

Judge Murphy

The Raleigh Minerva.

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FOREIGN.

ABSTRACT OF THE NEW INSOLVENT BILL.

The new Insolvent Debtor's Bill authorizes his Majesty to appoint three Barristers, of six years standing at the least, to be Commissioners for the relief of Insolvent Debtors. It is to be a Court of Record. The Commissioners are to appoint a Chief Clerk, four assistant Clerks, and a Provisional Assignee; they shall have power to compel the attendance of witnesses, the production of books, papers and writings, and of committing for contempt, as well as of fining their officers for negligence or delay.

The said Commissioners, Chief Clerk and other officers to take no fee, money, gratuity or reward, from any suitor; nor shall any part of the proceedings be liable to stamp or other duty whatsoever.

Any person in custody for debt 14 days may apply for their discharge. The petition to contain a schedule of their debts, as well as of all the effects, real and personal, in possession, reversion, or expectancy; and of all debts owing to them.

In case any person shall have been in custody on mesne process for nine months, without claiming the benefit of this Act—or shall have been charged in execution upon a judgment—it shall be lawful for any one creditor to the amount of pounds, or of any two to the amount of pounds, to apply by petition to the said Court, and such prisoner shall be compelled to surrender his or her property for the benefit of all the creditors; and the same forms and condition shall be observed as in the case of a voluntary application for relief. In case any person shall refuse to deliver such schedule of their effects, &c. the Court shall be empowered to imprison them in the common goal or house of correction, there to be kept at hard labor, until he shall submit himself to said Court.

All the estate of a prisoner, real, as well freehold and copyhold as customary, and all personal effects and debts, except debts for apparel, bedding, &c. shall be vested in the Provisional Assignee—an allowance to be made by such assignee for the support and maintenance of the prisoner.

Notice of the petitions being filled to be inserted in the London Gazette, and two other newspapers, and shall appoint a day for the creditors to appear before one of the said Commissioners, within one calendar month, to prove their respective debts, and to choose an Assignee or Assignees; and there is a provision for verifying the debts of creditors at a distance, or abroad. The Assignee or Assignees, chosen by the majority in value of the creditors, shall keep books of the assets received, to which all the creditors shall have free access.

The Commissioners to be authorized to compel witnesses, to attend to prove or disprove debts, and examine them on oath, and allow or disallow, claims not satisfactorily proved: an appeal to be from the decision of one Commissioner to the Court, which shall finally determine the same. And in case a creditor shall neglect to prove his debt, he shall forever be debarred from recovering the same.

The one Commissioner who shall have to examine the schedule, and the truth of the statements therein as well as the manner in which the debts were contracted, and if the debtor shall have put his creditors to unnecessary expense by vexatious or frivolous defence, &c. such Commissioner shall report the same to the Court.

The Provisional Assignee shall make over to the Assignees chosen by the creditors all the estate and effects of the prisoner.—The Assignees appointed by the creditors to be authorized to sue for, and recover the debts &c. And there is a clause to oblige the debtor to execute discharges, &c. They shall make sale of all the effects upon due notice in the Gazette and two newspapers, &c.; and the Assignees, at the end of three months, shall make a just dividend of all funds that shall have come into their hands. Mortgages made prior to the filing of the schedule not to be subject to the Assignees.

Where debtors are tenants on estates for life, with power to grant leases, the same power to be transferred to the Assignees.—Assignees to be allowed to compound with the debtors of the prisoner, with the consent of the creditors. In case Assignees shall not discharge the trust, the Court shall arrest and commit them to goal, without bail or mainprize, until they account for the proceeds of the estate.

On the final examination of a prisoner, creditors whose debts have been allowed may put questions to him touching the matters in his petition, and such other matters as the Court shall judge to be fit and proper to inquire into; the prisoner shall answer satisfactorily, the Court shall order his discharge at the end of six months from the date of his commitment. If the opposition shall be deemed frivolous and

vexatious, costs to be granted to him. But if it shall appear that the prisoner has contracted any of his debts fraudulently without having any reasonable or probable expectation of paying the same, the Court shall extend the term of confinement from six months to a period not exceeding three years—and in case the prisoner shall have put any of his creditors to unnecessary expense by vexatious or frivolous defence to any action, then his confinement may be extended to a period not exceeding twelve months; or if he shall have fraudulently and wilfully omitted in his schedule effects to the amount of £20, then he shall not be discharged under a period not exceeding 3 months.

There are provisions for examinations at the Quarter Sessions of Counties and bindings in furtherance of this Act; the Magistrates to remit the proceedings to the Court.

The Court, upon application by three fourths of the creditors in number and value, may order the immediate discharge of the prisoners from custody, provided that such prisoner shall not have contracted any of the debt fraudulently.

On the discharge of a prisoner, judgment shall be entered up in one of the superior Courts—and in case his debts shall not exceed £500, then the judgment shall be entered up far a less sum, if a petition to that effect shall be presented to the Court by three fourths in number and value of the creditors.

Prisoners who shall take a false oath to incur the penalties of perjury.

In case of any person discharged shall come into possession of any stock in the public funds, which the judgment entered up could not touch, the Assignees may apply to the Court sitting forth the case, and the Court may remand the debtor into custody, in the actual goal, not rules or liberties, until he shall surrender such funds.

None but Attorneys or Solicitors in the superior Courts to be allowed to act in this Court. The sum of three shillings, and no more to be paid for the insertion of notices in the newspapers. The names of persons discharged to be inserted in the London Gazette. This act to continue till the year, but it may be repealed or altered at any time.

May 29.—It is with pleasure we are enabled to state upon the authority of private letters from Liverpool, that trade is once more reviving in that commercial town. Cotton is on the advance, though the quantity imported is immense. It is supposed that our East India supply will ruin the American market, although the raw material is not so good as that of the United States, it is, however, sufficiently good for the prices which the manufactured articles now fetch.

Both Houses of Parliament adjourned on Thursday, for the Whitsun holidays; the House of Commons till Monday, and the Commons till Tuesday. The bill founded upon the resolutions of the committee, for regulating the time and mode of resuming cash payments by the bank. It was read a first time and ordered to be read a second time on Wednesday next. Not a word was said on the subject by either side.

The fourth Report from the Select Committee on the Finance has been pointed by order of the House of Commons. This relates exclusively to the ordinance department, and shews, that the estimates for the present year, as compared with that of 1848, exhibits a reduction of expense to the amount of £2,178.

A gentleman at Cottingham has in his garden an apricot tree, from which 320 apricots had been plucked this spring, but which retains in a most promising state, three times that number.

A little volcano has recently made its appearance on a mountain near Palermo, at a village in the Sicilian canton of Termini. The eruption was preceded by an earthquake. The flames ascended to a considerable height above the summit of the mountain, and masses of stones were hurled to a great distance. On the following day a large opening was observed in the mountain, from which the flames still issued with a strong smell of sulphur. Great damage was sustained by some houses in the neighborhood, but no lives were lost. The date of this event corresponds with that of the late disasters in Sicily.

A very remarkable meteor was seen at Aberdeen on Wednesday the 5th inst. at about half past 12 in the forenoon. It appeared at an altitude of nearly 28 degrees, having the form of a ball of fire, with a short tail, darting towards the earth. The atmosphere was uncommonly clear at the time, with bright sunshine and not a cloud to be seen. In about five minutes after it was observed, it exploded with a considerable noise, and a volume of smoke issued from it, which assumed the form of a small white cloud. The meteor was seen in many parts of the county. In the parishes of Kintore, Fintray, &c. the noise of the explosion was so loud, that the cattle in the fields became terrified and bellowed loudly. It is very rare for such meteors to be visible in the day time.

FROM THE LONDON QUARTERLY JOURNAL.

GEORGE BIDDER & ZERAH COLBURN. George Bidder of Morton, who possesses such ready and surprising powers of calculating, is at present in London. It is perhaps not generally known, that he asserts the ability of communicating his method to others, and of enabling them to perform the same things as himself. Zerah Colburn has also made the same statement; and from the development of part of his method, there is no doubt it can be done, but would require an excellent memory and

probably would be very generally applicable to use. To mathematicians, engineers, and others, however, it would present many advantages; and it should be known that both have offered to disclose their method, on condition that they be remunerated in a respectable manner.

LIVERPOOL, MAY 31.

On Sunday the 2d inst., a venerable minister of the establishment in Derbyshire, walked twenty-four miles, did his duty at three churches, by reading prayers and preaching four times; he also baptised an infant, and churched the mother, published the hand of one couple, married another, and interred a corpse! He is seventy years of age.

Extract of a letter from Italy, dated the 10th April.

The concourse of strangers at Rome is said to be beyond precedent. Many conjectures as to the real object of the Emperor of Austria's visit, though probably it is to obtain the Pope's sanction to the divorce of Maria Louisa from Napoleon; and the marriage of the king of Prussia contemplated.

Domestic.

FROM THE AUGUSTA HERALD.

There are some men, and particularly scientific men who repudiate the opinions generally prevailing, that serpents exercise an unknown power of fascinating or charming of animals to catch them for food. The numerous instances of this power being practised by serpents in every part of our country, seen by a variety of people almost every year, many of whom were and are men of respectable knowledge and probity, ought I think to have determined in the mind of those who never saw the power practised, a conviction of its truth.

Among many other instances capable of proof, I will relate the following:

In July, 1818, the writer was engaged in re-surveying a tract of land. In the morning with five or six men in company, he was going thro' the woods to the corner at which he was to commence, (all walking) he observed a large black serpent laying on the top of a log, which log had a burnt cavity underneath, in which sat a large or rabbit—the serpent was coiled, or rather cramped up, so that every joint seemed to be distorted; his neck and head crooked up in the same manner hung down the log, but not far enough to see the rabbit; when the writer discovered the situation of both, he called the rest of the company to view them. He then approached within five feet, but neither the serpent or rabbit moved or seemed to notice until he struck the head of the snake with the sharp point of his staff, when the rabbit trembled violently, the snake was so eager after his prey and in such a state of seeming convulsion, that he appeared to be incapable of seeing us, or of fear, until he left the staff. We were very deliberate in our observations and afforded time enough to alarm them, but our movements roused them, and loud talking did not cause either to retreat, until the snake was struck, when his charm was instantly at an end.

From the Store House of Old Times.

A celebrated divine of purging memory, occasionally made a very good display upon words. One of his happiest was the following, which is deemed worth preserving. In front of his dwelling house there was a slough, in the street, which he had frequently urged the selectmen to fill up and render passable, in wet weather. They however neglected it, till one day, returning in a carriage from the country, their wheels sunk down in the deepest part of it, and they were obliged to alight and wade out. Our divine spied them, and hastened to the spot, addressed them as follows: Gentlemen, I have long been exhorting you to mend your ways, and an excellent opportunity, at least, to see you straggling in this matter.—Boston Kalendar.

FROM THE ST. LOUIS ENQUIRER.

American Citizens in the Dragoons of Santa Fe.—In the year 1842, Robert M. Knight, Jas. Laird, Benj. Shreve, Alfred Allen, Michael McDonough, Saml. Chambers, William James, Peter Brann, Thomas Cooke and — Maille, citizens of the United States set out from St. Louis, with an adventure of merchandize to Santa Fe. The article consisted of light and valuable productions which would be easy of transport, and yield a great profit, as Santa Fe they only get goods which are carried from La Vera Cruz to the city of Mexico, and hence packed on mules about 150 miles to Santa Fe; and that by monopolizers who get what they please to demand. Allured by the prospect of handsome profit alone, and without thinking of political objects, the party set out from St. Louis, without passports, and without other arms than those necessary for their defence against Indians.

They arrived at Santa Fe—were robbed of their property—and distributed among different prisoners.

In the year 1813 Mr. Hamstead, delegate in congress from the Missouri, laid their case before the department of state, and demanded the interposition of the American government.

This application seems to have been unattended to by the American government until the 8th day of February, 1817; possibly because in the interim Don Louis de Onis, whose interference alone would not have availed any

thing, was not acknowledged as Spanish minister, and Joseph Bonaparte's minister who was acknowledged as such, had no power to do any thing in Mexico.

On the aforesaid 8th day of Feb. Mr. Munron addressed a letter to Don Louis in behalf of the prisoners.

On the 13th of the same month Don Louis answered, that he would transmit the application to the viceroy of Mexico "with a request that he would exert his authority to cause the American citizens to be liberated, provided no sufficient cause of detention appeared against them."

On the 20th December following, nothing having been heard in the meantime in favour of the prisoners, Mr. Scott delegate, in congress, from the Missouri territory, addressed Mr. Adams, Secretary of State, a formal note in their behalf.

On the 7th Jan. following (1813) Mr. Adams forwarded a copy of Mr. Scott's letter to Don Louis de Onis, with a request in the name of the President of the United States, that the citizens might be released, and furnished with a safe conduct to return to their homes.

On the 12th Jan. Don Louis, answers that he had not received information of the effect of his application to the viceroy of Mexico, made 13th Feb. 1817. That he had on that day (12th Jan.) again addressed the viceroy, stating to him that the object of the American citizens in going to Santa Fe being purely and simply commercial, it was hoped that he, the viceroy, would immediately give orders for their release.

On the 15th April, 1818, the case of the prisoners, and that of Messrs. Chouteau and de Mun, robbed by the Spaniards on the Arkansas in 1817, and carried prisoners to Santa Fe, was brought before the House of Representatives, by a resolution calling for information on those subjects, and from the department of state was communicated the letters and documents above stated.

No particular measure was adopted in Congress in behalf of the prisoners.

In the month of November following, Mr. Scott, delegate in congress from the Missouri territory, applied to the Secretary of State for the further intelligence which his department might contain.—He received from him the copy of a letter from Don Louis de Onis, dated 26th June 1818, covering the copy of another from the viceroy Apodaca, dated in the city of Mexico 5th April 1818, in which the viceroy declares that he had directed an immediate enquiry to be made into the case of the prisoners, and that the most favorable decision would be given which was compatible with the laws and orders of his sovereign.

Nothing further has been heard of the prisoners since the date of the viceroy's letter.—None by an article of the late issue not

Seven years have elapsed since the unhappy men have been placed in the dungeons of New Mexico: six since their first application to the American government; two since the Spanish minister was applied to; and twelve months since the viceroy Apodaca says that he had given orders for immediate enquiry and the most favorable decision which the laws and orders of the Spanish king would admit of. Now Santa Fe is but eight hundred miles from St. Louis, the country a prairie between, and thirty days enough for the prisoners to arrive at home if released from bondage. Yet they have not come, nor been heard of; and a treaty of Amity is signed between their country and their oppressors, without containing one word in mitigation of their fate.

The time was when the citizens of a Republic commanded the respect of the world: when the cry, I am a human citizen, would burst the fetters of the bond, stay the hand of the executioner, and make the kings of the earth turn pale.—That time has passed away. A republic yet exists; but the spirit of Rome is not in it. American citizens, seized, bound, fettered, scourged and treated as dogs, in vain invoke the spirit of their country.—Letters are written from a Secretary to an Ambassador, they have the honor to subscribe themselves; with great consideration, each other's humble servants.—In the mean time years roll away, the captives pine in dungeons, and a treaty of friendship is signed with the power which deprives them of light. And by whom is this done? Read, American citizens, read by whom, in the following account of Mr. de Mun and Chouteau's treatment at Santa Fe in 1817:

On the first of June we were conducted into Santa Fe. I was first introduced to the Governor who acquired in a very angry manner why I had not obeyed him when ordered to go out to the Spanish domain? I replied that his orders were obeyed as soon as received; that we were taken on the American territory where our governor had given us a license to go. At this he got into a violent rage, saying that we should pay for our own and our Governor's ignorance, using all the time very abusive language, repeating several times that he would have our brains blown out; that we were fortunate that he had not come after us himself; for he would not have taken us alive. We were then ironed and put into separate dungeons. After forty four days imprisonment we were placed before a court martial, composed of six members and a President, who was the Governor himself. Only one of the six appeared to have some information, the others not knowing even how to sign their names. Many questions were asked us, but more particularly why we had staid so long in the Spanish dominions? I answered that being on the waters of the Arkansas, we did not consider ourselves in the dominions of Spain, as we had a license to