

debtor are sworn. *Proved further*, that if either of the parties shall be imprisoned for the trial of such issue, the court may continue the same, under the same rules and regulations by which suits at law are now continued. And if the said jury shall find that there is any fraud, or concealment, or if said debtor or debtors shall fail or refuse to answer upon oath, or if the said debtor or debtors shall fail to make it appear to court, that he, she or they have given the necessary notice to the creditor or creditors, at whose instance he, she or they may have been arrested, or to their agent or attorney, then, and in that case, the said debtor or debtors shall be deemed in the custody of the sheriff, and the court shall adjudge that he, she or they be imprisoned until a full and fair disclosure of all the money, property or effects be made by said debtor or debtors, and until he, she or they have given the necessary notice as aforesaid, to be judged of by the court.

*V. And be it further enacted*, That when any debtor or debtors, taken upon any capias ad satisfaciendum, as aforesaid, shall be desirous to render a fair schedule of his, her or their property and effects, he, she or they shall file the same with the clerk of the court, at least ten days before the sitting of the court at which he proposes to avail himself of this act, and that upon his being permitted to swear to the said schedule, the same proceedings shall be had thereon as may be had on schedules filed under the law now in force.

*VI. Be it further enacted*, That no person shall be imprisoned upon any capias ad satisfaciendum for any debt contracted after the first day of May next, who will comply with the requisites of this act, except in cases of fraud and concealment heretofore mentioned; any law, usage or custom to the contrary notwithstanding.

*VII. And be it further enacted*, That it shall be lawful for the creditor, on the trial of any issue before the jury under the provisions of this act, to have the debtor examined on oath before the said jury.

*VIII. Be it further enacted*, That all laws, and clauses of laws, coming within the meaning and purview of this act, be, and the same are hereby repealed.

## CONGRESS.

SECOND SESSION.....SEVENTEENTH CONGRESS.

FROM THE NATIONAL INTELLIGENCER.

### SENATE.

**THURSDAY, JAN. 16.**—The Senate resumed the consideration, in committee of the whole, Mr. SMITH, of Maryland, in the chair, of the bill to abolish imprisonment for debt, and the amendments offered thereto.

Mr. MILLS, of Massachusetts, rose, and entered at large into the questions presented by the subject—submitting the reasons why he could not go, and arguments against going, to the extent proposed by the bill; the difficulties which would arise in the practical operation of so broad a measure, the embarrassments in which it would involve our established and nicely adjusted system of jurisprudence, &c.

Mr. BARROU, of Virginia, took the opposite ground, and, in a speech of more than an hour's length, strenuously maintained the justice and expediency of the proposed measure, in its greatest latitude, so far at least as regards the ordinary class of debtors, but excepting all those who become debtors by any of the various ways which constitute breaches of trust—which latter he looked upon as criminals, deserving punishment, rather than as unfortunates, entitled to commiseration. Of the substitutes offered to the bill, he preferred that proposed by Mr. VAN BUREN, excepting its features of prospective application, which he objected to, and maintained the justice of making the bill applicable to all debts, past and to come.

When Mr. B. concluded, the bill was postponed to to-morrow; and the Senate adjourned.

**FRIDAY, JAN. 17.**—Mr. SMITH, of S. C. rose, and in a speech of considerable length, opposed the bill in toto, and replied to its advocates. He vindicated the principles and the wisdom of the common law, and opposed any innovation upon it; contended that there was in this country no such thing, in reality, as imprisonment for debt, but if there was, the states were competent to remedy the evil, if it was one; maintained that creditors had rights as well as debtors, and that the latter, nine times in ten, deserved no commiseration, as their want of principle or of prudence often inflicted on others far more distress, than they themselves suffered &c. &c.

Mr. HOLMES, of Maine, spoke a short time, on the practical effect and operation of the bill, and of the substitutes proposed—avowing himself favorable to the general principle, and suggesting such provisions, as he thought would probably accomplish it, so as to produce the most good with the fewest disadvantages; for he despaired of framing such a law as would exclude from its benefits the fraudulent, while it protected the liberty and rights of the honest.

Mr. VAN BUREN delivered an argument of more than an hour's length, in

support of the object of the bill. He laid down the principle that imprisonment for debt, as practised in this country, is unoperative as a remedy, unnecessarily rigorous, unjust, and ought to be abolished, in regard to debtors involving no fraud or breach of trust to the public or an individual, and this principle he defended with much earnestness. He reviewed the different amendments offered, pointing out the defects of those offered by the other gentlemen, and sustaining the expediency of adopting the principles and provisions embraced in his own substitute.—When he had concluded

The bill was laid on the table, on the motion of Mr. VAN DYKE; and, about 4 o'clock, the Senate adjourned to Monday.

**MONDAY, JAN. 20.**—The Senate took up the following resolution offered by Mr. JOHNSON, of Louisiana, on Friday last:

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of repairing the mail road from New-Orleans to Nashville, and of establishing ferries at the water courses on the route, or of making bridges over them, so as to facilitate the conveyance of the mails to and from New-Orleans; and, also, to inquire into the expediency of repairing the national road commencing at Madisonville, in the state of Louisiana, and terminating at Florence, on the Tennessee river, and into the propriety of providing for the conveyance of the mail on the said route, in covered carriages.

### HOUSE OF REPRESENTATIVES.

**FRIDAY, JAN. 17.**—Mr. LINCOLN, of Maine, offered the following resolution, which will, of course, lie on the table one day:

*Resolved*, That the Secretaries of the Department of State, the Treasury, War and Navy, be directed severally to inform this House what newspapers, journals and other periodical publications are taken at the public expense in their respective departments; also, to furnish catalogues of all books which have been purchased at the public expense in their respective departments, stating the titles and prices of such as have been procured by each during the last six years.

On motion of Mr. HOOKS, it was *Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of repairing the fort at Smithville, N. Carolina, or to erect new fortifications at a more suitable site.

**MONDAY, JAN. 20.**—Mr. FULLER, from the Committee on Military Affairs, made a report, accompanied by "a bill to fix and render permanent the Naval Peace Establishment of the United States;" which bill was twice read and committed.

The resolution of Mr. LINCOLN, of Maine, calling on the Secretaries of the State, the Treasury, War and Navy Departments to inform this House what newspapers, journals, and other periodical publications are taken at the public expense in their respective departments; also, to furnish catalogues of all books which have been purchased at the public expense in their respective departments, stating the titles and prices of such as have been procured each year during the last six years; was taken up and agreed to.

Mr. STERLING, of N. Y. offered for adoption the following resolution:

*Resolved*, That the Committee on Commerce be instructed to inquire and report to this House, whether the provisions of an act of Parliament of Great Britain, passed the 5th day of August, 1822, so far as they impose certain duties, upon the products of the U. States passing into Lower Canada, down the River St. Lawrence, or otherwise, with a view to exportation, are not repugnant to existing treaties between this country and Great Britain, or a violation of our right to the free navigation of the river St. Lawrence, and what measures are expedient to be taken to obtain a repeal or modification of said act, or of any other act of Parliament, so far as their provisions shall be found detrimental to our commerce, or repugnant to rights secured to us by treaty or national law, or what countervailing provisions may be expedient on the part of the U. States.

On motion of Mr. McNEILL, it was

*Resolved*, That the Committee on the Post Office and Post Roads, be instructed to inquire into the expediency of so arranging the post route from Fayetteville, to Wadesborough, that it will return by Beard's store, Allenton, Steel Mills, and Betheune's store.

The SPEAKER communicated a letter from the Secretary of the Treasury containing statements of the commerce and navigation of the United States, during the year ending on the 30th September, 1822, of which the following is the conclusion:

From these statements, it appears that the imports, during the year ending on the 30th of September, 1822, have amounted to \$83,341,541, of which amount \$76,984,331 were imported in American vessels, and \$6,357,210 in foreign vessels; That the exports have, during the same period, amounted to \$72,166,261, of which \$49,874,979 were domestic, and \$22,291,282 were foreign articles: That of the domestic articles \$29,931,913 were exported in American vessels, and \$9,942,166 in foreign vessels; and of the foreign articles exported, \$20,783,655 were exported in American, and \$1,507,547 in foreign vessels: That 787,261 tons of American shipping entered, and 813,745 cleared from the ports of the United States; and that 130,541 tons of foreign shipping entered, and 97,490 cleared from the ports of the United States during the same period.

Immense banks of coal, of an excellent quality, have been discovered about fifty miles above St. Stephens, in Alabama, and near the falls of Tuscaloosa, in the same State. It is spoken of as hereafter forming a valuable article of export to other States, and to the West Indies. It is described as being superior to the Virginia coal, and fully equal to that usually imported from Liverpool.

## INTELLIGENCE.

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

### Late from Old and New Spain,

VIA HAVANA.

**CHARLESTON, JAN. 16.**—By the schr. *Eudora*, Capt. BROOKINGS, arrived last evening in 10 days from Havana, we have received from our obliging correspondent, the Gazette of that place to the 4th inst. They contain extracts from Old and New Spain, of later date than before received. The Cadiz accounts are to the 24th of Nov. and from Vera Cruz they are to the 14th ult.

The accounts given in the Havana papers from Madrid, although brought down to the 15th of Nov. do not appear, from a hasty perusal, to be of much interest. Should we find any thing, on a re-perusal, worth translating, it shall be given in our next.

Under date of Cadiz, 24th November, a private letter says, "I have just heard by a patron in 10 days from Barcelona, that the factionists of Catalonia have evacuated Seo de Urgel, the national troops having presented themselves in that neighborhood and occupied the place."

The Spanish schr. *Amable Teresa*, which arrived at Havana on the 27th ult. brought accounts from Mexico to the middle of Dec. By these, it appears that Gen. DAVILA, the former Commandant of Vera Cruz, was to sail from that port shortly after her—that ITURBIDE was still in Jalapa, where he had had an interview with Gen. SANTA ANA, who, having been badly received, and ordered to proceed under arrest to Mexico, immediately returned to Vera Cruz, where he has since, at the head of his troops, PROCLAIMED THE REPUBLICAN GOVERNMENT, and has published under date of the 3d ult. a long manifesto to the Mexican nation; and on the 6th, he also published a letter to ITURBIDE, in which he details the services he had rendered, to make him Emperor, but finding that he had infringed upon his oath, and the treaties of Iguala and Cordova, he was now obliged to proclaim the Republic, which he did among 2000 bayonets, and the most sincere applause and vivas. This spirit of opposition to ITURBIDE, had also extended itself into the interior of Mexico, and Gen. SANTA ANA, had been joined by several divisions of the army. A flag of truce was sent to the Castle of St. Juan de Uloa, by Gen. SANTA ANA, but the only answer received was, that a more liberal interchange between the Castle and the city, would be acceded to.

On the 10th December, Gen. SANTA ANA left Vera Cruz, to attack ECHEBARRI, Governor of Jalapa, who was at Soledad, short of provisions.—On the 4th, the regiment No. 6, marched from the City of Mexico, for San Luis, where the republican standard had also been raised, under the Marquis of JARAL.

The U. S. corvette *John Adams*, Capt. RENSLOW, arrived at Havana the day before the *Eudora* sailed, last from Tampico. The U. S. schr. *Revenge*, Lieut. LEVY, had been cruising on the coast of Florida, in company with the U. S. revenue schr. *Louisiana*, Capt. JACKSON; and was, when last heard from, at Matanzas.

### REVOLUTION IN MEXICO.

**JANUARY 20.**—The intelligence of this event, recently received from Vera Cruz, via Havana, is confirmed by accounts received on Saturday, by the steam-ship.—The letter from a correspondent on board the *John Adams*, and extracts from our Havana papers, throw some light upon this subject.

By papers received at Havana from Vera Cruz, to the 22d Dec. it appears that the Republican party, headed by Antonio Lopez de Santa Ana, is gaining strength. Citizen Guadalupe Victoria is, by his order, appointed second in command. The order is dated second year of the Independence, and the first of liberty. The same revolutionary movements have taken place in the province of San Luis. Citizen General Santa Ana, is marching triumphantly into the interior, as may be seen by the following communication, under date of Vera Cruz, 20th Dec. 1822.

*Eternal praise be given to the Army of Deliverers.*

Citizen Antonio Lopez de Santa Ana, General of the Army of Deliverers, writes me what follows:

This moment, 5 o'clock in the morning, I have taken by surprise this post, [Plan del Rio.] and 450 prisoners; also, a piece of ordnance, and a tolerable large park of artillery. The firing lasted about an hour and a half, and I have observed that the enemy had suffered much; on our side, 7 wounded only, have been presented to me. This I inform you of, for your own satisfaction, and that of the troops under your command, and of the community at large. So fortunate an event ought to be celebrated in a proper manner, and the notice of it circulated throughout the province under my command.—*God and Liberty.*

Plan del Rio, Dec. 19, 1822.

ANTONIO LOPEZ DE SANTA ANA, General of the Army of Deliverers, Brigadier and Gov. of Vera Cruz.

I communicate the same to the faithful troops and inhabitants of this place

and province, who are so much interested in the welfare of the Nation, for their own satisfaction, and in order to show how visibly heaven has interfered to protect the cause of liberty, which we have embraced, and will never desert.

PEDRO MADENA.

Vera Cruz, December 20.

### PRIVATE CORRESPONDENCE.

Extract of a letter from an officer on board the U. S. corvette JOHN ADAMS, dated at Havana, Jan. 10.

"We arrived at this place on the 3d inst. from Vera Cruz, via Tampico, after a long and boisterous passage of 38 days from the former port, with Mr. Poinsett, of your city, on board, and we are now only waiting a wind to take our departure for Norfolk. I have little of importance to communicate, except some circumstances which occurred about the time of leaving Mexico, (3d ult.) A short time previous to our sailing, an insurrection broke out in Mexico, headed by Santa Ana, the Governor of Vera Cruz, which appeared likely to terminate successfully, as four other provinces had co-operated with him, with a view of putting down the usurper Iturbide; the whole empire, indeed, was in a state of confusion. The celebrated soldier and patriot, Victoria, had come out from his retirement, where he had for a long time remained dormant; and the hopes and prayers of every liberal and enlightened man, were put up for his success. There is little doubt, I think, but that country will be revolutionized in less than six months. Our government, however, will doubtless be soon correctly informed of the exact state of affairs in that quarter. Ill-gotten power is ever precarious; and such is the precise situation of Iturbide—he must eventually fall—for his is a government without system, and without laws; except such as imperious and vigilant despotism has established for imperial purposes.—His influence over the hireling soldiery carried him to the throne; without law or justice, he proclaimed himself Emperor of Mexico, and dissolved the Congress, which had been elected by the people.—To a new Congress, formed by himself, he proposed to establish Military Tribunals throughout the Empire, to consist of two officers and a Lawyer, of his own choice, who were to bear such rank and titles as he in his good pleasure should think proper to grant. This military court were to have full power and privilege to try, condemn and execute, whoever it might adjudge guilty of exciting dissensions amongst the people, or speaking unfavorable of the Emperor, or the State. This monstrous stride of military despotism exceeds any thing within the range of my historical reading. But Mexico owes her delivery from its thralldom, to a spirited Congress, who firmly and eloquently rejected the proposition, as contrary to reason, to justice, and to the welfare of the people. Every friend to liberty, and to rational freedom, must wish success to Victoria.

"P. S. The brig *Spark* has just arrived here, with the loss of Lieutenants Nicholson and Newcomb; Purser Fanning, Midshipman Whittle, and Mr. Davis, Captain's Clerk; all with the fever, since she left home."

"In the midst of life we are in death."

On New-Year's morning, a man by the name of Echert, of Haverock township, in this county, was instantaneously killed, by the discharge of a gun.

The particulars of this melancholy catastrophe were related to the editor of this paper, by a respected friend, and are as follows:—A number of young men had assembled on new-year's morning to usher in the new year, by firing—which we believe to be a general practice, among the Germans in our country; Mr. Echert had a load in his gun, which had not been used for some time, and in consequence of not being able to get it off, took the barrel from the stock and very imprudently placed it in the mouth of a stove, after the barrel had become almost red hot, and without discharging the load he took it out, and strange as it may appear, placed a live coal in the muzzle of the gun, and commenced blowing it; at this instant the gun went off, and dreadful to relate, the whole of its contents entered his mouth and passed out at the back part of his head, carrying away nearly all his brains, and shattered the upper part of his head to atoms;—he expired without a groan.—*Doylstown Democrat.*

**Death from Cold.**—On Wednesday, the 8th inst. the Coroner of the city of Richmond held an inquest on the dead body of Robert, a slave belonging to Auner Herd, who expired in jail the day before. The Jury state that "they have carefully examined the dead body, and discover no marks of violence upon it.—They have examined several witnesses in the jail, and are unanimously of opinion and declare, that whilst they believe the diet furnished the prisoners in said jail is sufficient to support nature, yet they consider the allowance of food per day, too small in quantity, and objectionable in kind, when they have reference to the sum allowed the jailor by law for the support and subsistence of each prisoner. The Jurors aforesaid are of opinion, that this boy Robert came to his death yesterday between

11 and 12 o'clock, from extreme suffering with cold, it appearing in proof, that he was without clothes of any kind on his body, and at night had no blanket, nor covering, other than wheat straw:—So the Jurors aforesaid are well satisfied this boy Robert came to his death from the cause aforesaid, and not otherwise."

\* More properly—from gross inhumanity.

**Singular Occurrence.**—In a county of Pennsylvania, situate between the Delaware and Schuylkill, in the early part of December, a muscular, athletic young man, feeling that inclination for society, which is natural and proper, visited at the house of a farmer, whose daughter possessed the charms to excite the inclination of some other young men of the vicinity—and on the same evening several met at the same place. After a variety of conversation, and some boasts of strength and agility, a trifling wager was laid, that the young lady could throw him at a wrestling match!—She reluctantly, no doubt, engaged in the contest; and after a few trips, succeeded in giving him a fair fall. Unfortunately, he was unable to rise, or make the least exertion, without the most excruciating pain!—The spectators of his fall succeeded in putting him on a bed, sent for a neighboring surgeon, who found the patient in much distress, and on examination discovered that a dislocation of the thigh at the hip joint upwards and backwards, had taken place. By the assistance of four men, it was reduced, and the young man is in a fair way of recovery—undoubtedly much chagrined at his defeat by one of the weaker sex. [*Doylstown Cor.*]

### MOBOCRACY.

The "*Hornet*" Printing Office, in Richmond, was forcibly entered on the 27th ult. by 15 or 20 persons, masked, and otherwise disguised, at the hour of midnight. They assaulted the proprietor, beat the compositors, threw down the types, demolished the fixtures, and did every thing they could to destroy the establishment. One of the police officers is said to have been present, and calmly observed the spectacle. The party then retired to enjoy the repose of a sweet conscience after honorable labor.

Charleston Courier.

**Washington, Jan. 12.**—A bill was yesterday reported in the House of Representatives for organizing the Naval Peace Establishment; by which it is proposed that the Establishment shall consist of one Rear Admiral, five Commodores, twenty-five Captains, thirty Masters Commandant, one hundred and ninety Lieutenants, twenty Sailing Masters, four hundred Midshipmen, thirty-five Surgeons, forty-five Surgeons' Mates, forty Pursers, six Chaplains, twenty Boatswains, twenty Gunners, fifteen Carpenters, fifteen Sailmakers, and of all other Officers, Petty Officers, Seamen, &c. a number not exceeding three thousand five hundred.—The bill contains many other provisions of great importance to the interests of the Navy. We have given only the ground work of the system.

Nat. Intel.

The bill yesterday reported in the House of Representatives to regulate the Post Office Establishment, resembles, a good deal, the bill of the last Session, which passed the House of Representatives, and was rejected in the Senate.—The most important part of the bill is that which proposes to cause the commissions of all Postmasters to expire within this year, and to make all future appointments to be for a term of four years, when the same persons may be re-appointed, provided they are not in arrears to the government. It proposes also to take away the right of franking from all the Executive Officers except the Heads of Departments.—*ib.*

The Jews are building a new synagogue at Philadelphia; it is now under roof. In the south east corner stone, was deposited the coins of the country, and a plate, with the following inscription:

"The corner stone of a house consecrated to the worship of Almighty God Jehovah, by the congregation Kal Kadosh Miekre Israel, is placed in it, by Ben Moss, on the 11th day of Tisri, Anna Mundl, 5358, corresponding to the 26th day of September, in the 47th year of the Independence of the United States of America.

James Monroe being President, and Daniel D. Tompkins Vice President of the United States of America, and Joseph Heister Governor of the Commonwealth of Pennsylvania. This happy country, in which religious and civil liberty is secured to its inhabitants, is now at peace with the whole world; may that enjoyment long endure, and the integrity of this government, and the reign of "virtue, liberty and independence" be triumphant until "the wreck of matter and the crush of worlds."

After this follows the names of the building committee, &c.

The BANK OF THE UNITED STATES, on the 6th instant, declared a dividend of two and a half per cent. for the last six months on the capital stock of the institution.

### MOUNT YESUVIUS.

Accounts from Naples mention, that in the recent eruption of this mountain, many farms have been totally destroyed, and upwards of 2000 peasants have had their dwellings burnt.