

practice is an act of humanity and must proceed from a sympathy of feeling toward our fellow beings. But are legislators, for the sake of humanity or for pretended humanity, to enact laws which will tend to arrest the common course of justice and give dishonest debtors an opportunity of evading the payment of their just debts? And what is the fact with respect to the law now under consideration? It is provided, that whenever any debtor or debtors shall be taken by virtue of any *capias ad satisfaciendum*, and shall tender to the sheriff or other officer who takes him or them, a bond with security in double the sum of the debt, conditioned for his appearance at the ensuing county court, if more than twenty days previous to such court, and if within twenty days, then to the next ensuing county court, there to surrender a schedule of his property, or if he has none, to take the oath prescribed for insolvent debtors. Thus giving to a debtor three months and twenty days in some instances to dispose of his property and to pay over the proceeds to some other creditor: or, if he is so disposed, to conceal his property, so that it may not be found. For have we not abundant proofs to shew that some men are base enough to conceal property, and then go into a court of justice and swear that they have none? This is a melancholy consideration, but it is a fact which cannot be denied, and which it can, therefore, not be amiss to guard against. But on the other hand, a man may dispose of all his property and pay the proceeds to some one else to whom he is indebted at that time, or he may, being at liberty all this time, vest a very considerable portion of it in such articles which the law cannot claim. For in the first place, the oath prescribed for insolvent debtors does not oblige them to swear that they have not defrauded that creditor at whose instance they are then taken; it only requires them to swear that they have not concealed any of their property, or conveyed it away in trust to any person whereby to defraud any of their creditors; or, in other words, that they do not hold property and have debts unpaid. And who does not know how much debtors are exasperated, when they are sued for money, against the particular person at whose instance they are sued? Nay, some men are so obstinate, as that they would do almost any thing to avoid paying such debts. And how many such characters are there, against whom it becomes necessary to proceed in this way, who have a number of other unpaid debts, and which they would much rather pay voluntarily, than to gratify him who, as they conceive, has so highly insulted them as to sue them for money. And again, being at liberty all this time, they can make their own bargain, by which they will have it in their power to sell off all they have privately, and to vest a very considerable sum in a bed, firearms and working tools, which the law cannot take. And thus, I will venture to say, that nine times out of ten, the law will be evaded and the most penetrating vigilance of creditors and officers eluded.

It is, however, provided, that when fraud shall be suggested, an issue shall be made up and submitted to a jury for investigation. One of the quaintest fictions, perhaps, that ever found its way into any system or code of laws that had any pretence to wisdom of design, or efficacy in effect. How, in the name of common sense, will you suggest fraud, unless you know of its existence? And how will you come to the knowledge of its existence when, perhaps, it is concealed in a spot where human eye never penetrated, except the eye of him who perpetrated the deed? In short, it is impossible to guard against impositions of this kind, under the present law. And, upon the whole, take it as it stands, it is a very vague and defective one; and I most sincerely hope that, at the next session of the legislature, it will receive such amendments as will entitle it to the respect and esteem of men of understanding. B.

INTELLIGENCE.

He comes, the herald of a noisy world,
News from all nations lumbering at his back.

Foreign.

Advices from London to the 10th of March have been received at Philadelphia. The following articles are all which appear calculated to interest the American reader contained in the papers that have reached us:

LONDON, MARCH 8.

The Paris Journals of Monday last have arrived this evening. The following is from the *Gazette de France*:

"We have just received a private letter from Naples, dated the 15th ult. which supplies the following details:—

"To-day, at the breaking up of a long sitting, in which the report of the committee, nominated last evening to examine the ultimatum of the powers, was read, the Prince Regent left the hall in the midst of the members of the Parliament, and pronounced, before the assembled multitude

the form of a declaration of war against Austria and the coalesced powers. The troops have received orders to march. General Carasco has taken the supreme command. Begani has entrenched himself in Gaeta. The Neapolitan troops appear to have a design of marching against Rome.

NAPLES.

Sitting of the Parliament of Naples, of the 15th of February.

The delegate Borelli, chairman of the committee appointed to report an opinion and draughts of resolutions respecting the definitive notes from the Congress of Laybach, repeated in more detail the introduction to his report with regard to the King's declaration of the 7th Dec. He proved that the Neapolitan constitution, desired by the whole nation, had been spontaneously granted by King Ferdinand, in the month of July. He proved afterwards that the same sovereigns who now seek to destroy it had used, at two very distinct junctures, a language quite different touching the pretended right of meddling with the internal affairs of foreign nations. The first juncture was that of the obstinate war with the French republic, which they justified by the allegation that she propagated her principles by the sword, and threatened the independence of other governments. The second epoch was that at which they summoned all the nations of Europe to defend their independence against the enormous power of Bonaparte.

Borelli spoke of the manner in which Austria had calumniated the establishment of the Neapolitan constitution, by representing it as an absurd and bloody anarchy, and had availed herself of this phantom to induce Russia and Prussia to lend their aid in measures directed solely to her private advantage. The orator spoke constantly of Austria, as the power which stood single and apart in this business in her interested policy; he paid the loftiest tribute to the generosity and liberality of the Emperor Alexander, and he pointed out how Prussia had yielded, from complaisance, to the instigations of Austria, though against her real way of thinking. He discoursed also of the King of Naples, and inferred from the language of his letter of the 28th of January to the Prince Regent, that the monarch had written it by compulsion, and that its tenor was also owing to the circumstance of his being deprived of his constitutional advisers, for whom had been substituted prince Ruffo, a traitor to his country, and one who had been stripped of all his titles and dignities by this same king. And, as regarded the duke de Gallo, he had been suffered to remain at Laybach only a few hours, his cars being declared official, but not his tongue. Upon England the orator bestowed abundant and earnest applause for her conduct, which breathed the constitutional spirit innate in the English temperament. France he represented as neutral, and even desirous of effecting an adjustment without wrong and oppression, and in no wise capable of uniting her arms with those of Austria.

He then shewed that the Allies had left the Neapolitans no scope for hesitation as to the course they should pursue, since while they were covered with opprobrium on the one hand, nothing was offered them on the other but a diminution of the burthen of taxes. When, moreover, the occupation of the kingdom was mentioned, the term of it was not specified: nothing then remained for the nation but the alternative of conquering her oppressors, or perishing gloriously. Success was not impossible; for, though Austria threatened her with one hundred thousand men, not more than sixty thousand effective troops were at hand.

These being repulsed, some months must elapse before the Russians could arrive; and it would yet remain to be seen whether they marched to occupy Germany or Italy. Other nations, he exclaimed—for instance, the Swiss and the Dutch—had fought and conquered with forces still more disproportioned.

If, perchance, the war should be protracted, it may give birth to incidents favorable to the Neapolitan cause—our enemies will, perhaps, learn to repent for having drawn hither the Cossacks of the Don; a reverse of fortune suffered by the Austrians may rouse and propel all the inhabitants of Italy to second the Neapolitans—they might engage in the struggle for the defence of the cause of all freemen throughout the universe, and all freemen would aid with their prayers or their arms.

Borelli concluded by exhorting the Neapolitans not to hide from themselves the heavy calamities to which they would be exposed by resistance; the death of the persons most dear to them; the plunder of their property; the violation of their wives; the devastation of their country. But, at the same time, he ventured to predict to them, confident in God, the protector of the Sicilies, that, if they heroically faced those calamities, and shewed themselves firm and fearless, they would in the end see all their efforts crowned with the most brilliant and lasting success.

Resolve of the Parliament.

The Parliament having heard the speeches of various other members on the subject of the official notes from the Congress of Laybach, and the cries of *war, war*, having been repeated for a long time, by the whole assembly and the people; passed, unanimously, the following resolutions:

1. That they have not the power to accede to any of the propositions which have been communicated to them in the names of their Majesties the King of Prussia and the Emperors of Russia and Austria, propositions of which the purpose is the subversion of the present constitution, and the occupation of the kingdom.

2. That they consider it as impossible to ascribe to the free will of H. M. Ferdinand, any act done, or which may be done hereafter, if it be contrary to his repeated oaths to defend this same constitution; and that, by reason of the acts of this kind, they regard his majesty as placed in a state of duress.

3. That, while this state of duress continues, the Duke of Calabria, his august son, shall retain the Regency of the kingdom, conformably to the mode prescribed in the decree of the 10th Dec. 1820.

4. That, pursuant to the tenor of the preceding resolutions, and according to the Constitution, the measures proper for the safety of the state shall be taken.

And, considering the necessity of making more and more manifest the principles of public law, by which the nation of the Two Sicilies is guided, the Parliament declare,

1st. That the nation of the Two Sicilies is the natural ally of all those who enjoy their constitution, and of whatever other; and under the particular relations regulated by constitutional forms.

2d. That it does not interfere with the government of other nations, and will not permit other nations to interfere with its own government; and that it is resolved to employ every means to prevent any other power from infringing these principles.

3d. That it affords an asylum to foreigners driven from their country for liberal opinions.

4th. That it will never make peace with an enemy while that enemy occupies its territory.

LONDON, MARCH 10.

The Queen has written a letter to the Earl of Liverpool, in which, according to the *Morning Chronicle*, "she signified her determination to accept the establishment granted by Parliament, desired him to express to his Majesty her grateful sense of the manner in which her name had been noticed in the Speech from the Throne, and her regret, that her name was still withheld from the Liturgy."

After a long debate in the Commons on the 2d March, Mr. Plunket obtained leave to bring in a bill for the relief of his Majesty's Roman Catholic subjects, by a vote of 227 to 221.

RUSSIA.—Four of the columns which are to be used in the construction of Isaac's church have lately been brought to Petersburg, by water carriage, from Finland. They are of vast size; the shaft of each being 8 fathoms in height, consisting of a single piece. Thirty-six similar columns will adorn the edifice. The whole building will be colossal. Under the pediment, which will be of marble slabs, there are to be thirty-two stoves to warm the church in the winter; being distributed, by means of pipes, under the pavement.—Each of the above named pillars weighs, in its present state, 13,000 pounds, (calculating 36 lbs. English per pood,) 468,000 lbs. They are polished by the aid of a steam engine.

EMPEROR ALEXANDER.

Extract from a speech of Lord HOLLAND, in the British House of Peers, concerning the attack of the Allies upon Naples.

"Even Russia had allowed that the Spanish constitution, which has been adopted by Naples, was one with which peace might be maintained; but the objection of Russia was not now to the democratic tendency of that constitution, but to the manner in which it had been established. Strange objection, indeed, to a constitution good in itself; but in whose mouth could it be more strange, than that of the man who was sitting on a throne reeking with the blood of his father? A throne, from which no man had descended without blood, from the time of Peter the great! What entitled such a man to read lectures to nations upon the mode of establishing free government? What made it peculiarly appropriate in him to condemn every thing that originated in force? How did it become him to deal in this hypocritical language, and to talk of his love of constitutions and his hatred of armies, whose power was founded on force, who had derived the sceptre from the murder, he would allow it to be, the justified murder, of his parent, but, at the same time, a murder of violence?"

Miscellaneous Articles.

OUR OWN COUNTRY.

From the North American Review for April, 1821.

"We may turn from the difficulties in which Europe is involved, with sentiments of gratitude that we are exempted, and sincere wishes that she may be relieved from them. We are carrying on an experiment; successfully, that has been often denounced as rash and visionary. Yet it has out-lived many of those who predicted its early destruction. Our government has moved on, acquiring ease from habit, confidence from practice, and estimation from experience. It has been developed under very trying circumstances, has lived down two powerful, embittered parties, and continued unchanged, while the proudest monarchies of the old continent have been riven to their foundations, and are now perplexed with the fear of change, and all its unknown consequences. Our parties are at last united in their interpretation of the principles of the federal government; and, in despite of so many assertions, that our interests were irreconcilable, after so many prophecies of disunion and civil war, we have just chosen a President, in all the states of

this vast confederation, unanimously. Our system daily obtains greater confidence and attachment in the minds of the citizens, who feel its benefits, and perceive more and more its natural strength; a strength which it owes to being exonerated from those artificial appendages whether they come under the head of ecclesiastical, military, and feudal entailments, or exclusive hereditary prerogatives; devices which seem to constitute the force of Europe, but are, in reality, the dangerous sources of her evils. Our government demonstrates, that where abuses are not to be defended, standing armies are useless; where favoritism, prodigality, and injustice are not practised at the expense of the people, all the acquisitions of industry, or the possessions of inheritance, however vast or however humble, and all the rights of person, are entirely secure. Its action shews it to be the strongest government in the world. While we enjoy its direct advantages, other nations may look to it as a bright example of what is practicable, and a strong encouragement to proceed in the career of reformation."

SINGULAR CASE OF ASSASSINATION.

An officer of the French army, named Tulanne, returned home after the disbanding of the troops who had retreated behind the Loire. It was at Morelleri, near Tours, that Capt. Tulanne fixed his residence. The Chateau of Morelleri was inhabited by Monsieur and Madame de Grellay. Admitted into their society, Monsieur Tulanne contracted with Madame de Grellay an intimacy, which became so very scandalous that the outraged husband felt himself under the necessity of driving from his house a man who had carried into it much disturbance and dishonor. Exasperated through despair of his having lost that happiness which a long and tranquil union had allowed him to enjoy, Monsieur de Grellay turned all his indignation against the seducer. One day in a coffee house he reproached him with his baseness, the infamous manner in which he had abused his confidence, and all the evils with which he had overwhelmed him. "Wretch," said he, "you shall have my life, or I yours." The officer, who had a regard for his own life, and no particular desire to take away that of M. de Grellay, wiped off with his handkerchief the marks of contempt which de Grellay, in accosting him, had thrown upon his person, and went out leaving him convinced that his bravery was not superior to his fidelity.—Madame de Grellay, who did not entertain the same hatred which her husband did to Tulanne, contrived to see him in private. It was in a wood near Morelleri that they fixed the place of assignation. M. Tulanne went there in the evening some moments before Madame de Grellay—was waiting with impatience for this faithless woman to throw herself into his arms, when a musket shot extended him to the earth, but did not deprive him of life.

On his recovery M. de Grellay was accused of having fired this musket shot, but the Court Royal dismissed the cause. Such was the situation of these three persons, when, on the 29th of October, last year, an unlucky event formed the catastrophe of this scandalous history. M. de Grellay was in his saloon, a brigadier of Gendarmerie and a park ranger were with him at the time. They were engaged at a game of cards. On a sudden a man in a mask appears in the antichamber; he threatens a domestic that he would blow his brains out if he opposed his passage—he enters the saloon; he calmly presents his musket, takes aim, the ball flies, and M. de Grellay falls dead, having had just time to exclaim, "Wretch, you have assassinated me!" The stupefying astonishment which possessed the gendarme and the woodkeeper gives the assassin time to escape.—Before they thought of pursuing him he was lost in the forest. Suspicion immediately fell upon Tulanne, who, with Madame de Grellay, were apprehended, and tried before the Court of Assizes at Paris. On the seventh day of the trial the jury returned a verdict of Not Guilty; upon which the President addressed them as follows:

"You are acquitted. God, who reads the bottom of our hearts, will one day unfold this horrid mystery. You are acquitted; but for 12 months have you experienced the agony and disgrace of a criminal accusation. The sword of justice has been suspended over your heads: this has been the fruit of your adulterous passion. Henceforward you will hold in horror such a connexion: you will appreciate the value of innocence and virtue. You have a terrible lesson. Let us hope that you, and all who have heard, will remember it as a proper admonition."

[The above trial is given at length in the London papers. It very much resembles the celebrated case of Fauldes, which was published some time ago.]

The Pee Dee is at this moment higher than it has been known to be for several years. Its effects will be deplorable. It carries desolation through all the low land plantations below this place, save only such few as are embanked. Many thousands of acres of young corn and cotton are destroyed; and by the time the waters recede, and the land becomes fit for cultivation, it will be too late to replant cotton, which crop on this river, it is feared, will be entirely lost. Corn can be replanted, and must be the principal river crop this year. Here is another impressive lesson on the subject of a river police for South Carolina, to enforce the making and keeping up of embankments: millions are annually lost for the want of a succession of embankments between the rivers and low grounds, which, in most places, might be made for a less amount than the losses of a single year.—*Pee Dee Gazette*, May 2.