NORTH-CAROLINA GAZETTE.

seOurs arethe plans of fair, delightfulPeace, et Unwarp'd by partyrage, to livelike Brothers."

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MR. NASH'S SPEECH On the Ponitontiary Bill-delivered Dec. 19, 1817-re-published at the request of a correspondent in our

The subject of a Penitentiary has been so often before the Legislature-it has heen so reneatedly canvassed, that it has lost all the charms of novelty; and Vittle, if any thing new, remains to be said-and so decided has appeared to be the spirit of opnosition to the system at this time. so totally different from that warm and ge erous spirit of henevolence which animated this House at its last Session, that its friends have viewed it with an eve of almost hopeless despondence-Such being my feelings, I may be asked, why did I introduce the bill-why do I now urge its passage. I can only answer, because I believe it my duty so to do-and believing so. I cannot, will not shrink from the performance of it. Yes, sir, and I pledge myself, as long as I have a seat on this for, this subject shall neith r sleep nor slumber: I will continue to raise my voice in behalf of justice and humanity; I will not cease to display before gentlemen, the black catalogue of sanguinary punishments which disgraces our criminal orde-to urge them to rescue our common country from the foul reproach of being the last of her sister States in laying aside that sanguinary code which we inherited from our mother country.

I do not know, sir, how other gentlemen may feel on this sebject; to me, it has ever been a very interesting one-and without detra fing from the importance of the other measures we have had before us, I believe this to be one of the most important which can engage legislative attention. In a state of nature, unregenerated by the influences of the Holv Spirit man is the creature of passion, the victim of crime-the sanctions of the Divine Law are unbeeded-its threatenings disregarded. To provide corrections for these unruly passions, was one of the earliest duties of society-one of the most important duties of the legislator-he is bound to enact such pains and penalties as shall add to the terrors of remote and future punishment-the fear of present pain. But, in enacting laws tipon this subject, there are certain principles which the legislator is not at liberty to disregard-nay is bound to observe. He is bound not to exceed the limits of the power which society originally possesses over the lives of its members; and secondly. he is bound to observe the immutable principles of justice, in measuring as near as s practicable, punishment by crime : Ltaken for the acr, and punished accordand whenever he loses sight of either of these principles, he is doing society, an Ted? Look at the newspapers of the day injury by transcending his authority. Let us bring our criminal law to this test -bt us see whether it recognizes them, or not. I will shew you that it sets these principles at utter definince, and that it must, therefore, be fundamentally wrong. For what cause are we at liberty to take the life of our fellow-creature? I contend, only for one-and that is murder. Life is the immediate gift of God, and he alone can take it away, or give the right so to do-and accordingly he has given his sanction to the principle, that blood demands blood "From every man's brother will I demand the blood of man. Whose sheddeth man's blood, by man shall his blood be shed." This is our warrant, and this alone; remove it, and you have nothing to justify it; it is the word of God, for it is universal-like the sense of the Divine Being, it is confined to no age or nation, but is coextensive with the human family-felt and acknowledged alike by the unfutored savage of the desart, and the citizen of polished and refined society. This is the only case in which man he a state of nature has the Aght to take the life of his fellow-crea are; and possessing it only so individu ally, society has it in no other or greater orgree; for several individuals congre fating together, can no more g 'e to the Thole greater powers than individually ach possessed, than each can give to himself greater power. This principle is recognized by the common law, when

I have said it is only in the case of murder we are justifiable in taking the life of a fellow-creature—perhaps it may be extended to treason, and if so, it would be only by analogy. The principle which demands blood for blood, would justify freserving life by the death of him attempting illegally to take it—and as treason strikes at the political existence of the government, or society, perhaps it This fundamental principle, our criminal aw sets at open defiance-instead of conhing death as a punishment to the murderer, it extends it to felons in a variety of other cases. Perhaps there are an undred crimes for which, by our law, death is the penalty.

have thus shewn that the first princihe which I laid down is violated by our triminal law. Let us see if the second asbeen better regarded. It is laid down a very eminent writer " that the criaw should be founded on princihe are permarent, uniform and dicrates of truth and justice, the feelings of humanity and the indelible rights of mankind." In other words, that crimes should be scaled and punished according to their enormity, the facility with which they can be perpetrated and their importance to society.

Let our criminal code be tested by the above principles. Murder is the highest crime we can perpetrate against ociety or individuals; let it therefore receive the highest punishment; this is just and proper Put the horse-thief receives the same. He who robs you of a pitiful horse not warrh twenty dollars, receives the same punishment with him who plunges his poignard in the breast of innocence, or sends an immortal soul to its final account with all its sins full upon it. Again, treason is punished with death, and so is he who lifts the latch of your door in the day time & steals from it a pair of knee buckles, or any thing else exceeding the value of twenty shillings. The one aims his parricidal a m against-the land of his birth; the other steals to the amount of twenty shillings. And thus, sir, I might go on in the enumeration of crimes, of every grade, jumbled together and receiving the same punishment.

What justice is there in this arrange ment? Are the crimes equal in degree? Is the principle uniform its operations which governs them? Are the feelings of humanity cutraged or not? Are the indelible rights of man observed? Nothe citizens have a right to have justice in their possessions, as we are. But, sir, equal'y administered—their feelings are look across the Atlantic and what is the outrage L and they cry aloud against the

I have thus shewn, that the second principle laid down is violated equaliwith the first. And what is the consequence? The very objec of punishment is defeated. The great object of punishment, is the prevention of crimes by deterring others from their commission and I would ask if this result has been found to flow from our system? Are there fewer crimes of a deep dye perpetrated here, than in countries where punishments are more lenient? I answer confidently, No The same consequences have followed as in every country where it has existed -Look for confirmation of this assertion to Great Britain. When Justice Blackstone wrote his Commentaries, he informs that there were at that time one hundred and sixty species of crimes in that country punished with death .- To what number they have now swelled, I knw not; but this I do know, that Lord Ellenborough has within the last few years proposed in Parliament another black list shocking to humanity, in which the intention i hgly wish death.) Are crimes suppress In a late London paper, we are told, that at the Lancaster Assizes, immediately preceding, thirty there persons received sentence of death. Great Britain has gi ven this system full trial and has found it

to itil. By the same elegant writer above

quoted-it is laid down that "punish-ments of unreasonable severity, especially when indiscriminately inflicted, have less effect in preventing crimes & amending the manners of the people, than those that are more merciful in general, yet properly intermixed with due distinctions of severity." This is true-and when thus made, they Inevitably consteract their own design-Convictions are yield-ed by Juries with reluctance—they seize upon every circumstance which may possibly operate in favor of the criminaland if at length a conviction is wrung from them, the people, shocked at the disproportion between the offence & the punishment, overwhelm the Executive with petitions for a pardon-and if there be a corner of his heart where a spark of hu namity lurks, it is reached—the criminal is turned out to renew his depredations, secure that if again condemned he still has a reasonable hope of escape. Let me, sir, cice you a case which has recently occurred—the closing scene of which took-place since this House has been in Session. A man by the name of Weedon was convicted in Guilford Superior Court of horse stealing-applica-tion was made to the Chief Magistratethan he possesses. who, upon ground satisfactory to himself, servants if they think proper. But, sir, pardoned the man—he was however kept is this the only tribunal to which we shall in confinement for his prison fees, until impatient of further imprisonment he broke jail-After a lapse of some time he returned to his old haunts and some private mischief having been committed, as was supposed by him, and more apprehended, a warrant, I believe, was taken out against him-a company assembled to hunt him, with arms, he wasfound

> That these are evils, Sir, every man of intelligence admits-How then are they to he remedied?--I contend that there can be no effectual remedy applied, except by an adoption of the Penitentiary sys tem. Pass the Bill upon your table, revise your criminal code, and scale the punishment to the crime. Do this, sir, and you cleanse the Augean Stable. Do less than this, and like the quack, you retard but do not cure the disease.

and shot.

But it may be contended that the effect of the Penitentiary system will be to increase the number of crimes, and thereby injure society. Thank God, Sir, we are mersal, and always conformable to the not left to idle speculation on this subject

-we are not entering on a field of wild [experiment—the experiment has been ried for us, and I am justified in saying, hat the strongest expectation of the Phianthropist has not been disappointed .t is to the honor of the western world, hat the plan we are now discussing was first reduced to system and to practice this side the Atlantic. William Penn was the founder of the Colony of Pennsylvania-that great and good man; great in all the qualities of the statesman; good in all the virtues of the Christian and the man-upon organizing the colony, he framed a system of criminal law, essentially embracing the principle of the Peniten tiary. To this project the King & Council refused their assent-Not withstanding which, the colony acted upon it for hirty-five years, and afterwards abandoned it to secure a privilege they deemed more, essential. Connecticut adopted the sysem in its full extent soon after the Revolution-Pennsylvania revived it in 1797; New-York established hers in 1800, and Virginia in 1806—since which several tentiaries have been in operation-and in other States of the Union they have been established. Now, sir, let me ask gentle Is property less secure? No, sir, the people are as pure in morals, and as secure result there? Precisely what it is here. I have referred you to the foul code of

English Criminal Law. Let me solicit your attention to the mighty empire of Russia, and the powerful monarchy of Austria. During the two and twenty years Czars, we are informed by historians, not Catharine, (for Paul scarcely can be said minions. Compare the inhabitants of these countries with those of England, and let the opposers of Penitentiaries say if crimes abound more in the former, than in the latter.

our system is bad-Will a Penitentiary amend it ? Other States have tried, and approve it-shall we not try it? Shall N. arolina ever lag behind in the race of

But, sir, we are told it will be expensive. True it will be expensive-And is North-Carolina too poor to be just? Must she hang her citizens, as being not able to bear the expence of saving their lives? Could a peasant from the borders of the Neva or the Danube be transported to this hall, and witness this debate, what would be his surprise He would ask, is it a question at this day, and in this Republican country; whether severity or mildness should mark the criminal code? Whether the laws shall save life or cast it away? Is it possible this relique of Colonial Government is still retained? Still greater, sir, would be his astonishment, upon learning that this country, overflow. ing with the bounties of Providence-rich in all that constitutes a nation's real wealth-whose soil for seven & thirty years has been untrodden by a hostile foot-that this country is too pour to bear the burthen of a Penitentiary. Sir, they would indeed think we deserved the reproach attered against another people

One word more, sir, and I will close my remarks, It appears to me that the doctrine of accountability is but little understood in this House. We are told, sir we are accountable to our constituents for our acts here; that when we have descended to the ordinary walks of life, and mingled again with our fellow-citizens, they may tell us we have been unfaithful stewards and that they have no further use for our services. This is true, and it is right it should be so. Those who pla-ced us here have a Fight to choose other have to answer? No-to him who made us and furnished us with reason to guide and direct us, to him shall we have to give an account of this day's transactions, and according to the fidelity with which we discharge our trust, will be our safety or danger. Solemnly then do I call upon Gentlemen this day to do their duty-and with their hands upon their hearts, to vote as their consciences shall dictate.

DISSOLUTION.

THE Copertnership heretofore existing under the firm of LEA, WILLIAMSON & Co. is this day dissolved by mutual consent. The business of the same will be closed by James Hamilton & Co, to whom those indebted are requested to make immediate payment.

JAMES LEA. J. G. A. WILLIAMSON, JAMES HAMILTON & Co. New-York, Nov. 11, 1819.

periods, in those respective States, Penimen, what is the State of Society in those States? Are there more crimes perpetrated in those States in proportion to the number of inhabitants than in this State?

that Elizabeth sat upon the throne of the. an execution took place throughout her extensive empire-And her successor, to have broke the succession) upon a fair trial, abolished punishment by death, ex cept for murder, entirely. The Emperor Joseph, too, in 1787, abolished capital punishment entirely, throughout his do-

Thus then, sir, it stands-We admit

that of being a nation of Shopkeepers.

THE FINE ARTS.

Exhibition of Wax Figures. Mr. R. TOUD, respectfully informs the Ladies and Gentlemen of Raleigh and its Vicinity, that the

Museum

Is now opened at the Building formerly occupied as the Star-Office,

Consisting of the following representations,

Gen. GEORGE WASHINGTON, the Father of his Country. Gen. JACKSON, the Hero of New-Orleans.

Gen. Pike, who fell at York, Upper Canada. Com. PERRY, the Hero of Lake Erie, who wrested the palm of Naval Victory from the British. "We have met the enemy, and they are ours." Com. MACHONOUGH, the Hero of the second Naval Victory on Lake

Champlain. Capt. WILCOX, slam by the Savages; An INDIAN is represented in the act of taking the Captain's scalp when Sergt. PORTER arrives, though too late to save him, and thrusts the Savage

through with his bayonet. The present POPE OF ROME, in his Priestly Vestment's ; GULIVI, a penitent kneeling at his feet receiving the pardon of his sins.

The Widow of the brave Capt. LAWRENCE & her twin CHILDREN. Virginia Beauty. The Goddess of Liberty. A Sleeping Beauty and her Babe. New-York Beauty.

The North-Carolina Beauty.

The Quaker Beauty.

OPTIC VIEWS,

Consisting of Historical Paintings and Engravings.

Representing-1. The engagement between the United States' Frigate Constitution. and his Britannic M. jesty's Frigate Guerriere.

2. Capture of his Britannic Majesty's Frigate Guerriere.

3. Ferry's brilliant victory over the British Fleet on Lake Erie.

4. A view of the City and Port of Malta.
5, 6. The battles of St. Georges and Roviredo, in Italy, gained by Benaparte over

the Austrians. 7. The famous battle of Arcola-Also, the crossing of the Bridge of Arcola by the

French armies, under a most tremendous fire. 3. The singuinary battle of Waterloo.

9. A view of the Palace and Church of St. John and St. Paul's in Venica

10. A general view of the City of Vienna, in Germany.

11. Entrance of the French armies into Venice, 12. A view of the City and Port of Marseilles.

13. The Island of St Helena, where Napoleon Bonaparte is at present confined a Prisoner.

14. The City of Nantes. ...

15, 16, 17. Three different views of Paris.

18. The Church of St. Andrew's, at Rome. 19. The Priory of Florence.

20. A view of the City of London. Others also of a similar nature.

Several curious KALEIDOSCOPES. With a number of singular and curious

LOOKING-GLASSES.

A variety of PAINTINGS, PICTURES & CARICATURES. An elegant and highly finished

ELECTRIFYING MACHINE, in full operation. Two excellent Organs on which Music will be played.

The Museum will be open from 9 o'clock in the Morning until 9 o'clock in the Evening and will be removed from this place on Friday, December 3. * * Admittance 50 Cents-Children half price.

November 18.

MILLINERY & FANCY GOODS.

ISS RELAY, respectfully informs the Public, she has just received from New-York and is now opening, a General Assortment of Millinery & Fancy GOODS amongst which are:

Flain and Sattin Straw Bonnets, imperial Chip Mourning ditto, Silk, Sattin & Leghorn ditto, large and small Beaver Hats, Lace & Muslin Caps, Hair Caps & Curls, Tinsel Ornaments for the head fine Thread Lace and Edging, Worked Muslin Colleret Bands, worked Trimmings for Dresses, Plush and Ermine Trimmings, Figured Sattin Robes, Muslin ditto, India Mull & Book Muslin, Stri ped and Figured ditto for Dresses, Figur ed and Striped Nankeeen and Canton Crapes, Cassimere Shawls, Ostrich Feathers, Artificial Flowers, Kid & Worsted Socks for Children, Ladies Silk, Cotton and Worsted Hose, Merino & Silk Handkerchiefs, white and black Caster Gloves, lined and plain Kid ditto, white Sattin Shoes, Parnel ditto, China Fans, Cotton Fringe, Ridicules and Clasps, Corsetts, a great variety of Ribbons, Ornaments for Beaver Hats, Wadding for Pelisses, Frog and Fancy Buttons, Dolls, London fine Soap, Windsor ditto, Cosmetic Wash Balls, ditto of Roses, Hair Powder, &cc. October 22

NORTH-CARGLINA STATE BANK RALEION, Oct. 26, 1819. GREEABLY to the 2d section of the Act A incorporating the State Bank of North Carolina, an Election of nineteen Directors of the Principal Bank is to take place annually on the first Monday in December. The Stockholders of the said Bank are there fore ca-led upon to meet and hold said Election, and to attend to such other Business in relation to the general interests of the insti tution as may be judged necessary, on Mon day the 6th of December next, at nine o'clock in the morning, at the Bank in Raleigh.

By order of the Board, WM, H. HAYWOOD, Cash'r. As Business of importance is expect ed before this meeting, it is hoped the Stockholders will generally attend. Such as de not, will, as usual, authorise Proxies to act in their behalf.

TO OWNERS OF

LAND WARRANTS.

I AYING formed a partnership with Mr. IL James Vaulx for the purpose of locating Land Warrants, in the late acquired territory from the Chickasaw Indians, in this State, we have spared no pains to make our-selves well acquainted with the si uation of the good vacant land in this section of country To enable us to locate these fanda without incertening with the old surveys, we have procured a complete transcript of all the old surveys and entries, from which we have formed a connected plat of nearly all of them; and from searches and surveys we have aiready made, we have succeeded in finding a number of the original corners and marks, whereby we are enabled to dentify the greater portion of these lands Mr. Vaula & Co. with one other Surveyor & Co. and occasionally two other Surveyors &c. have been constantly employed for several months past, in ascertaining the attraction of the old surveys, and surveying out the good macant lands, so as to enable us to with certainty when an office opens; we shall continue our united exertions until our information shall be full and complete.

We now offer our services to all Warrand holders, who may wish their parrants located. We will locate all warrants which may be placed in our hands, survey the lands so located, and obtain the grants in the name of the owners, all at our own expense; and charge for such, reasonable portions of the lands so located, as is customary in such cases; we vill cause all warrants, placed in our bands for location, to be adjudicated as may be required by law; and do whatever else may be requisite to perfect titles on such warrants. All communications advantages dressed to me at Nashville, shall be promptly attended to, and any information I cam give to those living at a distance, relative to their warrants; or lands, will be given on

application, JNO. G. MILEMORE. Nashville, Ten. Oct. 1 46 3m For sale at J. Gales's Store.

POTTER'S JUSTICE. A new and much approved Work for Just ces, Sheriff's, and other Officers