

FOREIGN.

FROM ENGLAND.

New York, July 19.

The ship Hercules, capt. Gardner, arrived this morning, in 34 days from Liverpool, brings London papers to the 6th of June, and Liverpool to the 8th, both inclusive.

LONDON, JUNE 6.

We have received this morning, by express from Paris, the Speech of his Majesty upon opening the Session of the Chambers, the day before yesterday. Subjoined is a translation of this important document. It is moderate, but firm, in its language, and expresses a confident hope of the continued prosperity of France. Allusion is made to the recent disturbances, and to the cordon of troops which is maintained upon the Pyrenean frontier. These troops, on account of the nature of the present season, it is still deemed necessary to continue, for the preservation of the country from possible contagion. As to any other motive for maintaining them, it will be seen the King treats the supposition as a mere malevolent invention. With respect to the affairs of Turkey and Russia, though nothing positive is stated, his Majesty says he still cherishes the hope that tranquillity may be preserved.

Speech pronounced by His Majesty upon opening the Session of the Chambers.

"Gentlemen—The necessity which has long been felt of liberating the financial administration from those provisional measures to which it has been necessary hitherto to recur, has determined me, this year, to anticipate the period of calling you together. In exacting from you this new sacrifice, I rely upon your zeal, and upon that devotion of which you have given me so many proofs.

"Providence has preserved the infant which it has given to us, and it is a pleasing thought to imagine that he is destined to repair the losses and the misfortunes which have befallen my family and people.

"I have the satisfaction to announce to you, that my relations with foreign Powers continue to be of the most amicable description. A perfect unanimity has influenced the efforts, concerted between my Allies and myself, to put an end to the calamities which oppress the East, and which afflict humanity. I cherish the hope of seeing tranquillity restored in those countries without the occurrence of a new war to aggravate their miseries.

"The naval force which I maintain in the Levant has accomplished its destination, and by affording aid to the unfortunate, whose gratitude has been the reward of our solicitude.

"I have adopted precautions which have kept from our frontiers the contagion which has ravaged a part of Spain. The present season does not permit that we should relax these precautions, and I shall therefore continue them as long as the country may require it. Malevolence alone can discover in these measures a motive foreign to my real intentions.

"Rash enterprises have disturbed, in some parts of the kingdom, public tranquillity; but they have only served to display, more signally, the zeal of the magistrates and the fidelity of the troops. If a small number of individuals, who are the enemies of order, view, with despair, our institutions consolidated and rendering a new support to the throne, my people abhor their criminal designs. I shall take care that violence does not deprive them of the privileges they enjoy.

"Positive calamities, though exaggerated by fear, have recently desolated the departments contiguous to the capital. The aid of public and private benevolence has, however, mitigated them. The activity of the inhabitants shortened the duration of these disasters: authority seconded their zeal; justice will punish the guilty.

"The exact state of the debt arriere, is at length ascertained, and will be submitted to you. This debt, whose origin is in times happily far removed from us, and whose liquidation has developed its full extent, will retard, for the present year, in spite of my most deep regret, a part of those ameliorations of which the various branches of the public revenue will be susceptible.

"The advantages we have already obtained should encourage us to persevere for their maintenance and increase. I rely upon your aid to secure, in our beautiful country, that prosperity which Providence designs for us; this is the wish of my heart; the incessant object of my thoughts; it is the consoling idea which alleviates the recollection of my pains, and which embellishes the anticipations of the future."

PARIS, JUNE 4.

A serious tumult took place in Paris on Monday. It had been reported

during the several previous days, that the Law Students intended publicly to commemorate the anniversary of the death of the young Lallemand, who, it will be recollected, met his untimely fate during the commotions which were excited in that capital by the Collegians. The Authorities, to prevent this design, had caused the gates of the cemetery Pere La Chaise to be closed, and posted a civil force adjacent. At 8 o'clock, a number of youths belonging to the Schools of Law and Physic, attired in deep mourning, came to the spot in procession, and followed by a numerous multitude.—M. Benjamin Constant also made his appearance in a hackney-coach, accompanied by another person, who, it was said, was the Count de Thiers, Member of the Chamber of Deputies. Cries were re-echoed of "Benjamin Constant for ever! The Charter for ever! We will enter!" The Students demanded to pass to the tomb of their deceased fellow: this was refused, and some disposition being evinced to enter by force, the military were brought to the spot, and the place was promptly cleared. They rallied again on the Boulevard de Bonne Nouvelle, and marched, in files, a second time to the burial-ground, where, on being refused entrance, a volley of stones was directed against the military, two of whom were grievously hurt by these missiles. On this the horse gendarmes vigorously charged sword in hand; above 20 of the Students were, in consequence, wounded, and eight taken prisoners. This took place at noon, and scarcely had the troops dispersed the refractory mob, when a fire broke out in the Faubourg St. Antoine; and whilst the authorities were occupied in aiding to extinguish the flames, and to maintain order, the Students mustered on the Place St. Genevieve, provided with stones, and declared loudly that they had a defeat to revenge. The Commissary of Police, with five infantry soldiers, was all the force here opposed to them, at whom several stones were thrown; these men loaded their muskets, and seemed resolved to oppose force by force; happily, however, they restrained the vengeance which had been provoked, until a troop of gendarmes came to their assistance, and put the infuriated youths and the attendant rabble again to flight. Up to ten on Monday night, no farther tumult had taken place; the refractory being awed by their repeated discomfiture, and the strong patrols which were on foot. The posts around the Palais Royal were doubled, and every measure adopted to repress any hostile effort.

The following is an extract of a letter from Odessa, dated the 28th April (10th May):—

"Between 30 and 40 vessels have arrived to-day from Constantinople, some of them in three days, bringing the agreeable intelligence, that all the matters in dispute have, at length, been adjusted between Turkey and Russia, and that peace is now certain. The exchanges have, in consequence, improved about 4 per cent.

We have this morning received papers direct from Madrid, to the 23d ult. On the 12th, the Commandant-General of Cadiz communicated to the Consulate the contents of a private letter, received from a Lieut. Col. of Engineers, at Funchal, dated April 13, which states, that "people's minds in the Canaries were in great agitation, and that every thing announced their desire to proclaim themselves independent."

From the National Intelligencer.

The decision of the Emperor of Russia, which appears below, is decidedly favorable to the side of the U. States, in the controversy with the British government on the subject of the slaves deported from the United States, at the close of the late war. It is such as might be expected from a justly disposed and disinterested arbiter. The class of cases embraced by the third paragraph cannot be large, though there may be cases which are embraced by it—such, for example, as that of slaves which deserted to the British force under Nicholls, in Florida, and were carried off. The whole amount which under this decision of the Emperor, will become payable to citizens of the United States, cannot fall far short of two millions of dollars. Considerable time will necessarily elapse, we should suppose, before the claims can be liquidated, as they will have to be separately and judicially examined.

DEPARTMENT OF STATE,
Washington, 15th July, 1822.

The following is a copy and translation of the decision of his Imperial Majesty the Emperor of all the Russias, upon the question submitted to him by the Governments of the United States and of Great Britain, by virtue of the Convention of the 20th of October, 1818, of the true intent and meaning of that part of the first article of the Treaty of Ghent, by which it was stipulated that "all territories, places, and possessions, whatsoever, taken

by either party from the other, during the war, or which might be taken after the signing of the said Treaty, excepting only the Islands therein-after mentioned, should be restored without delay, and without causing any destruction, or carrying away any of the artillery, or other public property originally captured in said forts or places, which should remain therein upon the exchange of the ratifications of the said Treaty, or any Slaves, or other Private Property."

TRANSLATION.

The Emperor is of opinion, "that the United States of America are entitled to a just indemnification from Great-Britain for all private property carried away by the British forces; and as the question regards slaves more especially, for all such slaves as were carried away by the British forces from the places and territories of which the restitution was stipulated by the Treaty, in quitting the said places and territories."

"That the United States are entitled to consider, as having been so carried away, all such slaves as may have been transported, from the above mentioned territories on board of the British vessels within the waters of the said territories, and who for this reason have not been restored."

"But if there should be any American slaves who were carried away from territories of which the 1st article of the Treaty of Ghent has not stipulated the restitution to the United States, the States are not to claim an indemnification for the said slaves."

It will be observed that this is merely the decision of his Imperial Majesty upon the question submitted to him.

With regard to the measures, and arrangements between the parties to the submission, for carrying it into execution, notice of them will be given, for the information of all persons interested therein, as soon as they shall be known.

We have been requested to publish the following:

TO THE PRINTER OF THE EDENTON GAZETTE.

SIR:—The rapid growth of the jurisdiction of our Justices of the Peace, out of Court, in civil causes, within the last few years, ought to cause a serious enquiry, into the extent of their authority, as well as into the tendency of the summary mode of trial, practised in their Courts. And if the statutory power of these magistrates transcends the limits of the Constitution, or tends to destroy the ancient common law trial by jury, it should be recalled, and their inferior tribunals regulated, with a due regard to the convenience, as well as the constitutional rights of the people.

In England, whence our forefathers emigrated, Justices of the Peace have been known, as an order of Magistrates since the time of Edward III: and as conservators of the peace, have proved themselves to be necessary and useful officers. But the idea of clothing them with powers, similar to a Judge of the civil law, and introducing them, as executive officers, into the administration of justice, by investing them with power and authority, to hear and determine, in a summary manner, without the aid of a jury, causes of a civil nature, between subject and subject, first originated in this country: and while there was any regard among the people, for the ancient laws and institutions of their ancestors, and while they were careful to watch with a jealous eye, their rights and liberties, this new and extraordinary power of the Justices was confined within very narrow limits. Since the period of our revolution, however, the civil jurisdiction of the Justices of the Peace, out of Court, has been increased to an alarming extent, so much so, that the Assembly seems determined to destroy the common-law trial by Jury. It will soon swallow up the business of the public Courts of Record, unless our Judges are firm and independent enough, to maintain the constitutional rights of the people, against the encroachments of the Legislature.

It is believed, that the trial by Jury, as it was known and practised, at the period of our revolution, is secured by the Constitution, as a part of the rights and liberties of the people. And that the act of Assembly, passed in the year 1777, investing the Justices of the Peace, out of court, with power and authority to hear and determine in a summary manner, all causes of a civil nature, between citizen and citizen, to the amount of five pounds, has dispensed with the trial by Jury, to the very verge of the constitutional limits.

In that country from which our ancestors removed, the trial by jury, in all controversies at law among the people, had been known and practised from the earliest period of time. It was expressly enumerated in Magna Charta, as a part of their rights and liberties, and has often been recognised as such, by many of their ancient Kings. Among other public rights contended for at, and secured by our forefathers, by their revolution in 1688, was the right of trial by Jury. By that memorable struggle, their rights and liberties were so certainly ascertained, and so firmly established, that no power, no influence of their Kings, has been sufficient to destroy them. The first settlers of this State brought with them all the rights of native born Englishmen, and as they fled from the

persecutions of the Church, in quest of that quiet and repose, which was not to be found at home, they endeavored to establish a government here, upon those tried principles of that Constitution, which had withstood the shock of so many revolutions. But in providing for the administration of Justice, they found themselves without those numerous inferior Courts, which in the mother country, took cognizance of all little, trifling disputes, and controversies among the people, and saved the time of the public Courts of Record, for more important matters. The want of these Courts here was soon felt. The public Courts of record became crowded with trifling suits, by which the parties oftener sought to gratify their passions, than to obtain redress, for any real injury. Delay in the administration of justice, and expense in the prosecution of a suit, soon taught our fathers the necessity of some change in their plans. The Assembly of 1715 sought to relieve the public Courts of Record, of the burthen of these trifling and mean causes, by investing the Justices of the Peace, a well known order of Magistrates, with power and authority to hear and determine, in a summary manner, all disputes and controversies among the people, to the amount of twenty shillings proclamation money. After 25 years experience of the benefit of this act, the Assembly of 1741 thought proper to increase their jurisdiction to forty shillings of like money, & to confer the power on two Justices of the Peace. But in the then state of the country, the difficulty of procuring the attendance of two Justices at the same place, created so many delays and so much embarrassment, that the Assembly of 1761, after twenty years experience, was induced to alter the former act, and to invest one Justice of the Peace out of court, with jurisdiction in civil cases to the sum of forty shillings proclamation money. But the people were too much attached to their ancient mode of trial by Jury, not to fear the power of a set of magistrates, whose summary mode of trial was hostile to the genius, and contrary to the maxims of their ancient laws. And as they had been taught to regard the common law, as the perfection of human wisdom, they must have viewed with a jealous eye, any thing like the introduction of the civil or Roman law into a country, where they had endeavored to plant liberty for themselves, and their posterity. For they must have seen, that in departing from the trial by Jury, the suitors at the Justices Court, became subject to the will and pleasure of one man, who might trample upon, and oppress them at his option: and that their liberties, which had been handed down to them, and preserved through so many ages, by the benign spirit of the common law, could not long survive its destruction. Under no administration of the Proprietary, or Royal governments in this state, therefore, was the civil jurisdiction of the Justices of the Peace, out of Court, extended beyond the sum limited by the act of 1761.

In framing a government, at the time of our revolution, the patriots, who framed the Constitution, thought it necessary to attach to it, a declaration of those rights, which they wished to secure to themselves and their posterity. And among other rights secured by that instrument, is the right of trial by Jury. The 12th and 14th sections of our Bill of Rights, were inserted for that purpose. The 12th section is in these words: "That no freeman ought to be taken, imprisoned, or disseised of his liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the law of the land," and is taken, with some little alteration, from the celebrated Magna Charta of our forefathers, on the same subject, and was designed by them, for the same purpose, for which it was used by us.—The words of the original, which are omitted in our copy, are abundantly supplied by the insertion of the 14th section, which reserves to the people "their ancient mode of trial by Jury," in a manner more explicit, certain and definite, than could have been done by their retention.

It is in these emphatical words, "that in all controversies at law, respecting property, the ancient mode of trial by Jury, is one of the best securities of the Rights of the People, and ought to remain sacred and inviolable." Could the right of trial by Jury be reserved by the people, at the revolution, in plainer, more definite and certain language? If the Assembly can trample upon our rights, when written in language, which he who runs may read, it is vain for us to persuade ourselves, that our fathers, by their efforts at our glorious revolution, secured to themselves, and their posterity, the benefits and blessings of liberty. For when these two sections are taken together, and their meaning and intention considered, in connection with the history of the times, and the practice of the state, there can

scarcely be a difference of opinion, as to the construction to be put upon them. It is a well known fact, that at the period of the formation of our Constitution, the public Courts of Record had cognizance of all controversies at law, over the value of forty shillings proclamation money, and administered Justice according to the course of the common law. That the civil jurisdiction of a Justice of the Peace, out of court, was a recent thing in the state, and had remained stationary at the sum of forty shillings proclamation money, for thirty-six years. There was, therefore, at that time, an ancient and well known mode of trial by Jury, which had been immemorially practised, and with which the people were familiar. And as the framers of our Constitution were not only jealous of the executive power of government, but determined to secure to themselves all the benefits of the common law, in the new order of things, they took especial care to reserve the trial by Jury, as it was then known. For they must have foreseen, that the loss of that trial would soon be fatal to liberty: and that the benefits of the struggle, in which they were then engaged, could not be perpetuated without it.

The first Assembly which met in the year 1777, after the formation of the new Constitution, in providing for the administration of Justice, limited the civil jurisdiction of the Justices of the Peace, out of court, to the sum of five pounds, and gave the public Courts of Justice cognizance of all causes above that sum. As five pounds, in the year 1777, was about equal in value, to forty shillings proclamation money in 1741, the power to legislate on the subject, limited by the constitution, was immediately executed by that Assembly, and was therefore at an end. The trial by jury in the public Courts of Record, under the new government, was established then, as it had existed before, in the old, and no power in the state, can constitutionally alter the act of 1777, in relation to that trial. The acts of 1783, 1794, 1795, 1801 and 1820, by which the civil jurisdiction of the Justices of the Peace, out of court, has been greatly increased, are so many attempts to introduce a system for the administration of Justice, into our law, which resembles the civil law, and are manifest violations of the Constitution, open and notorious usurpations of the rights of the people. Such violent infringements upon the Constitutional rights and liberties of a free people, call aloud for redress. If the spirit of our fathers has not fled from the state, I know there will be found patriots sufficient to deliver us from those who would enslave us. In the year 1783, when the first act was passed, to raise the civil jurisdiction of the Justices of the Peace out of court, from five to ten pounds, a small band of patriots was found in that Assembly, who resisted it on two grounds: first, that it was unconstitutional, and next, that it was impolitic.

The protest of these men against that law, which is now to be found in the Journals of that Assembly, attest their zeal in favor of liberty, and shews the opinion of several eminent lawyers, upon this constitutional question. But unfortunately for us, their failure has emboldened subsequent Assemblies to advance in the track of usurpation, without prudence or policy. LAOS.

June 27.

The North-Carolina Baptist Society for Foreign and Domestic Missions, will convene at Raleigh, on Saturday, the 3d day of August, at 11 o'clock, A. M. and continue three days.

The Harmony Line Association will convene at Harmony, alias Campbell's Meeting-house, ten miles north-west of Hillsborough, on Saturday, the 17th of August, and continue three days.

The above meetings will commence with public Preaching, which will continue from day to day during their sitting.

July 3.

BANK STOCK AT AUCTION. WILL be sold on Saturday the 17th of August next, at Mrs. Jeter's Tavern in this city, Ten Shares of State Bank Stock, the property of the late Jehu Scott, dec'd, on a credit of six months, the purchaser giving bond with approved security. The sale will take place at 12 o'clock, A. M.

THOS. COBBS, Executor of Jehu Scott, dec'd. Raleigh, July 24.

The person who borrowed PORTER'S JOURNAL, and the 2d Volume of NELSON'S LIFE, is requested to return them. T. C.

FOR SALE. THE subscriber offers for sale the large and convenient Dwelling-House and Lot where he now lives, in the town of Hillsborough. The house contains eight rooms, well finished, with a large garret room; adjoining the house is a dining room, 30 by 16 feet, well finished. The other improvements on the lot are a kitchen, smoke-house, barn, stable, carriage-house, &c. and a well of excellent water within a few feet of the kitchen door. It would form an eligible situation for a large family, or any person disposed to keep a private boarding-house.

The terms will be accommodating. Any application by mail, for further and more particular information, will be attended to without delay.

JOHN WITHERSPOON. July 16, 1822.