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Law Intelligence.

Circuit Court of the U. States in the District of Columbia.

Col. James Thomas, vs. William Simmons.—STANDER.

This cause came before the circuit court for the District of Columbia, on Monday the 30th day of December, 1816, but was postponed at the request of defendant's counsel, in order to enable him to procure testimony in the possession of a committee of congress. The request was granted, and the cause postponed till Monday, the 6th January, when it was again called, and postponed for the same reason, until Thursday the 9th, when the case was called. The slander was contained in the words following: "Col. Thomas had absconded with two or three hundred thousand dollars public money in his possession"—In support of this charge, the plaintiff produced in evidence, the deposition of Mr. Elisha Winter, late a member of congress from New-York, to whom Simmons had made use of the words alleged to have been spoken—and in support of damages that Mr. Winter had by letters directed to the state, which he represented, circulated the report, whereby damage had accrued to Col. Thomas, who was D. Q. M. G. in the army on the frontier. The words proved to have been spoken in the month of March, 1814. Parker, adj. gen. deposed, on the part of the plaintiff, that Thomas, when Simmons alleged he had absconded, left the city of Washington, by permission of the secretary of war, and by his order, and he further deposed, that Simmons was duly apprised of such order.

The defendant's counsel seemed greatly to rely on the question, whether Mr. Simmons, as accountant of the war department, was not justifiable in stating in manner and form, as he did to Mr. Winter, the alleged slander, who was a member of congress, but not one of the committee who had been appointed to investigate the accounts of Thomas, and consequently supposed to possess correct information as to the state of Col. Thomas' accounts. The defendant offered, in mitigation of damages, evidence to prove, that at the time of the alleged slander, there was on the books of the war department, a large balance unaccounted for by Col. Thomas.—That Thomas was then under an order from Simmons, the accountant of that department, to remain at Washington, until his accounts were settled, and that pending the examination of his accounts, he secretly and suspiciously left Washington. But it was objected on the part of the plaintiff, that the accountant had no such power over military officers—and proved, as before stated by Gen. Parker that he left here for the purpose of obtaining vouchers for the settlement of his accounts, and by the order of the secretary of war.

The case was submitted without argument, and the jury returned a verdict of guilty, and gave damages to the amount of one hundred dollars.

Trial of George Bowen, for the murder of Jonathan Jewett, by counseling and aiding him to hang himself in prison, to avoid the ignominy of a public execution, to which he had been sentenced, for the murder of his father.

In writing a title to this trial, we have explained the offence of which Bowen was alleged to be guilty—and which is a new case in our courts of criminal jurisprudence. The trial came on before the supreme court of this state, Massachusetts, at Northampton, in the month of September last. The presiding justices were his Honor Isaac Parker, chief justice and their Honors Charles Jackson and Samuel Patnam, associates.

The testimony in the case amounted to this: Cephus Clap, the keeper of the gaol in Northampton, where Jewett had been confined, said, he had frequently heard Brown and Jewett conversing; that Brown would say, "if you are sentenced, you will be hung," "you will then go there, (alluding to the place of execution)—if you let them hang you, you are a d—d fool;—I had rather hang myself twice than be hung once." They used to talk mysteriously together, Bowen would say, "Will you do it?" Jewett would reply, "It can't be done."—Answer, "it can; I would make a string of my bed-ticking, and hang myself to these grates in five minutes." Bowen was not in the same room with Jewett, but in the next department. Witness heard the advice frequently repeated: but Jewett said, Bowen could not hang himself in this room.—Bowen told him not to mind what the attorney said, for "it was all d—d nonsense—for there was no hell—he could not die but once, and then it was all over."

Cross examined.—Talked often with Jewett about his hanging himself: told him it was as bad to take away his own life as that of another man's, and that he would then have two murders to answer for. Jewett thought it was worse; this was after Bowen's advice. Jewett would ridicule the visiting ministers behind their backs; had no more religion than a brute;—when the warrant for his death was read

to him, he was rather serious, but witness soon after heard him sing a very indecent song. Bowen never saw Jewett to the knowledge of the witness; Whitehall and Upham were in Bowen's room when Jewett hung himself; all the prisoners talked with him, and were all noisy; the windows of the lower story were 12 feet 4 inches apart; the partition walls were about three feet in thickness. Jewett was dull in conversation, in learning and in natural capacity. Never heard Jewett say he intended to destroy himself; but one man advised him to push his head against the wall, running from one side of the cell to the other. He was found dead Nov. 9, 1815, hanging by a rope, to the gratings of the windows, his knees resting on the floor, his head sunk about half a foot below the bottom of the windows, the rope tied in a fast knot. The rope could not have come from his bedstead, which was made entirely of boards. Don't know whether it came; it might have been given him from Bowen's apartment; he used to put his hand out of the grate, and swing a string with a weight attached to it; Jewett had a stick to catch the string; did not see such a stick after his death, and never saw a rope in Bowen's room; suspected the rope might have come from the room over Jewett's. Jewett might have concealed a cord in his bed; he always manifested much hardness of heart; spoke lightly about his coffin and his cap, in which it was intended he should be executed. He hung himself in the night. Witness heard no noise, although he went round the prison at about three o'clock.

Isaac Whitehall, sworn.—Was a prisoner in the room with Bowen, who was nick-named Speaker of the House; heard Jewett say that the Hon. Mr. Bowen told him, that as he had never been at war with God, he had no peace to make with him. The sheriff came and told Bowen, he would chain him in the dungeon if he did not desist from advising Jewett to hang himself, which made him quiet for a short time; but he soon became as bad as ever. Witness asked Bowen how Jewett could murder himself—he said there was a cord aloft, and he could get it well enough. Bowen would continually remind him how long he had to live, from weeks down to his days and hours. Witness was awake during the night Jewett hung himself, and heard him come across his cell to the door, and ask Bowen, "What o'clock?" Bowen told him "three, and you have just thirteen hours to live."—"Well, (said Jewett,) I will go to pray."—"That's you," replied Bowen, an expression common to him to denote pleasure. In about 15 minutes afterwards, witness heard a noise, as if one had removed a stone from the room above: and presently a sound like that of some one choking. Ran to the window to call the gaoler, but Bowen told him to hold his tongue, saying, "what in hell do you care for a d—d negro?"—he soon heard something like a person thumping his toes on the floor. After this heard the gaoler come to Jewett's door and call to him, but received no answer.—Clap observed, "Well, I believe Jonathan (Jewett) has made away with himself."—upon which Bowen, raising himself suddenly, said, "I am as glad as I had a hundred dolls. Now Clap and old Mattoon have lost their fees, and I have saved the county two hundred dollars sleek." Witness frequently heard Bowen tell Jewett, "he never would go upon the hill (meaning the place of execution) to have the boys make fun of him."

Cross examined.—There was no cord, to his knowledge, conveyed from their room to Jewett's, and thinks Bowen could not have given him a rope without assistance.—there was a rope in their room, which Bowen used to hide when the gaoler came in, but it was larger than that which Jewett had—believes Bowen's legs were in irons the night on which the crime was committed—saw Jewett once through the wicket of his door, and afterwards saw his ghost!—(Witness here details his superstitious impressions, which of course are not necessary to be repeated.) Witness used to tell Bowen that he did wrong to tell Jewett to hang himself—but never heard Jewett say he intended to do so. Used to split the boards of the bedstead to get sticks in their room—Upham said nothing during the time when the hanging took place.

Joel L. Patridge, sworn.—Attended the gaol in Mr. Clap's absence, who had requested him to listen to the conversation of the prisoner with Jewett. Frequently, every day, heard conversation between Bowen and Jewett: the former advising him to hang himself where he was, and telling him he was a d—d fool to let Mattoon come and hang him, for he could die but one death—Jewett said, he would think of it, but said he had nothing to do it with. Bowen said, "I will help you all I can." In the course of conversation, Jewett said, "I had rather die honourable than kill myself here." Witness was working in that part of the gaol where he could hear them as distinctly as if he had been under their window.

Ebenezer Mattoon (high sheriff) sworn.—Said he threatened to confine Bowen, if he did not cease to advise Jewett to destroy himself—believes he told Jewett, if he wanted to hang himself, he had better do it in his presence; and did not know but he told him he would furnish the means. Bowen did not deny having advised Jewett, but said his tongue was his own. The latter said he had no idea of killing himself, even on the evening previous to his death; but he sometimes was mute when questioned on the subject. A cord-line was found on Jewett, not sufficient to support his whole weight. Jewett appeared rather penitent on the last evening, though when his cap was tried, he treated it very lightly.

Here the evidence for government closed.

Witness for the prisoner, N. Turner, sworn.—Worked in the goal—have heard Jewett say he would disappoint the people who should come on the plain, (alluding to the place of execution)—he would invite people to come and see him hung, and when they were gone, he would say to me, those people will be disappointed." He once mentioned he should pursue the plan of the man in Vermont, who destroyed himself in prison; but afterwards said it would be impossible to hang himself where he was. Never heard Bowen, except in an indirect way, advise Jewett to commit suicide.

Shubert Wilder said that he worked in the goal, and heard Jewett say, he would not go to the place of execution. He said there were many ways to avoid it—he could get up into the window and throw himself headlong on the floor.—Witness told him he thought he might do it if his courage held out. He replied, "you will see what my courage will do." Never heard Bowen advise him to hang himself.

[The counsel for the prisoner here attempted to invalidate Whitehall's testimony by proving the badness of his character. They wished to read a mittimus upon an arrest with one Upham for passing counterfeit money; but the court decided that the reading such evidence was inadmissible.] Elihu Sandford said he used frequently to see Jewett in confinement, and he employed him to get tobacco from his friends; but they never sent any by him. He told witness last August, that Gen. Mattoon should never hang him; and said he wished he would tell Ward to bring him that tobacco. Witness offered to give him some, or buy it for him but he refused and said he wanted that tobacco.

The defence set up by the prisoner's counsel, Messrs Lyman and Bates, was, 1st. That Jewett's crime was felony de se, and that Bowen could not, therefore, have committed murder upon him.—2d. That it was not clear that the prisoner's advice induced Jewett to perpetrate the felonious act.—3d. That Bowen should have been indicted as an accessory, and not a principal.

The remarks of the counsel were ingenious and eloquent, but we have no room to introduce them. The attorney-general denied the force of the legal objections, but agreed that if Bowen's advice was not the procuring cause of Jewett's death he ought to be acquitted. He laboured, therefore, to prove his fact from the testimony which has been detailed.

The jury, however, notwithstanding a charge from the court, which was strongly against the prisoner, brought in a verdict of Not Guilty.

Foreign.

From France.—We have received by the Minerva, Paris papers, printed in English, to the 26th of November. They afford but little.

Cambaceres had returned from his tour thro' Holland. The Process against General Grouchy had been referred to a second Council of War. The exportation of all bread stuffs had been prohibited, and a bounty given on that imported. It was reported that Count Dillon was shot in a duel. The Chamber of Peers was soon to be lighted with gas. Mr. Canning, on the 24th, had a private audience of the King. Several persons found guilty of murder at Nimes, were to be executed. Numerous vessels had been lost on the coast of France in the gates of November. The high price of corn at Toulouse had occasioned some riots, and the vendors were obliged to reduce the price by the mob; the military, however, restored order, and the markets proceeded. It was supposed the instigators of these seditious movements would be proceeded against. King Jerome Bonaparte, now Count Montford, who was at Hamburg, had put on mourning, on account of the death of the King of Wurtemberg.

Latest from Europe.—A file of Paris papers to the 25th Nov forwarded by our correspondent at Bordeaux, by the Minerva, which did not reach us till yesterday, we find contains extracts from London papers to the 20th, one day later than before received.—We have copied from the following articles.

London, Nov. 20.—A letter from Sir Helena, dated the 22d of September contains the following statement.—"A very curious circumstance occurred here a few days ago. B. in a rage, ordered his service of plate to be broken up, the eagles which were engraved to be effaced, and the whole to be disposed of as old silver. He applied to a merchant, a resident of this place, who asked permission of the Governor. He thought that the amount would not exceed 3 or 4,000 sterling. The Governor consented to the merchant's going to look at the plate, but observed, that the amount should not be paid to B. but deposited in the hands of the Governor or the purveyor. When the merchant went to look at the plate, instead of the sum above mentioned, the property was worth £10,500 sterling—a sum rather too great to be procured here at so short a notice. However in a day or two it is expected that this curious negociation will be brought to a close. It is said, that B. wishes by these means to make himself independent of the British Government, and that in future he will never make any application for money, but live on his own resources. His suite receive theirs from Government."

A morning paper states, that at a meeting of the friends of Lord Elgin and the Rev. R. Tweddell, held at the Foreign Office, the 7th instant, a box received by W. Hamilton, Esq. a twelve-month ago from Lord Elgin, was opened, and one hundred and upwards of picturesque articles, recognized as the property of John Tweddell, deceased, at Athens, in 1799, delivered up

by the noble Earl's representatives to those of the Rev. R. Tweddell.

Yesterday further accounts were received from Bombay and Madras. From the former place it is stated, under date of the 28th June, that a force of 6000 men from thence was assembling at Boroda, the object of which was to effect a treaty of alliance with the Rajah of Japore. To accomplish this end Lord Moira was on the point of taking another journey up the country.

From Madras we learn that Lord Moira had prevailed upon the Rajah of Nagpoor to receive a subsidiary force. A force is also to be stationed in Bopaul, and if Scindia will not receive one of his own accord, he is to be attacked forthwith; rather than quarrel with the British, it is believed he will submit to the proposition. These arrangements, it ought to be understood, are intended to put an end to the further incursions and devastations of the Pindarees. Their depredations in the Circars have been dreadful, and the government is much blamed in India for having left that part of our possessions entirely unprotected.

Mr. Fisher, the king's messenger arrived in Downing street on Monday night, with dispatches from Chambray. Last night, Mr. Kave, the messenger, was sent off with dispatches to St. Petersburg.

We are glad to learn from the Dutch papers, that the prices of grain are now on the decline in Holland. Large quantities had arrived at Antwerp.

Letters from Holland, received by several Dutch mails which arrived yesterday, mention that the markets at Amsterdam and Rotterdam, were very inactive for all articles, except coffee and rice.

Public soup-shops are now establishing, by subscription in most of the principal towns, for the relief of the laboring poor and their distressed families during the winter.

It is confidently reported, that the Americans are fitting out two vessels to explore the North-West Coast of that Continent, and to make discoveries in the Pacific Ocean. It is said that nothing has been neglected to insure the success of the expedition, which has been entrusted to their ablest officers.

Paris, Nov. 25.—Cambaceres is arrived at Brussels, after having made a journey of some months through Holland.

The process in contumacy against General Grouchy has been referred to the second Council of War of the first division.

By an Ordinance of the King, the exportation of all kinds of grain is strictly prohibited, while a bounty is offered to all those who import corn into the country.

We hear, but cannot vouch for its authenticity, that Count Dillon, (the favorite of the late King of Wurtemberg, who left him a handsome legacy,) grand master of the establishment of the Queen Dowager Matilda of Wurtemberg, has been shot in a duel by an officer who had obtained by the Count's interest, a place at the palace of Asperg. Count Dillon is an Irishman by birth.

The gallery of the Chamber of Peers is about to be lighted up with gas.

A fire broke out on Friday, at the barracks of the Royal Guard in the Rue Poissoniere, but, by the exertions of the soldiers, was soon extinguished.

Mr. Canning had a private audience of the King, on Saturday, after mass.

The judgement passed by the Tribunal at Nimes, upon several individuals guilty of murders and other excesses, was posted up in the streets of Paris, on Friday.

It is reported, that the Diet has determined in its second sitting, that each State of the Germanic Confederation shall possess the same form of representative government, with the different modifications which circumstances may render necessary.

By various accounts received from Marseilles, and most of the ports of France and England, it appears that the violence of the winds has been such as to occasion the loss of numerous vessels and small craft.

It appears by accounts from Toulouse, that some disturbances have taken place in that town, at the corn market, owing to the price of corn; the account states that on the 6th, in the market, the selling price being about 80 francs, a mob assembled, and so intimidated the sellers that they were obliged to lower the price to 24 francs; but the police being informed of the affair, assembled the national guard and some detachments of the garrison, and dispersed the crowd; they however again assembled in one of the suburbs, and stopped a wagon going to the market, which was sold at the price of 24 francs. Some troops, with the Mayor at their head, promptly put a stop to these proceedings, although the mob, armed with stones and sticks, endeavored to oppose some resistance. But tranquility was soon restored, and the business of the market proceeded, at the price of 26, and some at 25 francs the hectolitre, (170 lbs.)

Instructions are proceeding against the instigators and accomplices of the seditious movements which have taken place at Toulouse.

Vienna, Nov. 19.—The Prince of Montford, (Jerome Bonaparte,) who is at present at Hamburg, with the Countess Lipona (Madame Murat,) has taken mourning on account of the King of Wurtemberg.

LONDON, OCT. 21.

Coast of Africa.—We learn by letters from Cape Coast Castle of the 22d of June last, that, in consequence of the great consumption of provisions by the Ashantee army, and the abandonment of their plantations by the natives,