



IMPRISONMENT FOR DEBT.

From the Village Record.

I have thought, Mr. Recorder, as the present is a time of unusual pressure upon all classes of the community, & bankruptcies are unavoidably numerous, that an hour would not be mispent by enquiring into the expediency of abolishing imprisonment for debt.

As our law now stands, a poor debtor may be confined in jail until a day can be fixed for hearing him and his creditors, and notice thereof given. If no sufficient reason then is found to exist, the debtor is discharged, on taking the requisite oaths.

I wish to argue this matter with all possible fairness. It is of great importance, and deserves your profound consideration.

It will, I take if for granted, be conceded to me as a correct principle, that no man ought to be made to suffer, unless some benefit shall result from this suffering;—that no evil ought to be inflicted on the citizen, without some corresponding good.

That imprisonment is an evil, will not I presume, be seriously denied. To a man of delicate feelings, the very idea of imprisonment is painful, almost to torture. A man, conscious of his integrity, cherishing a high spirit of independence, who has moved to a respectable sphere of life, would hear the crack of a prison-door closing upon him with little less horror than the summons of death. But if the unfortunate man has a family, partners of his prosperous days—educated as became their prospects—moving in a respectable circle, the thought of their feelings must increase his anguish almost beyond endurance. Malice will sneer, and it is hard to be borne. The triumphs of envy are piercing to the soul. Years may roll away; the debtor be restored to prosperity, and pay all that he ever owed; and yet, when the cause of his imprisonment and all the circumstances may be forgotten, himself and his family are liable to the taunts of the unfeeling, who may allude to "the man who had a dwelling where he had no rent to pay."

That he had been a great man, for the public had provided him lodgings; and the lives of an honest man and an innocent family long be embittered.

It is, besides, an evil to the feeling heart, almost insupportable, to be separated from his family, the objects of his love, when all are in health; yet circumstances may arise, and have arisen, where the father has been separated from the couch of a sick wife, and the cradle of a suffering child.

Permit me now to enquire, for whose benefit? Who derives any advantage from the debtor's imprisonment even for a day or an hour?

What of the creditor? Is his interest promoted? If the man is unable to pay, confining him in jail will not increase his ability. It will not increase the debtor's estate; nor will it enable him to exert himself to obtain the funds necessary to discharge the debt. On the contrary, it is not a directly contrary effect? Does it not place the debtor where he cannot earn money, or by any means raise funds for the discharge of his debts? It is manifest, I apprehend, that the creditor can in no respect be benefited by the imprisonment of his debtor.

Is the man or his family benefited? The very question sounds absurd & preposterous. Confined within the narrow walls of a prison, how can he support himself or those whom Providence has made dependant on his care? If either the creditor nor the debtor, or his family derive benefit from his imprisonment, we must conclude that no such benefit exists, unless it is experienced by the public.

And how are they affected? The public interest is promoted by the labors, either in the field, the workshop, or in trade, of its individual members. Take either of these members from his business, and society suffers an immediate loss. Not merely the loss of his labor, for as himself and his family cannot be permitted to starve, they must be supported out of the labor of others—Hence it is obvious that society suffers a positive loss every hour that a member of the public body is confined.

This part of the argument is complete, and may I not say irresistible—that no man ought to be imprisoned for debt, because it is an evil and produces no good.

But there is another point of view, in which the subject deserves to be considered. Lay down the proposition as one of indisputable correctness—that in a government founded in justice, no citizen ought to be punished except for an offence.

I have sufficiently shown, in the former part of my argument, that imprisonment is a great evil, a cause of much suffering, and that it is a severe punishment. Indeed the penalty of imprisonment is the most common known to our statute books.

If a man steals your horse, how is he punished?—By imprisonment. If a man breaks open your dwelling, committing burglary, how is he punished?—By imprisonment? If a man governed by the law of a demon, sets fire to your house—how do your laws punish him?—By

imprisonment—And if a man perfectly innocent, by the change of times and the fluctuation of trade, is reduced to poverty—what is his punishment?—Imprisonment.

The imprisonment for debt, and the imprisonment for crime, confounds all distinctions; and violates, I conceive, the soundest principles of policy and justice.

True, the length of time the confinement may last, will differ, but the punishment—the poignancy of the suffering; the essence of the infliction does not consist in this—it is the fact of having been in jail—the agony of separation from those we respect and love—the stigma which is felt by the delicate mind to be indelible. In real bodily distress the prisoner suffers much less than thousands who are at liberty. Certain of enough to eat and drink—sheltered from the storm, and the labor not severe, what does he endure compared with the mariner, closely confined and forced to labor incessantly, his rest broken and exposed to the utmost fury of the tempest? No, the suffering is mental—and when the wife and the little ones are parted from—the proud spirit broken—and the key turned upon him—and that moment the tide of misery is at flood—suffering can be prolonged, but can hardly be increased.

And is not imprisonment, and therefore punishment for misfortune, contrary to the general character of our humane laws, and at variance with the spirit of our just institutions? Liberty, personal liberty, is the high and constant boast of an American citizen. We swear by our altars and our God that we live free or die. Death, with all its terrors, is not considered the greatest of evils; slavery, we are taught, is more to be dreaded. This spirit of independence, this ardent love of liberty is justly considered as the best security for the continuation of our free and excellent constitution; and the thousand blessings under it which we enjoy, is it not then strange, very strange, that we should suffer such an anomaly in our civil regulations? Is it not extremely inconsistent that we should profess to hold the liberty of the citizen in such high estimation, and at the same time permit him to be sent to jail, because he owes five shillings and is unable to pay it?—Savages, best and worthiest men to prison because they are poor; not personal liberty in composition with gold; and in the same breath preach of the invaluable blessing of freedom, and the justice of your laws—and who so blind as not to see the inconsistency? What would be the feelings of a citizen, who had been dragged to jail for a debt of twenty shillings, by the authority of your government, when you appeal to him in the name of justice and liberty, to march and fight for his rights and privileges? Does not imprisonment destroy the free spirit of many, which it should be the policy of our laws to preserve high and unbroken?

Recall that it is not the fraudulent man alone that may be imprisoned. He on whom no shade of suspicion has ever rested, is so liable to suffer as the notorious, fraudulent bankrupt.

And suppose that the law was altered; so that a person, unable to pay his debts, might, when arrested, enter bail for his appearance before the judges, at a fixed time, to be confronted by his creditors, if they should think fit to appear, and to take the requisite steps for the discharge of his person from arrest; what benefit would be lost, which is attained by the present mode of proceeding?

THE JEWS.

From the Albany Advertiser, Jan. 20.

We have with us a memorial addressed to the legislature by Mr. Noah, editor of the New-York National Advocate, praying that the State would authorize the sale of Grand Island in the Niagara river, to him, for the purpose of building a city thereon, and inviting a company of Jewish emigrants to that place. The memorial cannot fail to excite interest, because it embraces an object, which appears to us very feasible; and if Mr. Noah does not deceive himself, as to the disposition of the Jews to emigrate to this country, his project may be considered as a very splendid one.

Indeed we have often wondered why the Jews do not emigrate more frequently to the U. States; why they should suffer from the intolerance of other governments, when an asylum so desirable can be found in this country. It must arise from their total unacquaintance with our laws and institutions, and this memoria will no doubt lead to some enquiry. There is no small discernment evinced in this location—Grand Island is bounded on the north by Lake Ontario, on the south by Lake Erie, on the west by Upper Canada, and on the east by the State of New-York, and lies near the centre in Niagara river, the current however is somewhat rapid. It may contain 20,000 acres, in the vicinity of those great bodies of water, the air in winter derives a degree of warmth; and the same cause also to open and refreshes the heat of summer—Melons, peaches, nectarines, and other delicious fruits, grow in the neighborhood—and its position is excellent for a city. We know not whether

the State would sell that island. It is a no use, and is the asylum of gypsies and wanderers, who are destroying the timber.—If however they should deem it expedient to sell, it then will be no objection to sell to Mr. Noah for the object which he contemplates; because, in the possession of any other individual, and for other purposes, the State cannot realize those benefits which a settlement of Jews will produce. The property of foreign Jews, principally consists of money and merchandize, which can be easily removed to any country; and if a few of their great bankers would emigrate to this State, and circulate a few millions, they would secure a good profit, and give a spur to internal commerce. Besides, after all said or wrote on this subject, this is the most desirable country for the Jews.—Here they can have their Jerusalem, without hearing the legions of Titans; here they can erect their temple, without treading the torches of enraged soldiers; here they can lay their heads on their pillow, at night, without fear of mobs, of bigotry and persecution; here they can become citizens, attached to the soil—defending the laws—and interested in the protection of liberty; and who knows but Divine Providence, who has to this day protected the children of Israel as a nation, may finally lead them to this country; may repeat in the words of the prophets—"I will be as the dew unto Israel; he shall grow as the lily and cast forth his fruits as Lebanon. His branches shall spread, and his beauty shall be as the olive tree, and his smell as Lebanon."

To the Honorable the Senate and House of Assembly of the State of New-York. The memorial of Mordecai M. Noah, of the city of New-York, respectfully sheweth—

That your memorialist is desirous of purchasing that tract of land belonging to the State, known by the name of Grand Island situated in the Niagara river, between Lake Erie and Lake Ontario, and bounded by the possessions of G. Britain in Upper Canada.

In thus applying to the State to extinguish its title in that island, he feels himself called upon to explain his views to your honorable bodies with frankness, in order that the application may be duly estimated, and considered in its proper light. His object is to cause a town or city to be erected thereon, to be inhabited by a community of Jewish emigrants.

Your memorialist has witnessed with painful emotions, the recent persecutions which they have experienced in various parts of Europe, and the incompetency of their governments to afford them that protection of person and property, which every independent power is bound to extend, to subjects and citizens living under their jurisdiction. At this enlightened period, when a general peace in Europe was supposed to offer a favorable opportunity for the encouragement and promotion of liberal and tolerant views, your memorialist could not but bend with indignation, a spirit of cruelty and persecution revived, which he had hoped the lights of learning and civilization had forever destroyed. Professing the same religion, but having the honor to be a citizen of this republic, he has felt it incumbent upon him, as a duty which he owed to humanity and his country, to use every effort to induce his co-religionists in Europe, Asia and Africa, to emigrate to the U. States, and to participate freely in those blessings of equal liberty and equal law, which no other government can extend to them in the same manner.

With this view, he has taken preliminary measures to make known to the Jews in Europe the advantages which this country holds forth, and has directed his attention to various several parts of the union, in order to ascertain the most eligible spot which may combine the benefits of soil, climate, and location; and after much observation and reflection, he is satisfied that the state of New-York, from its position and internal resources, promises the most advantage. A people who have for many centuries possessed no rights in the soil, and who have been prevented by oppressive laws from enjoying the benefits of agriculture, must be settled in a country sufficiently cleared and cultivated to afford them immediate means of subsistence. To give to emigrants full faith and confidence in the title of their possessions is one of the inducements for wishing to purchase a tract of land from the state, and the state consenting to sell the land in question for the object contemplated, carries with it a degree of sanction and approbation which will be peculiarly acceptable. The state, by sundry laws, has authorized the sale of public lands, and for specific considerations has ceded portions of public territory to individuals.

The legislature, by their acts of April, 1803, sold to Obadiah Cunningham the islands in the Oswego river; and by their law of April, 1816, sold to Jasper Parish, Squaw Island in the Niagara river. The tract of land to which your memorialist refers is supposed to be about six miles in length and two miles in breadth, part of it is covered with timber, and is said to be fit for cultivation. The state, however, from its exposed situation on the borders of Canada, will not readily

find settlers for it, excepting a community of enterprising persons, having the means and disposition to protect it, and such a community your memorialist contemplates inviting to that spot. Much of the timber has been cut and destroyed by unauthorized persons from Canada, who have built habitations, and who expect to acquire a title by actual possession. The last legislature authorized the civil power of the neighboring county to drive those wanderers from the island, to destroy their habitations, and if necessary to call out the militia to enforce the law. From a report made to his excellency the Governor of the state, it appears that the sheriff of Niagara county executed the order with a combined force, and drove off the intruders, the expense of which, as laid before your honorable bodies, amounts to upwards of five hundred dollars, and the sheriff reports, that part of them have returned, and have recommenced building their houses, leaving it to the present legislature to renew the law, and be subjected to additional expense. These circumstances are adverted to by your memorialist, to shew the difficulty which the state will have, in converting that island to any valuable purpose, excepting to dispose of it, and it is the interest of the state, to sell all the public untenanted lands, if it can be done at their valuation, because they pass into lands, calculated to give an impulse to agriculture and internal improvements.

Population is wealth, and active population, possessing the means and the enterprise, of increasing the strength, and adding to the resources of the state, can never be viewed with indifference, nor want the necessary encouragement from your honorable bodies, to carry their objects into successful operation.—Should your honorable bodies therefore deem it the interest of the state, to dispose of that island, your memorialist will endeavor to bring to that settlement, manufacturers, mechanics, artists, and such persons from Poland and its borders, as may be familiar with agriculture, together with merchants, and enterprising traders of capital.

While Spain and Portugal have encouraged the commercial enterprise of the Jews, the wealth and commerce of those nations were inexhaustible; when bigotry and fanaticism prevailed, and the Jews were banished, the sum of their prosperity set, and they have not since recovered from the shock.

During the late war on the continent of Europe, the allied sovereigns drew most of their supplies, for the maintenance of their vast armies from the Jew bankers of London, Paris, Amsterdam, Hamburg, Berlin, Stockholm, Vienna, Frankfurt, St. Petersburg, Leghorn, and Venice; and yet, when a general peace prevailed, some of the allied powers, were unable or unwilling, to extend to their best friends, that unalienable protection, which is due from a government to a citizen. It is then time, that the Jews should be assured, that there is a country, to which persecution is unknown.

It is supposed, from the best computation, that there are upwards of seven millions of Jews throughout the world; and should the representations which your memorialist has made, and will continue to make, relative to the laws, institutions, character, soil and climate of the United States, lead to the emigration which he contemplates, should a proper estimate of these great advantages prevail, and a people remarkable for their patient endurance of insult and unmerited treatment, rise superior to oppression, & turn their eyes to the only country chosen for their inheritance, should a determination exist to exchange the "whips & scorns" of Europe, of Asia and of Africa, for the lights of liberty and civilization which they can enjoy as citizens of this republic, and under the benign protection of our constitution, it is impossible to assign limits to the great benefits which our country may confidently anticipate, from a population thus singularly constituted.

In addition to these general advantages, your memorialist is not insensible, nor indifferent, to the benefits which this state will derive from a settlement of Jews on Grand Island. The completion of the Grand Canal, at the mouth of which this island is nearly situated, and the improvement of roads and inland navigation, will necessarily require heavy disbursements. To realize immediate benefits, and give an impulse to a brisk trade, settlements of a commercial character will be necessary; and if established on Grand Island, a very important frontier post may be defended without cost; and a people whose floating capital is immense, may be induced to purchase and hold all the state stocks, and eminently benefit our fiscal concerns.

From these considerations, your memorialist is persuaded, that if enterprising Jews are once directed to this part of the world, and should receive a liberal countenance from your honorable bodies, that they will be equalled and disposed, to pour in a stream of wealth & commerce, which will place the state in a most prosperous and enviable condition.

These advantages are of sufficient importance, to justify a gratuitous transfer of that small island; but your memorialist, not wishing an act to be passed,

which might give a preference, to any religious sect, is desirous of purchasing the tract in question, and therefore entreats your honorable bodies, to pass a law, authorising the survey of Grand Island and the sale of it to him, on such terms as your honorable bodies may consider just and liberal.

And your memorialist, as in duty bound, will ever pray.

MORDECAI M. NOAH, Albany, 16th Jan. 1820.

The memorial was referred to a select Committee.

BY AUTHORITY.

An act allowing Sarah Allen, the bounty land and pay which would have been due to her son, Samuel Drew, had he lived, for his services as a private in the late war.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized to issue, in the name of Sarah Allen, a land warrant for the bounty land which Samuel Drew, a soldier in the army of the United States, deceased, would have been entitled to, had he lived.

Sec. 2. And be it further enacted, That whatever sum shall be found due to the said Samuel Drew, for his service as a private soldier, on settlement of his account, be paid to the said Sarah Allen, out of any money in the Treasury not otherwise appropriated.

Approved—January 19, 1820.

Resolution for the further Distribution of the Journal of the Convention which formed the Constitution of the United States.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of State be instructed to furnish to each Member of the present Congress, and the Delegates from territories, (who may not be entitled to the same, under the resolution of Congress of the twenty-seventh of March, one thousand eight hundred and eighteen) the President and Vice-President of the United States, the Executive of each state and territory, the Attorney General and Judges of the Courts of the United States, and the Colleges and Universities in the United States, each one copy, for the use of each of the Departments, viz: State, Treasury, War and Navy, two copies each; for the use of the Senate, five copies; and for the use of the House of Representatives, ten copies, of the volumes containing the Journal, Acts, and Proceedings of the Convention which formed the present Constitution of the U. States; and that the residue of the copies of said Journal be deposited in the Library of Congress for the use of the members.

Approved—January 19, 1820.

MRS. MARSHALL, will take four or five young Ladies as Boarders—(Students of the Academy.)

Raleigh, Jan. 1. 61

AUCTION.

ON Monday the 21st of February next, being the first day of Wake County Court, will be sold at Public Auction, the remaining Stock of JEWELL; belonging to the Estate of Jehu Scott, dec. consisting of Gold Patent Lever Watches, English Double Gased Silver Watches, of superior quality; Eight Day Clocks, Silver Ware, a general assortment of Jewellery, a number of good Books and Shop Furniture; together with a variety of other articles.

Nine months credit will be given for all sums over \$1000. Bond and approved security is required.

The sale will be continued from day to day until all is sold.

THOS. COBBS, Ex'r. Raleigh, Jan. 12. 60

FOR RENT.

THE Shop, Store-House and Kitchen lately occupied by Jehu Scott, dec. and possession given immediately, if required. T. COBBS.

THE IMPORTED HORSE, EAGLE. The finest Horse ever seen, and was the speediest horse at New-Market—published August, 1810, by Thomas H. Morland, London.

Eagle is in high health and vigor; will stand the ensuing season in or near Salisbury, N. C. to be let to Mares at Fifty Dollars the Season, which may be discharged by Forty if paid in the season; Twenty-five Dollars the leap, to be paid at the time of service; and Seventy-five Dollars to insure a mare to prove with foal—One dollar to be paid the Groom in every case.

Eagle is a fine bay, upwards of sixteen hands high, handsomely marked and one of the finest looking horses on the continent—and as to a race horse, England never produced his equal in his day, which may be seen by reference to the English Stud Book, &c.

Eagle's Pedigree and Performance will be published in handbills in due time.

LEWIS SHERRELL

Jan. 14, 1820