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American Restrictive System.

For the Carolina Centinel.

Messrs. Editors,

The enclosed is a copy of a reply I received in answer to some queries on the subject of our restrictive system. Its publication in your paper will confer a favor on yours,

"Dear Sir,

In reply to your enquiries as to our present restrictive system, it is my opinion, that the United States restrictions on our trade to the British Free Ports, are likely to prove ineffectual, and inoperative, and they are certainly very injurious to the mercantile, agricultural and shipping interests of the country, and I cannot but hope will be repealed the ensuing session of Congress. The worst feature in this system, is the enormous and prohibitory duty on West India produce, especially Rum, (being the only article equivalent which the British Islands have to give in return for our produce.) The high duty has materially checked the consumption of this article, and so far has had precisely the effect of checking the exportation of just so much produce of the soil, (or labor) to pay for it. Were government to reduce the duty on rum one-half, they would obtain a greater revenue, and in my opinion, do more to open a direct trade to the British Islands, than could be done under the present absurd system, if maintained ten years—because, the British Planters finding so large a market for their produce, would never cease to urge their own government to open their ports to American vessels. But if such should not be the effect, our vessels which now return in ballast from the British free ports, would at least have return freights. The duty on Sugar, is I think too high, (tho' not so extravagantly so as that on rum) for as it now stands, the Atlantic states are paying a bounty to the New-Orleans planters, of 3.36 per cent. The duty on Molasses, is perhaps, not much out of the way, but yet it is high enough, being 33 1-3 to 50 per cent. on first cost. My theory is, that our corn, flour, rice, lumber, fish, &c. will all be exported, (that is the surplus) if we take in exchange at moderate duties, such articles as foreign consumers have to give. Trade is but an exchange of equivalents, and where we prohibit foreign equivalents, we virtually prohibit the exportation of home produce. There can be no reasonable doubt, that the very low price of domestic produce, especially bread stuffs, has arisen from the enormous duty on equivalents furnished by foreign consumers—viz. Madeira and Canary Islands Wines, West India Rum, French Brandy, Dutch Gin, &c. owing to which, we absolutely force foreign nations to do without us.—Take this instance, and many others may be adduced—France produced, In 1818, about 15000 hhd. tobacco, In 1819, 21000 In 1820, 26000, (this is equal to the full quantity exported in 1812) and, as I understand by an intelligent German, the culture of that article is increasing continually in various parts of Germany. In regard to tobacco, this no doubt arises from the undue and impolitic encouragement to manufactures, owing to which, foreign consumers not being able to sell the equivalents they have to give in exchange for our produce, are obliged to do without it, or adopt other substitutes. But this encouragement to manufactures, at the expense of the agricultural class, is but a branch of the restrictive system of which the prohibition to import any foreign produce from the British free ports, is another important sprout.

I hope some vigorous communications will be made from the Southern States, especially by the agricultural class, to Congress the ensuing session. It is important that the subject of a Free Trade should be supported by that class, for none are more deeply interested in it, and none suffer more by the present restrictive system. Should the farmers think that the free importations of foreign spirits, would reduce the demand and consequently the price of grain, let them be assured that 100 bbls. of corn or flour sold abroad to foreign consumers, will always command more gallons of foreign spirits at the market of sale, than the same 100 bbls. will command at the home market, for home made spirits; consequently the shipping merchant can always afford to pay a greater price, (if he can bring home the equivalents taken in exchange) than

the distiller can afford to pay to convert the grain into domestic spirits.

The present tariff bears very hard on the agricultural interests, and what is singular, with probably less benefit to the revenue, than if the duties were lower.—It behoves then, the agricultural interest, to stand forth and express their sentiments. Party here, has, or should have no voice—I mean neither political nor sectional party; the former is not interested, and as to the latter, tho' the southern states evidently are the greatest sufferers, yet are not the northern states benefited in the same proportion.—I would ask this question: In what respect has the country been benefited by the present system? Has our revenue (arising from this branch of commerce, and I now allude particularly to our West India trade) increased? The Secretary of the Treasury, I think, says no—has our commerce, our tonnage increased, and are our merchants benefited thereby? A host of unfortunate bankrupts, from Norfolk to St. Mary's, answer, no. Previous to this restrictive system, our seaports were all life, bustle and activity; the merchant, the mechanic, and the laboring class, were all profitably occupied. The farmer obtained from 3 to 5 dollars for his corn, and in proportion for his other articles of produce; and he gave less than he now does, for his sugar and coffee. Lumber was then 13 to 18 \$ per thousand; staves, 20 to 30—and \$50 was given in 1816, for W. O hhd. staves, and \$4 for shingles. The very disbursements of British vessels in the ports where they did business, was an important advantage to the place—added to this, they brought a considerable amount of specie into the country: and I would ask, how or in what manner are we compensated for this sad reverse? Are we one step advanced in effecting the purpose for which these measures were professedly adopted, to compel the British to open their West India ports to our vessels? Have our restrictions made them suffer as much as ourselves? I say, without hesitation, that the British government are less inclined than they were two years since, to open their ports, and that their colonies do not suffer in the same proportion as the people in the southern states do. The people of the southern states have sprung forward to offer up their interests on the altar of patriotism, in the hope of advancing their country's good. They have patiently borne, and silently waited the result of the experiment: time enough has been given—it is found not to answer, and they now say—give us free trade, give us leave to sell the produce of our country to whosoever will come and purchase it.

In the commencement of this, I designed only to allude to the British free ports, but as I advanced, the effect of the whole restrictive system pressed on me, so that I have almost unawares to myself, gone further, being clearly of opinion that the whole system is founded in error. Let it be rescinded, and those who now attribute the distresses of the country to the operation of the Banks, will soon find by a return of more prosperous times, the true source from whence all our evils flow.

"Yours, &c.

"October 10th, 1821."

MISCELLANEOUS.

From the Evangelical Magazine.

REFLECTIONS ON A TRIAL FOR MURDER.

"Behold thy fellow culprit trembling there, And in his trial see a type of thine."

I had often heard that there was something very solemn and interesting in the form of a judicial trial in a capital case, and felt some curiosity to witness the effect. Accordingly, understanding the other day, that a man was about to be tried before the Superior Court of Law for the County, upon a charge of murder, I resolved to attend the Court, and went over to the house at once. On entering in, I found the room already thronged with the numerous spectators, who had been drawn together by the excitement of the occasion. Making my way through them with some difficulty, I obtained a seat among the lawyers, and other gentlemen within the bar. The Judge was in his seat before me, the Clerk in his seat below, and the Attorney for the Commonwealth at a small table in front of him. The Sheriff was in his box at my left, and his Deputy in the other at the opposite side of the room. The Prisoner was in his place in the rear, guarded by the Jailer at his side.

And here, after a little while, upon a motion from the Judge, the Clerk rose, and with a trembling voice, proceeded

to arraign the prisoner, calling upon him to hold up his hand, (a sign of admission that he was the person charged); and then went on to read the indictment, which was in the usual form, and, as I thought, highly solemn. I was indeed particularly pleased to notice the recognition it contained of some of the most serious, and affecting truths of our religion. Thus, among other things, I observed that it charged the prisoner with having committed the crime, "not having the fear of God before his eyes."—And here, I saw, was a direct acknowledgment of that great scriptural lesson, that the fear of the Lord is the beginning of wisdom, and the want of it the natural source of all iniquity. It was, in fact, in exact unison with the sentiment of the Psalmist, *the transgression of the wicked saith within my heart, there is no fear of God before their eyes.* But the indictment further charged the man with "being moved, and seduced by the instigation of the devil." And here too, I saw was another solemn truth of religion, often ridiculed indeed, and at the very moment perhaps when it is verified by the profane.

The Clerk having now finished reading the indictment, asked the prisoner what he had to say, "Guilty, or not Guilty?"—"Not Guilty," replied the poor culprit, with a voice that belied his words.—"And how will you be tried?"—"By God and my country," said he, in the form appointed, whispered to him by the Jailer. By "the country," I understood was meant the Jury, the twelve "free and legal men" who were to try the cause. And for the phrase "by God," it was evidently a public and solemn recognition of the existence and government of that awful Being, who is the Judge of quick and dead, and is supposed to preside unseen in every court of law. It was also a declaration, that all human tribunals derive their rights to punish offenders, especially in capital cases, not from any imaginary "social contract," but only from Him, the sacred source of all judicial power upon earth.—And it was besides, perhaps, a virtual appeal to the omniscience of the searcher of hearts, for the truth of the prisoner's plea. It seemed, I thought, to say, so may God judge me on that day, as my defence is true on this; and strongly doubting his innocence as I did, it fell with evil omen on my ear. But I was relieved, at the instant, by the humane and pious supplication of the clerk, "God send thee a good deliverance!" May the God to whom thou hast appealed, enable thee to establish thy innocency on this trial, that so thou mayest be acquitted by thy peers, and escape the fearful sentence of the law? Thus understood, my heart said amen to the prayer. Indeed, I could not sufficiently admire the tenderness of the law which had thus hallowed the principle, "that every man shall be presumed to be innocent, until his guilt is proved."

The Jurors who had been returned by the Sheriff, and from the vicinage, were now severally called into court, and, one by one, directed to look upon the prisoner, while the clerk asked him, "Are you willing to be tried by that man?" For it seems he had a right of "peremptory challenge," as it is called, that is, of refusing his peers, (to the number of twenty at least,) without assigning his reasons, and this in favor of life. The Jurors received were called to the book, by fours, and the words of their oath, as I caught them, were, "you shall well and truly try the issue between the Commonwealth and the prisoner at the bar, and a true verdict render according to the evidence—so help you God." And here again, I was led to reflect upon the importance of religion in all the dearest concerns of life. For what would be the worth of such an oath if there were no God to hear it, or to punish its infraction? But as it is, how great is the virtue of those little words—"So help you God!" And what a sacred security do they give to an innocent man, for the safety of his life and liberty! The whole pannel being thus sworn, the clerk informed them that the prisoner was there to answer the charge in the indictment, which he now read to them, that he had pleaded "not guilty," and put himself upon his country; he added some words which I do not distinctly retain, concluding with, "look upon him, gentlemen and hearken to his cause."

The witnesses for the Commonwealth were now sworn, and examined by the attorney, then cross-examined by the counsel for the prisoner, and re-examined by the attorney. Then the witnesses for the prisoner were sworn, and questioned by his counsel, then by the attorney, and then by his counsel again. This long and rather tedious proceeding wore out the day—candles were brought in—and the pleadings began. And here my at-

tention was roused and gratified by the plain and able speech of the good old Prosecutor, who stated the evidence and the law with great force, and clearness, and called for the conviction of the prisoner, with a mixture of firmness and tenderness that was truly affecting. On the other hand, I admired the fine and eloquent defence of the advocate, who exerted all the power of his genius, blending fact and fancy, argument and pathos together, to convince and persuade the Jury of his client's innocence, or at least to insinuate a doubt of his guilt. All this time, I marked with interest the countenances of the Jurors, who seemed to hang upon the speakers' lips, suspended between conviction and inclination, and anxious, I thought, to catch some good excuse for saving the culprit's life. I marked the face of the poor wretch himself, bent with earnest and eager anxiety upon his counsel, as if he would aid his words by his own unutterable looks; and I remembered, with a new impression, that saying of the Apostle, *And if any man sin, we have an advocate with the Father, Jesus Christ the righteous.* But the case was now finished. The Judge said a few words upon the law, referring the whole to the Jury—and the Sheriff led them away to their room.

There was here a short time for reflection, whilst we all waited for the verdict, and I was well disposed to improve it. After all that had passed indeed, I could not help feeling a human concern for the fate of the prisoner, whose life was now hanging by a hair. Add to this the whole form of the trial, from that air of religion which it breathed, very naturally inspired devout reflection. I felt myself, as it were, carried out from the scene before me; and my spirit was wrapt away beyond the world. I remembered that the Scripture spoke of another day, and another trial in which I should have to bear a part myself. A few more suns and moons, thought I, and the distinctions of this house will be forgotten, and we shall all stand together, as fellow culprits, at the bar of God. Yes, we must all appear before the judgment seat of Christ, and give account of the deeds done in the body. And what have they been?—And when we are called upon to answer the charges of the law against us, what shall be our plea? Can we say "not guilty?" Can we say "not guilty," when we know that they are to be tried by God and our country. By God, the searcher of hearts, in the person of Jesus Christ, and our country, the saints in glory, our peers shall we dare to call them? Alas! there will be no right, no power of challenge here! And what need of swearing witnesses against us, when our own hearts shall condemn us, and God who is greater than our hearts, and knoweth all things? Ah! there is no doubt about the law, no doubt about the fact; and all the eloquence of angels cannot blanch our cause. Guilty, and self-convicted. At this moment, I was roused from my reverie by the voice of the Sheriff, calling out to the crowd, "make way for the Jury;" and they stood before the Clerk—there was silence as in the chamber of death. "Have you agreed upon your verdict?" "We have," said a faltering voice. "And who shall speak for you?" The foreman presented himself in front before them. "Gentlemen, look upon the prisoner"—all eyes were turned upon the unhappy man, who read his doom in the pale faces of his peers; and I saw that his hope was giving up the ghost. "How say you," said the clerk, "is he guilty of the murder of which he stands indicted, or not guilty?" "Guilty," said the foreman, with a low voice, drawing his breath after the word, with a deep sigh. "And so you say all?" "All, all." A murmur of approbation ran through the assembly. "Sheriff, look to the prisoner," cried the clerk—and the crowd retired.

For myself, I did not feel disposed to mingle with the throng; but rather stole away alone to my home and bed. And here, for some time at least, it was in vain that I wooed sleep to my pillow.—The vision of the unhappy man, now under sentence of death for his crime, was before my eyes, and I could not chase it away. Guilty indeed as I believed him to be, I still felt that he was a man, my fellow-creature, my fellow-sinner, perhaps less criminal in the sight of God than myself; (for who can fathom the depth of his own iniquity?) and the words of his counsel, "if he is unfit to live, he is more unfit to die," were still trembling in my ears.—Again my spirit stole away to the day of Judgment. Again imagination placed me at the bar, and conscience ordered me to hold up my hand, which soon fell with its own guilty weight.—Called upon to answer for myself, in vain did pride whisper me to say "not guilty,"

the words lingered upon my lips, and I could not utter them. The law of God in all its purity & spirituality was brought home to my apprehension; sin revived, and I died with mortal fear. O! how precious appeared to me then the words of holy writ, *there is no condemnation to them that are in Christ Jesus, who walk not after the flesh, but after the spirit.* For Christ is the end of the law for righteousness to every one that believeth in him. Yes indeed, cried I, and may I not add with Paul, (though with a fainter hope,) *I know in whom I have believed, and I am persuaded that he is able to keep that which I have committed unto him, until that day?* The thought was divine—I seized the gracious moment to breathe forth a prayer for acceptance in my Redeemer—and fell into a soft and calm sleep.

FROM THE NATIONAL GAZETTE.

ESSAY ON FORTUNE.

FORTUNE IS THAT CONCURRENCE OF CAUSES OR CIRCUMSTANCES, BEYOND OUR CONTROL, WHICH INFLUENCES OR DETERMINES OUR FATE OR CONDITION IN LIFE. The word is also used to denote the state or condition of life produced by the concurrence of circumstances either beyond, or within, our control, or, by the union of both together. If these eventuate in what men are accustomed to regard as happiness, the result is called good fortune, or, sometimes, simply fortune; if, on the contrary, in misery, it is denominated ill fortune or misfortune. If the general tenor of man's life is prosperous, he is pronounced fortunate; if adverse, unfortunate.

Appius has said, and hundreds have repeated his saying, that every man makes his own fortune; (*faber quisque suae fortunae est;*) but, to assert this, is to assert, that every man is an independent, if not an omnipotent being. No man makes his own fortune. We should be nearer the truth in saying, that we make the fortunes of one another; but, to ascribe, as is sometimes done, every thing to fortune, is, to make every man utterly powerless with regard to his own affairs.

A great variety of conditions exist among mankind, but this does not arise so much from a diversity in the constitutions of individuals, as from circumstances over which they, as individuals, have little or no immediate control. In their original faculties, men are much more alike than is commonly imagined. Difference of character is chiefly owing to difference of external circumstances, and of these the cardinal ones are the accidents of birth, education, and connections. A man's character, indeed, influences his fortune; but, we should not forget, that he is, in a great measure, indebted for this character to circumstances not within his personal control, or, in other words, to fortune. External circumstances have quite as much share as the natural disposition of an individual in determining his lot of life.

A proper conception of the nature of fortune, would aid us greatly in forming a just estimate of human characters and actions. It is now very common with us to attribute success or failure in any enterprise, to personal merit or demerit. If an army gains a battle, the victory is ascribed to its valour; if it sustains a defeat, the disaster is attributed to its cowardice. If an individual prospers in his affairs, success is attributed to his wisdom or prudence; if he does not prosper, we very charitably impute his misfortunes to his folly or wickedness. Such, at the present day, is too often our manner of passing judgment; when it is, at the same time, generally acknowledged, that all that the best can do, is to deserve success, that none can command it; that schemes apparently the best concerted often miscarry, while seeming folly is successful; that no man is an independent or omnipotent being; and, that but few of the circumstances on which our fate depends are within our own control. Men as frequently owe their prosperity to their neighbors' folly and wickedness, as to their own wisdom or virtue. As a stimulus to individual exertion, it may be well enough to suppose his misfortunes to be the consequences of his own faults; but in discussing the affairs of our neighbours, at least, we should be just, and attribute a great part of their misfortunes to the faults of others.

So imperfect is our knowledge of the nature of many events that transpire in this sublunary world, and so ignorant are we of the connection existing, in some instances, between cause and effect, that somebody has said, that "for aught we know, if Alexander had not bathed in the Cydnus, Shakspeare, perhaps, had never written." Slight circumstances often give a bias to the mind, and a single event may stamp a whole life with the character of prosperity or adversity, vice or virtue