, an agent engaged by Government to investigate the origin and progress of the Frauds of which he speaks—

Major Hogan, in a letter to the acting secretary of war, dated March 29th, 1817, gives an account of his arrival at French Mills, and his investigating the claims of the aforementioned persons—part of his statement is as follows—

"When I came to investigate the claims of B. Sanders, and others, I discovered something was wrong, and told Jones I believed there was a fraud; he appeared alarmed, and told me that he had a handsome speculation in view, and wished me to participate in it. I asked him what it was, he said that he could purchase up all the claims in that quarter for a small sum, and that, with my assistance, could make a fortune. Believing Jones to be a most consummate scoundrel, I deemed it justifiable to appear to fall into his views, with a view of obtaining a correct knowledge of the validity of the claims I had in charge, than I could possibly ascertain in any other manner; although it was a course of conduct that I by no means approved, yet I know it was the only source whereby the government would be gratified from imposition; I deemed duplicity in this instance justifiable.—I told him I was ready to investigate the claims submitted to me. He replied 'I would take some days to collect his witnesses; but in the mean time he wished me to become his partner in the purchase of the claims. I told him that I had no money to invest in that kind of business, and it was a speculation that I wished to have nothing to do with. He determined to persevere in pressing me, and said he would furnish the money; he had 30,000 lying idle that he would employ in that way, and if I would only join him I should have \$10,000 for a few weeks work. I asked him in what manner he contemplated making such a large sum so soon? He replied, oh! don't it if you only join me, I could make \$100,000! I was thunderstruck; and asked him how he could do it? he replied, he could muster up claims here to that amount. I asked him how he could support them? He replied, I can get witnesses to swear any thing; if you will only join me, I can manage that matter. I observed to him, you might be caught in this business; he replied, I can make it as strong as hell, and I will defy Peter Hagner, or the devil himself to detect me. I observed, he must be a great adept in this business, or else he would certainly be found out. He said he was not afraid, and swore he would not rest satisfied until he had at least one of Uncle Sam's day's income, which he estimated at 150,000 dollars. I told him I now suspected that those cases which were submitted to me were of this class; he laughed, and said, no, not altogether; but, says he, you must not let any person see those papers here. I asked him why? he said his own claim he did not care who saw it, but Hitebeck was put coming to terms with his creditors, and he did not wish them to know he had such a claim. I suspected they had other reasons for not wishing them seen, and told him so: he replied, laughing, that he had not as respected

his own claims, but he did not want Sanborn's to be seen. I asked him his reasons? He began to laugh and replied, it was all fudge; this was as I suspected (Mr. Hagner will recollect I stated as my impression in February last, when the claims were first shown me; I told Jones I should certainly report it as such. He seemed alarmed, and replied—Oh! don't do that, take the half, or the whole of it yourself. I felt indignant enough at the moment to cast him out of my presence, but on a moment's reflection, I recollected I had only a part of the secret. I now had his acknowledgment that it was a fraudulent account; but, as it was well supported, it became necessary to know how he had obtained the affidavits; there was one in particular, captain James B. Spencer, who was formerly of the 25th infantry, and is now a judge of the court of common pleas, postmaster, and custom-house officer under Mr. Sales, (and is Jones's brother-in-law) upon the affidavits, I was induced to give a certificate that his claim might be correct, as Spencer had sworn so positively to the facts. Jones then unfolded himself in full confidence, and made the statement I have annexed to my report, in the case of Sanborn, as also in the other cases which I have returned.

In relation to Sanborn's claim, Major Hogan continues as follows:

James R. Spencer is the last and most important witness. When Jones acknowledged to me, that his claim was altogether fudge, I asked him how he had obtained Captain Spencer's affidavit; he said, laughing, he had got him fuddled. I told him Capt. Spencer should see his affidavit; he replied, oh! don't do it, don't show it to him until I speak to him and immediately left me, and brought Spencer to my lodgings, when I showed him the claim, and asked him what he knew about it. He replied, he had sworn to what he knew, and could say nothing further. I then sat down and wrote his affidavit, which he swore to—Jones told me after he had left us, that he was very much alarmed, when he first spoke to him on the subject, but soon replied, I must go through now, I cannot go back, and then came over. When I asked Jones who the other witnesses were, he replied, laughing, they are such men as these, holding up the figure of a man cut out of paper. I thought it impossible that Hitecock, whose reputation was good, should sanction such villainy with his name officially. I expressed my doubts to Jones on this subject, when he observed he had all the judges in that country under his thumb, and could make them do as he pleased, and observed, you must write off their affidavits, and I will get Spencer to swear my paper men in; I at once determined so to do, and wrote those signed John Mills, William Thomas, Augustin Stephens, which Jones immediately signed, by copying their signatures in my presence, and then off, and soon after returned with them signed by Spencer, as Justice of the Peace.

We think it may with safety be affirmed, that the whole of the eastern states, or what many use so fond of styling the *New England States*, are decidedly republican. The support given to the friends of the National Administration proves the increasing popularity of the Administration itself of those able and undaunted pilots, who, in the darkest days of our recent contest for the preservation of every thing dear to a nation, boldly stood forth and manfully contended for their rights under every disastrous and discouraging circumstance. Were a general ticket now to be run in the live Eastern States for electors of President, we believe Mr. Monroe would have every vote.

Boston Patriot.

The *Independence of Mind*, says an intelligent and philosophic writer, lays the foundation of the *Independence of Nations*.—There is as much truth as eloquence in the observation. History is abundant in the testimony which it bears to the accuracy of this political aphorism. An ignorant and unenlightened people—sunk in the shade and degradation of moral and intellectual debasement, can never be free. A general diffusion of knowledge is the only source from which public spirit draws its essence of vitality—the only foundation or rock on which a nation's Liberty can rest.

Charleston Times.

Friendship.—When I see leaves drop from the trees in the beginning of Autumn, just such think I, is the friendship of the world. Whilst the sap of maintenance lasts, my friends swarm in abundance; but, in the winter of my need, they leave me naked. He is a happy man that has a true friend at his need, but he is more happy that hath no need of a friend.

FROM THE ALBANY DAILY ADVERTISER.

The *State Mill*.—The Assembly, a *Mill*.—Petitions the *Grist*.—Mr. Speaker, the *Miller*.—The *Special Committee* to whom the petition is referred, the *Hopper*, and also to put themselves, in *Gear* as the *Millstones* to grind it.—The bill reported by them on the petition, the *Meal*.—The *Committee of the whole* on the bill, the *Bolt*; and into which, in order to save time, the meal of a dozen *Grist*s may be put at once.—Their report that they have gone through the mill and agreed to it, the *Flour*; and if the petition was for a road, or a town, or a *Bank*, or any thing else where it may be presumed to have succeeded by management, then the flour to be supposed of the degree of *Finesness* which the *Millers* mean by the *Head of the Bolt*.—Occasional *Messages* from the Governor, *Grist*s to save the mill from standing still for want of employ.—Now last but certainly not least, the *Wages* of the millers, the *Toll*, which it is true is always taken out of *grist* before put into the *Hopper*; and here it is not taken out till the *Flour* has been *bolled* and *packed*, but it is also to be recollected that a simile need not run on all fours throughout with its subject, a resemblance in the principal or material circumstances is sufficient.

Legislation has always been considered a science; we however are the first who have reduced it to a simple, uniform mechanical operation.