

PENITENTIARY SYSTEM,
CONTINUED.

There has been another proposal, that they should be made to labor in chains, in digging mud or on the highways; that their appearance would excite horror and thus operate more powerfully as an example. To this plan there are various objections; the first is expense; they could do but little labor encumbered with chains, and they would require a great number of guards to make them do their tasks, to prevent their conferring with their accomplices, and making their escape, which would be much more easy. Yet the expense is the slightest objection. Not only men of elevated, generous feelings, but even merely prudent men, would be cautious at shewing the slightest disrespect to honest labour, however humbly engaged; and would there not be some danger of this, if criminals were to be placed near honest men, engaged in the same toils? What influence would it have in this quarter of the Union, where the citizens tax themselves, and take a pride in laboring voluntarily to keep their roads in repair, if these condemned criminals were to be employed in the same occupation? No man, who has ever seen the squalid, horrible, desperate galley-slaves of Europe, working in chains on the highways under the care of armed guards, would ever wish to introduce such a spectacle here; and every man, without having beheld such sights, would be convinced after a little reflection, that they are wholly unsuitable to a free country, and would be an outrage to the humane and moral principles of our community, that would not be endured.

But the remedy for the evils of the present system most frequently suggested and most strongly confided in by some persons, is to restore the good old system of flogging, branding, pillorying, gibbeting, &c. &c. Now without admitting for a moment the possibility of such a retrograde to ancient barbarism, such a retrograde step from civilization, let us examine a little into the operation of such punishments, and see whether in point of utility, as to diminishing the amount of crime, they will bear a comparison with the modern system of labour and seclusion, imperfect as these latter may be. By the old code, a convict for a small crime was punished with imprisonment and whipping. As for imprisonment, which under that system kept the prisoners rotting in idleness, we presume that it will be admitted by every one, that if the prisoner is incarcerated, it is better that he should be kept at hard labor; the old method of simple imprisonment, which formed a part of the sentence of every criminal, we shall therefore consider as abandoned, even by the most strenuous advocates of the old laws, and we shall only speak of the personal inflictions. To commence with whipping, not to dwell on its inconsistency, under a free government, what is the effect on the criminal, who has committed some offence for which he is sentenced to hard labor for two years? In former times he would have been imprisoned for a shorter period, and receive fifty lashes. After being openly exhibited as a spectacle of the lowest infamy, with a smarting back and famished belly, he is turned loose, to do what?—to find employment?—who will give it to him?—no, smarting with infamy and shunned by every one, he must commence his depredations, with increased brutality of feeling. If he should be confined at hard labor for two years, he will at least have been kept from mischief during that time, he may, as some have done, see the folly of his course, and coming out with less notoriety of infamy, he stands a better chance of procuring some employment, if he has a disposition to be honest.—But in this case of corporeal inflictions, we have only taken the first stage, which presents the least difficulty. The convict who has received fifty stripes for a first offence, commits a second; there must be some gradation in the sentence; fifty lashes were not sufficient, he must take a hundred. But his chance for employment is no better, he must live, he is brought forward a third time—there must be some proportion in the punishment, he is sentenced to five hundred lashes—but this becomes torture and it is in vain to propose it; no legislature in this country would listen to it for a moment. Now by the present system, the same criminal for his second offence, might have been sent (at least in Massachusetts) to the state prison for ten years, if he survived this and became guilty a third time, he would be sent there for life, be made to labor for his subsistence, the public would be safe from his depredations, without having his back or their feelings lacerated by the infliction of torture.

One striking advantage to the public by the labor plan of punishment, and which seems hardly appreciated, is, that the culprit being shut up for a length of time, at least during that time, the public are protected from his depredations. Supposing even that he could be made to earn nothing during his confinement, it would be a saving to the

community. If a neighborhood were infested with a wolf, that kept them in continual alarm, and whose indiscriminate ravages might do them the greatest mischief, would not the inhabitants prefer feeding him with even merino sheep, if he could be shut up, rather than run the risk and feel the anxiety of his midnight prowling.

To return to the other inflictions that accompany the whipping system, the pillory, the branding irons, &c. these must be resorted to where whipping alone is not enough; but we think it useless to discuss these portions of exploded barbarity, which a virtuous and humane people will never again suffer to be exhibited among them, and shall offer only one remark on the cruelty and stupidity of the practice of branding, a genuine relic of the dark and ferocious ages. We ask what can be more cruel and stupid than this punishment, if the criminal is ever to be set at liberty, and what more superfluous, if he is not? A wretch is discharged with an indelible mark, to warn every human being against him, to inspire horror at his first aspect, and to condemn him inevitably to become a desperate outlaw. The only excusable pretext for it would be, when applied to atrocious criminals condemned for life, so that they might be known everywhere, if they made their escape; but this might be effected in other ways without resorting to this brutal expedient.

There are some persons who think that the ameliorated code does not inspire sufficient terror, and that there would be fewer crimes if there were more executions. Nothing can be more mistaken than this opinion, and no one position in relation to this subject more capable of being proved by facts, than that crimes have been most abundant in those countries where sanguinary inflictions have been most frequent; that violent crimes have decreased in proportion as capital punishments have been diminished; and that so far as the fear of punishment can operate to prevent the commission of offences, it is the certainty and not the severity, that produces the effect. It is also absurd to talk of multiplying executions in the present state of public feeling; it is useless to recommend hanging criminals for theft or forgery, when the repugnance to capital punishment is so deep and universal, that even in a clear case of murder, there is always some solicitude lest a jury should not have firmness enough to bring in a verdict of guilty. The feeling against the punishment of death is very strong, and the class of persons who hold that human tribunals have no right to take away the life of a man in any case, whether they be wrong or right in their opinion, is certainly increasing.

Reflecting minds will not fail to perceive, that this sentiment against all violent and brutal chastisements, and all executions, has a much wider scope than the mere consideration, about a few guilty wretches who have perpetrated atrocious crimes. Those who are opposed to taking away life in any case, assert that perpetual incarceration, with all the privations that may be made to accompany it, is the most severe of all punishments, and far more dreadful than any that can be directed against life and limb:—that violent punishments were the invention of barbarous ages, and were calculated to perpetuate the spirit they harmonized with:—that a thorough feeling of religious humility, &c. a proper reverence for Almighty Providence, forbids the destruction of what he alone could create:—that exhibitions of every act of violence engenders harsh and ferocious feelings, and when this is exhibited under the formality and sanction of the laws, its influence is more deleterious, than even the sudden effects of private passion:—that the infliction of stripes, torture and death, even on the most odious criminal, has a direct tendency to degrade human nature:—that the abolition of capital punishments is of far other importance, than the life of a miserable convict which may be almost wholly worthless; that in getting rid of all these acts of legal vengeance which cut off criminals in a violent manner, you raise the value of human life; and the ultimate tendency of the system, is to discourage war and all forms of violence, by which human life is considered as insignificant, and to be wasted with impunity. These persons contend, that the whole spirit and the ultimate end of christianity is to banish all deeds of violence; and that the laws are contradictory to it, and in-

... A cruel criminal code is the parent of pusillanimity. A nation broken to cruel punishments becomes dastardly and contemptible. For, in nations, as well as individuals, cruelty is always attended by cowardice. It is the parent of slavery. In every government we find the genius of freedom depressed in proportion to the sanguinary spirit of the laws. It is hostile to the prosperity of nations as well as to the dignity and virtue of men. The laws which Draco framed for Athens are said emphatically to have been written in blood. What did they produce? An aggravation of those very calamities which they were intended to remove. A scene of the greatest and most complicated distress was accordingly exhibited by the miserable Athenians, till they found relief in the wisdom and moderation of Solon. Wilson's change at a Circuit Court in Maryland in 1791.

fectured with ancient barbarism, until their example, which has the most commanding influence, shall consider the life of the meanest and most guilty human being, as sacred, and its destruction under any circumstances, as unjustifiable.

Whatever extravagance there may be in these opinions, there can be no doubt, that their adherents are increasing in this country; and that a disposition to do away all public displays of corporeal inflictions, and to lessen the number of capital punishments, is gaining ground in all countries where any principles of liberty, or any exercise of public opinion have an influence on the administration of civil government. The existence of this disposition is shewn in a variety of ways, and where the laws are not modified to meet it, a spirit will be engendered to counteract them. It is one of the highest qualifications in a legislator to be able to perceive and to guide the feeling of his age; and if his views fall behind it, he will be no more than a mere attorney or scrivener, compiling new regulations on the basis of superannuated precedents, and all his labored enactments will be practically evaded. If the public think any punishment too severe, juries will refuse to convict the criminal; and many offenders will escape from being prosecuted at all, or from being convicted if they are, when the penalties are more severe than the feelings of society require or will endure.

The progress of light in our times, however, is too vivid for many minds to meet its advance, and they turn their backs upon it to avoid being dazzled. The struggle for amelioration, is one, that demands the utmost fortitude and determined spirit of perseverance. The late Sir Samuel Romilly contended through his whole parliamentary career, with very partial success, to soften the penal code of England, and diminish capital punishments. He was a great lawyer, a liberal statesman, and a most estimable man; but all his knowledge, his eloquence, and his experience, could effect few immediate changes. Yet his exertions were not thrown away, his reasonings remain and form a text-book for those who follow in his steps; they will still have to combat that bigoted adhesion to a barbarous code, which is so discordant with the present state of society, that the practice under it has been involved in great irregularity and confusion; and there are not wanting persons who would remedy the evil by bringing back into use some of the most flagrant enormities of the ancient laws. One of the most melancholy instances of this barbarous spirit, indeed one of the most astonishing in the present state of knowledge upon this subject, is to be found in an essay upon penal jurisdiction, contained in the thirty-fifth and thirty-sixth numbers of an English journal, called the Pamphleteer, and written by J. T. Barber Beaumont, Esq. F. A. S. One of his majesty's justices of the peace for Middlesex and Westminster.

(To be continued)

State of North-Carolina.

Treasury Office, 1st Sept. 1825.

THE Public Treasurer, in conformity with his usual custom, hereby takes leave respectfully to remind the Sheriffs and other Revenue Officers of the State aforesaid, that the time is now at hand when the laws require that their public accounts for the current year shall be settled and finally balanced and closed at the Treasury Department.

Town Property.

WILL be sold, on Monday, 12th of September, 1825, at the Court House in the town of Williamston, the following property in the town of Hamilton, or as much thereof as will satisfy the town taxes due thereon, and cost of advertising:

No. 8, 9, 120, drawn by John Lewelling.	Elias Price.
32,	Thos. Watson.
93, 42, 39, 43,	Samuel Johnston.
98, 72,	112, 67, 19, 104, 8,
66, 18, 20, 105, 97,	Kenneth Clark.
25, 99, 9, 37,	Simon Smithwick.
34, 75,	John Taylor, Esq.
88,	Wm. R. Long.
102, 12,	Wm. Strawbridge.
107,	Wm. Williams.
13, 47,	Nancy Rooks.
106,	Richard Fuglar.
2,	Baker Wiggins.
1, 0,	James Wiggins.
77,	Everitt Barnhill.
17,	John S. Little.
28,	Matthew Griffin.
115, 100,	Henry Smithwick.
56,	William H. Bennett.
119,	David Clarke.
89, 68,	John Griffin.
74, 111,	Jos. H. Bryant.
41, 27,	John B. Hunter.
114,	Arthur Watson.
16,	Thos. Boyett.
65,	Wm. Johnston, sen.
22, 4,	Behjn. Cook.
3,	Jesse F. Jones.
15, 10, 33, 48, 76,	Henry H. Bryan.
21,	Sherwood Ellis.
117,	Robt. A. Wiggins.
36,	Silas Curtis.
84,	Anthony Dyer.
69,	Willis Wiggins.
103,	James Watson.
92,	Thomas Price.
76,	Benjn. Skinner.
35,	Heirs J. Lewelling.
62, 67,	George Pollard.
95,	Abalom Page.
30,	Silas Ballard, sen.
29,	KENNETH GARDNER, Colr.

Hamilton, Aug. 2, 1825. 87-1t

Select Female Seminary,

IN PHILADELPHIA.

Mrs. & Mrs. Andrews, and Dr. & Mrs. Jones, now of the North-Carolina Female Academy, are about to return to Philadelphia, where they propose to receive twelve pupils only, to board and educate. The course of instruction will embrace all the branches of English Literature and Science, ever taught in Female Seminaries, together with the French Language, Music, Drawing and Dancing. In every Department, the most competent teachers will be employed. On Natural History, Botany, Natural Philosophy, Chemistry, & Astronomy, the pupils will attend regular courses of lectures, accompanied by experimental demonstrations.

The children will take their meals with the family, be its constant associates, and will be regarded with parental anxiety and tenderness: they will alternately visit with the members of the family, and every means calculated to cultivate the understanding and polish the manners will be carefully pursued.

Books, Music, Instruments, and every other article necessary for the instruction and comfort of the pupils, (wearing apparel excepted,) will be supplied by the principals, and the whole included in one general charge of \$450 for the scholastic year, so that parents and guardians will know the exact amount to be paid. When the smallness of the number of pupils, the talents employed, and the advantages offered are considered, the terms will not appear high. It is intended to open the Seminary on the 1st of April, 1826.

Persons wishing for further information, respecting the plan, may obtain it, together with the most satisfactory references, as regards the standing, character & abilities of the principals, by addressing a letter (post paid), to Andrews and Jones, Oxford, N. C. An early application is desired.

Oxford, Sept. 1st, 1825 87 3t

Warrenton Stage House.

THE public are respectfully informed, that the subscriber has just purchased the Tavern heretofore owned and occupied by Robert R. Johnson, in the town of Warrenton, N. C. which he will continue as a house of Public Entertainment. The building is in good condition, and the furniture and all other fixtures well calculated to give every necessary comfort to guests generally.—His table will be furnished with the best the country affords. Having experienced and careful Ostlers to attend his stables, which will at all times be plentifully supplied with good provender, visitors may feel assured that their horses will receive the utmost attention. His bar will afford the choicest refreshments.

The Northern and Southern Mail Stages each arrive at and depart from this house every day, and the Western Stage twice a week, which affords many facilities not experienced elsewhere. Under these circumstances, the subscriber hopes to give such satisfaction to those who may think proper to call on him, as to induce a continuance of their favors to his efforts.

THOMAS JOHNSON.

THE SUBSCRIBER, Having been induced, from recent melancholy circumstances, to devote his undivided time and attention to his establishment at SHOCCO SPRINGS, has disposed of his public house in Warrenton, to his brother, Thos. Johnson. In retiring from that situation, he tenders his numerous friends and customers, his grateful acknowledgments for their past favors & support; and recommends his successor to their future patronage.

ROBERT R. JOHNSON.

Warrenton Aug. 6. 87 4t

Notice.

THE subscriber wishing to remove to the West, offers for sale his tract of LAND, of about 830 acres, lying on both sides of New-Hope Creek; about 250 acres of which is cleared—about seventy-five of it is fresh Low Grounds of a good quality. On the tract are several hundred acres of good Low Grounds yet to clear. The plantation is in good repair. Ten hands may be worked on it to advantage. There is a convenient Dwelling House, Store and Warehouse, a good Cotton Gin in a convenient house, an excellent set of Stables, large framed Barn and other Out-Houses.

This place possesses superior advantages over most country Stands. There is a large Election held here, also a battalion & company Muster, which makes it very public.—There has been a profitable mercantile business done here for the last 15 years. It is in a fine part of the country for raising Cotton; situated twenty-three miles west of Raleigh, on the stage road to Salisbury. Any persons wishing to purchase can get a bargain, by applying in time, as I am disposed to make the payments as easy as I can do with convenience.

ED. PRINCE.

Prince's Bridge, Chatham county, August 26. 87 4t

State of North-Carolina,

Guilford County.

Court of Pleas and Quarter Sessions, August term, 1825.

Henry Tatum.

Jacob Blunt and George Blunt.

Petition for partition of lands, &c.

It appearing to the satisfaction of the Court that George Blunt, one of the defendants in this case, lives out of this State: It is therefore ordered by the Court that publication be made in the Raleigh Register for six weeks successively, that unless he appear at our next County Court, to be held for the county of Guilford, at the Courthouse in Greensborough, on the third Monday of November next, and plead, answer or demur, that the said petition will be taken pro confesso and heard ex parte.

A true copy from the Minutes.

Test. JNO. HANNER, C. C. C.

Sheriff's Notice.

A BRIGHT MULATTO MAN, has recently been put in the jail of this county, suspected of being a slave, and runaway. He is 5 feet 6 inches high, about 25 years of age, his hair dun coloured and rather bushy, and eyes dark. He says his name is Henry Williams, and that he was born near Louisburg, Franklin county, speaks easily, and very well, professes no trade and can write a little. If he is a slave, his owner is requested to prove him to be so, pay the charges upon him, and take him away, or he will be dealt with, as is required by the law.

JOS. GARRETT, Shff.

Washington city, N. C. 80-5m
July 26, 1825.

Milton Masonic Lottery,

Authorised by Special Act of Assembly, for the benefit of

GOLDEN FLEECE LODGE, No. 74, N. C.

SCHEME.

1 Prize	\$3000	is	\$3000
1	2000	is	2000
2	1000	is	2000
5	500	is	2500
10	100	is	1000
20	50	is	1000
100	10	is	1000
1500	5	is	7500

1639 Prizes \$20,000

2361 Blanks

4000 Tickets at \$5 is \$20,000

Drawing to commence in MILTON, as soon as a sufficient number of Tickets shall have been sold.—Superintended by the following Managers:

ALEXR. HENDERSON,
JAMES RAINEY,
ARCHIMEDES DONOHO,
JOHN R. CLARK,
THOMAS L. STEVENS,
SAMUEL WATKINS.

Orders for tickets, post paid, and enclosing the Cash, will be thankfully received and punctually attended to by the Treasurer in Milton, N. C.

Tickets Five Dollars each.—Tickets to be had from Agents residing in the different towns, villages and public places throughout the State.

By order of the Managers,
PHILIPH THOMAS, Treasr.

State of North-Carolina,

Lincoln County.

Court of Pleas and Quarter Sessions, July term, 1825.

Andrew Hoyle,

Jno. Huson & others, heirs & Legatees of Mason Huson, dec'd.

Petition for the division of the Real Estate of Mason Huson, dec'd.

It appearing to the Court, that John Huson and the other Legatees of Mason Huson, deceased, are not inhabitants of this State: It is therefore ordered by the Court that notice be published four weeks in the Raleigh Register, requiring the said John Huson and the other or any of the Legatees of the said Mason Huson, deceased, to appear at the County Court of Pleas and Quarter Sessions, to be held for said County at the Court House in Lincolnton, on the fourth Monday after the fourth Monday in September next; then and there to answer or demur to the said petition: otherwise it will be taken pro confesso; and adjudged accordingly. Witness V. M'Beck, Clerk of said Court, at Lincolnton, third Monday in July, 1825.

WARDRY M'BECK, C. C.

August 24, 1825. 85-4w

State of North-Carolina.

Rutherford county.

Superior Court of Law.

April term, 1825.

Fanny Garrison,

Jacob Garrison,

Petition for divorce.

It appearing to the satisfaction of the Court that Jacob Garrison, the defendant, is not an inhabitant of this State; it is therefore ordered by Court, that publication be made three months in the Raleigh Star and Register, giving notice to the defendant that he appear at the next Superior Court of Law to be held for Rutherford county, at the Courthouse in Rutherfordton on the 3d Monday after the 4th Monday in September next, then and there to answer, plead or demur to said petition; otherwise it will be taken pro confesso and adjudged accordingly. Witness James Morris, Clerk of said Court, at office the 3d Monday after the 4th Monday of March, A. D. 1825, and in the 49th year of the Independence.

JAMES MORRIS, Clk.

State of North-Carolina.

Bertie County.

Court of Equity—March Term, 1825.

Amos Rhyner, complainant,

and Nottingham Monks, Administrator,

and others, defendants.

In this case, it appearing to the Court that Strahon Monk, one of the defendants in this suit, is not a resident of this State; it is ordered, that publication be made in the Raleigh Register for three months, admonishing the said Strahon Monk to appear at the next term of this Court, to be held in the town of Windsor, on the third Monday of September next, and plead, answer or demur to this bill, or judgment pro confesso will be entered, and the cause set for hearing ex parte as to him.

Test.

CHAS. W. JACOBS C. M. F.

State of North-Carolina,

Mecklenburg County.

Superior Court of Law, Spring Term, 1825.

Jane Perry,

Gray Perry,

Petition for Divorce.

It appearing to the satisfaction of the Court, that the defendant is not resident in this state, so that the ordinary process of Law, can be served on him. It is therefore ordered that publication be made three months in the Raleigh Register, that unless the defendant appear at our next Superior Court of Law to be held for said County, at the Court House in Charlotte, on the 7th Monday after the 4th Monday in September next, and plead, answer or demur thereto, the plaintiff's petition will be taken pro confesso, and heard ex parte, &c.

J. M. HUTCHISON.

State of North-Carolina,

Duplin County.

Court of Pleas and Quarter Sessions, July Term, 1825.

John Bostick

Amos J. Waller,

Original Attachment.

It appearing to the satisfaction of the Court that Amos J. Waller is not an inhabitant of this State: It is therefore ordered that publication be made in the Raleigh Register until the 3d Monday of October, that unless he appear at the next term of the Duplin County Court, to commence on the 3d Monday of October, then and there to plead, answer or demur, judgment will be entered against him according to Plaintiff's demand.

Teste,

JAS. PEARSALL, Clk.

Price adv. \$4 00