

With our present Judicial system... within the grasp of your influence... any member—her detract from the of those who use them and betray the of that case which they are advanced to support, and are only referred to by those who have neither the resources of sound argument or ingenious sophistry. He would proceed to consider the objections made to the proposed amendment offered by the gentleman from Orange; and he would first remark on the attempt of the gentleman from Anson (Mr. Troy) to throw an odium on the reasoning of the gentleman from Salisbury (Mr. Steele) by endeavoring to impress an opinion on the House that that gentleman had contended that the Legislature had no right to legislate upon any subject connected with the Judiciary without consulting the Judges. Sir, the gentleman from Salisbury advanced no such sentiment, and he was sure that none such were entertained by him, or by any of those who act with him; all that was contended for was, that as this was a subject immediately connected with the Judicial Department of the government, it would have been proper and respectful to have applied to the Judges for information as to the existence of those evils detailed in the preamble of the bill, and to the necessity of the contemplated alteration that when we were about to make so important a change we required all the information that could be obtained on the subject, and that we should have applied those best qualified to give that information.

Another observation had been made by the gentleman from Anson in answer to an objection made by the gentleman from Salisbury, "that the things held out by the caption and preamble of the bill were not justified by the provisions of the context, and that they were false, if not deceptive, and not calculated to give us a more uniform and convenient administration of justice than we have under our present system." That the objection of the gentleman from Salisbury was correct, is fully proved by a comparison between the caption and the preamble of the bill. It is stated to be a bill for the more uniform and convenient administration of justice—but where, & in what provision of the bill, is it to be discovered that uniformity is to result from its operation? Can the gentlemen by their fingers on the section? Is it in that which appoints two additional Judges, or is it in that which creates sixty courts in the state instead of eight? If uniformity in the Judicial decisions of the country could not be attained while we had six Judges and eight courts, (and rendered it necessary to establish the Court of Conference) he asked, in the name of common sense, if it was likely to be attained by the increase of Judges and the multiplication of courts? If this uniformity could possibly result from the operation of the bill, it would have no feature in it which would recommend it to the citizens of a free government; but its probable effect appeared so different, that it would seem more consistent with truth, had it been styled a bill to render less uniform the administration of justice. Then with respect to the expediency of which would attend the proposed plan, if the suitors were the persons who were to have their convenience consulted, and not the community at large, there would be some weight and force in recommending the change; but as it was the duty of the Legislature to provide for the convenience of the great body of the people rather than a few suitors in a court. He thought the bill in that view equally defective—for while it proposes to have four determined in the counties for the accommodation of the parties, it proposes on the contrary the inconvenience of sending a Judge and Solicitor into each county in the state, and to call out thirty freeholders twice a year to serve as jurors. The operation of the bill, therefore, will add to the public inconvenience, and shows clearly that the caption is delusive and incorrect. "The preamble," he said, "was equally so.—It charges that the delays and expenses are insupportable from the present constitution of the courts, but this the advocates of the bill have not attempted to shew. The cause of delays where they do exist is the extent of some of the districts, composed of a number of counties, and the object and probable effect of the amendment proposed is to remove that cause, by lessening the number of counties which compose the districts under the existing arrangement. The delays, therefore, are not insupportable from the present constitution of the courts." But admitting that delays do exist, can it be pretended that they will not occur under the proposed bill, will it not follow from the mode in which business must be managed in these county Superior Courts, where the Judge will be without the assistance of books or the aid of much ability at the bar, that a great portion of the causes will be brought up to the Court of Conference?—Most assuredly it will. Where there is one cause brought up under the present system, there will be five under the one proposed; and this court will be crowded with cases, where they will rest until some gentleman as ingenious as the framers of this bill shall divine some new plan for the more convenient and expeditious administration of justice. It has been held out as a favorite feature of the proposed plan, that it would be less expensive than the present—but this was incorrect, and had already been shewn. The gentleman from Anson had stated in the causes of expense, the attendance of jurors, witnesses, and suitors at the district courts—but is the expense of a few suitors and witnesses, and three or four jurors attending at some distance from their counties, to be compared to the public expense of paying thirty jurors twice a year,

and additional Judges and Solicitors to attend the courts to be established? And should it not also be considered more proper that the expense of these witnesses and suitors should be sustained by the parties concerned in litigation—rather than by the community at large, of which have no immediate interest in the subjects of dispute. It is in vain to say that the counties are not bound to pay their jurors; experience teaches us that they will be paid, and should they not be paid they will have to make a sacrifice of their time, which to them will be more burdensome than any other tax to reimburse them. The gentleman from Anson tells us that the present system is radically defective, by continuing its advantages to a few to the injury of the many. The advantages or disadvantages of every system by which the laws of the country are to be administered, are not to be ascertained by the amount of money expended at a court, but by the security which it affords for a sound, pure, and impartial distribution of the law; and I think it has been clearly shewn that our present system secures to us these advantages.—Any gentleman who has been in the practice of observing the course of business in the county courts must have frequently seen the popularity or influence of a party outweigh the justice of a cause. If this is the case at present, when the decision of the county court is subject to an appeal, is it not probable that the evil will increase, if we make the decision in point of fact conclusive in the county and take from the parties an opportunity of appealing.—When the decisions are to be thus final will not every art which the ingenuity of the parties can devise be practised for the purpose of influencing the jury before they come to the trial of the cause? Most assuredly it will—because they will have every inducement to do so, and every cause will become the subject of electioneering bustle. In this point of view, therefore, the change proposed is highly exceptionable, and affords an answer to another remark of the gentleman from Anson, that the proposed bill will have a tendency to improve the morals of the people—the very contrary effect will be the result. As to its having a tendency to lessen the commission of assaults by the probability of heavier fines, there is no force in the observation, as these offences will be still exclusively in the county courts.

It is true, as stated by the member from Anson, the present bill does not take away the trial by jury, but its value does not depend so much upon the trial itself as the mode in which it is used—the mode heretofore in use, as alluded to in the constitution, is to be destroyed, and thereby we say the chance will be lessened of having a fair and impartial trial. The jurors to be selected will be subject to the influence of the wealth and popularity of individuals; and as wealth and popularity are not synonymous with virtue, it is the duty of the Legislature to protect the poor and unpopular equally with those who are more favored with the gifts of fortune.

Mr. Wright observed that upon examination of the reasons which had been urged in favour of the bill, it appeared that not more had been advanced in its favour but what had been detailed in its caption and preamble, which he thought he had shewn were fallacious, except the precedents which had been drawn from South Carolina and other States.—But the gentleman who adduced these precedents do not produce any authority as to their existence. South Carolina is brought as an example, but the system adopted by that State is not shewn, if it was it would appear in many particulars dissimilar from the one proposed.—There the counties are large, and in some cases they had thrown two or three together and formed a district. The gentlemen have also failed to tell us what was one of the objects of South Carolina in the change made in her Judiciary.—It was to destroy the county courts; and in the very law which established the new system in that State there is a clause depriving these courts of all jurisdiction except proving wills, granting administration, &c. Is this the object aimed at by the friends of the bill at this or any future day? Are the members of this House proposed to go this length? But what further did South Carolina do, and what shall we have to do? She appointed three Chancellors and established a separate court of Chancery; she also appropriated 5000, and in some counties, 10,000 dollars to building jails. Are we prepared to follow this example? We are not—but if this system is adopted we must attempt it, not only for the convenience and security of suitors, but for the safety of the community—and it is as much our duty to guard the community against the depredations of public offenders as to facilitate the administration of justice to suitors in civil suits.—Our present situation affords neither the one nor the other; for most of our jails are hardly sufficient to confine a debtor, and but one in the state capable of securing a capital criminal.

Mr. Wright concluded by observing that the expense was not the ground of his objection to the proposed change; he was opposed to it because it did not appear as well calculated to secure the rights of the citizens, by enforcing the laws of the country and punishing such as offend against them, as the system we have now, the principle of which is retained by the amendment under consideration.

NOTICE.
A NEGRO of the following description was committed to Cranville Jail on the 13th inst. viz. A slender black Negro Fellow, with a white patch fitting above his left eye; has lost two of his foremost upper teeth, and says he belongs to Mr. Alexander Bevard, of Lincoln county, N. C. He says he broke jail in Warren county, on Saturday night, the 6th inst. The owner is requested to come forward, prove property, pay charges, and take him away.
SPEARS HARRIS, Jailor.
Dec. 22.—3w

European.

Continuation of extracts from German papers, translated for the Mercantile Advertiser.

Intercepted letter written by a Prussian Officer to his friend at Berlin, dated Naumburg, Oct. 12.

"Commencement of hostilities against the French has turned out very unfortunate for the German troops. A detachment of the left wing of the corps under Hohenlohe has been forced, and a murderous battle has been fought by the corps under Tauenzien and Prince Lewis of Prussia, who is killed. The regiments Zastrow, Von Baller, the Green and Brown Buffsars, as well as the Saxon regiments, Prince John, Xavier and Reched have suffered severely. Since yesterday P. M. and during the whole night, we have seen nothing but the fugitives going to join their regiments; it is supposed that the French are directing their main strength to our left wing to cut off our communication with Leipzig. Their army must amount to 400,000 men commanded by the emperor, whom I suppose to be at this moment at Gera, 4 German miles from thence. We have very large magazines here without any means of holding them; we are dreadfully embarrassed here. God forbid that the king, who will probably soon be attacked, should risk a battle, as that would be an irreparable loss."

[It appears very extraordinary that though the Amsterdam Courant of the 28th acknowledges the receipt of letters from Berlin and Magdeburg down to the eighteenth of October; it contains no official Bulletin of the French Army of a later date than the 10th from Jena. This circumstance is rendered still more extraordinary, as the distance from Amsterdam to Berlin is about 50 English miles more than from Amsterdam to Jena, and the above letters from Berlin and Magdeburg are stated to have been received by the circuitous way of Hamburg and the accounts extracted from them do not by any means correspond with the letter from Jena of the 15th. In this letter the Duke of Brunswick is stated to have been killed, and the decisive battle to have been fought on the 14th. The letter from Magdeburg we now insert in full length and verbally translated.]

MAGDEBURG, October 18.

The battles which our king lost on the 14th, 15th, and 16th near Weimar, Kossig, and Naumburg against Marshal Lannes, have been very decisive.

The reserve under the Duke Eugene of Wurttemberg was yesterday defeated by Marshal Davoust, and has been obliged to retreat with considerable loss.

Halle has been taken by the enemy, and probably he will be before our gates to-morrow.—Prince Louis is killed, and the Duke of Brunswick lies in Bleskenburg badly wounded.—Our first generals are killed and with them upwards of 50,000 of our bravest soldiers.

Had Bonaparte gained any victories on the dates mentioned in the letter, it is exceedingly improbable that he would omit communicating the same officially to the Secretary of State, who was in possession of dispatches from him as early as the 17th, relating his successive engagements.

The above letter leaves us great hopes that we shall find the Duke of Brunswick to be alive, and recovering; and that the last alarming accounts from Europe are of a fabric well known to the world.

The mail for Amsterdam leaves Hamburg every Tuesday and Friday evening passes thro' Bremen the next day, and the course of the post is not more than four days, making even some allowance for bad roads, in the month of October. Why does not the Amsterdam paper of the 28th October furnish us with any further extracts and confirmations of Bonaparte's victories received from Hamburg by the mails of Tuesday the 21st day of October? The course of post to Rotterdam is about 12 hours longer, and the Rotterdam Courant of the 28th of Oct. inserts a letter from Cuxhaven of the 16th; which letter if it came by the Hamburg mail, could not leave Hamburg until the 21st.

(Translator.)

From the Hamburg Correspondent of October 17. TWERIN, (RUSSIA.) Sept. 18.

The whole Russian army excepting the regiments stationed towards Persia, is in motion. It marches partly towards the southward to the Dniester, and partly to the westward to Prussia. They say also that the Imperial guards are soon to march from St. Petersburg.

VIENNA, October 2.

His majesty the emperor and the archduke Charles have returned from their journey.

Our court has officially notified to the foreign ministers, its intention of pursuing a system of neutrality.

SEMLIN, October 21.

A letter from Schabaneck brings the following news.—Some merchants from Wallachia have just arrived here with about 20 wagon loads of effects. They bring an account of 40,000 Russians having arrived in and about Kijelwo and drove away the Kergiales who were there.

LEITZIG, October 12.

The force of the Prussians and Saxons under Prince Lewis, in the battle of the 10th, amounted to 6000; and that of the enemy to 20,000 men, against whom the Prussians supported a contest for 6 hours.

On the 11th we received news of Prince Hohenlohe having defeated the French. The

Prussians and Saxons fought like lions and with great fury.

Sixty thousand Russians have entered the Prussian Dominions. Prince Lewis received a musket ball in the breast. Count Notritz, one of his 3 adjutants, saw him falling from his horse, and hastened to prevent his fall. At that moment a second bullet struck him, and in a few minutes he expired. Notritz fought like a hero.

Congress.

House of Representatives.

Monday, December 15.

Mr. Elliott rose; a sketch of his remarks follows:

I will presume for the honor of my country, that but one sentiment prevailed; that but one kind of feeling agitated the public mind, when what has been called the blockade of New York by a small British force, and the atrocious murder of Pearce took place.—At that melancholy moment a dark cloud seemed to overcloud us; we were languid, lifeless, silent. What could we do! Few and feeble were the means the law gave the executive for redress; and feeble was the use made of those means.

I know not whether Pearce was a father or so, I could wish his children might be educated at the public expence.—Monument he needs not; we shall not forget the occasion nor the perpetrators of his murder.—But, I intend not to pronounce his funeral eulogy; I have far greater objects in view.

At the time these things took place, and ever since, the question has been incessantly forcing itself upon us? why have we not a navy to protect us against these or any other outrages?—We have a navy; yes—we have the shadow of one. We have waiting millions, fit, by reason of our economy, our exclusive economy, and millions more, we shall, I fear, waste by the same means, and still have no efficient navy. Two questions are of vast importance to us—shall we have a navy? If so, shall we not introduce a system of more energy, more efficiency? To these questions, I call the attention of the House. It is now full time for us to take a wide range of view, far more wide than heretofore. It is time for us to explode the narrow, ridiculous, and all destroying argument, of the unimportance of the other side of the globe, to this country. It is time that we should be no longer the scorn of foreign nations; that we should have a navy, which from foreigners, and from the wicked wits of our own country, should deserve a title of more distinction than that of the Lilliputian navy.

It is time to change your system with respect to foreign politics. Let me not be misunderstood; I approve of the domestic proceedings of the executive, and the general policy pursued respecting foreign nations; but I consider a system of defence against foreign power, as most essential to our welfare, to our existence as a nation. It is in this respect I wish the system changed. Let us no longer keep up the mere shadow of defence. Let us have at least enough to command some respect.

But this subject must not be touched, lest the question be asked, 'whom shall this navy expel?' and the answer be 'France.'

What is the news from Europe? Prussia is fallen—she has fallen unquitted, yet covered with irreparable glory.—Superior number, not superior cunning nor intrepidity, destroyed her. On every sober principle of reason or analogy, I must say that our turn is next.

Prussia was ordered to give up part of her territory; so are we; and by whom? By a power known to be under the immediate control of France. The deluges that were held against Prussia, are the same that are and were held against us. Little need be said to prove this.

I shall say nothing of certain documents that have gained celebrity from their infernal secrecy.—I shall say nothing of what they contain.—I wish our masters, these we delight to honor, the People, could see these documents; could examine and judge for themselves.

It is our business to prosecute this system of defence.—We, not the Executive, hold the portfolios of the nation—and the world, with as much astonishment as contempt, sees with what a misery convulsing grasp we hold them.

It is time to be in a state of preparation—to organize a general system of national defence. Life and Death are before us—I have said—I repeat, it is our turn next—I can prove it.—If I fail to do so, I will defend—no—I will not go down hill—I will ascend to mingle with the sovereign people.—It were vain to secure this ceiling, or prop these walls, if the vast ocean rolled not between France and us—these walls would last ten times, more than ten times as long as our republican system.

It is time to prepare a military defence, an army—I am no friend to internal taxes, to national debts, nor to foreign engagements; but I must go as far as our safety requires.

We have an overflowing treasury, one with which we purchase empires, yet our country is defenceless! We have less defence than had the Republic of Ragusa, with a sea coast of twenty miles and 130,000 souls. Apiopas of Ragusa; she was the last of the little republics of the old world—Did she confine against France? No—simple, industrious, unambitious, she for ages enjoyed the blessings of self government.—The French occupied her territory, and now where is she? I again repeat that nothing but our remonstrances preserve our national independence a single hour.

I have, Sir, like Eliza of old, waited long that other men might sleep—I had hoped o-