

The Raleigh Minerva.

FRIDAY, APRIL 9, 1819.

No. 10.

Vol. 1.

RALEIGH, (N. C.)

PRINTED, WEEKLY, BY HANRY AND GASSO,
EDITED BY A. LUCAS.

Terms of Subscription: Three dollars per year, one half to be paid in advance. No paper to be continued longer than three months after a year's subscription becomes due, and notice thereof shall have been given. Advertisements, not exceeding 14 lines, are inserted gratis for one dollar; for twenty-five cents each subsequent insertion; and in like proportion where there is a greater number of lines than fourteen. The cash must accompany those from persons unknown to the editor.

No subscription can in any case be received without payment of at least \$1 50 in advance; and no discontinuance without payment of arrears, unless at the option of the editor.

Judiciary.

FOR THE MINERVA.
HUMANITAS, NO. 1.

Mr. Editor.—I with pleasure saw an inquiry, by a farmer of Lincoln county, through the medium of the Star, into what the legislature has done towards reforming the County Court system; and while he gives them deserved credit for the establishing a Supreme Court, he asserts, in a spirit of independence and patriotism that does him honor, "That a reformation is more necessary in the County Courts than in any other branch of the Judiciary of the state as it regards its peace, security and happiness." He has also adduced some very strong cases of oppression and corruption to establish the correctness of his assertion: but without having cited a single instance of the glaring cases he has presented to public view, there is no man conversant with these courts, and with the conduct of the Justices by whom they are, and must be formed under our present regulations, who will not coincide in opinion with him, that an immediate reform as well in the County Courts as in the conduct of the Justices who compose them is not only necessary, but essential to the security and prosperity of the community. The subjects call imperiously for speedy legislative interposition and correction.

Yet it is in vain that our friend the farmer calls for reform in the County Court system, unless he carries that reform farther, and goes to the source of the evil. He must begin with a reform in the conduct of the Justices, each and every one of whom is entitled in virtue of his office to preside in that court, without regard either to capacity, or character. It is in vain, I say, to look for a clear stream from a muddy source. If we wish to drink clear, wholesome water, we always clean out the fountain from which it issues; and it is so with justice. If the source be muddy and turbid, so will be the streams that issue from it; the effects of which upon a society equal in bitterness the waters of Sarah. Therefore, to effect such reform in the County Courts as will be useful, and answer the end required, we must commence with the Justices to make it radical, for they are the beginning and the end of the mischief resulting from the County Courts; and unless such reformation shall be radical, and such as will curb the Justices in their mad career, it will be useless to attempt any, as it may possibly make bad worse, and give a tincture to their conduct, from a presumption that they might err with impunity, as being above law. That there are very many amiable, honorable, good men, Justices of the Peace in every county in the state, every candid man must and will allow men whom from their gentle nature, their urbanity, and the goodness, and independence of their dispositions, are disposed to protect the oppressed, redress the injured, console the afflicted, and sympathize with the unfortunate, and who by the upright, conscientious and impartial discharge of the important trust reposed in them by their country, gain the unbounded confidence of their fellow citizens, and give to the office that dignity and importance, and make it of that utility, that our progenitors contemplated when they established it, and that the necessities of the community require. But while I pay this just tribute to merit, and while we give to such men our well earned confidence, esteem and applause, we are compelled, however reluctantly, to admit that there are some, who, under the baleful influence of some star, hostile to the welfare of society, intrude themselves into the office, to its great disgrace, and to the manifest injury and annoyance of the public. We frequently see men obtain commissions as Justices of the Peace from some trifling political influence they are supposed to possess, who are so notorious for their official depravity, and profligacy, and for their want of honesty, decency and understanding, as to exhibit a ludicrous burlesque upon justice and a satire upon mankind. Nor can I help saying that the members of the General Assembly who recommend such men for commissions are guilty of treachery to their constituents. Such members, I presume, are anxious to bolster their popularity, and spread their legislative fame at their return to their homes, however useless they may have been in the House, as members; and should any of their wagging contemporaries reproach them with their silence or stupidity, they can sturdily deny it, and alledge to their neighbours "That if they did no other good, they got such a man's son, and such a neighbour's brother, and old cousin Betty's husband made Justices;" for such is the mode and such the motives for the appointment of too many of them.

Let it not be thought that I mean to censure gentlemen because they happen when acting as Justices not to decide agreeably to the letter of the law; far be the doing so from me, as it would be unjust. Men are not born lawyers; nor can they become such without a heavy expense, and a series of laborious study and research, for

the drudgery of which few men when grown up in life are fitted, and for which they must be preparing from their cradle, a labor and drudgery which gentlemen, not intended for the immediate pursuit of the law as a profession, have very little inducement, and still less inclination to undertake, or undergo. And I must say that in my opinion the great error into which most of our Justices of the Peace fall; is their attempting to decide cases brought before them for adjudication with the technical precision of lawyers; by which attempt they often expose themselves to ridicule when they might avoid it. For if a Justice of the Peace, with a clear head, a common understanding, and above all a determination to be honest and impartial, will decide cases brought before him so as to do what he conscientiously thinks to be substantial justice between the parties, he will always be respectable, and nineteen times out of twenty he will be right, and if he should not be so, and that either of the parties litigant should determine to appeal, they will respect the man and his motives; and the court that reviews his decision, even should they reverse it, will consider him with regard, and appreciate his conduct.

But I mean not only to censure, but to hold up to public scorn and public detestation those men, who accept from their country that sacred and important trust, which in an evil hour, it confides to them, and which they solemnly swear to discharge the duties of with zeal, fidelity and with integrity, according to the constitution and laws, &c. [The latter part of which oath should have the words, "as far as they know or are acquainted with them," added as a kind of saving exception.] but which, notwithstanding the imposing sanctity of the oath they take, they too frequently make a cloak to cover the vilest purposes the human mind can conceive, and instrumental to the gratifying all the worst passions and propensities of their nature; thus prostituting, without decency or remorse, the dignity, and respectability of the office, and perverting and degrading the powers confided to them for the protection of the aggrieved and friendless into instruments of official oppression and persecution, changing by some perversity in human nature the "man dressed up in a little brief authority" into a petty tyrant.

I shall in some of my future numbers state with candour and firmness the facts upon which I feel myself warranted in making these remarks, and will pursue the subject and present the facts as long as I think the so doing can be useful to society. For I am well aware that there are many men, who considering themselves so guarded or so powerful in wealth and influence as to be out of the reach of the laws, and to whose offenses and oppressions the poverty of their victim, or his simplicity, gives an impunity that would shrink back affrighted at the being dragged to answer at the bar of public opinion for transgressions of so black a dye.

But what I have stated is so familiar to every man conversant with the present state of society in its different ramifications as to require no proof to gain credence. Every day presents some piteous object, heart broken, and worn, a victim to the malevolence, enmity and persecution of some of those petty tyrants. I have seen and become conversant with some of them, the execrating anguish of whose minds wrung the bursting sigh from the overburdened heart, and excited pity in its softest and most holy garb. Indeed the keen mental agony of one unfortunate sufferer, the honest laborious old father of ten small children, confined for nine dollars without provisions, exerted the "tear that bedews sensibility's shrine" from a mind as obdurate, and as heartless as cold and unfeeling as avarice itself, and called forcibly to memory the emphatic line of the simple and pathetic Burns, when he says, "Man's inhumanity to man, makes countless thousands mourn."

Even the softer sex, who have irresistible claims to the compassion and protection of man, are not exempt from being victims to this unhallored disposition, for I have known the unhappy mother torn from her little helpless babes, and thrown into prison for a paltry debt in the depth of winter, and there left to languish under all the privations incident to such a situation, labouring under disease and infirmity, and bowed to the earth; with want and all its horrors staring her in the face, her daily labour and nightly employment vain and feeble attempts to relax the stiffened sinews of her frozen fingers with her famished breath. But those things when exacted by minds impervious to compassion the law permits. The fault is therefore in this instance in the laws, and not in those who administer it. Shame on such laws that permit the imprisonment of women for any thing but crime. Let them be expunged from our code, as good sense, sound policy, morality and liberality dictate, says

HUMANITAS.

P. S. I hope our friend the Farmer will not let the matter drop, but that he will persevere in the exposure of the mal practices he complains of.

FOREIGN.

Lord Erskine.—The marriage of this eminent lawyer is not generally known, although it took place so far back as October last, at Gretna-Green. It is certain that little notice of this remarkable event has yet appeared in the public prints. In October his lordship arrived at Gretna, accompanied by Miss Sarah Buck, the present Lady Erskine, by whom he had had several children out of the pale of wedlock. He was dressed in fashionable fe-

male attire, with a large Scotch bonnet and long veil. On the arrival of the officiating priest of the temple of Hymen, his lordship threw off his dress, and appeared in propria persona, and the usual ceremony being gone through, the parties were declared man and wife! His lordship again put on his female vestments, and was on the point of taking his departure, when his son, the hon. Thomas Erskine, made his appearance in a chaise and four; but the knot was tied, and shortly after, the new married couple drove off. The bride is about thirty-seven years old; the noble bridegroom nearly seventy. The object of this extraordinary step is said to be for the purpose of legalizing the children of this connection, who, according to Scottish law, cease to be illegitimate on the marriage of their parents at any time.

FROM LONDON PAPERS.

Received at the Office of the Commercial Advertiser.

London, Jan. 10.

SIR F. BURDETT AND COBBETT.

The following correspondence, which has taken place between Cobbett and Sir Francis Burdett, has excited much curiosity.

TO MR. TIPPER

North Hamstead, L. I. Nov. 20, 1817.

My dear Sir.—First let me acknowledge my deep sense of the kind manner in which you have uniformly spoken to Mrs. Cobbett with regard to me; and then, without further waste of that time of which I have so little to spare, let me come to business, and let me lay down, before I proceed to our own particular affair, some principles which I hold to be just to my conduct towards my creditors in general.

If there be any man who can pretend for one moment, that mine is an ordinary case, and that not having enough to pay every body, I ought to be regarded as an insolvent debtor, in the usual acceptance of the words; and if he hopes after being apprised that the whole for some infamous tyranny was embodied into the shape of despotic ordinances, intended for the sole purpose of taking from me the real and certain and increasing means of paying off every debt and mortgage in two years; if there be any man whose prosperity and whose means of profitably employing his own industry, have remained wholly untouched and unaffected by these despotic and sudden acts of the government, and who is yet so insensible to all feelings of humanity, as well as so willingly blind to every principle of either moral or political justice. If there be any man who, wholly absorbed in his attachment to his own immediate interest, is ready to cast blame on a debtor, who has had his means of paying cut off by an operation as decisive as that of an earthquake; which should sink into eternal nothing his lands, his houses, and his goods; if there be a man who, if he had been a creditor of Job, would have insisted that that celebrated object of a malignant devil's wrath, which had swept away his flocks, his herds, his sons and his daughters was an insolvent debtor and a bankrupt, and ought to have been considered as such, spoken of as such, and as such provided against; if there be any such man as this, to whom I owe any thing, to such man I first say that I despise him from the bottom of my soul; and then I say, that if he dare meet me before the world in open and written charge, I pledge myself to cover him with as much shame and infamy as that world can be brought to deign to bestow upon so uncomprehensible a being. For such occasions as the one here supposed, if such occasion should ever occur, I reserve the arguments and conclusion which the subject would naturally suggest. To you I trust no such arguments are necessary, and therefore I will now proceed to state, explicitly, my intentions with regard to what I shall endeavor to do in the way of paying off debts. I hold it to be perfectly just that I should never, in any way whatever, give up one single farthing of my future earnings to the payment of any debt in England.

When the society is too weak or unwilling to defend the property, whether mental or of a more ordinary and vulgar species, and where there is not the will or the power in the society to yield him protection, he becomes clearly absolved of all his engagements, of every sort, to that society; because in every bargain of every kind it is understood that both the parties are to continue to enjoy the protection of the laws of property.

But from the great desire which I have, not only to return to my native country, but also to prevent the infamous acts levelled against me from injuring those persons with whom I have pecuniary engagements, and some of whom have become my creditors, from feelings of friendship, and a desire to serve me, I eagerly waive all claim to this principle, and I shall neglect no means within my power fully to pay and satisfy every demand, as far as that can be done consistently with that duty which calls on me to take care that my family have the means of fairly exerting their industry, and of leading that sort of life to which they have a just claim.

It is clear, however, that to do any thing in

the way of paying off must be a work of some little time. I place great dependence on the produce of some literary labours of great and general utility; and it is of these that I am now about more particularly to speak, and to make you, Sir, a distinct proposition.

[The remainder of the letter is occupied in explanations relative to two works, the materials of which were to be transmitted in two months from the date of the letter. The first is an improved edition of "Le Mache Anglois," or teaching Frenchmen English; the second a new work, called "The French Master," for teaching Englishmen French.]

TO SIR FRANCIS BURDETT, BART.

North Hamstead, L. I. Nov. 20, 1817.

Sir.—I enclose you the copy of a letter to Mr. Tipper, which I beg you to have the goodness to read, and to consider the contents of it (as far as they relate to the liquidation of my debts generally) as addressed to yourself. In addition you will be pleased to understand that, as to the debt due to you on pain, shall be spared by me to obtain the means of paying it as soon as possible; and I beg that you will furnish Mr. White, my Attorney, with your charge against me, including interest, and he may transmit it to me.

I now transmit to Mr. White, Wright's note of hand. It must be endorsed by you before I can proceed against Wright. This rascal always contended that he borrowed this money on his own account. Your word was quite sufficient to prove the contrary—and though no part of it was ever made use of for me, and though the arbitrator determined against my being at all responsible I thought myself, and still think myself, bound to pay you, you putting me in a condition to recover the money from him, which you can at once do by endorsing the note of hand. I am well aware the grounds of complaint and reproach to which debtors always expose themselves, and I am not vain enough to expect to escape consequences to which all others are liable; but I finally pay to the last farthing, those grounds will be all swept away—and as I am in no doubt of being able, in a short space of time, to pay every one fully. I anticipate with great satisfaction the day of my deliverance from this sort of thralldom.—I am, Sir, your most obedient and most humble servant,
WM. COBBETT.

REPLY OF SIR F. BURDETT TO MR. WM. COBBETT.

St. James's-palace, Jan. 31, 1818.

Sir.—I have just received yours of the 20th of November, and carefully and according to your desire, perused the enclosed to Mr. Tipper.

It is not my intention to enter into any controversy respecting the honesty or dishonesty of paying or not paying debts, according to the convenience of the party owing. It seems that if it should ever suit your convenience, and take nothing from the comforts and enjoyments of yourself, and family, such comforts and enjoyments, and means too of distinguishing themselves, as you think they are entitled to, all this being previously secured, then you think yourself bound to pay your debts; if, on the contrary, that cannot be effected without sacrifices on your and their part, in that case your creditors have no claim to prefer, and you no duty to perform. You then stand absolved, *rectus in foro conscientiae*, and for this singular reason, because those who lent you their money when you were in difficulty and distress, in order to save you and your family from ruin, were and are unable to protect you either against your own fears, or the power of an arbitrary government, under which they have the misfortune to live, and to which they are equally exposed. These principles which are laughable in theory, are detestable in practice. That you should not only entertain and act upon, but openly avow them, and blind your own understanding or think to blind that of others, by such flimsy pretences, is one more melancholy proof of the facility with which self-interest can assume the mask of hypocrisy; and by means of the weakest sophistry, overpower the strongest understanding. How true is our common law maxim, that no man is an upright judge in his own cause—how truly and prettily said by the French, "*La nature se pipe*"; nor less truly, though more grossly in English, "*Nature's her own baw'd*."

In expressing my abhorrence of the principle you lay down for your conduct, and concerning which you challenge my opinion a little unfairly; considering the ridicule with which the unfortunate Wright who presumes to differ from them, I do not desire that you should act upon any other with regard to me; I should be sorry your family were put to any inconvenience on my account; should your circumstances ever prove so prosperous as to enable you to discharge your debts without infringing upon those new principles of moral obligation you have adopted, which for the first time since the commencement of the world have, I believe, been, though frequently acted on, openly promulgated. As to complaint or reproach, they are the offspring of weakness and folly—disdain should stifle them—but nothing can or ought to stifle the