The Western Democrat.

OFFICE ON THE WEST SIDE OF TRADE STREET

CHARACTER IS AS IMPORTANT TO STATES AS IT IS TO INDIVIDUALS, AND THE GLORY OF THE ONE IS THE COMMON PROPERTY OF THE OTHER.

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Review of the Stay Law.

[The Raleigh Standard says the following article was written by one of the ablest lawyers in the State:]

This law, which is so great a stranger to our statute books, and to which the people are so little used; which proposes so radically to change that mode of administering justice, which, in all its main and essential features, was used by our forefathers before the Revolution, and by them was most solemnly and deliberately revised, amended and perfected within four months after the formation of the State Constitution at Halifax, by the very first legislative Assembly which ever sat under it, and has continued ever since to be our mode through nearly a century, demands for public consideration more examination and discussion than have been bestowed upon it. That the people, whose rights are so deeply affected by this new law, may see some of the great fundamental changes in the legislative and judicial guarantees of their rights, I propose to present a brief analysis and review of it, with some illustrative examples of its operations. *Some*, I say, because, in my judgment, a dozen years would not suffice to develop all its inroads upon the long established laws and usages of the people and their most cherished and best protected civil rights. Many of them I doubt not were neither foreseen nor intended by those who favored the law. I shall not discuss its constitutionality, but consider it merely as a system of policy. Section first provides—

"That the several Superior Courts of law shall have exclusive original jurisdiction to hear, try and determine all causes of a civil nature whatever at the common law, which may require the intervention of a jury."

If this section stood alone, it might be maintained with great force of argument that it confers exclusive jurisdiction on the Superior Courts in every matter of contract, however small—six pence as well as six thousand dollars. And explained as it is by section 16, which enacts that "none of the provisions of this act shall apply to the collection of interest on any contract," &c., and by section 19, that "hereafter all civil warrants issued by Justices of the Peace shall be made returnable for trial twelve months after date," the true construction will, perhaps, lie in the conclusion that all suits upon debts and demands, except for the recovery of interest, the Superior Courts and Justices of the Peace have concurrent jurisdiction. But, if this were so, the change though very great, the evil is so small compared with those other evils which the act brings into existence, that I should consume the reader's time very much amiss, if I were to invite him to consider it; although the costs of most suits in that Court would far exceed the sum sued for. The section of this law provides—

"That there shall be but one term of the said Superior Courts of law and equity, opened and held in each of the counties of the State, in each year, which shall be holden at the times and places now required by law for holding the Fall term of said court, and all laws requiring the holding of the Spring term of said courts are hereby repealed."

The obvious purpose of this provision is to excuse the debtor from fulfilling his obligation to pay money. But, greatly demoralizing as in this respect must necessarily be its effect, it is still more vicious in its effects upon public order—upon the liberty of the citizen, and his personal security; upon the safety of his home, and his property in his actual possession, whether in lands or slaves, or other estate. They are fatal to public order. No maxim among law givers is better established, than that speedy trials and punishments for crimes, are the best guarantees for public order. Delays of justice invites violence and crime of every grade. It is true, the County Court is open for the trial of the smaller misdemeanors, but a large number of crimes is cognible only in the Superior Courts. The times naturally enough multiply criminals who prey on society; and when society finds the arm of the law nerveless or paralyzed by long delay, it is sure, in self-defence, to organize irregular tribunals, which punish by lawless trials and unmeasured revenge. If in the outset it should, in obedience to a long cherished veneration for the law, await with patience the slow coming of the Court, it will be doomed to disappointment; for, when finally the long delayed Court arrives, the week is too short to dispose of the cases, and a trifling excuse serves to postpone the trial. The criminal is sent forth again to his depredations, and tramples with impunity on the prostrate law. If the offence charged is capital, and admits not of bail, the suspected man, innocent though he be, is confined to a dungeon for twelve months before he can demand a trial—and even then there may not be time to try him, or the State may continue the case, and he is doomed to suffer another twelve months in the dungeon. And as to the civil suitor, who seeks to recover the price of his land, his slave, or his horse, which are in the use and possession of the defendant, what chance has he to be heard, with a docket loaded down with criminal prosecutions and all the civil suits of a county containing twenty thousand people? It may be that the defendant is a gross trespasser, holding with force your very home, into which he has slipped in your absence; he may have seized your slaves with a strong hand, and still holds them in lawless defiance of the clearest right. He may have assaulted and disabled your person, whose only estate was your labor, and that labor the support of a wife and children; he may have murderously slain the husband and father of a helpless wife and infant orphans, and damages be sought for the outrage; he may have slandered a poor and virtuous female. Yet against the cries of justice for any and all these wrongs, this act has shut up the Courts, *in order to screen a debtor from paying his just debts!* Can virtue, honor, religion, or true courage long dwell in a land where private rights are so scorned, and personal security so utterly abandoned? If a man die possessed of a competent living for his wife and children, the executor or administrator is sworn to sell the property on a credit, and to take the bid of him who gives the best price; and he is driven to a twelve month Superior Court as the only chance to get the money. This act covers the studied attempt of the buyer to evade his just obligation, and leaves the widow and orphan without bread. Is it a wonder with any man of sense, that with such temptations and encouragement to delay payment, every man should put away his money, and button his pocket against every application for loans? The banks will answer this question. Within a few months, the deposits of one of the banks in this State have increased from $500,000 to $1,200,000. Such will be the answer of all the banks. More money within a few months past has been issued and sent forth, than has been for many years before, and yet it returns as rapidly as it went out. The stay law has stagnated all circulation in payment of debts and destroyed all commerce except for cash; and money is ruled by the adage, "get what you can and keep what you get." Section third provides—

"That all actions brought in the said Superior Courts of law and equity the defendants shall not be compelled to plead thereto for twelve months from the return term."

It is certain that the extended time for pleading was not given to *defend*, but to *delay* the *right;* not the better to *administer* justice, but to *evade* it by openly preventing the very forms adopted by all civilized people to *enforce* it. For nearly a century, legislation everywhere has been engaged in freeing justice from the quibbles of pleading. This act resorts to the condemned quibble for the mere purpose of delay. Without reckoning the chances of *one* continuance, or the death of a party, the speediest course of a law-suit will be as follows: Writ issued in November 1861, will be returned to October '62, and will be pleaded to in Oct. '63; *if* reached on the docket will be tried in Oct. '64, and the money paid in Oct. 65—unless there is an appeal to the Supreme Court held in June '65, when the money will be paid in June '66. This is equal a credit of five years, and is given *expressly* to produce this long delay, by a legislature who profess to have sat under the control of a *supreme and sacred character of liberty*, which forbids the passage of any law impairing the obligation of contracts. Now add what is commonly the case in the history of a law-suit, one continuance for a crowded docket, one for a pretended or real cause, and one for a death, and the credit is 8 years!!! In addition to all this, section 4 denies trials of all cases at the passage of the law, in the Superior Court for one year, although some may have been pending already half a dozen years. If under such circumstances, the kindest man should refuse to lend his money at all, or the usurer demand 20 per cent., or the shaver take off 50 per cent., it will be no matter of wonder. If the people shall consider this act as a vast stride towards the cancellation of debts, (that wicked demagoguism so often attempted in the most corrupt days of the Roman Republic,) there can be be no cause for astonishment. If the cash system of trade is brought on the people at once, and at a time, too, when confidence ought to be encouraged by every legitimate mode, can any be so blind as not to perceive who are its authors? The succeeding sections 4 and 5, in order the more fully to complete the delay on the largest contracts, abolish the civil jurisdiction of the County Courts, and remove all the suits pending therein to the Superior Courts; and after augmenting the number of cases in many counties to 5 or 600, forbid the trial of all causes thus removed, till twelve months thereafter, although the pleadings are perfected and the time for trial shall be ample. And as the finishing touch to the plan for hindering and delaying the trials of causes, the act finally reaches out its hand and lays hold of the poor man's cheap Court—*the Justices' Court*—and delays the trial of a one dollar cause for twelve months!

And if then tried the defendant may appeal to the Superior Court, which may be a year off. At the Superior Court the defendant is required to plead and the case will stand over for one year more. So that if the defendant is warranted for the sum due on a witness ticket to a poor man who has been compelled, by fear of a fine of $40 or the pains of an attachment, to attend and pay his own expenses for travel and board, and his case shall go to the Superior Court for trial, he will in the best possible luck, *if his case is reached at the first trial Court*, get a judgment in the third year, and his money in the fourth, provided the sheriff will do his duty, and the party may not have failed. For it is a strange enactment of this section, that without an affidavit of merits, any defendant, who will swear to his inability to give security, may without security appeal in the plainest case. Whereas, by a long established practice of the courts, no pauper can even commence a suit without security, unless he swears both to his pauperism and the merits of his cause. So that few men—certainly not a poor man—would ever begin a suit for a witness ticket, or for a month's wages. Indeed few men would be surity for a defendant in such a protracted litigation; and it would be easy, therefore, for him to make the affidavit of inability to give security, though then perfectly able to pay the debt.

It is plain, then, how the stay law tempts the debtor to defraud the poor and necessitous man out of his time and money.

But, if there should be no appeal, the witness may expect his judgment in twelve months and a recovery of his ticket to pay his tavern bill in one year more. In most cases, however, it is obvious that the constable who served the warrant would never finish the collection; and whenever finished a suit on his bond for the money withheld would, being a litigated suit, run through half a dozen years more.

If King John, of England, ever favored such a law as this, well warranted were our sturdy England ancestors, when at the point of the sword, they exacted of the crown a perpetual promise that justice should never be sold—never be denied—never be delayed.

The act after having denied a trial for four, five or six years of undetermined cases, proceeds in the next place to stay the end of undetermined cases. It is an old maxim, the foundation indeed of all the value of a court of justice—"*interest reipublicæ, sit finus litium.*,—"It concerns the commonwealth that litigation should be speedily and effectually terminated." But this act resuscitates the expiring controversy and infuses into the dying contest, a new and fresh vigor of life. It commands that the execution shall not be satisfied, that the fruit of long delayed justice which has been duly and solemnly awarded, shall not be received and enjoyed by the injured party. It directs the Sheriff to endorse his levy upon executions and return the same to the court whence issued, and thereupon it commands the clerk to issue a *vend. exponas*, or *alias fi. fa.*, returnable twelve months thereafter The debtor, the trespasser on your person or land, the slanderer, and the thief who may have stolen your goods, and been convicted thereof in action of tort, are all huddled together and allowed to enjoy their unjust gains and delay compensation for their wrongs, to the great loss of the injured man, for one year longer.

Such is the condition of all plaintiffs, however meritorious their demands; and such the privileges of wrong and outrage, however palpable and crying the injuries may be, even if the defendant should be bound to remain in the State and abide the ultimate and long delayed event of the suit.

But the act strikes a hidden and secret blow, the consequences of which are protective of wrong, disastrous to right, and work a perfect revolution in our mode of administering justice. It enacts that no execution of *ca. sa.* shall issue. Does not this abolish all bail? Of what use is bail? How can the bail bond be forfeited, if the issue of the *ca. sa.* be prohibited? Did any member of the Legislature contemplate so radical a change of the law as to dispense with bail in any and all actions? I doubt whether any one of them would admit such to be their intent; and yet who of them can tell us the value of bail now? Let us try the question. An insolvent person is sued for violently seizing and carrying away your slaves, or your horses; he has sold them and given bail while he holds the proceeds of such sale in his pocket; a judgment after six years is obtained—he has no visible estate on which an execution can be levied, but he has an abundance of invisible estate and is rich in bonds which the Sheriff cannot seize—what means are left to compel him to apply a cent to the satisfaction of the recovery? If a lawless and insolvent man chooses to lay violent hands on your personal estate, and is proceeding with it out of the State, and you resort to the law for redress, of what use will be your writ of *capias ad respondendum*? If he gives the best bail, his body is exempted from seizure, and so the bail is released. If your debtor residing in a distant land, shall come hither to remove all his property beyond the jurisdiction of the courts, by what means will you secure your debt if he will defy you? Will you take an attachment? If you do he will replevy by giving *bail;* and as the bail cannot be required to surrender the body, the replevin bond becomes the merest farce. This provision requires a citizen of this State to surrender his debt, his damages and all compensations for wrong, though contracted or perpetrated within its limits, unless he will follow the wrong doer and his property to his distant home for redress. Such are the necessary effects of one of the many stupendous changes in the administration of justice introduced by the stay law. It is true that in some States bail is abolished upon certain conditions; but invariably some equivalent security is substituted. This act offers none; it opens wide the door of temptation to defraud and rapine; it encourages the perpetration of every injury to private right, and a defiance of every court in the land. The law, intended to be the just protector of all, is now made too weak to defend any man, or any cause. Did the people demand this mighty change of the Legislature? The effects of the act may be summed in this: It removes the shield of legal protection from the person; it depreciates all contracts; it renders insecure all personal and moveable estate, and invites permanent trespasses on all real property.

Let us take another step in the review of the stay law. Section twelfth provides—

"That all deeds of trust and mortgages hereafter made, and judgments confessed to secure debts shall be void as to creditors, unless it is expressly declared therein, that the proceeds of sale thereunder shall be appropriated to the payment of all the debts and liabilities of the mortgagor, equally *pro. rata.*"

It is obvious to every reflecting man, that the most efficient stay law that can be devised, will lie in a policy which encourages forbearance, while it tolerates and invites, by the best security at hand, all useful and convenient trade. Such were the intent and effect of the stay laws of 1783, c. 5, and 1812; the only laws of this character ever passed in the State of which we have any knowledge. But this act, after unreasonably delaying for many years the fulfillment of contracts and driving money from circulation, and causing a general hoarding by every man who can get it, has even prohibited the creditor from securing his debt by a deed in trust or mortgage (though freely offered by the debtor,) and forced the former to sell under execution whenever such sale may be allowed, and constrained the latter to sacrifice his estate by actual sale whenever he may need money to buy food, pay an honest debt, or bury a deceased child. Extraordinary as it may appear, the act, while it allows the owner himself to sell it and apply the proceeds as he may please, prohibits him from conveying it in pledge, either to raise money to pay a debt, or to secure the price of the very property bought and proposed to be pledged as the security for its price.

The following are examples of some of its many unreasonable fruits: 1. If a debtor be under execution, his lands, slaves or crops may be sold to satisfy the debt, yet he is not allowed to convey it in trust to secure the debt and postpone the sale, "unless it is expressly declared therein, that the proceeds of sale shall be appropriated to the payment of *all* his debts and *liabilities.*" This provision leaves the creditor no alternative but to sell unless he will subject his debt to the hazard of being paid *pro rata* with every *liability* of the debtor, as well those in which he is surity only as those which are his own debts. 2. If a debtor who is such, either as principal or only as surity, wish to purchase a tract of land, a slave or other property—a poor man a horse to till his crop for instance—he cannot even pledge the *particular property bought, to secure its price* unless he subjects the property to pay all the liabilities with which he may be charged either as surity or principal. Yea, he cannot secure his own surities without being *compelled* to secure at the same time and on equal footing, the debts wherein he is surity himself. 3. If a man would borrow money to pay his taxes, State or Confederate, heavy as they are, he is unable to do so, because the lender will not trust the slow delays of the stay law for its return, and the debtor cannot confess a judgment or make a deed in trust, without subjecting himself to be sold out to pay *all* his liabilities of every sort. No, he cannot even give such a lien on any of his property to pay the tax, though his work horse or his milch cow may be sold, and must be sold by the tax gatherer to pay it. 4. If a debtor before the passage of this law shall have made a deed in trust to secure a debt, and the property conveyed shall not, in the depreciation consequent on the times, be sufficient to pay the debt, and there is not property enough besides the estate conveyed in trust to pay all his other creditors, yet enough to put them *pro rata* with the debt already secured, and he desires to do so, yet he cannot. For, if he makes a trust or confesses a judgment, all the property conveyed or bound is devoted by the stay law to pay *all* his debts, including, of course, the debt secured before the passage of the act. So that this debt stands *unalterably* favored, and while it takes all conveyed in the first trust, shares equally in the second.

Considering what a law-abiding people we have been, one would have supposed that the stay law would have been content with the delay consequent on abolishing the civil jurisdiction of five out of six courts, reducing the time of holding the courts from six weeks to one and giving but one court a year for the trial and hearing of all cases at law and in equity; and then also, forbidding a debtor or purchaser to give any lien on property to raise a dollar, or to secure the purchase money, unless he would provide also for debts wherein he was only obliged as surety. But not so; the officer of the law is insidiously approached, and the stream of justice is polluted at both ends. The stay law found a long standing statute, a century old, which imposed a penalty on any sheriff who should wilfully fail to execute "process" delivered to him in due time. The stay law, not content with the enactment of its own extraordinary delay of four, five or six years, repeals the old law, as to every fine incurred since the passage of the stay law of May, and also as to every fine thereafter incurred by reason of omitting to execute process. Now the term, "process" includes both the beginning writ, which brings a defendant into court and commences the suit, and the concluding writ of execution which brings the money into court. So that the sheriff is quietly approached and assured that if he neglects to execute either or both, he will be in no danger, except what may befall his conscience in the violation of his official oath. It is probable, (and some have charitably supposed so) that the act was intended to pardon only the penalties which had been incurred, or might be incurred by sheriffs who may have acted under the supposed validity of the stay law of May. But the Language is too explicit to admit of such construction; and the source of the charitable interpretation is to be found only in the enormous outrage offered to justice by the adoption of the true and contrary construction which follows clearly from the words of the statute. The sheriff is now for the first time in a century relieved of all *legislative* penalty, if he wilfully neglects, out of friendship to a friend or enmity to a foe, to serve a writ to bring the defendant to court. So that after one sues, there is no certainty his writ will ever be served; especially if the debtor is the officer's kinsman, or friend, or an influential man. No suitor, therefore, can reasonably calculate at what time after the writ is issued the defendant will be in court. And even when the judgment, after years of delay, may at last be rendered, and the final process of execution shall come to hand, the officer is informed that he incurs no penalty if he shall refuse to make the money.

Or if he makes it and returns satisfaction, and withholds the money—or if he neglects to make the money, and a suit is brought against him and his sureties, the delayed and sickened plaintiff, (or most likely his executor or administrator,) must tread over again the mazy round of another suit conducted under the machinery of the *stay law.* And this suit in all probability is destined to end in like career in like manner. During all these many years, the suitor is taxed to support a judiciary established peaceably to protect and effectually to defend his civil rights!

But if it was not the intent of this law to repudiate all past and future contracts by the force of a legal chase around a never-ending circle, and there be left really any law to compel the sheriff to an upright discharge of his duties, it is a most difficult thing to advise the officer how to proceed so as to secure himself, and at the same time give the indulgence intended for the debtor. Thus the law requires the sheriff as also the constable, to levy executions, issuing on judgments rendered before the passage of the law, on property sufficient to discharge the debt and return the levy to the succeeding court, and then that a *vend exponas* shall issue returnable twelve months thereafter. To a proper understanding of the operation of this section, it is necessary to bear in mind the nature and effect of a *levy.* A levy on land is a very different things from that on personal estate. When land is leived on, the law does not require the officer to enter, take possession and turn out the proprietor, but simply to endorse his levy thereof on the writ. Indeed it would have been superflouous to require more than this, because the land cannot be put out of the way. But very different is the case of a levy on personalty. The law requires of the sheriff to seize and take into his possession and hold adversely against the possession or occupation of the owner and all others all personal estate, which admits of such exclusive possession. Thus the sheriff is required to take into his possession when leived on, slaves, horses, cattle, hogs, sheep, corn, wheat, tobacco, household furniture, and every tangible and moveable thing and authorizes the officer to take the articles away for safe keeping till the day of sale. This is allowed to be done because the officer is liable for the value of the property levied on from the hour of levy; and if removed out of his reach by his allowing it to stay with the owner, he is responsible for its value to the creditor. And if he negligently allows a stranger to take it away against the consent of the owner, the execution is discharged as to the debtor himself, to the extent of its value. Hence when such property is once levied on, there is no need *for any other execution to issue.* The sheriff may sell at any time during his life, in or out of office; and if he die, his executor or administrator may sell. The Legislature has commanded the officer to levy and return the execution to the court "*without making a sale.*" This command does not relieve the officer of his duty to take charge of the property levied on. It is as much in his possession and under his absolute control after this stay law as before; and the officer's responsibility is not in the least diminished. Upon his death the property will go to his executor or administrator, now as before. The command, therefore, to return the levy, only prolongs the time of sale and does not change the nature and effect of the levy, nor the legal right of the officer to the property levied on: *and by the levy the officer is the legal owner.* Such has been our clear law of a levy ever since the settlement of the colony, and ever has been and is now the law of England, and perhaps of every State in North America. Upon this necessary legal incident to a levy of personal estate is grafted the long standing law still in full force. (Rev. Code chap. 45, sec. 25, 26.) That the county court "shall make a reasonable allowance to officers for keeping and maintaining horses, cattle, hogs, or sheep, and all other property, the keeping of which may be chargeable to them, taken into their custody under legal process; and such allowance may be retained by the officers out of the sales of the property, in preference to the satisfaction of the process under which the property was seized or sold;" and the officer shall return the account for such keeping with the execution "under which the property has been seized, to the Justice or the court to whom the execution is returnable." Again, it is our express law (Rev. Code, chap. 45, sec. 2, and chap. 82, sec. 16) that when any execution shall come to the sheriff or constable, "he shall proceed to levy the same upon the *goods and chattels* of the defendant in the first instance, if there be any."

The stay law does not change this provision, and therefore the officer is bound to seize in execution the debtor's goods and chattels and other moveable property, if there be any, and let the land alone. Now let us suppose an ordinary case of execution against a farmer who has no slaves, but stocks and crops of various kinds. The officer is bound to *seize* the horses, cattle, hogs or sheep, or the corn, wheat, tobacco, oats and peas of the defendant, and *keep* them till the court to which the execution is returnable, and endorse the levy and seizure thereof on the execution and return it *without making a sale.* (Such is the express command of the stay law—Sec. 5;) and thereupon the clerk is directed to issue a *vend. exponas* returnable twelve months thereafter. The *vend. exponas* does not release the property from the control of the officer: and if he indulges twelve months longer, (as seems to be the purpose of the law,) he is obliged to keep the property till the day of sale. In the meantime the grain will be ruined, and the cost of keeping the stock will be greater than its value. The debts of course will remain undischarged, and the debtor will lose his property without paying his debt. Such necessarily will be the result if the officer gives the indulgence seemingly intended by the stay law. But suppose the officer allows the personal estate to remain with the defendant, of what benefit can it be to the debtor if it may not be consumed? Of what benefit can the levy be to the creditor unless it may be sold? It is one of the best settled duties of the officer to sell without delay, as early as he can after giving notice, all such estate as is liable to loss or depreciation in value, because thereby the largest value is obtained both for the debtor and creditor, and the officer is relieved of his onerous responsibility. A familiar instance of this care and foresight of the law is found in the attachment law, chap. 7, sec. 6, which provides for the sale of perishable estate even before the judgment is obtained. If, therefore, the officer may not, in consequence of the stay law, sell before, or at the return court, it is obviously his duty to sell *immediately* after that court, whether a *vend. exponas* issue or not. If he do not, and the corn is consumed, or the stock die, or any of the articles be removed beyond his reach, he is liable to the creditor for the full value; and if he holds and keeps the property without sale and there be any loss thereby, he is liable to both. In one way alone then can the officer act both in obedience to the law and with safety to himself; and that is to sell as early as practicable. *He will be forced to do so.* Now let us see what results: The sale is made so soon as the *vend. exponas* comes to hand, and the money is held by the officer for the residue of the twelve months, without interest to the creditor. If kept it may depreciate and become worthless; and so the creditor may be ruined by the delay without its being any aid to the debtor. But a sad evil will spring up in the demoralization of the officer by the temptation to use the money himself.

I shall close my comments upon this most extraordinary of all laws known to the history of the State, by noticing the matters excepted from its operation by sections 16 and and 19. The former of which provides that the law shall not "apply to the collection of the State or county revenue." And the latter that it shall not "apply to the collection of interest on any contract already accrued or annually hereafter to accrue."

In regard to the first, it was wisely considered that all the public functionaries should be promptly paid, and the Judges even fully paid, though one half their services were dispensed with; and therefore a creditor's property should be sold to pay his tax, although he was prohibited from collecting by process of law a dollar that might be due him in order to save that property from sale.

In regard to the second, it was also thoughtfully considered, that inasmuch as one man had laid out his means in lands and slaves and annually got the yields of the earth, and another had lent this very man all his money wherewith to buy his land, he ought to be at liberty to collect, as his means of living, the interest on the money lent. And this was right. Now I say this was thoughtfully considered, but was it right so utterly to neglect and pass by the laboring man's means of living? His land is his labor, his capital the industry of his hands—his means of living the sweat of his face; yet he may earn by hard toil the wages of a day, a week, or a year, and rely on them to feed his wife and children, but now can find in all the statutes of the land not a line of law that helps him to a speedy recovery of his humble dues. The stay law has unfeelingly shut the door of justice in his face; and when he demands his scanty wages of the owner of lands and slaves, or the lender of money, for whom he has labored, he is coldly turned over by the stay law to the delays of a three years' suit before a justice of the peace to get five dollars.

DAVIE.

AN INDIANA PRAYER.—An Indiana clergyman, during his prayer on the late Lincoln Fast Day, used the following language. "Oh, Lord, had the East done as well as the Hoosier State in putting down this rebellion, we would not be under the necessity of calling on Thee." And if the whole of the United States had done as well, the rebellion would be just what it is.

LEMONS AT THE NORTH.—A Philadelphia paher says:

Some weeks since a vessel arrived at our port with a cargo of lemons and limes. The price at that time was considered unusually high, viz: $6 per box Two weeks later there were but ten boxes in the market. A gentleman purchased two of them at $7 per box. Five boxes were sold the next day at $10 each. On the next day following a box was disposed of at $20, another at $25, and the last box of lemons in the city was sold, yesterday, at $30, or at about ten cents per lemon, wholesale rates. Single lemons were sold in this city last evening for *fifty cents a piece.*

WANTS TO GET BACK HOME.—One of the Yankee prisoners from the wrecked steamer Union remarked at the depot here, that if he could get back to his home in Jersey he would stay there. We guess he only expresses the feelings of the several thousand prisoners that we now hold.—*Newbern Progress.*