VOL. IV.

MONDAY, JUNE 20, 1803.

English Law Intelligence.

We prefent to our readers the following aca count of a trial in the English courts for Defamation, which is well worthy of their attention, and of the eloquence of an Erikine. If it produces its proper effect, it will make the guilty tremble, and among the guilty we recken the conductors of those prints who are in the daily habit of mangling priwate character, of difturbing domeftic peace, and of wounding the dearest ties that unite families, under the criminal pretext of the public good. As well might he who committed murder, invoke Deity to fanction the crime. These presses are lavish of encomiun on English jurifprudence. Iet them then, while they feel themselves fubject to the fame punishment, acknowledge the magnanimity of those they desame.

DEFAMATION.

At the Norfolk affizes an aftion for defamation, in which Sir Jacob Affley was plaintiff, against Colonel Harwood, was tried.

Mr. Macintosh opened the cause for the profecution, and flated that the action was for words fpoken at a ball, a short time previous to the lite election. Col. Harwood , had laid, that Sir Jacob Aftley-was a liar an affaffiff, a coward, a fcoundrel, and a murderer, and that he had! murdered his own father. The day mages were laid at 10,000.

Mr. Briking followed on the fame fide, in a most eloquent speech. or notwithstanding the hot debates which have taken placeat various perinds in this land, on the subject of !! liberty of voting and speaking with reference to public characters, and subjects of a public nature, yet, as regarding private flander, nothing has ever been brought into question. greed. The reason is plain; there is an invincible fenfibility in the mind of every human being, for the good opinion of his fellow creathe break of every individual for the most beneficial purposes; it fits him for focial life; it lo ftrongly pervades every department of life, that | there is no perford, whatever may be his rank, birth, fituation, talents, or qualifications, who is not actuated by it. It is the principal which, operating on the human breast, is the parent of every focial duty, and a. wakens every lentiment that is great and good. If I were to alk you what, at the late awful and cr tical period of the country, has ftimulated our brave countrymen to deeds of Iplendid and glorious atchieve. ment? What is it, when the farill trumpet founds to battle, urges man' against man, army against army, and navy against navy? What has made British valour triumphant in every part of the world ? What is it but that principle, the effects of which I have Ita ed? Do you think a man fits down to mo alife upon the duty he shall perform to his country, by affifting in a well fought battle? No: he confiders only how, when he returns to his native home, he Shall be received by his friends, and how his name will be refounded f.om mouth to mouth; and the fame he shall have acquired, and the glory he shall have atchieved, be celebrated among those of whose esteem and good opinion he is most arxious If we look back to for. mer times, we may find that u h of what I am stating exemplified, in the conduct of the Christian marryrs. When they felt the flames that were on the point of confuming them, it was not only the reward of an heavenly crown they anticipated, but the delire of a good name, is the foundation of all public and private worth : and it is therefore that the Jaw of this country, ever attentive to the bost interests of society, gives an action to a man who receives a re-

proach from another, of that which,

if true, may subject him to punish-

ment. It does this that fociety may

I ve in peace and tranquility; for i

is in vain a man is in the enjoyment

of riches and the luxuries of life, if.

in confedurace of his character be-

ing destroyed, he cannot look his

neighbour in the face. Thele are

the principles which must govern

t' is canfe. The falls I ought rather

to refer to, than state; they are fa-

miliar to every one of you. Will !!

I these preliminary observations I will for another ? I repeat these words however, now proceed to flate the facts : The plaintiff and the defendant had been companions. & friends for 25 years, they lived together auring the remoter part of that period in the habits of friendship, which are, or ought to be, habits of confidence. There is no confanguinity half so endeared, as the spontaneous confanguinity of friendship! A man feels himfelf not in one of the common fituations of life when he is with his friend, he feels he is with his brother. I do not speak of any obligations which the defendant received from the plaintiff. He was not, I admit, in a fituation to require them; but he received his holpita. lity, and every favour urged by friendship, which ought to have made an impression on his mind. You know that Sir Jacob Aftley represented the county in former Parliments, upon the advancement to the house of Peers of the worthy hon, gentleman whom he fucceeded. You know too, that Sir Edward plaintiff, recently died, and that previous to his death, he had, in confequence of expences he was led in. to, frequently been under difficulties, but at no time had those diffi. ties produced any thing dishonourable on his part-When the election was leeking the fuffrage of his countrymen, allow me to ask this questition. What is the fituation of any man at fuch a period, in fuch a country as Great Brtian ? You do ] not meet like the people of Switzer- | fame, a fense of public opinion ! land, to chuse a Landamman, who demands your fuffrages with the Lawyers, moralists, and all classes | (word in his hand; you chuse the of mankind, have uniformly been a" | man, whom you conceive competent to legislate for you, to protect he is forced upon you, but because you approve of him. I am adddfeltures; it is a principle implanted in | fing you as men who, as freeholders, occupy lituations such as are filled up by no race of men under the canopy of Heaven, except the inhabir tants of the United States of Ame-It was at this particular moment,

when as I have flated to you the plaintiff was foliciting the suffrage of the freeholders, the defendant, who was at a ball at Notwich, elevated himfelf, as on a roftrum, called aloud for frience; and having obtained it, applied thele epithets to the Gentlemen I represent. Speaking of Sr Jacob Aftley, who was behought this I would have had his not then in the room, he uled the words: "He is a liar, a coward, an aff: fin, a scoundrel, and a murderer; and he murdered his own father !" I alk you what a man must have felt under these circumstances? From whom did this flander proceed? Had it come from fome man who was a monatchank, or in fome low fituation in life: If fuch a one had | faid Sir Jacob Aftley was a liar, he would have been kicked out of the room; he would have been confidered as a man who could have had no acquaintance with him or his family; but on the contrary, every one who faw Colonel Harwood in that fituation in which (I am forry to fay) he ever was placed, a man who was bred in the family and ac. quainted with all that confidence could communicate; who had lived under the roof of Sir Edward Aftley until the hour of his death; who was acquainted with all the transactions of that Hon. House; e. very one, I fay, who faw and heard him, must have concluded, that there was some foundation for tuch they looked forward to the applaule an affertion. What must have been and admiration of after ages. In the feelings of my Hon. Client, fhort, the love of reputation, and when these things were reported to hin; I think he must have felt that ientiment, fo beautifully expressed in the Divine Poetry of the facred Plalmift:

" It is not an open enemy that has done me this dishonor, for then I could have borne it :

" Neither was it mine adverfary that did magnify himfelf againft me for then, peradventure, I would rave hid myfelf from him.

" But it was even thou, my companion, my guide, my own familiai riend."

Tre first question I would ass and humbly implore the attention of the Ronograble and learned judgit) is, are thefe words fuch a .ult have been noticed in one way

with as much emphasis as I amable, must have been noticed in one way or another?...Will my learned friend's prudence permit him to fay that the words used by the defendant, instead of being tried in a Court of Justice, should have had a trial in another Court, a Court of Honor? This is a tribunal the law will not hear of. What !- If a man accuses me of murder, am I to become his murderer or he mine? I thank. God there has been on this subject a considerable alteration in the public opinion, it is owing to | Imported by Gracie, Anderson and Co. from the Noble Lord who lo long administered the justice of the country, I mean the late Lord Kenyon, that we are to attribute a difuse of a practice, characteristic of the only | the Season, which may be discharged by the of the most barbarous people. Since that Noble Lord's time. Officers whom I could mention, Officers who have been carrying the fame of the British army to the utmost corners | and Times of Payment, Should the Property of the earth, Officers who had placed in the shade the atchievements Afflev, the father of the present of former periods, have come to the Court of King's Bench, appealed for protection to the law, and referved their courage for that cause in which the execution of courage becomes a moral and teligious duty. The law has faid, that the first perfon who shall meet and destroy his. "Gentlemen of the jury," faid he. was proclaimed, and the plaintiff | adversary in the field of honor, falfely fo called, shall expiate his offence with his life. But what is it induces a man to rush, into the field and flain his foul with his brother's blood? It is reputation,

> not brave, rather than that the hand of fcorn should point its flow and moving finger at him; there is no man knows what the dread of vou ; vou chuse him, not because | public opinion may drive him to ; and a man will be justified in taking the law into his own hand when it will not afford him its protection. This observation is as old as the Revolution; for whoever will look into the reports of Lord Ray. mond, who lived about that time, will find that it was faid by Lord Chief Justice Holt, when an attempt was made to explain away words, and give small damages; " I am," faid he, " always for supporting actions for words; for I remember a faying of Mr. Justice Twisden, who was present when judgment was arr fted for words, and the plaintiff explained, if I had blood!" Such was the opinion produced on the mind of that able judge by the circumstance. I have mentioned, and therefore it does appear to me that this is a safe of a fimilar description."

"There is nodanger a man would

The words were proved to have been fpoken.

Mr. Gurney for the defendant, contended that the words could not be the foundation of an action, as nobody could understand Col. Harwood to mean that the plaintiff had murdered his own father. Therefore, the words did not impute a charge, which, if true, would fubject a man to pun-shment, and were not aftionable. He stated too, that a reconciliation had taken place by the intervention of friends.

Evidence was called in Support of the defence.

Mr. Juftice Grofe ftated to the Jury, that in order to their returning their verdict in favour of the plaintiff, they ought to be fatisfied, that the words were spoken, and that they conveyed the meaning stated in the declaration. His Lording recapitulated the evidence, commenting upon it as he proceeded. If there were any circumstances that could induce the Jury to give a different interpretation to the words, they were bound to do fo. The conversation which had paffed between the mutual friends of the parties he confidered as, firitly speaking, not sufficient. y authorized by the plaintiff, Sir I. Affey. If the Jury should be of opinion the words were used in he fense attributed to them, they vould then confider what damage he plaintiff was intitled to recover. le observed that in no case ought Jury to give vindictive damages, in give fuch reasonable damages as

he plaintiff was entitled to for the

injury he had received,

The jury conjulted together about half an hour, and returned a verdict in favour of the plaintiff. -Damages 2000l.



MAGIC,

London, in the Ship Ritfon, which arrive at Norfolk the latter End of December laft now in high ilealth and Vigour, will stance the enfuing Seafon at my Stables in Warren on, and will be let to Mares at Five Guinea-Payment of Four on or before the first of la nuary next, or feventeen Dollars if paid within the Season; Two Guineas the Leap paid when the Mares are covered : Infurance double the Price of the Sesson, same Terms of any Mare be changed, the Infurance will be demanded in every Instance. Should a Mare insured not prove with Foal, the Mo ney will be returned.

The Seafon will commence on the 10th of March, and end the 10th of August next Good and extensive Pasturage, well inclosed. at my Plantation within a Mile of Warrenton; and Servants fent wich Mares boarden gratis. No Liability for Accidents or Escapes; but the greateit Care shall be taken to preven enher. Mares fed well, if required, at 20 Cents per Day.

Mar. 1, 1803. M. DUKE JOHNSON Magic is nine years old, a horfe of elega form and great powers, full fifteen and a halt hands high, and as well bred a horse as any in England. He was got by Volunteer, one of the best fons of Old Eclipse, and fire of Spread Eagle, Eagle, Stirling, Triumvir, Retruit, Commodore, &c. &c. ont of Mar cella. Marcella was got by Mambrino, her dam Medea by Sweetbriar, out of Angelica Angelica by Snap-Regulus-Bartlet's Childers-Honeywood's Arabian-Dam of the I'wo True Blues.

Magic has covered in England the three laft years. His Produce are confidered large and promifing.

PERFORMANCES. --See the Racing Calendar for 1797. received from Mr. Bowes' colt Sadier, fity guineas at Newmarket. He won a fweepftakes againft Whip, Mother Shipton& others | fix year olde oft, and aged git 4 b. four mite at Lewes; and a match at Newmarket with Louisa; and also a match again Mr. Concannon's Knightihed. Lu 1798, he won the Petworth Stakes at Brighton, beating Vilanglet, Johnny, Bennington, Play or Pay, and two others. At Lewes, he won a fweepitakes against Whip and two more. He walked over for the King's plate at Centerbury, and won the city plate. In 1799, he won one hundred and twenty guineas at lichnold, beating Robin Redbreaft, Conon and touothers; and a plate at Leicester.

M. D ITHNSON

The Thorough-bed Imported storte

## CHARIOT.

Bred by John Clifton, Elq. who kept and run him until October, 1796, when he was purchased by Sir Wm, Gerard, Baronet. He was got by the celebrated Horle Highlyer, his Dam Potofi by Cla Ecliple, a Mare or as great fame as any in England.

Chariot is a fine bay, thands pearly fixteen Hands high, and for Bone, Sinew, Symmetry and Action, is scarcely to be equalled. His Running entitles him to be tanked amongst the first Horles in this Country. His fix cellence has been dutinguilhed in four-mile Heats, and in no lastance where the contest was great, but he proved fuccelsful, having requently run four Hears to decide the Kace. Chariot now exhibits the greatest Health and Vigour, and will stand the enfuing Sea.

TAMES LYNE'S HOUSE,

Within one Mile of the Subscribers' Store, on Nuttalo: Granville County, North Carolina, Nine Miles from Hawkins's Ferry, fix Miles from Williamiborough, and fixteen from

And will be let to Mares at Ten Dollars he Leap, paid at the Stable Door : Twenty Dollars the Seafon, payable the first Day of October pext; and Forty Dollars to infure a Foal: And in every Inflance, Hall a Dollar o the Groom at the Stable Door.

The Seafon may be discharged by the l'ay. nent of fixteen Dollars, if paid within the Seafon, which commenced the first Day of March, and will end the tenth Day of Auguft. In cases of Lefurance, the Money will ne returned if the Mares do not prove with | Foal, provided the Property is in no Laftance changed.

Chariot is a fare Foal-getter, as appears from certificates fent with him. The Gen. tieman who imported him, purchased him in England himleif, and had an opportunity of feeing his Colts; they being large, gay, ele gant and fprightly, was his Inducement t purchase hime . His Colts in this country ar equal, if not superior, to those of any Hoth on the continent.

Goody extensive, and well inclosed Paftu rage, with one hundred Acres laid down in Wheat, Rye, red and white Clover, gratis; and every care and attention paid to preve Accidents or Escapes, but will not be liable for any that may happen. Notes of Haus vill be expected with the Mares put to him, either by the Seafon or Inturance.

Chariot being the fale Property of the Sa cribers, they have it in their Power to plede semie verfor pointed attention being paid ueb Mares as maybe fent to him.

JAMES & HENRY LYNE.

17 Thole Gentiemen who with their Mares fed with Gram, may be furnithed with Corn at two Donars and a half a Barrel, Thole. ringing Mares boarded gratis.

PEDIGREE.

Chariot was got by Highflyer, fon of Heod, ion of Tartar, fon of Pariner, out of deliora by Fox, his dam Poton po Ctipte rankam bp Blank, fon of Godolphin Arabian; great great grandam by Godolph Arabian, great, great, great, gradam, by Snap, ion of Chilast, fire Snap, out of the Wind erington mare by Partner, fiter to Square ree's dam by Bloody Buttocks, Greybound Jakelels, Brimmer's, Piace's, White Turk Dodfworth. Layton's barb mare; having fixty fix irue Arabian croffes, and fixieen 10yal mares, by fire and dam.

WM. GERARD, Bart For which reference may be made to the General Stud Book, now in our poiletion.

PERFORM ANCES. Richmond meeting, Sep. 1 792, Chariot won at three heats, a plate for three year old colts & itone. fil'ies 7 thone 12 bs two mile hears, beating Mr Peveral's bay filly Butter-Hy, Mr. R.W Perce's chefnut filly by King tergus, Mr. Hudfon's bay filly by King Ferzus, and Mr Riciey's cheinut filly Herrefs. Nantwich meeting, 11th July, 1791, he

von, at two heats, a plate for tour year olds, ib. two mile-heats, besting Mr Wardie's bacchus, and Mr. Wade's Playfellow.

Newton meeting, July 16, 1793, ne wonat wo heats, a piate, for tour year olds 7ft 6lbs. and five year olds 8it. 8lbs four mile hears. eating Mr. Jewison's l'artar, 4 years old, and Mr. Yever's Minor 5 years old.

Preiton meeting, |div 24, 1793, he won, & our heats, a place for three years old 7it. alb and four year olds 8it 315. fillies allowed 218four mile heats, beating Mr. Cromoton's hay filly Drowfy, Lord Darb, 's pay colt Kidnewa by Pot8o's, out of Paulina, Lord Hamilton's brown filly by Rockingham, Sir il. Villant for. bay filly Tree Creeper, and Mr. Hutchinfon's brown colt Conflitution.

Nantwich meeting, Jury, 1794, he won; at four miles, a plate for three year olds, carry ing a feather, five year olds 8it 3th and aged uft 21bs four mile heats, besting Mr. Harry's bay horfe Burgamot, aged, Lord Donnegal's cheteut horfe Weafel, and Mr. Crompton's cheinut filly liresthan.

Catterick meeting, April, 1795, he wen at three heats, a plate for four years old, care rying 8it 71b and five year olds 8it 121b. four mile heats, beating Mr. Armitrong's bay filly. Multon, Mr. Farmer's chefnut mare Chara mer, Mr. Field; grey horse Northumbers land, Mr. Grey fon's Archer, and Sir C. Ture ner's Confederacy.

Chefter meeting, May, 1795, he won, at four heats, a prate for five year olds, 8it 4 bs. neats, beating Mr. Robertfou's Tickle Toby. agen, and Lord Derby's Kidney.

Dumfries meeting, Odfober, 1796, he won at two hears his Majesty's one hundred gu neas free for any horfe, carrying that four mile heats, beating Mr. Baker's Screvator.

WM. GIRARD:

K ... Mar 25. 1101. THE Sutter be his for Sale . . a Number of Hatters and the inthe Town of Kinfon ; confiding of and to office House, feven private Rooms and the It. the one above, the other below; one fourte a fing e topy, 32 Feet 'org, a Brigh it was ney to each, two Kitche ie. a Brick timm ner to each and one Store . House and a laids Warehouse on the Piver Veuse L'ts belonging to the fild II for and this !! fix unimproved I at in the faid Town & all of which he will fell low for Cash, or, if required, fuch a Credit will be given as that make the Payment eafy to the Purchafer .-Property of almost any Kind will be received AMBROSE JUNES.

State of North-Carolina. | Court of Equity, Chriftian Lewis Benzein and other Complainants, .

John Lovelace & others. Defendants. TT appearing to the Court, the the following Defendants refide out of this State, to-wit : lo'n Majors, lofeph Williame, William Smith, James Sannder, William Perty, fen, Alexander Holton Buc ner Ruffel, Thomas Holman, fen John R ty and John Robinet; therefore, ordered by the Court, that they file their Answer within the firft three Dars of next Term. forwit. Septemper, 180g, or that the Bill be taken pro Confesso, and heard ex parte: and that this Order he published three Weeks fucceflively in the Raleigh Regifter. Copy from the Minutes.

Witness, I, SPENCER, C. &M.

A Farm near Raleigh.

FOR SALE

TWO Hundred and fixty-right Acres of good Land, fituate about fix Miles fouth of the City of Raleigh, eight of which are in Cultivation. There are on the Premiles, a colerably good Dwelling-House, excellent Stables, and other convent ent Outbuildings, fine Water, and a wood Garden, the Property of Jeffe Michell

The Premit's may be entered upon imme. diately, or after the enfuing Crop is reaped. Negroes or good Hories will be taken to

Part of Payment, Fer farther Particulats apply to Jeffe Mitchell, living on the Land.

April 300 11

MEDICAL SOCIETY.

A N appurhed Meeting f the Medical Society of North-Carolina, will. be holden at Chapet Hill, the best . the University, on the fith Day of July ext. Medical Communications from Members and where will then be received, and the utual Bufinels of the Soc ety trantacted.

CALVIN JONES, Sec.