

RALEIGH REGISTER,

AND NORTH-CAROLINA STATE GAZETTE.

"Ours are the plans of fair, delightful peace,
"Unwar'd by party rage to live like brothers."

Vol. II.

Tuesday, May 17, 1825.

No. 457

THE REGISTER

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ADVERTISEMENTS

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in the same proportion. COMMUNICATIONS
thankfully received. LETTERS to the Edi-
tors must be post-paid.

ORIGIN OF THE CODE NAPO- LEON.

We know not the individual to whose
character justice is so little likely to be
done, as Napoleon Bonaparte. The
child of the French Revolution, he is,
by most persons, confounded with its
active leaders. The criminality of its
horrid excesses fixes on him, as on the
most prominent individual, that owed
his advancement to that Revolution.
It is difficult to induce men to reflect,
that the most revolting of these excesses
were perpetrated while Bonaparte
was at school; and that though he did
not bring the Revolution to a close, by
restoring the Bourbons, he brought it
still more effectually to a close, by crush-
ing its parties, reviving many useful in-
stitutions, which it had destroyed, and
reorganizing the government of the coun-
try. It is very easy to charge him with
being a tyrant and an oppressor; the
changes are easily rung upon his ambi-
tion, conquest, and devastation of for-
eign states, the conscription, and the
murder of the Duke d'Enghien. It is
in no degree our design to defend him
from the real or imaginary guilt, imput-
ed in these or any similar charges. We
are even free to confess, that we do not
think Napoleon possessed the true sen-
timent of greatness. He was not a
Washington. But he was an Alexander,
a Cæsar, a Frederick the Great;
as brave as the bravest, and as good as
the best of them. He governed by no
very good title; but it was a better one
than that by which any prince in Euro-
pe sits on his throne. We presume
the most enthusiastic friend of legiti-
mate monarchy, does not believe, that
if the right to reign of Charles Tenth,
George Fourth, or Alexander, were put
to the vote of the male population of
their several states, of the age of twen-
ty-one years and upwards, either of
these Sovereigns would unite as many
unbribed suffrages as those which pro-
claimed Bonaparte Emperor. He ruled,
and they rule, by the right of the
strongest, and that alone.

But it is too prevalent an impression,
that Napoleon owed his advancement,
and his continuance in power, solely to
his talents as a military chief; that it
was merely a military despotism, in
which he held France and the continent
of Europe enslaved. Fairly analyzed
and explained, indeed, this impression
is just enough. No one can suppose
that, but for his military talents and
success, he could either have reached
or maintained his throne. In a form a
little modified, the condition of every
prince in Europe is the same. There
is not one of the leading sovereigns,
who could reign a day, without his
standing army. Without the horse
guards, London itself would not be ha-
bitable. Nor does it seem to us, in
point of principle, to matter much
whether the head of the government be
maintained in his power, by an army,
fascinated with the splendor of his mi-
litary qualities—if you please, by the
glory and plunder, which that army
has acquired under his command; or
by a standing army, in the legitimate
sense of the word, a red-coated rabble,
hired out of the jails and the brothels.
To an American citizen the difference
is not worth a straw.

Nevertheless it is true, that Napole-
on Bonaparte rose to his greatness by
many qualities, besides and above those
of the military chieftain; and which,
had his fame in war been less, would
unquestionably have given him a great
name as an administrator, a financier,
and a statesman. We presume there
is nothing paradoxical in this remark;
nothing violently absurd in the intima-
tion, that, because he did not emanate
from the Faubourg St. Germain, he
was therefore as stupid and as sense-
less as the handle of his own sword.
We are willing to grant, that the nature
of the part which he was called to play,
led to a far more imposing development
of his military, than of his political talents.
Much still and secluded meditation is
necessary for the formation of a sound
politician. This advantage Napoleon
did not enjoy; but here again we doubt,
whether the noble stir of camps and
battles be more unfriendly to true phi-
losophical meditation on politics, or on

any thing else, than the importunate
gossippings and small intrigue, that eat
up the life of a cabinet politician. The
Duke of Marlborough was a truly great
man. One sordid vice only weighed
down his soul to the dust; and makes
it impossible to love, admire, or praise
him, without a woful parenthesis. But
he was a great man, and more like Na-
poleon Bonaparte, in the versatility of
his greatness, than any other person of
the last century or of this. The reader
of his life may judge what part of his
career was best adapted to form and
mature the statesman; the contemptible
intrigues in the cabinet of St.
James, or the wars in Germany and
Flanders. The truth seems to be, that
action—the responsible control and
management of great interests—is the
school of great minds. Small caballing,
even in the offices of a department, does
not form a good discipline for any thing,
not even for the business of the de-
partment itself.

It is well known to those who have
read any of the late memoirs and jour-
nals of Napoleon, that he prided him-
self on nothing more than his Code of
Law. Mr. Butler, in his Reminiscen-
ces, observes, that a friend of his had
heard Napoleon say, that he could wish
to be buried with his Code in his hands.
Various anecdotes in the books of O'-
Meara and Las Cases, will readily oc-
cur to the memory of our readers, il-
lustrative of the same complacency.—
Yet we imagine, that it is not every one
who is aware of the right of Bonaparte
to pride himself upon the Code, which
bore his name. We suppose that the
prevalent opinion may be, that he, at
best, ordered it to be drawn up, com-
missioned the lawyers whom his minis-
ter may have designated for the pur-
pose, and finally, perhaps, honored the
manuscript copy with his imperial sig-
nature. In short, that in claiming to
be another Justinian, he contented him-
self with doing what Justinian did, and
that was nothing.

This however is an impression wholly
false. The agency of Bonaparte, in
the formation of the Code, was of the
most efficient kind. Its provisions
were discussed in his presence; these
discussions were presided over and dis-
cussed by himself; and the Reports
which were made of them, and which
are now before the public, furnish the
most satisfactory proof of his real and
energetic participation in the drafting
of the code; and justify the pride which
he took in it as a monument to his mem-
ory.

A good deal of the odium against ex-
isting institutions, in an old and de-
generate country, like France before
the Revolution, naturally falls on the
persons connected with the administra-
tion of the law, although the law, as a
system, may not be defective. Private
justice is said to have been tolerably
well administered in France before the
Revolution. But the venality which
existed with regard to all the places of
high trust and profit in the administra-
tion of justice, and the connexion of
the law with all the oppressive institu-
tions of the state,—the privileges of the
nobles, and of the church, and the vari-
ous financial systems—(it being by the
arm of the law that these institutions
were sustained) naturally turned a full
portion of the popular fury against the
legal institutions of the monarchy at the
time of the Revolution. Much was
necessarily rendered obsolete, by the
change in the administration of the gov-
ernment, and much by the suppression
of the nobility and clergy. Much more
also was swept away, in consequence
of the new principles that prevailed on
all subjects.

These changes were of course, in the
first instance, brought about by separate
laws or acts of the various assemblies,
which, under different names, success-
ively exercised the legislative, or rather
despotic & dictatorial power in France.
It was not long, however, before the
notion of a uniform code of law suggest-
ed itself, not only as necessary, in or-
der to ascertain what, after such an
overthrow of former legal institutions
and principles, was the law of the French
nation; but also as a work, altogether
in the spirit of an age and of a crisis,
when men had risen up, after eighteen
centuries of discretionary and arbitrary
administration, to cut their way with
the dagger and the sword to first and
simpler principles.

The first laborer in this field was the
celebrated Cambaceres. He was a lawyer
by profession; as a native of Mout-
pellier, he was a child of the *pays du
droit écrit*; & early rose to eminence
in the practice of his profession in his
native city. In the months of August
and October, 1793, he presented to the

Convention his first draft of a code of
law, *projet de code civile*; to which he
proposed some modifications in Decem-
ber of the same year. The work was
too great for a moment so stormy, and
the minds of men were too unsettled
for an undertaking, like the establish-
ment of a legal system. Two years
after, as a member of the Council of
Five Hundred, Cambaceres presented
to this body a new project of a code,
which was ordered to be printed. This
document was compiled from all the
acts of Revolutionary legislation, from
1789 to 1793. Nothing decisive, how-
ever, was done at this time towards the
achievement of this great work.

On the overthrow of the Directory by
the Revolution of the 18th of Brumaire,
of the year VIII, (November 9th, 1799)
the attention of the new consular gov-
ernment was immediately turned to
the subject of a code. Bonaparte made
it one matter of charge against the Di-
rectory, that they had not achieved a
work so loudly called for by the spirit
of the age, and the unsettled state of
the jurisprudence of the country; and
the great interest, which the second
consul Cambaceres had taken in the
former efforts towards this end, natu-
rally engaged him to pursue the same de-
sign. Accordingly, in the course of the
first year of the consulate, a third *pro-
jet* of a code, containing the ten prin-
cipal titles, was drawn up, and pre-
sented to the government, by a commis-
sion of the Council of Five Hundred, at
the head of which was Jacqueminot, af-
terwards a member of the Senate under
Napoleon.

Such was the State of preparation
when, by a consular decree, dated 24th
of Thermidor, year VIII, (August 12,
1800,) a commission was instituted to
compare the order, which had been fol-
lowed in the preparation of the *projet*
for a civil code, hitherto published,
to determine the plan, which the commis-
sion shall think best to adopt, and to
discuss the chief principles of civil leg-
islation. This commission consisted
of Messrs. Portalis, Tronchet, Bigot
Preameneu, and Maleville; and the
Minister of Justice was joined to their
number. The first and the last of the
four named were of the *Pays du droit
écrit*.

In the following year, 1801, these
commissioners reported a draft of a Civil
Code, formed on the materials enu-
merated, and accompanied with a pre-
liminary discourse, on the principles
by which they had been guided. Their
draft was in the first instance submit-
ted to the Court of Cassation, (of er-
rors) and the various courts of appeal;
and the reports of the judges of these
courts furnished the matter of some im-
provements in the draft, as it was next
submitted to the council of state. In
this body, over which the first Consul,
Bonaparte, presided, every part of the
proposed code was thoroughly discuss-
ed; and in one of the works, of which
the titles are placed at the head of this
article, the *Conférence du Code Civil*,
is contained a detailed and very care-
fully prepared report of these discuss-
ions. After the article had been dis-
cussed in this manner, it was presented
to the Tribunal, where it underwent
another discussion, and was returned
to the Council of State, as adopted, re-
jected, or amended. In this way five
codes of law were successively matur-
ed and produced: viz: the *Code Ci-
vile*, which was that called by eminence
the Code Napoleon; 2. The *Code de
Procédure Civile*, by which the forms
of actions and modes of proceeding,
from the tribunal of a justice of the
peace up to the highest courts, in
civil cases, were enacted; 3. The *Code
Pénal*, or Criminal Code; 4. The *Code
d'Instruction Criminelle*, or mode of
proceeding in actions; and, 5. The
Code de Commerce, or code of law mer-
chant. This whole body of law is often
seen printed in one duodecimo volume.
The system thus enacted became the
law of France, and of the countries de-
pendent on French power. It was in-
troduced in Holland, in the confedera-
tion of the Rhine, in the kingdom of
Westphalia, in Bavaria, in the kingdom
of Italy, in Naples, in Spain, and in
the various smaller States, that were
under the influence of the French.—
Substantially founded on the principles
of the civil law, the common basis of
continental jurisprudence, it was intro-
duced into these various countries with-
out violently shocking the prejudices
and habits of their inhabitants." *North-American Review.*

Just Received,

BY J. GALES & SON,
A fresh supply of WALDO'S Dictionary
Spelling-Book.

For Rent,

THE eligible Stand on Fayetteville Street,
recently occupied by John R. Hendon,
as a Grocery Store. Apply to W. R. Gales.
Raleigh, March 14. 59t

Bank Business.

PERSONS living at a distance, having busi-
ness to transact with either of the Banks
in this place, may have it promptly attended
to, on reasonable terms, by applying to
BEVERLY ROSE.
Fayetteville, April 20th, 1825. 52-6w

Committed.

TO the Jail in Ashboro' North-Carolina, in
October last, a Negro man, as a runaway,
about 35 years of age; 5 feet 8 or 9 inches
high; speaks rather slow, has wide fore-
teeth and wide apart. Who calls his name
BEN, says, he belongs to William Arnold,
of Alabama, and that he came from Isle of
Wight County, Va. last winter.
SILAS DAVIDSON, Jailor.
Nov. 1824.—6mo.

New-York State Literature Lottery.

The following are the numbers which were
drawn from the wheel on the 6th instant.
CLASS No. 4.
20, 17, 42, 37, 8, 54, 56, 59, 25.
Holders of Prizes are requested to come
forward and renew their Tickets at the Of-
fice of
YATES & MINTYRE—Raleigh.
Apr 15.

TAKEN UP,

AND committed to the Jail of this county,
on the 21st inst. a Negro Fellow, sup-
posed to be a runaway slave, who says his
name is Cornelius Jones, and that he has lived
in New-York four or five years last past, but
cannot, or will not name the state, county or
town in which he was raised. He is about
five feet seven inches high, black complexion,
with a small scar over his right eye, and
one near the corner of the same. His
dress is a drab pea-jacket, blue round ditto,
and duck trousers. He was brought to this
place in the schooner Helty, Wright, last
from Charleston.—The owner is requested to
come forward, prove property, pay charges,
and take him away, or he will be dealt with
as the law directs.
JOS. CARRETT, Shff.
Washington county, Nov. 23, 1824. 19-6m

Ninety Slaves For Sale.

BY virtue of a deed of trust, executed to
us by Alexander Boyd, for the purpose
of securing a debt therein mentioned, and
due to Blair Burwell, we will on MONDAY
the 23rd day of May next, at Mecklenburg
Court-House, proceed to sell for cash, between
NINETY and ONE HUNDRED SLAVES,
embracing every description; among them
are tradesmen of various kinds; viz, Black-
smiths, Shoemakers and Coopers.
So fine an opportunity is seldom offered to
persons wishing to purchase property of
this description, to accommodate themselves.
The slaves are remarkably likely and the sale
most certainly take place.
If the day mentioned should be a bad one,
the sale will commence on the next good day,
and will continue from day to day until all
the slaves shall be sold, or a sufficiency to
satisfy the object of the deed of trust.

JOHN W. LEWIS,
WILLIAM TOWNES,
Trustees.
52-5t

April 7th, 1825.

New Books.

J. GALES & SON, have just received
from the North, the following new
Books:
Gow on the Law of Partnership
Montague on the Law of Lien
Powell on Devises, a new American edition
Wheaton's Reports, Vols 8 & 9.
Paris's Pharmacologia, 2 vols.
Chapman's Therapeutics
T. Ewell's Family Physician
Madam Campan's Journal
Private Correspondence of Ld. Byron
Byron's Works complete
Goslington Shadow, a Romance of the 19th
Century, 2 vols.
Rothelian, a Romance of the English Histories,
by the author of Annals of the Parish,
2 volumes
The Refugee, a Romance, 2 vols.
McCreery's Selection from the ancient Mu-
sic of Ireland, arranged for the Flute or Vi-
olin, adapted to American Poetry
A supply of School Books, and
Morocco Paper, of different colors, for
Ladies' work.
Raleigh, May 9, 1825.

Dying Establishment.

JOSEPH WOODWORTH, respectfully in-
forms the citizens of Raleigh, and its vi-
cinity, that he has rented a house of Capt.
Theo. Hunter, nearly opposite the Court
House, where he proposes carrying on the
Dying Business in all its branches.
The Proprietor has been acknowledged by
Merchants and others in New-York, Philadel-
phia and Washington City, where he carried
on the above business 17 years, to be equal
to any Dyer in the Union.
Cloths are dyed any color, and finished as
imported. Silks, Satins and Crapes, are dyed
by pattern or otherwise. He dyes Ladies'
Dresses, and Gentlemen's Apparel. He
scours Coats, & Pantalons, and finishes them in
the neatest manner. He takes Camel Hair
Shawls, which he cleans, and restores to their
primitive color. Leghorn and Straw Hats
are dyed and finished in the neatest manner.
He also dyes Ladies' Shoes, any color to
please. He dyes Ladies' Feathers, any color,
and finishes them. And his utmost desire
will be to give satisfaction to those who may
favor him with their commands.
May 9th, 1825—55

Cape-Fear Navigation Company.

PURSUANT to a resolution of the Stock-
holders at their annual meeting, A. D.
1823—Notice is hereby given, that the next
Annual Meeting of the Stockholders of the
Cape-Fear Navigation Company will be held
at the Town-House in Fayetteville, on
Friday the 31 day of June next; at which
time the presence of the proprietors, or their
representatives, is requested.
ROBERT STRANGE, President.
Fayetteville, April 25. 52m

Groceries.

THE subscriber has lately received a con-
siderable accession to his former stock,
and having made favorable purchases, he is
enabled to offer them as cheap as they can
be obtained elsewhere. His business here-
after, will be for Cash exclusively.
WM. H. HULL,
Raleigh, Feb. 17, 1825. 53-4t

North-Carolina, Cabarrus County.

MAKEN UP by Henry Misonheimer, one
Grey Mare, about 12 or 13 years old;
branded on the near shoulder with the letter
O; with a hurt or wound in her birth-place.
Entered on the Stray Book, April 9th, 1825;
valued to 20 dollars. Said Misonheimer lives
about 3 miles from Concord.
ALEX'R. SCOTT, Ranger.

Bell Tavern.

THE subscriber respectfully informs his
friends and the public generally, that he
has removed to his old Stand, immediately
west of the State-House Square, lately in the
occupancy of Robert H. Wynne; where he
is prepared to accommodate Travellers,
Boards and others, on moderate terms, and
with his usual attention.
H. H. COOKE,
Raleigh, May 5. 54 3t

Notice.

STRAYED from the subscriber on the 15th
day of last month, a BAY MARE, 8 or 9
years old, 4 feet 10 or 11 inches high,
has been doctored, in low order, nice eye blind,
which may be discovered by a nice inspec-
tion, has a good head, neck and ear; no other
mark recollected. She was raised in the
lower part of Orange county, and has been
heard of making up the country on the north
side of Neuse. Any information respecting
her will be thankfully received.
ALLEN ROGERS,
Rogers's Roads, Wake county, N. C.
May 2. 54 4w

University of North-Carolina.

THE Public Anniversary Examination of
the Students of the University of North-
Carolina, will be held at Chapel Hill on Wed-
nesday, the 1st June next, and continue from
day to day, until Thursday the 9th of that
month, on which last mentioned day the
Annual Commencement of the College will
take place.
The following Trustees, composing the
Committee of Visitation, for A. D. 1825, will
attend, viz:
His Exc'y. H. G. Burton, Pres. ex officio.
Rev. Dr. Joseph Caldwell,
John B. Baker, Edward Jones,
Thos. D. Bennahan, William Martin,
Thos. Brown, Arch'd. M'bride,
John H. Bryan, William Miller,
Duncan Cameron, Willie P. Mangum,
John Haywood, Arch'd R. Ruffin,
John D. Hawkins, Rich'd D. Spaight,
Atlas Jones, Bartlett Yancey.
All other Trustees who may attend, will be
considered Members of this Committee; and
their attendance is solicited individually by an
Ordinance of the Board.
CHAS. MANLY, Sec'y.
Raleigh, 26th April, 1825.

Strayed

From Granville county, 18 miles south
of the Court-House, on the 8th instant,
A Bay Horse, about 8 years old, 4 feet 7
inches high, he stands a little forward in
his fore-knees, and turns his feet inward. He
trots and paces well, and is a good plough
horse. The horse had a Saddle, which had
been lately new moulded behind and plated
before.
He went off in a south direction, but was
not traced more than two miles.
Any person giving information of the said
horse immediately so that he be restored to
the owner, will be amply satisfied for any
trouble he may be at. HENRY SYKES.
Beaver Dam District,
Granville County, May 3. 5

State of North-Carolina,

Edgecomb County.
Court of Pleas and Quarter Sessions,
February Term, 1825.
Titus Moore, Original attachment—Dan'l
Hopkins summoned as gar-
tner.
It appearing to the satisfaction of the Court,
that the Defendant is not a resident of this
State: It is therefore ordered, that publica-
tion be made for three months in the Raleigh
Register, for the Defendant to appear at the
next Court of Pleas and Quarter Sessions to
be held for said County at the Court House
in Tarborough, on the fourth Monday of May
next, plead, answer or demur, or final judg-
ment will be entered against him.
Witness Mich'l Hearn, Clerk of said Court,
at Tarborough, the fourth Monday of Febru-
ary, A. D. 1825. M. HEARN, C. C.

BLANK WARRANTS for sale at this office.