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LAW INTELLIGENCE.

FROM THE SOUTHERN PATRIOT. IN THE CONSTITUTIONAL COURT. OHARLESTON, 16TH I. A. SE.

Benjama Papour pr. Patrick Mooney This was a metion to reverse the decision of he District Court. This case was tried behis court.

should not have judgment and execution prorogation of the British Parliament. against the bail. The proceedings are very On Saturday, the 12th of July, the H non est inventus, the May following. In Octo- Speech :give judgment for the Plaintiff.

me from any Court, within this State, whether tained as to the stability of our resources. of supreme or inferior jurisdiction, and the Defendant shall give bail for his appearance at le deprive the common bail, in such action. from appearing and entering himself special bail, at any time before judgment, in such aclion, shall be signed. '

The bail spoken of in this act, under the denomination of common hail, is what in England is called bail below, or special bail to the Sheriff-4, T. Black. 290, 291. The condilion of the bond is, that the Defendant shall appear at Court at the return of the writ. This ying bail to the action, which is called in En-

The preamble to this clause of the act recognizes the Law and the practise of our Courts, prior to that time. - If the party did not appear secording to the condition of the bond, it became forfeited, and the Sheriff was required to assign it to the Plaintiff, P. L. 96. The proceedings were then suspended against the Defendant, and an action commenced against the bail on he bond to the Sheriff. The bail to the Sheriff could not surrender his principal in discharge of himself, but he must have entered bail to the action to entitle himself to that privilege; and it was too late to do that after default of appearance, for the only appearance reand justifying bail to the action, or what is callby this act, special bail.

resort to the bail. 2d. If gives the common sons. hail the privilege of appearing and entering the Plts. before he can proceed against the bail. is unquestionably sound in principal.

that is, that he shall issue an execution either "These, sir, are the leading matters which shall be shall issue an execution either the principal.

These, sir, are the leading matters which where some revolt had taken place.

An article from Turin, in the French Journals, says, an every our fragment of a rock was which the Shariff must make a return of non est faithful Commons; and if the Session has not and the Princess Charlotte of Prussia was to detached from Mount St. Bernard, in the right

tering up of final judgment against the Defen- we have the conscious satisfaction to reflect that A fever of the most malignant description in this case, after final judgment, was illeged, most faithful and indefatigable attention.

and a perfectly nugatory act, and could not exonerate this Deft. from his liability. The act to present to your Royal Highness, is entitled, of 1809, which in some measure, extends the fall of the service of the year 1817; sequent to this transaction, and the Deft. cannot and for further appropriating the Supplies have the benefit of it. The decision below was granted in this Session of Parliament, made by myself out of respect to the opinion of which, with all humillity, we pray his Majeseditor.

No subscription can in any case be received without one of my brethren, who had given an order for ty's royal assent."

payment of at least \$1 50 in advance; and no dispayment of at least \$1 50 in advance; and no wrong, and must be reversed. The Plaintiff is Chancellor received the Bill, to which, togetherefore entitled to his judgment.

The other Judges, Hay, Colock Johnson and the royal assent was given. Cheves, concurred.

Fancey for the motion, Cogdell contra.

FOREIGN.

Prorogation of the British Parliament .- By the arrival yesterday morning, of the ship Fanfore Mr. Justice Nort, at Charleston, in May ny, Capt. Forman, in 40 days from Greenrock Term, 1811, who now delivered the opinion of we have received the London Globe of the 14th of July, which (although not so late by four This was a scire facias on a Bail Bond to days as were received by the Courier on Thursthe Sheriff, to shew cause why the Plaintiff day last,) contains the speech delivered at the

On Saturday, the 12th of July, the House of pregular, nevertheless, as the Counsel have Lords was crowded at an early hour. Among consented that the Court should decide upon the crowd were a number of Foreign Ambassathe facts, without regard to the form, enough dors, and many Ladies of rank and fashion. may be found upon the record to enable us to At 2 o'clock, the Lord Chancellor took his seat give judgment. It appears that the Plaintiff on the woolsack, and in half an hour, his Roycommenced an action against one Wright, the al Highness, the Prince Regent, entered the geth day of December, 1808; and that the House and took his seat on the throne .- Short Defendant became bail to the Sheriff for his ly afterwards, the Speaker of the House of Comappearance at Court. The Defendant failed mons attended by the Members of that House, to appear, and the Plaintiff obtained judg- and attired for the first time in his state robes ment, January term, 1809. In April, 1809 he entered the door, advanced to the Bar, and adissued a Ca. Sa. on which the Sheriff returned dressed to his Royal Highness the following

ber, 1810, the Defendant entered special bail "In obedience to your Royal Highness's comto the action, and surrendered the principal. mands, we his Majesty's faithful Commons of So that the question in the Court below was, the United Kingdom of Great Britain and Irewhether the bail could surrender ofter final land, attend your Royal Highness with our judgment against the principal, and return of last bill of Supply, at the close of a laborious a Ca. Sa. upon it. Judgement was given in the Session. Among the numerous subjects of deep Court below for the defendant: and a motion public importance to which our consideration is now made to reverse that decision and to has been called, there are none that have more anxiously occupied our attention than those This proceeding is founded on the tenth sec- which relate to the Finances and Internal State tion of the act. of 1785-5 0. P. L. 369, which of the country. In conformity with your Royis in the following words :- " Whereas it has al Highness's recommendation at the commence beretofore been the law of this state, that up ment of the Session, we took such steps as on the return of writs of cap as ad responden- seemed best calculated to insure a full and sedum, where the Defendant or Defendants tions investigation into the Public Income and maketh default of appearance, to suffer the expenditure. That investigation has continued Pleintiff to everend the protectings against throughout the Session. From that investiga. have made into the state of the Income and Exthe Defendant or Defendants, and commence tion much has been done-much unquestionably penditure of the country. It has given me sinsuits against the bail, whereby the costs have remains to be done; but we trust we are justi- cere pressure to find that you have been enabled been greatly and unnecessarily encreased, and fied in the conviction, that in easing our expenthe Defendants aggrieved; for remedy, where- diture by what the real interests of the empire of, be it enacted, that where any writ shall is may require, no apprehension need be enter-

" Deeply sensible of what we owe to your Royal Highness for having directed the Esti-Court, and shall make default, the suit shall mates to be laid before us at the commencement be prosecuted to judgment, and execution a- of the Session. with every reduction in the esgainst such Defendant, before any proceed-tablishments that sound policy would allow, ings, shall be had against the common bail; we have had the satisfaction to find that the and the Sheriff shall return upon the execution Supplies might be provided without the impothat the Defendant is not to be found or hath sition of any additionable burdens upon the to effects whereon to levy the debt and costs, people; and we have the proud gratification to then the Plaintiff may sue forth a scire fecias think, that, notwithstanding the gigantic and the commencement of the Session, for the issue against such Defendant. &c. : Provided that unparrelleled exertions which this country has of a new silver coinage have been carried into nothing therein contained shall be construed been called upon to make, and the difficulties and pressure which must necessarily be the consequence of such exertions, at no period of ils history has public credit stood moore sound, steady, and unshaken than at present.

" In cousidering, Sir, the internal state of the country, it has been painful to us to contemplate the attempts which have been made to take advantage of the distresses of a portion of the people, to convert them to wicked and mischievous purposes. His Majesty's faithful Commons, whilst they have been must anxiousappearance is affected by putting in and justily engaged in such measures as might check y of the nation are so deeply implicated.

to deliberate with unremitted solicitude upon cognized by law in such case, was putting in Feeling has intimately connected the best inof interest or concern to our ecclesiastical es-The act then has made three important alte- tablishment; we hope that much of advantage tations in the law :- Ist. It requires the Plain- will be derived to the Public, and much of coutiff to prosecute his action to judgment and ex- venience to the Ciergy, from the revision and ecution against the Defendant, before he can consolidation of the laws affecting spiritual per-

" To Ireland our earnest attention bas been himself special bail at any time before final directed, in providing for the more delibrate Proceed against the bail by way of sc re facias, fluence over the whole of that part of the Uni- head of Seminaries. instead of bringing an action on the hand. In- ted Kingdom-a measure which we confident-

wentus or nulla bona, as the case may be. been marked with that brilliancy and splendor take place at Petersburgh, about the 3d or 4th between the 16th ord 17th th. which fell on The bail, however, become fixed upon the en- which has characterized former Bessions, yet of July.

wards. The entering of special bail, therefore, formance of those duties we have applied a

h it is my daty bumbly the city.

ther with the Election Pall Regulations Bill.

His Royal Highness the Prince Regent then read his Speech, of which the following is a co-

funds and Gentlemen.

"I campat close this Sesssion of Parmament without renewing my expressions of deep regret at the continuance of his Majesty's lamented indisposition. The diligence with which you have applied yourselves to the consideration of the different subjects which I recommended to your attention at the commencement of the Session, demands my warmest acknowledgements; and I have no doubt that the favorable change which is happily taking place in our internal situation, is to be mainly ascribed to the salutary measures which you have adopted for preserving the public tranquility, and to your steady adherence to those principles by which the constitution, resources, and credit of the country have been hitherto preserved and maintained. Notwithstanding he arts and industry which have been too successfully exerted in some parts of the country to alienate the affections of his Majesty's subjects, and stimulate them to acts of viglence and insurrection, I have had the satisfaction of receiving the most decisive proofs of the loyalty and public spirit of the great body of the people; and the patience with which they have sustained the most severe temporary distress cannot be too highly commended. I am fully sensible of the confidence which you have manifested towards me by the extraordinary powers which you have placed in my hands; the necessity which has called for them is to me matter of deep regret; and you may rely on my making a temperate but effectual use of them, for the protection and security of his Majesty's loyal subjects.

Gentlemen of the House of Commons,

"I thank you for the supplies which you dance. have granted to me ; and for the laborious in- The London Times of the 14th July, states vestigation which, at my recommendation, you that the "American squadron, commanded by vice, without any addition to the burdens of the people. The state of public credit affords a decisive proof of the wisdom and expediency under all the present circumstances, of those financial arrangements which you have adopted. I have every reason to believe that the deficiency in the revenue is, in a great degree, to be ascribed to the unfavorable state of the last season; and I look forward with sanguine expectation to its gradual improvement.

" My lords and gentlemen,

"The measures which were in progress at execution in a manner which has given universal satisfaction; and to complete the system which has ben sanctioned by parliament, a gold coinage of a new denomination has been provided for the convenience of the public. I continue to receive from foreign powers the strongest assurances of their friendly disposition towards this country; and of their desire to preserve the general tranquility. The prospect of an abandant harvest throughout a considerable part of the continent is in the highest de- Dousponda, for the purpose of introducing the gree satisfactory. This happy dispensation of improved agriculture of Scotland into the fer-Providence cannot fail to mitigate, if not wholly tile but ill cultivated plains of Poland. The the further progress of these attempts, have not to remove, the pressure under which so many tract is to be called Scotia. By an ukase of the gland bail above, and by this act, special bail. been unmindful of such other measures as might of the nations of Europe have been suffering in Emperor Alexander, they are to be free from afford relief to the pressure of that distress; the course of the last year; and I trust that military conscription. A I resbyterian elergywith this view we have turned our attention to we may look forward in consequence to an im- man is to settle among them. the encouragement of the fisheries, to the means provement in the commercial relations of this of providing employment for the poor, and and of all other countries. I cannot allow you most diligently (although the limits of the to separate without recommending to you, that al Highness, on Saturday the 12th of July. Session would not allow the completion of a upon your return to your several counties, you measure) to full and minute inquity into the should use your utmost endeavor to defeat all state and effect of the Poor laws, a question in attempts to corrupt and mislead the lower clas- Imperial Commercial Bank. 1. Thirty milno opportunity of inculcating amongs them that placed at the disposal of the bank. 2. The "Whilst we have deemed it our first duty spirit of concord and obedience to the laws, which is not less essential to their happiness as the subjects of paramount importance—to these individuals, than it is indispensable to the gealone our deliberations have not been confined. | neral welfare and prosperity of the kingdom." The Lord Chancellor then read the Commisterests of the country with every thing that is sions for proroguing the Parliament to the 25th of August next.

> The Loudon papers of July 18th, mention that letters from Rome express great doubts upon the probable recovery of the POPE. His health is represented to be much shattered by sufferings and old age.

The Emperor of Russia has sent to England judgment against the Defendant shall be sign-investigation of presentments to be made be the four young Russians to be instructed in the new ed. And adily. It authorizes the Plaintiff to Grand Juries; a measure of most general in-method of teaching, that they may be put at the

The Paris papers contain accounts from Aleed there is one other requisite on the part of ly hope will prove as salutary in practice, as it giers, stating the Dey was at war with the Bey

dant, and cannot surrender his principal after-having had great duties to perform, to the per- prevails amongst the inhabitants of the city of Cork. A number of houses for the ree pron of the sick had been opened in variety prits of

Progue at Algers - A letter from Gibraltar, dated June 18, received at Lloyds, La roots says - intelligence has been received from Algiers, stating that many are sick in that piece. People who were allday in their stops, in good health, when they retire home at night eller supper, make a convulsive ery and remain dead. Moors walking in the street sudder ly die. It is said to be the plague.

From every part of vermany, tidings have been received of the fall in prices of carn I he Diet has decided that from the 1st of thetober. next, the transit of corn shall be free throughont all Germany.

On the anniversary of Louis XVIII. seturn to the capital, his mojesty reviewed is fegious of the Parisian haticast guard upon the Bouvefard Chamartin . The streets through which be passed were lined with military, and the white flag and other appropriate embien were displayed from the windows. The number of men under arn's were estimated at 86,000. The city was illominated at night.

A steam-boat has been lovented in France by a Mr. Humphrey, on a principal which renders explosion impossible. This vessel carries passengers between Berlin and Chartottenberg.

A horrid murder has been committed in Lisbon, which excited much interest. A Portuguese officer having drawn his sword on one of his sisters, on the interference of his mother, cut down and stabbed the latter through the heart. The unfortunate object of his first attack was also desperately wounded; and the other sister, in attempting her escape from the chamher where this tragedy was performing, was precipitated down a flight of stone steps and her skull fractured. The wretched author of these crimes was soon after arrested in the street, but apparently totalty indifferent to the bloody deed be had perpetrated.

Letters from Paris dated the 16th July make mention of some trifling disturbance at Strasbourg. The national guard was followed by many persons of low description hooting at them. The guard, who could have put them to flight in a moment, took no notice of them.

The Portuguese squadron which is to convey the princess royal of Portugal to the 1 razils, was expected at Leghorn the 30th June.

The harvest in Italy promises gerat about-

Com. Chauncey, which had been in the larbor of Marseilles, arrived of Legtorn the 21st ult. It consists of the Washington of 86 guns and 780 men, and two frigates, the United States of 44 guns and 440 men, and the Constellation of 36 guns and 330 men.

It was reported in England that the Austrian troops were to evacuate Naples.

It is mentioned from Rome that the Princess of Wales occupied the country honse of the banker, Scultheiss, on the summit of Mount A-

The Duke of Northumberland has left a revenue to his eldest son of 80,000 pounds per andis and to each of the younger children he has bequeathed 100,000 pounds in cash.

The head of the late Mr. Ponsonhy was of pened by Mr. Lynn, the emment surgeon of Parliament-street, and in it were found bix onnees of extravasated blood, in a congulated state. It is a matter of surprise that life could have continued so long with so great a pressure

A number of Scots emigrants, chiefly farmers and Shepherds from the Southern countries of Scotland, have been induced by the liberal encouragement of count Poe, a Polish nobleman, to settle as a colony on his estate of

Parliament was prorogued, after an address to the prince regent, and a speech from his Roy-

The Emperor of Russia, on the 7th of May, by Decree, established at St Fetersburgh, an bank is allowed to take money-ist, on interest -2d, in deposit. 3. The bank gives loans on Russian goods, according to the principles of the discount office, and accepts bills, taking the per centage according to the course of commercial operations. 4. Half the directors to consist of public officers, and half of merchan's. 5. The bank to be opened on the 1st of January, 1818. The integrity of the founs intrusted to the bank are guaranteed by the Imperial word.

From a large mass of popers, says the London Courier of July 14, received this morning from all parts of the empire, we have extracted accounts more favorable; per are they partial, or confined to two, or three, or four countries. they extend to all parts of the three kingdoms.

The foreign popers are equally favorable, and Plenty walking band in band with Peace. is likely to visit and bless every part of the

the Commune of Villard St. Constant, and