

# HUNT'S

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### ART. I.—MERCANTILE CHARACTER.

THE germination and growth of mercantile library companies in the principal cities of this country, furnish the philanthropist with hopes for the perpetuity of our government, which nothing else so reasonably could excite. Indeed, we are loth to limit the favorable influence which these institutions must have upon the progress of our young yet flourishing confederacy. In a work so closely allied in its spirit as is this to all that renders these companies beneficial and useful—one whose object and duty it is to keep pace with their progress—it will seem like repetition here to discourse fully upon the subject. To one point, however, it is interesting to glance, since the subject is more than ordinarily pleasing to those who are anxious for the elevation of the character of merchants—a class of men, which, from the nature and newness of the American government, for an exceedingly long period must rank, through its numbers, influence, and dominant concentration in cities, higher than any other. We allude to the employment, at stated periods, of the ablest logicians, scholars, and moralists, through discourses upon the multifarious topics which the position of our mercantile citizens suggests. Already has it been our pleasure, in these pages, to record the names of many of these, while, occasionally, we have been instrumental in diffusing from one end of the country to the other, the thoughts at first presented by their originators only to a limited circle.

Of the many lectures which have been delivered during the last season, the subject of no one has been more important than that which has been treated by the HON. JOHN SERGEANT, and which was pronounced before the Mercantile Library Company of Philadelphia, in that city, on the first of November last; subsequently, by request, before the Mercantile Library

Association of New York ; and which we now publish. The topics embraced in it will commend themselves to the intelligence of the community, as surely as the favor of the author in allowing us to give publicity to his production is appreciated. The suggestions to which a perusal of the lecture will give rise, also, may be used advantageously by those who are seeking to form a character for usefulness and goodness, for it is impossible for any one to read it without perceiving the importance of thought upon many themes which are therein but incidentally touched. "Inordinate self-gratification," for instance, is one of the phrases which will be met with. What a text does it furnish ! It is the whirlpool in which many a proud vessel is sucked and lost. A desire to be fashionable is the offspring of it. The young merchant who is ambitious to be brave in household display and equipage—to ape his wealthier and elder neighbor—may see his folly when it is too late to repent. His seat in the country may cause his bankruptcy, when that fashion, if unfollowed, might have eminently contributed to his solvency. On this point, however, we may introduce the remarks of a celebrated essayist : "I would advise the merchant who would live with real dignity, to make the city respectable, if he does not find it so, by displaying his wealth in it. Worthy conduct, with a noble fortune, will aggrandize any place. Adorn that place in which it is your lot to be fixed. Where, indeed, ought men to expend their opulence more readily than where it was amassed, where their characters are well known, and their virtues valued ? Many evils result from this general emigration. The influence of good example is lost among the numerous tribe of clerks and journeymen who are the rising generation of merchants, but whose morals are early tainted with the foulest infection, by running after those pleasures which their superintendent appears to pursue. They are led to despise that city and those manners which their master avoids. When the rich and respectable leave it, who are to fill its magistracies and its councils ? The lower orders, destitute of education and of liberal views, are thrust forward into office by nothing but their own pragmatical activity. No wonder a corporation has lost its influence and sullied its honors, when those who stand forth as its leaders are the meanest of its members. The opulent and most consequential have packed up their effects as soon as they have acquired all they wanted, and have left the pillaged city to stand or fall, as it may happen. A time has been when merchants only retired to their villas when they had accumulated their fortunes ; they now begin with a villa, as if it were as necessary as a warehouse ; and end with bankruptcy as naturally, as unreluctantly, and as unblushingly, as if it had been the object of their pursuit. Distress and difficulty excite meanness and artifice ; fraud and injustice soon follow ; and the dignity of the merchant is soon sunk in the scandalous appellation of a swindler. The fall of the eminent trader involves many in the misfortune. His wife and

children are reduced from a life of splendor and luxury to indigence and obscurity; to a state which they bear less patiently, because they have been accustomed to indulge their vanity and pride without control. Vice and every species of misery are increased by this imprudent conduct in his own family, and poverty brought into the houses of his inferior assistants, or dependants, who have either intrusted him with their money or labor unrepaid."

This is a picture drawn from life—what it represents daily occurs, and the whole of it is occasioned by the merchant's departure from his natural and his most becoming character. In order to resume that character, let him consider what virtues his way of life particularly requires. He will find them to be industry, honesty, and frugality. "Dare to be what you are," is a rule which, if observed, would secure to men that happiness of which the greater part never see any thing but the phantom,—the cloud in the place of the goddess! The great source of mercantile miscarriage is, that the merchant usually begins in a mode of life which should naturally adorn a successful conclusion. He begins with a rural retreat, and with expensive relaxations; with those pleasures which should, in the regular course, be reserved as the reward of his toils and the comfort of his age. He spends his active days in superfluous and unsatisfactory indulgence, and dooms the winter of life to want, to neglect, to a prison, or to an almshouse.

With these remarks we introduce the lecture to which we have already referred, having curtailed it only of a few introductory observations intended chiefly for those before whom it was pronounced.

"Commercial character is a theme of vast importance. The commercial class, without attempting a more precise description, may be said to include all those who stand between the producer and the consumer, and in any way aid in the circulation and exchanges of mankind. What a large class it is! How great a space it occupies! What an influence it has upon our social condition, and upon the moral tone of the community! From the smallest establishment in the interior, where an assortment is kept of every kind of wares, seemingly the most incongruous—foreign and domestic, for health and for sickness, for the animal and for the intellectual nature—food, raiment, books, medicine, and all other commodities likely to be wanted at this the last stage of distribution, and where, too, commerce is still in its elementary state, being carried on in part by barter; from this little country bazaar, up to the storehouses of the great shipping merchant, and the offices of the money operators, where the large concerns of trade are managed, through all the intermediate stages, what a quantity there is of machinery, and what an amount of human agency, incessantly at work! It pervades all society; it is the overpowering employment; it meets you every where—on the land and on the water. The lofty spar and the white sail, soliciting the impulsive power of the wind, the slow-moving boat, the rapid steamer, with its column of dark smoke spangled with stars of fire, the lumbering wagon and the flying car—these,

and thousands besides, are the implements of commerce, perpetually in motion, and making the civilized world vocal with their mighty din. And who, and what, are the human agents engaged in this pervading employment? They are our countrymen, our fellow-citizens, our fathers, brothers, sons—nay, our sisters and our daughters, too; for females, whom Christian civilization every where exalts, find becoming and fit occupation in many of its multifarious departments. Merchants are spread over the land. They stand especially on the margin of the ocean, and reaching out their hands to distant regions, form the chief connecting link with other nations and people; so that, while by their weight, their numbers, and the wealth they manage, they powerfully influence society at home, they in a great measure stamp the impression of its character abroad. Are they just, faithful, true to their engagements, obedient to the principles of sound morality, prudent, industrious, in a word, wise in true wisdom, which teaches to seek lawful ends by lawful and honorable means, and to spurn all others, however tempting; are they such, they give a good name to their country and to their city, and impart the fragrance of their well-earned reputation to all around them. The very air seems perfumed by their virtue. Should they, unhappily, be the reverse of all this—faithless, heedless, rash, eager in the pursuit of gain, and regardless of the methods of reaching it, they dishonor and disgrace their neighborhood, and shed upon it the odium of their own misconduct. Nor will such misconduct fail to poison and corrupt the community they live in. Dishonesty and trick in the commercial class must lead to dishonesty and trick in those who deal with them. If the seller employ stratagem and art to deceive the buyer, the buyer will resort to stratagem and art in self-defence, until at length the point of honor will be who can most successfully deceive and cheat his neighbor. And such will be found to be the state of things wherever a relaxed commercial morality is allowed to exist. Indeed, in the best-regulated community, if there be any one branch of dealing, in which there is, or is supposed to be, dishonesty on the part of the sellers, you will soon discern that buyers begin to fortify their wits for an encounter of cunning, not to say knavery, and so far suffer themselves to be demoralized. Exactly as this spirit extends himself, does the business affected by it approach to gambling, and assume the features of that ghastly and consuming vice. When it prevails intensely and extensively, we call it a mania; and so it certainly is. We may call it folly; but remember there is this difference between madness and idiocy, that while the madman is an idiot, or worse, in choosing the end he labors for, he is a serpent in devising the means for its attainment. Madness, too, has another characteristic, which I believe belongs to it in all its forms, but certainly never fails to be its associate in some degree when we bring it upon ourselves by vicious indulgence of any kind whatever,—it disorders and perverts the affections. The love of kindred and near and dear connections, is turned first to indifference and then to hate. Even the instinctive love of life yields to its destroying power; and if disease be not swift enough in its sure approaches, the work is hastened by self-murder. For, in this form of what we call madness, there is not a total eclipse, as in that unhappy condition into which we are liable to fall in the course of Providence. There is darkness; but there is light, too, to make the darkness manifest—an accusing and avenging light, which forces itself, in spite of all resistance, upon the aching vision, and compels it to behold the hideous ruin



which vice has made. The habitual drunkard knows, and keenly feels, his own degradation. The habitual gambler, in his heart, does homage to the righteous judgment which pronounces him a *leper*, and makes him an outcast. And so, too, (in a less degree let it be admitted—for we must not omit even here to make a just discrimination,) he who falls into the delirium of any other intoxication, of any inordinate excitement, by the indulgence of passion and appetite, will find his head overcharged with consuming heat, while his heart is robbed of its due warmth, and become cold to the noble promptings of justice, mercy, and charity. His faculties are devoted to self, but with a sinister and treacherous wisdom. He surrenders his peace of mind, sacrifices his contentment and self-approbation, is blind to the beauties, and deaf to the harmony of this wonderful creation, and even insensible to the tranquil comforts of the appointed day of rest—restless, joyless, feverish, and as if an incubus were upon his breast, only to be relieved by a rude shock, compelling his overladen nature to become conscious of life. And if he stumble in his headlong course, (as he probably will,) who pities his fall? who cheers his attempts to rise? “Wisdom for a man’s self,” says Lord Bacon, “is in many branches thereof a depraved thing. \* \* \* But that which is specially to be noted is, that those which, as Cicero says of Pompey, *sui amantes sine rivali*, are many times unfortunate. And, whereas they have all their time sacrificed to themselves, they become in the end themselves sacrifices to the inconstancy of fortune, whose wings they thought by their self-wisdom to have pinioned.”

But let us proceed more directly to the subject we have proposed to consider—that is, Commercial Character. The first element in this character,—the most important, the indispensable one, is *integrity*,—stern, steadfast, unvarying integrity,—a universal conscientiousness, which never fails, and never falters, and never yields, but is actively and watchfully predominant in the whole conduct—which asserts and maintains its empire in every transaction of life, and will not submit to any invasion of its rightful authority. Admitted, some one will perhaps say; all this is true, and beyond dispute; but is not integrity essential to good character in every individual, and if it be, why insist upon it especially in commercial character? It is certainly quite clear, as the question seems to import, that every man should be honest. Nor is there any merit in being so, but a deep and dark reproach in being otherwise. Shakspeare, who understood our nature well, has said, that “to be honest, as this world goes, is to be one man among ten thousand;” and it may be that a lantern in the daylight is as necessary now to find an honest man as it was some thousands of years ago. Still we have higher authority than Shakspeare’s, and a better light than that of the philosopher’s lantern, for the deeply interesting truth, that for our own happiness, and for the happiness of others,—for our well-being here, and our hopes hereafter,—for its influence upon the relations of life, domestic and social,—moral worth is of far greater price than all the gifts of intellect or fortune. It is the very salt of human character, without which talents and accomplishments become offensive and noxious precisely in proportion to their strength and power. They may blaze and shine, but so does the eruption of the volcano when it vomits fire and destruction. They may agitate and make us wonder, but not more than the trembling of the earthquake. Their track may be strikingly marked, but so is the march of the pestilence. It is when great talents and accom-

plishments are united with high moral worth, and then alone, that we have an approach to the perfection of human character, which is sure to be a blessing to mankind. In this was the seeming mystery of the character of Washington, which has embalmed his memory with peculiar odor. A giant truly in his stature and proportions, yet he was not of the race of the giants who have made war upon heaven and earth—who have caused angels to weep, and filled the habitations of man with tears and blood. He was a hero, but not the vulgar miscalled hero, who goes about the world wrapped in flames and fury, scattering firebrands and death. His image, in its grandeur unequalled, rises above all others, because it stands upon the firm pedestal of moral worth. Another example might be invoked, of one whose grave is yet fresh, whose form we have all seen, in its very autumn still retaining its beauty, but much more beautiful for the virtues of which it reminded us—the venerable man, I mean, who so long administered at the altar as the head of the Episcopal church.\* Between these two pre-eminent individuals, whose paths through life seemed to be so far apart, some might suppose there was no resemblance. And yet, if closely examined, such a conclusion will be found to be erroneous. Washington was unsurpassed in every kind of courage. This quality circumstances made conspicuous and indispensable in the stations he occupied. The venerable bishop, meek and humble as he was, it is no derogation from the glory of Washington to say, was in this point fully his equal. No fear could drive him from the way of his duty. When the pestilence, known by the name of the yellow fever, suddenly, and with appalling malignity, visited our city, and the only escape from death appeared to be in flight, he resolutely refused to quit his post, and went wherever he was called, to administer the consolations of religion to the sick and the dying. And this not once, but as often as the fearful visitation was permitted by Providence to be repeated. Even in extreme old age, when the weight of years, and the infirmities they bring with them, might well have been deemed an excuse, he would not decline the invitation of a poor sufferer in one of the cholera hospitals, who desired his aid in prayer. In both, this great quality was so attuned and guided by virtue, that it never became aggressive or hurtful. Both would, if necessary, have triumphantly embraced the stake; but neither would have lighted the pile to destroy another.

If now the question be repeated, why insist especially upon integrity in commercial character, seeing that it is essential to all good character, I will endeavor to give the answer. And first, I would say that perhaps above any other class they are exposed to temptation. And let no one imagine that in saying this, we would degrade the occupation of the merchant. On the contrary, it is lawful and honorable in all its branches. Commerce is the offspring, and at the same time the support of civilization. It is the nurse of the arts of Peace, and the handmaid of Science. It is the lamp, carrying light into benighted regions, and diffusing knowledge over the whole face of the earth. The ship which, in quest of profitable traffic, seeks out the abode of barbarian ignorance, covered with the thick darkness of inhuman superstition, is like the first ray of the morning upon creation. Feeble it may be, and insufficient of itself, but it is the earnest of approaching day, growing and growing, until at length the message of piety is borne

\* Bishop White.

by the winds, in the same ship, upon the unfurrowed bosom of the ocean, and the missionary of the gospel comes to plant the tree of life in the wilderness, humbly trusting to his almighty Master to give the increase! No! The great merchant, who is at the same time a good man, upright in his dealings, and careful in his walk—who receives in a right spirit the blessings vouchsafed to him—who, besides the fair books of his business, has a leger in his heart, where he scrupulously and thankfully makes himself debtor for the obligations that result from success, and takes care to balance it by corresponding benefactions—who acts as a faithful steward of the talent confided to him—such a man is truly to be envied, and at the same time honored and beloved. Great are his means, and greatly he employs them, for he employs them wisely. Nevertheless it is true that the way of the commercial class is beset with peculiar temptations, requiring a stern and energetic and habitual integrity to resist them. I will not dwell upon details, which for the most part present such gross and palpable criminality as to bring down immediate condemnation, and I hope and believe are of rare occurrence. The meaner vices, falsehood, concealment, deception, adulteration of commodities, these things, and the like, directly and nakedly presented, are too base and disgusting to be tolerated. Cheating and stealing are in the same moral category. The most subtle casuist can make no distinction between them. Any endeavor knowingly to take advantage of others for our own benefit and at their expense, is at once mean and dishonest. A sure test of the iniquity of all such practices is, that they skulk from observation. If a man dare to do what he dare not tell, his conscience must be seared, or it will plainly accuse him.

But the tempter has other and more insinuating approaches to our frailty, which beguile us by delusion, many times to our own destruction, and often to the great injury of others. The virtue of prosperity, it is said, is temperance—the virtue of adversity is fortitude; and certain it is that these conditions, if not duly guarded, have the very opposite tendency. Now to these trials the commercial class are, above all others, exposed. They are exposed, besides, to rapid transitions from one to the other, suffering, almost at the same moment, the double shock. For prosperity, always insecure, is often imaginary and unreal. He who, to his own sanguine hope, and to the eye of others, is at the pinnacle of fortune, may suddenly find that the base is undermined, and, in the midst of his dream of security, be tumbling to the earth, dragging down all who have been connected with him, and who, in general, are numerous in proportion to his fancied elevation. What he is doomed then to suffer, and how his sufferings and temptations are aggravated by self-reproach, if there be cause for it, will be alluded to presently. In the mean time allow me to call your attention to a remark, which may not at first view be obvious, but, nevertheless, contains in it a most serious truth. Every merchant is a trustee, and his conscience is at all times concerned in the faithful execution of his trust. He is the depositary of other men's property, and he is the depositary of their confidence in relation to property, in both which respects he is intrusted, and exactly in proportion as his credit is great, and his dealings large, is the magnitude of this trust, and the extent of the duty it exacts from him. But it may be said, he is not in law styled a trustee. Very true, undoubtedly. The law regards each transaction in its appropriate character. If he make a purchase, he is a buyer—if he contract a debt, he is a debtor, and the like. But still, whatever may be the title applied to

particular transactions, the trust committed to him, and the character of trustee deduced from it, are not entirely disregarded, even by the law. For, whatever he has in his hands is considered to be pledged for the fulfilment of his engagements, and while he is in debt, he cannot withdraw any part of it to make provision for himself or his family. I state this generally, without troubling you with distinctions which are familiar to lawyers. This rule is not an artificial one, nor a mere positive provision about a thing otherwise indifferent. It is deeply founded in morality; and the further it is carried, and the more vigorously it is applied, the better support does it give to commercial morals. Again, the law declares false appearances to be fraudulent, and in the case of debtors condemns the acts that are covered by them as void. If a man be in possession of wealth, he is reputed to be the owner of it, and gets credit, that is, obtains confidence, accordingly. He will not be allowed, when disaster comes, to allege the contrary. This would be to give a triumph to imposition. In these, and some other cases, the law can give but imperfect redress. But does it follow, because the remedial or vindictive power of human laws, by reason of their imperfectness, can go no farther, that therefore the demands of a just morality are complied with? Upon the same principle, the offender who can escape detection, is not an offender. In the eye of sound morals, all false appearances, to mislead and deceive others to their injury, are criminal, and are degrading; and hence, when they are discovered to have been hollow and unreal, we never hesitate to pronounce him an impostor who has assumed them. But the fiduciary duty is to be tried in a just judgment, by even a higher standard than we have thus been applying. It is not fulfilled by abstaining from plain, intentional wrong. He who takes upon himself the trust of other people's interests and welfare, is bound to diligence, to caution, to prudence, to watchfulness; and, above all, he is bound to guard against the seductive influence of an undue eagerness to advance his own fortune, by means which may be destructive to others. Here is the point of his offence, here is the ground of his responsibility,—that he has not committed error in the honest effort for the benefit of those who have trusted him;—no such thing: he has done it for himself, at their risk—he to have the profit in case of success, and they to bear the loss in case of failure. Inordinate buying, inordinate borrowing, inordinate trading, inordinate expenditure—in a word, inordinate self-gratification,—these are the rocks he is admonished of by a thousand disasters, and yet he presumptuously rushes upon them, and makes a wreck of all that was confided to him. It is a poor compensation to those he has ruined, that he has ruined himself too. Against such a delusion temperance is the saving virtue; and here it is that temperance is integrity.

Adversity, too, has its temptations and trials; and to this vicissitude all are liable. The most upright man, however cautious and prudent, is subject to be assailed, and to be overwhelmed by misfortune. Happy may he think himself, and thankful ought he to be, if upon a fair and honest retrospect, he can say it has been without his fault. His store may be emptied of his merchandise, his purse drained of its treasure, his credit prostrated, his dwelling stripped of its accustomed comforts, the present be desolate and dreary, the future almost without hope, yet there is still a gleam of sunshine in the darkness, if he have the approbation of his own conscience. In the midst of the cold and death-like obstruction, when the heart seems to be palsied, there is yet a spring of life, which, though hid by

the anguish of the moment, will come forth in power to reanimate and restore.

The catastrophe of failure, however, seldom comes at once. The shadows of it are cast before. As they deepen and thicken, they offer continual temptation, hard to resist. In this protracted agony it is that men commit the greatest errors—errors which, with sometimes, perhaps, an undue severity of judgment, fasten a stain upon their character that no time is sufficient to efface. This is wrong. Let us establish as high a standard of morality as we can, and conform our own conduct to it as nearly as possible; let us judge ourselves as strictly as we please; nay, let us exert ourselves with all our strength, by precept and example, to keep others in an upright course. But let us beware how we suffer charity to be stifled by indignant feelings and harsh judgment against a fallen brother. By the laws of an all-wise Providence, this is hurtful to ourselves. We forfeit entirely our portion of the double blessing which belongs to mercy, if we neglect its active duties. How much more, when we practise cruelty or persecution towards the afflicted! Should indignation require a vent, hurl it, if you will, against the successful knave, and face the hazard of a rebound. There is gallantry at least, if there be not discretion, in such an assault. But if a brother has sunk under trials which we have been permitted to escape, or have had strength given us to resist, we should be thankful, not proud; compassionate, not cruel; see only the signal of distress, and incline to its relief, rejoicing that we are enabled to give succor.

In the protracted agony, it has been said, the greatest errors are committed. Can they be avoided? Integrity demands that they should, and it never demands what is impossible. The first thing a man has to do in such circumstances is to take honest counsel with himself; to state the case fairly, to examine it deliberately, and decide it justly; to go through with it as a work he is bound in conscience to perform; not slightly, not carelessly, not deceitfully, but thoroughly, as if he were upon his oath to make a true inventory and appraisal. He is to look at his books, not to see the figures there set down, but whether the value is what they represent. Such a work is hard, very hard. Many a man closes his eyes, because he knows what they would see if they were opened. He perceives, but he voluntarily makes his perception indistinct, and persuades himself, or tries to persuade himself, that the truth is obscure, when he knows it is clear. He cannot plead ignorance. He is therefore laying up for himself a store of self-reproach, for finally he will be compelled to confess that he sinned against knowledge. The next thing to be done, is to take counsel with judicious friends. If it be hard for a man to look steadfastly at a painful and a humiliating truth, still harder for him is it frankly to make it known to others. Yet it must be done if we would profit by the advice of friends. And lastly, it is the duty of a man in these circumstances, to counsel with his creditors, for it is their interest that is to be dealt with. Safe counsellors they will be found, and generous ones too, if they are honestly treated. This measure, however, is seldom resorted to, and in these few cases is too long postponed. In the mean time, that is, between the first warning of coming calamity and its final consummation, the ill-directed struggles of the failing man plunge him deeper and deeper into embarrassment and injustice. But we need not attempt to follow him. Let us only, in conclusion on this head, add, that the duty of integrity in



such circumstances, may be comprehended in a few words—a fair disclosure, a full surrender, and an equal distribution.

There is another reason why this point should be insisted upon, in addressing a commercial body in the city of Philadelphia—the ancient commercial renown of Philadelphia is to be maintained. The commercial character of this city has been hitherto distinguished for its solidity and purity, as the city itself was for tranquillity and order. Grievous would it be, by any fault of ours, to lose the satisfaction and advantage we have derived from our predecessors; to suffer the fair reputation they have handed down to us, to be stained and disfigured by our neglect or misconduct. But here I desire to avoid misunderstanding. I do not believe, and therefore I do not admit, that there has been any falling off. I hope we have as much ground for just pride as we ever had. The old weights and measures are still in use. There is not, I am firmly persuaded, a merchant of any standing in Philadelphia—one of our own people, I mean, brought up among us, or fairly imbued with the spirit of our commercial class, who would not scorn to use any others, and would not be despised if he did. At the same time, we must acknowledge, that causes are now in operation which require a sterner and more watchful integrity, if we would keep up to the ancient standard. In the war against space, and time, and *vis inertiae*, science has gained successive triumphs, which have already gone nigh to annihilate them, and is constantly advancing, with mighty steps, to still greater achievements. The benefits of easy and rapid communication are not to be disparaged, and especially in this extended country, whose union it tends to preserve and perpetuate. But, along with its signal advantages, we cannot doubt that it has a powerful tendency to make us more citizens of the world, and less citizens of our own particular community, and thus to break down individuality of character. In such exchanges one may be a gainer, perhaps,—for of this there must be doubt—but another may be a loser. Whatever we have of good in our ancient character, is thus, in some measure, put at risk, and we must make the greater exertion to save it. We must also bear in mind how much we all stand in need of control and restraint. We find them in our home, we find them in the community we live in, and last not least, we find them in reflection and self-examination, which demand quiet, and occasional retirement. What a salutary provision is that—if it were duly regarded and observed—which an all-wise Providence has made for us in the institution of the Sabbath: a day of rest and refreshment from the cares and concerns of the world; for shutting out its feverish anxieties and cares; for waking from the disturbed dreams of the week, and calming and purifying our hearts. But with increased movement has come increased excitement; a more absorbing and unintermitting and even morbid devotion, to objects which, in a rational estimate, one is at a loss how to characterize. When Europe, in the strong language of a female writer, “loosened from its foundations, seemed to be precipitating itself upon Asia,” in the crusades, there was folly in the enthusiasm of the mighty host. But that folly was somewhat dignified by the nature of their purpose. Chivalry, too, was foolish enough; but it professed to be engaged in the service of humanity and charity. Even the warrior Spaniards who marched to the conquest of Mexico and Peru, deemed it necessary to grace their cause with something higher and nobler than the lust of lucre. But now, when the mail arrives from New York, we do not inquire, as the Athenians did, “Is

Philip sick? Is Philip dead?"—"Have the banks suspended? Will the banks suspend!" Such are the questions put to every newspaper, to every passenger, and to every letter. For the next steam-packet from England we have our question ready; indeed, it has been ready from the time of the last arrival, and the anxiety becomes more and more intense as the day approaches. At length she comes, like a comet, but not "shaking war and pestilence from her fiery mane." One only question the steamer has to answer, "Is there any more money to borrow?" There have been periods in the history of the world, when this spirit, wrought upon by circumstances, has produced disasters as memorable as the most signal convulsions in the physical creation. Such were the South Sea scheme in England, and the Mississippi scheme in France. These were of sufficient magnitude to become historical, because, like the famous pestilence called the Black Death, their march was gigantic and desolating. On a smaller scale, the bitter fruits of the same spirit have been tasted in every ephemeral speculation, which, like the tulip mania in Holland, has beguiled with seductive appearances only to betray and ruin. The earthquake and the tornado pass away, and their melancholy work is completed. The earth is quiet again upon her foundations; and the atmosphere is hushed into serenity and peace, by the same power which has commanded them to exhibit His majesty in its terror. But who can measure the duration of the calamities of a moral convulsion? Who can tell the extent of the mischief man can do himself and to others, by his feeble breath employed to inflate a bubble? Some fall down dead—killed by the excitement of the chase; others are crippled and enervated by the wounds and bruises they suffer, and go halting and maimed all their lives long, with nerves shattered by intense anxiety, and hearts sickened and sad from disappointment, bent down with anguish, miserable objects to behold. Rightly understood, this is the spirit of gambling, a vice as absurd as it is wicked and destructive. What is the gambler's aim and desire? Disguise it as you will, soften it by all possible pretexts, you can only say of him that he covets his neighbor's goods. It is the very opposite of the right spirit of trade. The end of honorable commerce is to exchange equivalents for mutual advantage. In this way it encourages industry, stimulates production, aids every class of the community, and promotes a wholesome circulation. But the aim of gambling is to get what belongs to others, without any equivalent at all. In proportion, exactly as this appetite prevails, and is indulged, is the spirit of gambling abroad. Its victims are those who have; for those who have not, cannot lose. Accordingly, the great gaming-houses in the capital of England—known by a name which at once expresses the depth of their depravity, and the fearful agony that dwells within them—are well understood to practise every art to bring young men of fortune within their fell clutches. And so of the same spirit, in all its varieties, whatever may be the forms it appears in, its seductive temptations are held out strongly to young men who have succeeded to the accumulations of the industry and frugality of a parent. That a spirit of this kind has been walking among us, I need not affirm. That it is our duty, by all the means we can command, to endeavor to repress it, no one will hesitate to say. Neither will I affirm that this is a danger which peculiarly besets the commercial class. It extends unhappily to all. But the commercial body has to bear an undue share of the odium, and therefore should be strongly fortified, so that its character may be sufficient to repel the imputation, and keep its honor bright, and the

name of a Philadelphia merchant always present the image of an honest man. In such a body, if it retain its characteristic features, we shall have something to rally upon in times of dark confusion. The standard of the currency may be lost or mislaid; but the standard of commercial integrity will be maintained, and will finally serve to bring light and order from the obscure chaos.

Much remains to be said—more than your patience, already severely taxed, can be reasonably expected to bear. There is a large field as yet untouched, relating to private trusts, strictly so called. There is a larger one still, as to public trusts, such, I mean, as result from undertaking the management of masses of other people's property, so as to make a lawful profit for the owners, in a lawful way; as in the instances of our moneyed institutions. It might be shown how deeply the conscience is concerned in both,—what vigilance is demanded, what earnest fidelity, what undeviating truth, what self-denial and watchfulness over ourselves,—that we may not suffer our own selfish interests to get the ascendancy, and lead us to neglect or betray the confidence reposed in us. It might be shown, too, what extensive calamity is produced, involving in affliction and ruin the innocent and the helpless, by the disregard of these high obligations—by negligence, by faithlessness, or by what in the language of the law is denominated fraud. But these topics must be omitted, that we may reach a conclusion.

The root of all evil, the besetting sin of the present times, the reptile passion which sits by the ear of man, whispering its poisonous accents, is the eager desire to become rapidly, or rather, suddenly rich. This passion may grow to be so powerful as to shake off all restraints. The worshipper of wealth is then joined to his idol, whose service is mean and debasing, as well as imminently hazardous: for how many of those who devote themselves are successful? Exactly as the methods adopted partake of the nature of gaming, and depart from the appointed way of industry and frugality—exactly as they aim, by any scheme or device whatever, to make other people's property our own, instead of slowly and patiently accumulating for ourselves by our labor,—as they invite us to live by our wits instead of our honest exertions,—are they sure to be disappointed. What becomes of the profits of the gaming-table? One man wins and another loses. The one is impoverished: but is the other enriched? The cards and the dice, the table, the lights, the refreshments and attendance, the idle and extravagant and dissolute and reckless habits acquired, consume the whole. Put it in what shape you will, this is the end. They pick each other's pockets, and at last all their pockets are empty. The stock they begin with seems only to be transferred from one to the other, but it is really annihilated. And such is the peculiar curse of this absurd vice, that it is a very rare thing for any one who has entered upon its career, to withdraw from it, until, having nothing left, he is fairly driven out for his poverty. These are plain and sober truths, and as far as they are predicated of the gaming table properly so called, they are generally, if not universally, admitted. There was a time, not very distant, when some very singular distinctions were made. Lotteries were sanctioned by public authority, when the same public authority declared gaming to be criminal, and made it punishable by law, and even pronounced lotteries to be common nuisances. There are places not remote from us, where this unaccountable distinction is still maintained. You may see in the public papers, the announcement of a lottery in an adjoining state, for several

very worthy purposes, including among the rest, the repair or completion of a church. Some very singular and destructive distinctions continue to be made nearer home. Men who think they could defy the temptations of the gaming table, and resent as an insult any intimation to the contrary, do nevertheless engage intensely in kindred pursuits, influenced by the same spirit, and equally profitless, hopeless, and ruinous. They are more mischievous and corrupting, because they are more extensive, and meeting a readier allowance, more bold and open. They are not so degrading, at least until they have proved disastrous, and then, when consolation and support are most needed, mankind show by their contemptuous disregard, the abhorrence they feel for the pursuit. These things are all of one family; they have the same parentage, and the same characteristic traits: their source is one and the same. For what is it? A passion for acquiring without toil, for appropriating to ourselves what belongs to others, no matter how. This is the test by which every one can try his conduct, and decide safely, if he will only decide honestly. But of all such schemes and contrivances, I hold it to be quite certain, that even for their own purpose, little to be respected as it is, they are doomed to be unprofitable. Some may seem to win, and some in fact do lose, for the loss is real, though the gain is not; but the expenses of the game, the improvidence and recklessness it generates, the tenacious infatuation with which it holds its victims bound—these conspire to bring one catastrophe to all. They are turned out in the end, with the pangs of poverty and self-reproach upon them, and then the fiend-spirit which has betrayed them to their ruin, goes along with them, to mock and hiss at their calamity, and jeer them for their stupid folly.

In pressing such an argument, we must not forget, that though well as an auxiliary, it is manifestly wanting in dignity. Much higher considerations demand our attention, than whether this eager and overbearing appetite will find the gratification it so ardently seeks. Its aim is to become rich. This is its whole aim—money, money, money. The Satirist says, "Virtue after money; but that *after* does not come." The blessing upon the acquisition of wealth is in the acquiring by honest and persevering industry; the blessing upon the acquisition, when achieved, is for the use that is made of it, and according to that use. All this, and much more, is familiar to you; let me not detain you by enlarging upon it. I appeal only to human judgment, and ask you whether mankind themselves do not accurately discriminate, by a sort of instinct, between wealth and virtue. They honor the virtuous man—they honor the rich man's riches. Should he transfer them to another, (as he may do,) he transfers his honor along with them. He will be fortunate if, like Lear, when he had parted with his kingdom, he have one faithful follower to do him reverence. But his virtues—these are inalienable. They are part of himself. If you would prove this instinctive judgment, go stand by the grave, not to moralize, but simply to let your feelings take their natural course. Where are the riches that belonged to its inhabitant? They remain upon earth. Perhaps you may coldly inquire who has got them; but that is all;—you know that they have not gone. Where are his virtues? They quitted the earth when he left it. They have gone down with him into the grave. They accompany him whither he has gone. The blessings they have conferred remain, but the virtues themselves have departed for ever; for they were inseparable from him to whom they belonged. This, then, is the judgment

of the world itself. No one can stand by a good man's grave without emotion, in which is mingled regret for his loss?

We must ascend still higher, if we would know the full worth of integrity. We must lay aside all other judgments, and each for himself conscientiously consult his own, first endeavoring earnestly to enlighten it. What will it tell him? Man is a portion of eternity: not a fragment, broken off, and thrown upon this earth, here to begin and end; but an abiding portion of eternity. The links which bind him to it he cannot break. They are his virtues or his vices. These, with right exertions, he can control. He cannot, by any efforts of his own, excel in intellectual power—he cannot acquire riches—he cannot achieve greatness; therefore he is not accountable for the want of them. But he can be good or bad; and upon this capacity it is that his accountability rests, and according to it is to be his destiny.

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#### ART. II.—THE PROGRESS OF THE NORTHWEST.

THE progress and present condition of that wide agricultural territory of the west, stretching around the great lakes, and occupied by the United States, is of vital importance to our mercantile population. Colonized for the most part by emigrants from the east, its people are linked with us by ties of blood, by a community of interests as the citizens of one common country, by a common proprietorship in the soil, and by intimate and important commercial relations. It is well known that the greater portion of the merchandise of the west has ever been and will continue to be supplied from the eastern markets, so that the possession of what is denominated *the western trade* has already become an object of competition with our principal Atlantic cities; and, that the east in return is supplied by the staple western agricultural products. Should the country arrive at that period when these products are exported abroad, the eastern cities must be the depots of shipment for the produce of the west to foreign markets, as they now are and long will be the distributors into the interior, of all imported foreign goods. The arteries of western commerce will circulate the life-blood to the heart of our commercial metropolis. Every pulsation of that heart is felt to the remotest borders of the west. We design, therefore, in this paper, to sketch the outline of the general progress and present condition of that territory, so bound to us by these various bonds, as the circumstances connected with its advance are not generally known, and as it is destined in future time to exercise an important bearing upon the commercial relations of the country.

A general and growing interest has recently begun to develop itself, respecting the early history, progress, and present condition of the northwest. Before the advance of colonization had laid open its vast resources, states had been organized within its bounds, with a population composed of emigrants from the different sections of the east, and speculation in lands had diffused abroad among the bulk of the people a pecuniary motive to investigate its actual position, we were accustomed to regard it as a wide region of interminable forests and boundless prairies, broken at frequent points by swamps and lakes, exhibiting many bold and magnificent features



of natural scenery, and uninhabitable but in limited tracts, except by the wild beasts and savage tribes which roved over its broad domain, without any early organized political institutions, or even interesting historical associations. It is, indeed, a commentary upon the *newness* of our country, that we should have permitted the historic circumstances connected with this important part of the republic, to slumber so long; and we rejoice that a zealous, searching, and co-operative spirit in respect to these facts, has at length been awakened. The dusty archives of ancient and foreign libraries have recently been ransacked, and a large body of printed records, both in our own and in a foreign language, incrusting with the mould of time, has been drawn from their shelves, rich in the materials of western history, and throwing new light upon the political and moral causes which have borne upon its progress.

It is found that this territory, although a considerable portion is still a forest slumbering in its primeval solitude, exhibits in the frame of its early institutions a distinctive form of local character, an independent system of laws, a history distinguished for many picturesque and extraordinary events, and a social structure, which is beautifully contrasted with that of the English and Dutch colonies that occupied at the same time the eastern portion of the United States. We of the east have had indeed in our ancient records and traditions, occasional glimpses of the old French and Indian wars, of descents made by the former nation, backed by western savages, upon our feeble border colonies when they were colonies of England, but what was the particular character of the assailants, the frame of their policy, their domestic institutions, and the special causes which moved their belligerent operations have been, to most of us, enveloped in dim twilight. We propose in this paper to sketch a condensed view of the general resources of the region which was organized into the old Northwestern Territory by the ordinance of 1787, and now embraced in the states of Illinois, Indiana, Ohio, Michigan, and the Territory of Wisconsin, to trace the political causes which have acted upon its progress, and its advantages as a habitation for man.

And in the first place, what is the physical aspect of this territory? In the natural resources of the land, it spreads out, to say the least, as rich a field for human enterprise as is developed by any tract of country of the same extent on the face of the globe. Ohio, with a very large domain, which is now in its greater part in a forward state of cultivation, presents in its dense forests a soil that is in almost its entire portion favorable to agriculture, producing bountiful crops of all those harvests that are found in the same latitude at the east; showing in its granaries, stock husbandry, and general improvement, an amount of wealth that is extraordinary when we consider that this wealth has been reaped from the soil in a period less than a half a century. The new state of Michigan, although far behind Ohio in the amount of its population and general improvement, unfolds in the enterprise which has already been exerted upon its forests, prairies, and lake-besprinkled oaklands, an energy no less remarkable. Indiana, with equal agricultural advantages; Wisconsin, with its forest-crowned hills and mineral wealth; and Illinois, with its unmeasured prairies, extending their rich mould towards the horizon like the sea;—stretch out a land capable of producing crops adequate to the support of ten times the present population of the United States. The land thus favorable to the production of the various kinds of grain, fruit, and vegetables, abounds in mineral re-

sources. In its recesses are found coal, salt, sulphur, lead, zinc, copper, iron, and other metals, in sufficient abundance for its own consumption and even for exportation! when a sufficient amount of enterprise shall have been concentrated to work them with effect. Besides these agricultural and mineral resources, that are always essential to the comfort of a local population, it possesses natural channels of navigation, by which the surplus of its products may be exported abroad. A chain of lakes, the largest on the globe, stretches from the shores of New York, and waters its coast for thousands of miles. The Mississippi, which is much the longest, although not the broadest river upon the earth, taking its rise in the remote north, opens a highway to the ocean through the Gulf of Mexico, for the distance of about three thousand miles, and will be conjoined with the whole line of the lakes when the projected ship canal to connect the Fox River of Green Bay with the Wisconsin, and that at the Sault de Sainte Marie shall have been constructed; thus affording a continuous line of coast navigation from New Orleans to Buffalo, or to the remotest shores of Lake Superior. Besides this line of coast navigation, the territory is variegated with inland lakes and streams, (the largest of which is the Ohio,) that connect its remotest parts, and furnish communications with the principal waters, channels for steamships, flatboats, rafts, or hydraulic power for the propulsion of machinery; and, it is not the least remarkable feature of this territory, that within fifty years, under American auspices, it has increased from a comparative solitude to a population of nearly three millions, according to the lowest estimate.

The progress of the territory may be considered as marked by three distinct epochs. The first commences with the explorations of Robert de la Salle, and reaches down to the year 1760, the whole period of the French domination; the second begins with that year, when the English obtained possession of the country, and extends to the year 1796, when the western posts were surrendered to the United States; and the third reaches from that time to the present, when the full action of American enterprise has been experienced upon the soil.

We have said that the French history of the northwest commences with the first explorations of Robert de la Salle, who "led the way" to its first permanent colonization by civilized man. La Salle may be justly regarded as *The Columbus of Western Discovery*. Constructing a vessel upon the shore of Lake Erie, when there was stretched around him a chain of unknown seas and forests, inhabited by Indians whose temper towards the French had not then been clearly ascertained, with here and there, perhaps, a jesuit missionary, who had erected his cross in the woods, we find him on the 7th of August, 1679, first ploughing the billows of that lake in his frail bark, *The Griffin*, for the image of that animal was carved upon her bow. This was the first vessel that had ever adventured upon the north-western waters. Louis Hennepin, a Flemish Recollect, was his spiritual adviser; and a small body of Frenchmen constituted his crew. They sounded as they went, because no ship had ever crossed these lakes before. Having succeeded in navigating this lake, they arrived on the tenth of that month near the cluster of islands that is grouped at the mouth of the Detroit river, where they anchored. "These islands," says Hennepin, who was the journalist of the expedition, "make the finest prospect in the world. The strait (of Detroit) is finer than Niagara, being one league broad, excepting that part which forms the lake that *we have called Saint*

*Clair.* The country between the two lakes (Erie and Huron) is very well situated, and the soil very fertile. The banks of the strait (Detroit) are vast meadows, and the prospect is terminated with some hills covered with vineyards, trees bearing good fruit, groves and forests, so well disposed, that one would think nature alone could not have made without the help of art so charming a prospect. That country is stocked with stags, *wild goats*, and bears, which are good for food, and not fierce as in other countries. Some think they are better than our pork. Turkey cocks and swans are there very common, and our men brought several other beasts and birds whose names are unknown to us, but they are extraordinary relishing. The forests are chiefly made up of walnut, chesnut, plum, and pear trees, loaded with their own fruit and vines. There is also abundance of timber for building, *so that those who shall be so happy as to inhabit this noble country, cannot but remember with gratitude them who have led the way.*<sup>17\*</sup> We have been induced to make a liberal quotation from Hennepin for the purpose of showing the spirit of the first expedition to the northwest, and the impressions entertained by these explorers of the magnitude of the enterprise. History has scarcely done justice to the merits of the heroic La Salle, although a monument to his memory has been erected at Washington, in the rotunda of the Capitol, by the side of those of William Penn and John Smith. The French history of this region, embracing a large mass of facts, is deposited in the numerous journals which were from time to time prepared by the jesuit missionaries and early French travellers through this portion of the west, while it was held and claimed by France, and in the scattered colonial records and traditions which have strayed down to our own day. Besides a considerable bulk of anonymous matter comprised in these journals, we have the more valuable accounts of Father Joseph Marquette, one of the most disinterested and benevolent of these Catholic missionaries, and the first pioneer to the banks of the Mississippi from the Canadian territory, the more labored works of the Baron La Hontan, Charlevoix, Joutel, Hennepin, Tonti, and many others, whose statements, to us of the present time, are of the greatest value. Some of these journalists were gentlemen of rank, the most of them men of education, who traversed this region either as soldiers of the French government or in the service of the church. A few of these works were very much labored; and, in the form of their publication, received all those appliances which at that time were furnished by the press of Paris, and all that encouragement which was granted by royal patronage and popular interest in France respecting its newly acquired American territory. The work of the famous Baron La Hontan was issued in a pretty expensive style, and illustrated by numerous engravings, depicting savage customs and historical incidents, awkward and inaccurate enough, but still showing the impressions which the fresh, and, to them, extraordinary scenes of western life and scenery, were calculated to produce. The works of Charlevoix especially, both his Journal, (which consisted of a series of letters addressed to the *Duchesse de Lesdiguiere*,) and his "History of New France," have always received a great degree of the public favor. The last named work was published under the special sanction of the French crown, and in that luxurious form which best befitted the voluptuous age of Louis XIV. and the court of Versailles. We doubt, indeed, whether any historical work,

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\* See Hennepin's account of the first expedition of La Salle.

ancient or modern, regarding this country, has ever been published in a more costly manner than this same History of New France, which contains likewise his Journal. It is comprised in three quarto volumes, whose vignette, in its emblematic device, emblazons the glory of "*La Grande Nation*," and is interspersed with numerous maps and expensive engravings, which show the geography and the vegetable productions of the country.\* Most of the works to which we have alluded may be found in the library of our New York Historical Society.

These travellers were not, nor could they be expected to be, in all cases accurate, from their rapid passage through the western territory; but, in their accounts of their own experience, we derive much valuable information of its actual condition during the time when they wrote. Glimpses of wild beasts which they had never before seen, vegetable productions whose names they did not know, fragments of facts collected from the accounts of the Indians, always exaggerated and seldom authentic, passed in rapid succession before their minds, while they journeyed onward in bewildered amazement through rivers, lakes, forests, and Indian camps; and their impressions, thus colored and distorted, found their way into their books. But, taken as a whole, their accounts are as accurate as could be expected, considering the circumstances under which they wrote; and they furnish a valuable mine whence the future historian of this region may dig many a solid stone and brilliant gem, to lay the foundations and adorn the columns of his edifice, as soon as the growing population, wealth, and taste of the region shall warrant the construction of his work. If, for example, the zealous Marquette depicts the "wingless swans" as floating upon the Mississippi—when Hennepin describes the "wild goats"† upon the shores of Lake Erie—when the Baron La Hontan discourses upon the "Long river," and Charlevoix alludes to the "citrons" as growing upon the banks of the Detroit, we are disposed to attribute their inaccuracy less to intentional misrepresentation than to natural and obvious mistake. Accurate observation and minute care are required, to establish with perfect correctness the facts connected with any country, and he who should look to early records for historical matter, will find much chaff to be winnowed from the genuine and golden wheat.

In examining the early French works connected with the west, we are impressed with the bold contrast which they bear to the colonial accounts of New England at the same period. Although the greater part of those volumes are ecclesiastical, proceeding as they did from the ministers of the church, they yet glow with a romantic enthusiasm, the peculiar characteristic of the French people, and for which we look in vain among the sober yet zealous colonial writers of the puritans. And it must be granted that the fresh and luxuriant scenes of this western scenery and association were calculated to call forth a picturesque eloquence. Some of these French journalists were fresh from the paving stones of Paris; and, transported into the new wilderness, a broad expanse of lakes and forests, whose resources and boundaries were then unknown, they advanced with a zeal and

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\* Those of our readers who wish to extend their researches into the early history of the northwest, we would refer to La Hontan's *Voyages*, Hennepin, the Journal of Charlevoix, Charlevoix's *Nouvelle France*, the Journal of Marquette, Joutel, and Tonti; and also to the *Lettres Edifiantes*, which contain much curious and valuable matter.

† How easy was it for Hennepin to mistake a herd of young deer, bounding through the woods, for a flock of wild goats!

ardor which would naturally arise in the minds of men who deemed themselves discoverers. Here surfaces of water were spread out, which to them appeared like oceans. There was described a glassy stream winding through green woods, or murmuring by banks of flowers. Here was stretched out a tract of forest, the growth of centuries, almost impervious to the eye from the rank undergrowth of its vegetation, and expanding into what appeared interminable distance. There a prairie covered with the long and coarse grass of these natural meadows, lay in the lap of silence, the ranging ground of droves of elks and buffaloes, and the cradle of the rattlesnake or the spotted fawn. Here tracts of landscape swelling into bold undulations, like the long swells of the sea after a storm, disclosed portions of wilderness which seemed like the cultivated parks of the old world, widened into unmeasured extent, through the branches of which gleamed a silver lake that bore upon its bosom the swan and flocks of wild ducks of various plumage. Here an Indian wigwam showed its naked tenants, and there the canoe of a savage darted across the blue expanse of the waters. It was natural that the French travellers should select the more pleasing features of the country in their accounts to the parent government abroad.

The savages, new to them and uncouth in their habits and dress, furnished a still wider field for moral speculation than the features of the natural scenery. "The Lake Erie," says La Hontan, who was for some time the commandant of the fort of Michilimackinac, and who travelled through the lakes about the year 1688, "is justly dignified with the illustrious name of Conti, for assuredly it is the finest upon earth. You may judge of the goodness of the climate from the latitude of the countries that surround it. Its circumference extends to two hundred and thirty leagues, but it affords every where a charming prospect, and its banks are decked with oak trees, elms, chesnut trees, walnut trees, apple trees, plum trees, and vines which bear their fine clusters up to the tops of the trees, upon a sort of ground that lies as smooth as one's hand. Such ornaments as these are sufficient to give rise to the most agreeable idea of a landscape in the world."<sup>\*</sup> Charlevoix, who travelled through the same track on his way to Detroit in 1720, about thirty-three years afterwards, follows in the same strain. "Were we all to sail," says he, "as I then did, with a serene sky, in a most charming climate, and on water as clear as that of the purest fountain—were we sure of finding every where secure and agreeable places to pass the night in, where we might enjoy the pleasure of hunting at a small expense, breathe at our ease the purest air, and enjoy the prospect of the finest country in the universe, we might possibly be tempted to travel to the end of our days. I recalled to mind the memory of those ancient patriarchs who had no fixed place of abode, who lived in tents, who were in a manner the masters of all the countries they passed through, and who enjoyed in peace and tranquillity all their productions, without the plague inevitable in the possession of a real and fixed estate. How many oaks represented to me that of Mamre! How many fountains put me in mind of that of Jacob! Each day a new situation chosen at pleasure, a neat and commodious house, built and furnished with all necessities in less than a quarter of an hour, and floored with a pavement of flowers, continually springing up on a carpet of the most beautiful green, on all sides simple and natural, beauties unadulterated and inimitable by any art!"<sup>†</sup> Such is

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\* See La Hontan's *Voyages*.

† See Charlevoix's *Journal*.



an example of some of the most highly wrought accounts which from time to time were forwarded to the French government by its early explorers through the west.

We come now to a consideration of the condition of the territory while it was occupied by France. It is well known that the French, who first gained its occupation and held possession until the year 1760, established themselves around the chain of fortifications first projected and partially carried out by La Salle, along the great lakes and the banks of the Mississippi. The design of this chain of fortifications was three fold; to provide military defences against the Indians, to extend the operations of the fur trade, to hem in the English colonies by a line of forts extending from Quebec to the delta of the Mississippi, and to furnish safe depots or factories for the collection of the peltries collected at these posts, which formed the prominent mercantile enterprise of France in this country during the whole period of the French domination; and from their establishment commences the most interesting portion of the history of the territory. To the question, what was the condition of the northwest territory when it was claimed and occupied by France, we can furnish a ready answer. It was a vast ranging ground for the numerous Indian tribes, who roamed over it in all the listless indolence of their savage independence; of the jesuit missionaries, who, under the garb of their religious orders, strove to gain the influence of the red men in behalf of their government as well as their church, by their conversion to the Catholic faith; the theatre of the most important military operations of the French soldiers at the west; and the grand mart where the furs, which were deemed the most valuable products of this region, were collected for shipment to France, under a commercial system which was originally projected by the powerful mind of the Cardinal de Richelieu.

The condition of a country, although often in some measure modified by the nature of the climate and the soil, is more generally founded upon the character of the people and the constitution of its laws. This is clearly exhibited in the case of the northwest, for while the domain was rich in all the natural advantages that could be furnished by the soil, it was entirely barren of all those moral and intellectual fruits springing from bold and energetic character, directed by a free, enlightened, and wholesome system of jurisprudence. The character of the early French Canadian settlers was of that cast the least adapted to advance the solid growth of any nation. Originally imported to Canada from the peasantry of the French provinces, or taken from the transient and unsettled population of the frontier towns of that empire, a class never distinguished for morals or intelligence, they were introduced into this part of the west by the members of the old French trading companies, in order to carry out the interests of their royal and chartered monopolies, in a traffic that was necessarily confined to the line of the lakes. We find them scattered around the frontier posts of the lake waters, at Detroit, Michilimackinac, the Sault de Sainte Marie, Green Bay, and other interior posts, extending to Lake Superior and the borders of the Mississippi. They were a class of men, mild, affable, contented so long as they could obtain a cup of "hominee" or a haunch of venison, willing to embark in their canoes and sweep the whole extent of the lake waters, to traverse the uttermost depths of the woods, to wear the dress of demi-savages, the capote, the blanket coat, the crimson sash, the leggins of deer skin, the embroidered moccasins, and the scalping knife, to lodge

with the Indians in their wigwams, to take to themselves Indian wives or concubines, to rear up a swarm of half-breed children, to further the interests of their employers, and to regard their seigneurs with a reverence which belonged to the most aristocratic period of the French monarchy. A small portion of these French settlers devoted themselves to husbandry, planted fruit trees which are now to be seen, and raised corn and wheat within the picket fences that enclosed their narrow farms that stood for protection under the shadow of the French forts; but, they also wore the deer-skin leggins, the red sash, the Indian turban, and the moccasin; their husbandry was marked by no thrift, and the rich soil was made to yield scarcely sufficient to supply their necessary wants. They pursued just such a course of alternate indolence and exertion in the fur trade as might have been expected from the elements of which they were composed, demi-civilized in their habitudes of thought, surrounded as they were by savage associations, incorporated in intercourse and in blood with the Indians, and looking up with a blind reverence to the seigniorial system of Canada, which had been originally imported from France and handed down from their fathers.

Besides the distinctive character of the French population at the west, which was opposed to national progress and strongly contrasted with the vigor of the New England colonies at the same time, the slow advance of the territory was founded in the policy of the fur trade. The original population of New England were "colonies of conscience," constituted of men of sturdy, republican, and independent traits of character—the French colonies of the northwest were colonies of gain and commerce. The forests were regarded, not for their agricultural resources, but for the furs in which they abounded, being the most valuable articles of traffic in the French markets. The immense chain of inland navigation that was here spread out was valued, not as a great highway of permanent national trade, but chiefly as a channel in which these furs might be for a time transported to their places of shipment. The early political, and in consequence, the commercial power of the country was vested in the men of rank, the seigneurs of Canada and of France, who were themselves the partners in these several fur companies, and whose object it was to reap the greatest temporary rewards from the prosecution of the traffic. The whole domain was, in fact, viewed, not with the eye of patriots, desiring to establish for themselves and for their posterity in all coming time, a free and permanent empire upon the soil, but with the motives of monopolists, regardless of the weal of the people, striving to secure the greatest temporary profits from the labors of others, and thereby to aggrandize themselves. In consequence of this spirit no schools were founded. The French missionaries, who were the agents of the state as well as the church, being Roman Catholics, felt no interest in the general diffusion of popular intelligence; and the natural result of all this was, that the physical force of that ignorant population, composed of French Canadians, the fur traders, the peasantry, and the wandering half-breeds, was confined within the channels of this traffic, presenting a form of character similar to that of a colony of sailors. The capital necessary to carry on the fur trade, which, in its system of operation, was similar to the whale fishery, as it is now conducted in this country, was engrossed in the hands of the more opulent merchants, who acted as agents for the French government; and the mass of peltries which were transported from time to time through the lakes along the channel of the

Ottawa river, or across the portage of Niagara Falls to Montreal and Quebec, poured the bulk of the profits into the hands of the stockholders, or what La Hontan terms the "farmers of the beaver skins," and left just enough in the hands of the traders for a scanty support. A particular account of the North American fur trade we reserve for a future paper.

In exact keeping with this spirit was the policy of the old French laws. The "*Coutume de Paris*," or the "Customs of Paris," adopted by the French for the government of the west, was nothing less than a liberalized feudal system; and, as it was here administered, its necessary result was to cripple the energies of the French colonists by prescribing the size of their farms, and seems to have been expressly designed to check agriculture by its system of granting lands. Surely that government must have valued these western lands at a higher price than the visions of our western speculators have ever imagined, to have been so coy in their distribution. Grants, indeed, were sometimes, although seldom, made by the seigneur, but in what tracts, and under what conditions? We have before us the first grant that was made at Detroit, by Antoine de la Motthe Cadillac, its founder, to Francois Fafard De Lorme, in 1706; and, although it conveyed but thirty-two acres, it is burdened with fines and encumbrances which a feudal lord of the dark ages would have scarcely bound upon his vassal. We would here mention some of its principal conditions, premising that the grant was made under a special commission from Louis XIV. to the seigneur, who is termed in the record the "*Lord of Bouaget, Mont Desert, and commandant for the king at Detroit*," investing him with the power to make grants of land in that seignior to whomsoever he might think proper. And in the first place the grantee was bound to pay to the seigneur, in his "castle and principal manor" on the 20th of March of each year, the sum of five livres quit-rent, and "for other rights" whereof he had divested himself, the sum of ten livres in peltry, and when a current money should be established, he was bound to pay that sum in money, forever. He was also obliged to clear and improve the ceded tract within three months from the date of the grant, on pain of forfeiture. He was bound to plant or help to plant a long maypole at the door of the principal manor, on the 1st of May in each year, or to pay three livres in money or good peltry. He was bound to grind his grain at the mill of the seigneur, and to pay therefor. He was obliged to inform the seigneur of the sale of his property, and the right was reserved to the seigneur to purchase it himself at the offered price. The grantee had no power to cede, transfer, or sell it, but with the consent of the grantor; and, if this consent was obtained, he was himself subjected to the personal charges and the fees for the right of alienation. For the next ten years after the grant was made, no locksmith, blacksmith, armorer, or brewer, was permitted to work at his trade upon the land without the permission of the grantor. All the timber required for the construction of fortifications, boats, or other vessels, was reserved. The goods imported by the grantee were not permitted to be sold upon the land except by established residents of the place, and the grantee was also prohibited from the selling of brandy to the Indians on pain of confiscation of the spirit sold or the goods for which it was exchanged.\* These were some of the conditions and fines imposed on a tract which, under our

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\* For the record of this grant we would refer our readers to the American State Papers, class viii. p. 191.

wholesome system of land policy, may be purchased for the price of fifty dollars, with the best title from the government, and that in fee simple.

The administration of this crude system of law, which from necessity prevailed around the posts, although exercised with mildness, was indeed nothing more than a military despotism. The commandants of the posts possessed a sort of summary authority, over which in some cases the governor-general of Canada had an appellate jurisdiction.

By that policy, agriculture was checked, general intelligence was prevented, and a people who might have strengthened the power of France in this country by the augmentation of its physical resources, were sent abroad in the thriftless and uncertain channels of the fur trade, like so many mariners, expending in a month the products of their labor for a year. And where are the monuments of French enterprise upon the lakes, from the time when La Salle first crossed them to the year 1760, the period in which the territory was conquered by England? A few dying Indians were converted and baptized by the jesuits; a few cargoes of furs were shipped from the borders of the lakes to France. The energies of the people were turned into a current of the fur trade, which added but little to the wealth of the soil; the wilderness, with its rich agricultural resources, and its arteries of inland navigation, which were designed, under the action of free enterprise, to circulate solid wealth through the country, remained a solitude. Indeed all the vestiges which have come down to us, to show that French power once existed on the soil at all, are here and there the sunken timbers of a Catholic chapel, which once bore the cross, a few patches of cultivated land enclosed by pickets, and worn out by improvident husbandry, a few orchards of pear and apple trees, a few mouldering foundations, the remains of the old French fortifications on the shores of the lakes and the Mississippi, and a few straggling Frenchmen, still retaining the gown, the sash, and the moccasin, most of them having Indian blood in their veins, and employed either as voyagers in the fur trade, travelling along the shores of the lakes in their French carts drawn by Canadian poneys, or engaged in a quiet and unenterprising spirit of husbandry, taking but little interest in the American improvements which are fast pressing upon them, mourning over the golden days of seigniorial grandeur, and the departed glory of their liege lords.

Even after the territory passed into the hands of the English, its condition was not much improved. From the time when the northwest was first settled by the French, down to the year 1760, when Major Rogers, under the direction of General Amherst, advanced across Lake Erie and took possession of Detroit, the territory had presented but little of stirring interest. Situated as it was at a great distance from the border wars which raged on the line that divided the French and English, it remained in comparative peace. Bands of savages were occasionally despatched from the lake shores by French agency against the English settlements; a party of capricious savages sometimes made an attack upon the French posts, and hostile parties of the Iroquois showed themselves upon the borders of the lakes against their ancient enemies, the Algonquins; but these incursions would not have been deemed of sufficient importance to receive any permanent record, had they not been the only belligerent operations that marked the territory at this time. The colonies were mercantile colonies, and they were embarked in the silent and peaceful operations of the fur trade. But when the English gained possession of the western posts, the scene opened



with more bustling preparations; the French were conquered, and although they remained in their old settlements, protected by the capitulation of Montreal, the English, their rivals, had established themselves upon the conquered territory. The red men, the friends of the French, who had been scattered in comparative repose through the forest, now perceived a new power which they had been taught to hate, advancing upon their ancient domain. When, therefore, the Ottawa chief Pontiac, the principal sachem of the northwestern tribes, first met Rogers on the shore of Lake Erie advancing towards Detroit to tear down the standard of Bellestre, he seems to have determined to organize his tribes and come to the rescue of his ancient allies. Accordingly, the savage bands from the remotest points of the wilderness upon the whole line of the frontier—the Ottawas, the Wyandots, or Hurons, the Pottawatamies, the Chippeways, the Miamies, the Shawanese, the Winnebagoes, the Foxes, and parts of other tribes—freshly painted themselves for battle, sharpened their rusty tomahawks, kindled their camp fires, sung their war songs, danced their war dance, and flashed their scalping knives in fierce defiance in the red light. The events that followed in 1763 are now matter of history. Twelve forts, stretching along a thousand miles of the northwestern frontier, were attacked nearly at the same time; the old fortification of Michilimackinac, upon the northern part of the peninsula of Michigan, was burned to its foundations, after one of the most ghastly butcheries that disfigures the annals of Indian warfare had been perpetrated. Detroit was besieged for months by Pontiac in person, that deceptive, politic, and far-seeing, but noble savage; and this post, together with that of Niagara and Pittsburgh, were the only ones which held out. The arrival of Col. Bouquet with an English force, prevented the *fleur-de-lis* from again waving along the whole line of the lake frontier.

We have remarked that the physical condition of the northwest was not much improved by the transfer of its dominion from France to England, and the occupation of the soil by the conquerors. The French were guaranteed the enjoyment of their civil and religious rights, although English laws were partially introduced; yet few lands were permitted to be granted to the settlers. The Hudson's Bay Company, now in existence, which was chartered in 1668, and afterwards the Northwest Company, stretched their despotic dominion over the wilderness upon that track that had before been occupied by the French fur trade, and the furs which had before been shipped to France, were forwarded to China or to England, the traffic itself being prosecuted by the same general agents, and with the same system of machinery. Although Robert Rogers, the commandant of the first English detachment that had ever advanced to the western shore of the lakes, published a journal of his expedition, Alexander Henry, an English trader, who was present at the fall of Michilimackinac, gave the public an account of the country in his journal, Jonathan Carver published his tour through the lakes at a later period, and Sir Alexander Mackenzie wrote his history of the fur trade—we have little of general interest, except that which relates to the condition of the wild tribes, their appearance, habits, and traditions. Perhaps a little more land might have been cultivated; but the general aspect of the country remained in its primitive condition: the French soldiers were however removed, and those of the English were established in their place.

Afterwards, succeeded the American revolution, while the English still held possession of the northwest. During its whole progress the borders



of the lakes were made the recruiting point, where the red men were provided with tomahawks and scalping knives, and sent out against the American border settlements and way-farers. This was more particularly the case at Detroit and the Island of Mackinaw. The principal agent in behalf of the British government for that object, was Henry Hamilton, for a time the commandant of Detroit, who despatched these savage bands to attack every straggling traveller whom they could find, men, women, or children, to collect their scalps, and to return them to the scalp mart of Detroit, where they were paid in trinkets, whiskey, and gold; and the practice continued until this scalp merchant was captured at Vincennes, by that sturdy model of courage and chivalry, George Rogers Clark, and sent in irons to Virginia. Of the particular incidents of this border war we are not anxious to give a particular account. We do not wish to paint, even if we had the power, the burning log hut, the victims of savage ferocity, the sufferings of women, and even infants at the breast, as well as vigorous backwoodsmen, shot down by Indian rifle-balls moulded by British hands, or to recount the warfare of Indians skulking through the forest with yells, which, like the groans of Ariel, were horrible enough to make the wolves howl!—a scene which was laid in the northwest from the commencement of the revolution, and continued down to the year 1795, peace having been declared at last.

New York, Virginia, Massachusetts, and Connecticut ceded the territory which they claimed northwest of the river Ohio to the United States, on condition that this territory should remain forever a "common fund" for the benefit of the Union; and in 1787, a frame of government was established for it in the famous "ordinance of 1787." But the government had scarcely been organized, when a colony from Boston, with the shrewd enterprise characteristic of the Yankees, hearing of the rich lands in this quarter, advanced into the woods; and we find them in 1788, raising their log houses under the huge sycamores, upon the banks of the Muskingum, and enacting their laws, which were to be administered by Arthur St. Clair, the first governor of the northwestern territory, upon the trunks of the trees. But the English still held possession of the military posts: the Indian, who seems to have transferred his confidence from the French to the English, was around them in the woods with his rifle, jealous of their advance, and hating them as deeply as he had before done their predecessors. Their situation was any thing but comfortable, and they had good ground for anticipating another storm: this storm soon broke out in 1790, in the second Indian confederation. We do not design here to enter into an account of the border wars of the northwest, after the territory was ceded to the United States, although held in its greater part by the English. The Indians, fighting in their own way, and on a ground peculiarly adapted to their mode of warfare, always having a breastwork of trees or fallen logs to protect themselves, and backed as they were by British agency, were for a time successful. The period is pregnant with massacres, deeds of daring and bold emprise, which in Rome would have made their actors heroes, originating the campaigns of Harmar, St. Clair, and that of General Wayne, who finally succeeded in dispersing the Indians and perfecting a treaty at Greenville, by which peace was for a time established.

If no other advantage were attained by that treaty, the western posts were delivered up in 1796; a firm footing was gained for the advance of colonization to whomsoever might wish to penetrate a wilderness that had been

the scene of such bloody strife, with most of the savage actors still living, and around them; and where their midnight dreams were likely to be filled with the visions of painted Indians, brandishing their tomahawks and waving their fresh scalps amid the screams of women dying in the grasp of savages, and the light of their burning homes. The progress of population was accordingly slow. A sturdy hunter in buck-skin trowsers and fox-skin cap, might be seen occasionally stealing along the margin of the water courses, in quest of game or tracts of choice land; but even he was not accustomed to venture out of sight of the smoke of his log house, and the sound of the bark of his neighbor's dog. What motive indeed existed for men in comfortable circumstances at the east, to leave the shores of the salt water, and to penetrate a forest then but little known, filled with wild beasts and savage men, and to a place where the most formidable hardships were to be endured? But they did go, notwithstanding all these difficulties, and as early as 1802, the population of Ohio had grown to an amount which warranted its organization into a state. All of Michigan consisted in a few of the French peasantry and English merchants, or American emigrants, who had settled near the old French posts; and a very sparse population had just begun to turn up the rich mould in the states of Indiana and Illinois.

But the natural hatred of the Indians towards the Americans, who were advancing upon their territory, soon manifested itself. Tecumthe and his brother, the prophet, probably taking Pontiac for their model, again confederated the lake tribes as they had before been confederated by the Ottawa chief against the English, to oppose the advancing power of the United States. The emigrants from the east, as the chances of Indian troubles seemed to have abated, had pushed their enterprises into the wilderness, and had made considerable inroads into the Indian territory. Individual traders had established themselves in their hunting grounds, and committed acts of outrage which are seldom countenanced excepting on the very verge of civilization: besides, the efforts of the English were apparent in striving to bring about the same result. As early as 1807, indeed, we find an agent of the prophet calling a council upon the shores of Lake Superior, and there making a speech tending to arouse the tribes in that quarter, and inciting them against the United States; at the same time telling the savages that the Americans were the children of the evil spirit, sprung from "the scum of the great water when it was troubled by the evil spirit, and the froth was driven into the woods by a strong east wind."\* This Indian confederation, which had been long ripening, had got fully to a head when the war of 1812 broke out, and we pass rapidly by that period big with important events. Detroit, Mackinaw, and Chicago were surrendered, Frenchtown was yielded up, the American prisoners there taken were butchered, and it was only when the victory of Commodore Perry furnished a free navigation across Lake Erie, and the advance of General Harrison to the Thames effectually overthrew the British and dispersed the Indian force, that the territory again passed to the United States.

It was from this period that the first rapid growth of the northwest commenced. The broad acres which had been permitted, under the burdensome system of the old French and English policy, to lie in their original solitude, had been surveyed and brought into market under very advantageous terms to the purchaser, the old system of sale being partly on credit.

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\* See American State Papers, where this speech is contained at length.

The more indigent and enterprising classes of the east, hearing of a country where thousands of acres of the richest soil could be obtained on credit, and at a cheap rate, began to pour into the west with the axe, the plough, and the plane. The construction of a road across the Alleghany mountains, and the establishment of the great Erie canal, furnished augmented means and motives for immigration. The territory was considered the best "poor man's country in the world:" produce might be raised to a large amount with but little labor, and while the comparatively small demand, and the want of the means of transportation to the east, effectually cut off the producer in the interior from the eastern market, the means of subsistence were ample, and he could, if he pleased, command almost any thing else but money. But the west had its enemies. Accounts sometimes strayed to us of a certain Mr. "Simpleton," who made a tour to Ohio upon a fat horse, and who met a returning immigrant with his famished wife and half-starved children in a rickety cart drawn by a lean one, on whose bare skeleton the carrion crows were feeding; but all these accounts were deemed the offspring of a few jealous or disappointed spirits, who had gone out to the west expecting to find it an El Dorado, where corn grew spontaneously, and the pigs swarmed ready roasted; and who, meeting little else but woods, Indians, and cross dogs, adopted that occasion to wreak their historical vengeance upon the country. A permanent peace was at all events secured for the sturdy settler, who could now wander over the domain where he listed, fell the oak with his axe, and build his log hut undisturbed by the light of the red man's fire, or by visions of bloody scalps which floated in the sight of his predecessors like the airy dagger of Macbeth. Improvement advanced as circumstances would seem to have required, and equal rights were protected by equal laws. By the successive steps to which we have briefly alluded, the northwest has arrived at its present position, and to a consideration of that position we design to confine the remainder of our remarks.\*

What then is the actual condition of the territory of the northwest, and what are the motives which it holds out to colonization? In the first place let us consider the character of the soil. A great error has prevailed in the public mind respecting this subject, and we would remark that it is not, as the ancient geographer, and as even modern travellers frequently inform us, a country low, wet, and filled with swamps in that degree which renders it an uncomfortable place of residence. On the contrary, the northwest, in general, comprises a dry and rolling country; it is alternated by hill and dale, with springs of water which are tintured somewhat with lime, that constitutes an element of the soil through which they run. Along the borders of the lakes is a low and swampy belt running back to a ridge which appears to have once formed its banks, and that would seem to have been left dry by the subsidence of the waters; but in advancing towards the interior, the soil swells into beautiful undulations. The error which we of the east have formed of the western land, is founded on the exaggerated and partial accounts of travellers, who have gone to the west with expectations framed on the luxurious scale of comfort in which they have been accustomed to measure things in the old states, and journeying rapidly through only a part of this region, and having been cast away in the deep

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\* It may be well here to mention, that by the provisions of the ordinance of 1787, Ohio was admitted as a state into the Union in 1802, Indiana in 1816, Illinois in 1818, Michigan in 1835, and the territory of Wisconsin remains to be organized into a state.

mud of the Black Swamp, the shores of the Detroit, or the banks of the Maumee, have come back with the dolorous cry that "all is barren." The soil of Illinois, it is well known, is in the greater part composed of dry, undulating prairie, interspersed occasionally with groves of oaks, especially upon the banks of the streams, comprising tracts sometimes stretching into forest; it is even so dry that it is frequently difficult to procure water at all. The greater part of the settled portion of Michigan consists of what are called "oak openings," or groves of tall straight oaks, springing from a soil of dry sand, or loam, beautifully variegated with small streams, prairies, and lakes, and gently rising and falling into hillocks and dales. The soil of this state, with the exception of that tract upon the northern part of the peninsula, and extending towards Lake Huron, and the broad belt upon the shores of the Detroit river, is nearly as dry as the forest land at the east, and in its general configuration very much resembles the soil of western New York. The territory of Wisconsin is more hilly, and Indiana and Ohio contain dry and rolling land, as is a great portion of western Pennsylvania.

We admit that the soil of the northwest is in general lower and more level than that which prevails in the eastern states; that the climate is more humid; that in the more level and heavily timbered tracts, the surface of the land forms a basin for the rains; that the clay which constitutes a great part of its composition, prevents their suppuration; and that the rank luxuriance of the forest vegetation, will not permit the water to evaporate rapidly. We will grant that there are here and there standing marshes, which, in summer, present a thick green scum, that seems fitted to feed only the genius of pestilence; that there are swamps and fens which will probably remain forever the home of the water-snake, the turtle, and the frog; nay, we will not deny that marshes are spread out in the forest, and even cross the travelled roads,

"Like that Serbonian bog,  
Betwixt Dalmatia and Mount Casius old,  
Where armies whole have sunk."

But this is not the general character of the western land. The greater proportion, as we have before remarked, exhibits a dry and undulating surface, with but comparatively little waste soil, where a moderate degree of agricultural enterprise may cause broad harvests of yellow corn and golden wheat to wave and bend to the sickle. This we happen to know, for we have wandered along the banks of the Ohio in sunshine and storm, performed a pedestrian excursion through a greater part of the Black Swamp, while our horses floundered in the mud, attached to our cart in the middle of the road, which cart lay shipwrecked like a vessel stranded at sea. We, too, have lodged in the loft of the "loggery," while the starlight gleamed through its chinks, reposed at night in the shadow of the forest by the light of a camp fire, and eaten salt pork, black bread, and venison, month after month near the waters of Lake Michigan.

Such, then, is the general condition of the northwestern land, and we pass rapidly to a consideration of the general character of the population and the local habitudes of the country. And, in the first place, we are led to inquire, who are the men that have been induced to people the forests and prairies of the west, to undergo the deprivations and hardships which necessarily belong to every new territory? Are they the opulent of the



older states, in comfortable circumstances at home; the denizens of the pavement, the theatre, and the drawing room, where their embroidered slippers rested upon Turkey carpets, and where their eye reposed in listless indolence upon the rich sculpture and exquisite paintings that adorned their own walls? Such clearly could not be the fact. Individuals of this class may indeed be scattered through the wilderness, but they are few. The great bulk of the western population is constituted of various, and in some degree, incongruous elements, the representatives from almost every trade, profession, and condition in life. The greater portion is comprised of recent emigrants, for the original pioneers of the west are nearly lost in the crowd of new-comers. Substantial householders who have sold out their domains at the east, have here made their clearings and erected their comfortable mansions on the soil; but the great mass of the emigrants is composed of men of limited means and large enterprise, who have adventured into this country to improve their condition, amid its great resources and expanding growth. The French population to whom we have alluded, and who are principally confined to the shores of the lakes, wearing the garb of their old French and Indian masters, engaged in tilling their worn-out farms, or as traders in the employment of the Hudson's Bay and American fur companies, are the only original white occupants of the soil that now remain. These, however, bear but a small proportion to the mass of the population.

The poor man at the east, with a large family, laboring, for example, upon the ungenerous soil of New England, finding that there is a country westward, where labor is dear and broad acres yielding an abundance of the necessaries of life are cheap, is induced to migrate with his household goods and all his effects, to this "land of promise," where provision may be made for his children. Houses must be built for the population. They require, as they advance, all the appliances which belong to a civilized form of society; and, to supply this demand, the mechanics in the various trades follow in his track, who are succeeded by the merchant, and he in his turn is followed by the members of the different professions, who find that the avenues to wealth and distinction at the east are more crowded than in the broad and growing region of a new country. To these are added, settlers, Dutch, Irish, English, Swiss, and immigrants from almost every part of Europe; and they all settle upon the soil from the same general motives. The discordant elements of society thus become strangely mingled. Here may be found the ruddy-faced Yankee farmer, with his axe on his shoulder, or the New York merchant; there the volatile Canadian Frenchman. Here the scholar, ripe from the eastern schools; there the original backwoodsman, who may be classed among the early pioneers of the country. Here the English peasant, fresh from the markets of London, mixed with pale-faced Virginians from the banks of the Mississippi, whose fathers, perhaps, followed Daniel Boone through the gap of the Alleghany Mountains; the most of them without large wealth, the most of them intelligent, and all anxious to advance their fortunes. The various forms of character thus thrown in contact, while they prevent any general and permanent moral traits, also exclude those settled prejudices always springing from the prescribed habitudes of a long-established and local population; and the necessary consequence of this condition of things is to cause the general frame of society to appear somewhat crude, rough, and in some portions, even lawless.

It is easy to trace the experience of an emigrant thrown as a settler into



the backwoods of the west. He is here cast upon a soil broad and fertile enough to be sure ; but it does not yield spontaneously, and labor is required to cause it to produce. Necessity, in consequence, obliges him to look about for a subsistence. He can only purchase the remote and unsettled tracts at the government price, for the most valuable lots, perchance, have been taken up. If he purchases a tract of timbered land, he finds no habitation built, no road constructed ; and that solitude bringing no change, although pleasing to the passing traveller, throws around him a melancholy and sickening gloom. With his axe he commences clearing away the place for his house, without the means and appliances that are common in an old country. This is no little labor, for the old oaks, gnarled and knotted, bow to civilization only by hardy and long-continued strokes. But perseverance conquers all things, and the sturdy trees are felled, the logs are pried into heaps, and set on fire. Some of the best of them are now taken, hewn on the end with his axe, piled upon each other, with grooves at each corner, to a sufficient height ; a roof is composed of rafters covered with rough boards or branches of the trees, the interstices of the walls are partially filled with plaster or clay, a broad chimney is erected, with the top composed of plastered tiles ; a glass window is set in, or if that cannot be obtained, a blanket is spread over the cavity, to shut out the cold and to let in the light. By continued toil a clearing is thus made, the log house erected, and the next year, perhaps, the rich crop of wheat or corn is seen growing upon the mellow soil between the stumps. For the first few years, it is obvious, that the life of the backwoodsman is a continued scene of deprivation and hardship, even if he should escape the bilious influence of the climate, which is incident to all new countries, and is not driven away by the clouds of musketoes that blockade his path, and against which he is obliged to protect himself by a fire kept burning every summer night before his door.

It must be admitted that these discomforts are not without their alleviation. If the settler has once cleared his farm, and placed it under a vigorous cultivation, it produces in abundance. He is impressed with a spirit of independence, always arising in the mind of every freeholder, for he looks down upon his own rich domain. We venture to say that this is the experience of nine-tenths of the agricultural emigrants to the forests of the west, when they first make their settlement. Those settlers who have selected the prairies, which are destitute of timber, have no clearing to perform, of course ; but, under these circumstances, they are deprived of the trees, which are of considerable value even in the woods ; and the "oak openings," that are but sparsely covered with forest trees, require much labor to prepare the soil for the seed. In our account of the experience of new emigrants to the west, we allude more particularly to those who have settled in the more retired and uncultivated parts ; for we are not unmindful of the fact, that the more travelled portions along the main roads, present substantial and comfortable, if not elegant buildings, taverns, and thriving villages, as well as many of the luxuries of an older country.

The traveller, therefore, who passes through the interior portions of the west, although he cannot fail to admire the grandeur and magnificence of the scenery, is constantly coming in contact with objects that are repulsive to his pampered and luxurious taste. In traversing the country, clothed with all the opulence of luxuriant vegetation, where nature is unfolded upon a scale of extraordinary magnitude, he meets with unexpected inconve-

niences and hardships. Even if he escapes a shipwreck in a swamp, he is often allotted a lodging place at night in the loft of a log house; food is frequently placed before him which he would scarcely deign to touch at the east, and he is not seldom thrown into companionship with men who are careless in observing the conventional forms of an older society, and from their customary habits of deprivation and hardship, are not too dainty in their taste. If he is disposed to look upon the bright side of the picture, he is willing to behold a domain, broad in undeveloped wealth, landscapes of the lake, the forest, and the stream, where the lover of nature may find ample room for recreation, and the patriot may refresh his hopes in the brightest visions of national grandeur. He sees a population without the means of luxury, but at the same time without prejudice, who have come to a land where the fertility of the soil invites husbandry, and where the intelligent ploughman, as he follows his harrow through the mellow land, feels that he is a freeman!

The people of the west are generous, though crude, unmindful from habit of the luxuries of life, endowed with great boldness and originality of mind, from the circumstances under which they are placed. They are, from the various elements of which they are composed, in a state of amalgamation, and from this amalgamation a new and valuable form of American character will spring up. If they do not, in all cases, appreciate the refinements of polished life, this is in favor of their contentment, for the new condition of the country does not at present warrant them. Luxury and taste are, in general, the offspring of refinement and of ripened age; and he who should look back a few years in our oldest states, would find a marked advance in these qualities, even here, within that time. The great body of the people of the west are employed, not in trailing vines, but in acquiring their support. A wheat field is more pleasing to their taste than a flower garden. A well-ploughed lot is more satisfactory to their eye than the most exquisite painting of a Raphael or a Claude. They would prefer seeing a gristmill working on their own stream, to the sight of the sculptured marble of the Venus or the Apollo! A widely-diffused, deeply-stamped spirit of equality and republicanism extends throughout the whole social frame of the northwest; and over all is thrown an openness and candor, as well as a benevolence, which arises from their common interests as emigrants, co-workers engaged in the common cause of carrying forward the enterprises of a new country, without sympathy from any source but the mutual sympathy which exists between themselves.

We well know that a feeling of distrust has been thrown around the western character, from the spirit of speculation which, in 1835 and '36, seemed to absorb all other enterprise, and which may be considered, not its silver or golden, but its paper age! But that spirit was kept up and acted on, as much by eastern as by western men. The whole territory was regarded as a sort of lottery-office, to which individuals from all quarters might resort for the accumulation of wealth, and invoke the favors of the capricious and blind goddess. Agriculture, and all those substantial enterprises which contribute to the solid glory of a people, were neglected. The land swarmed with greedy speculators, who cut up the woods into paper villages, and constructed in imagination a chain of compact cities, from the head of the St. Clair to the rapids of the Maumee. This was the period when there was the most immigration to the territory, and the greatest influx of temporary travellers. Thousands were defrauded. The log

houses swarmed with buyers and sellers, when there was scarcely food enough in the country to maintain the vast accession to its population; and many erroneous impressions were disseminated of the general condition of the country, from the circumstances of that extraordinary period. It is a matter of the highest congratulation, that the lax spirit which at that time pervaded the portion of the west upon the borders of the lakes, has become discountenanced, and that the energies of the people have quietly sunk down into the accustomed channels of substantial industry.

In making these remarks respecting the progress and condition of the northwest, we have endeavored to distort no part of the scene. We see in its vast territory resources of unmeasured wealth. We perceive in the grand projects of its moral and intellectual improvement; in its gigantic systems of public instruction; in its projected lines of canals and railroads, designed to connect its remotest parts; in the sixty-one\* steamships which navigate the lakes, and the commerce which ploughs the waters of the Ohio; in the thriving villages that dot its surface; in the amount of agricultural and mechanical growth already attained; in the opulence of its "queen city" and state; and in the character of its sturdy and energetic population, working out with unexampled enterprise the first stern law of our human condition in earning their bread by the sweat of their brow—the framework of a mighty power. We know that the people are intelligent, that there are scattered through that section men who would be bright ornaments to any nation, and who have contributed in no small degree to the advancement of the country. The northwest must necessarily, from its local circumstances, become in future time the great granary of the republic, because it possesses the largest amount of arable soil, capable of producing the most bountiful returns with the least labor; and these products may, under its projected means of inter-communication, be brought rapidly into a ready market. As "sculpture is to the block of marble, is education to the human soul;" and this remark will apply as well to states as to individuals. Under the guidance of moral and intellectual education, the territory will soon grow to ripeness. The only present drawback upon its prosperity are the crude and elemental character of its population, the hardships necessary to be encountered in the forest, and the unhealthy nature of its climate. When these obstacles are surmounted, and the means of general comfort are pressed into its service, we doubt not that it will become one of the most eligible places of settlement, and a most opulent portion of the republic, wielding, as it soon must, the balance of power in the country.

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### ART. III.—USURY LAWS.

#### NUMBER ONE.

EVEN in this age of free discussion, there seem to be some subjects of general interest to the mass of community, respecting which many persons entertain different, but honest opinions; but which, by many, are regarded

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\* See Merchants' Magazine, No. XII. Article—Lake Navigation.

as not debatable. Among others are certain laws affecting the rights, and to a greater or less extent, interfering with the interests of society, especially the trading classes, to which the foregoing remark will particularly apply,—laws which interfere with the natural right, possessed by all, of acquiring property, and of making that property, when acquired, as valuable to them as they may by any proper and honest means; laws which fix the value of money, or rather of the use of money, irrespective of all those elements in the calculation of values, demand, supply, risk, and such other contingencies as may apply to particular operations. These laws have come down to us from past ages, and have existed, in different forms, from the time of Moses to the present day. It is the more a matter of surprise, that so many are now found, who look with exceeding distrust upon any proposal for their abolition or modification, who are hardly willing to discuss the subject, when it is considered how many of the principles, laws, and customs of past ages, have been more or less modified to suit the condition of society in later times.

Let us go back a few centuries, and see what changes have been wrought. The great mass of mankind have been gradually rising from a state of vassalage. Their privileges have been from time to time increased; and as they have become increased, it has been found necessary to throw off restrictions of various kinds, with which they have been harassed and cramped; for which there might have been once a satisfactory reason, but which reason, after the change society had undergone, had ceased to exist. As men acquired new privileges, as they came more into the possession of natural rights, they began more and more to consider the great business of life to be, the doing of what was to be done in the best way, and to bring customs and laws which affected them to the test of immediate practical expediency. The inquiry arose, what is the object of these things? what end is to be attained by them? and as a very able writer has recently remarked, "it is no wonder that when these questions were once raised, they should be re-echoed from a thousand different points, and the roused spirit of inquiry engendered a rapid spirit of destruction." Utility became the governing principle in public and private matters. Many institutions and laws were examined and found to be useless: the vitality of them was gone; the forms remained, like masses of rubbish, which were a mere encumbrance to the ground; nothing was to be done but to clear them away. Those nations which made these changes most readily, adapting their institutions and laws to their genius and habits, soon became distinguished above those which adhered to the antiquated notions of the past, and continued bound by complicated, minute, and vexatious fetters.

Let us consider for a moment the change that has taken place in the manner of conducting the business and trade of the world. It is not long, comparatively speaking, since the policy of Europe restricted commerce within close monopolies; but the spirit of inquiry that was aroused, soon discovered that monopolizing companies were productive of very little good, and of incalculable evil. The mechanic arts in cities and towns were under the control of "regulated companies," who enriched themselves at the expense of the mass of society by means of their monopolies. The mischiefs of this system were brought to light by the same spirit of inquiry, and reform was loudly demanded. The doctrines of free trade were, however, violently opposed. There were many who saw nothing but ruin in prospect, if customs were changed which "the experience of all nations and ages had

found necessary.\* Despite, however, all the forebodings of the timid, and the interested arguments of the monopolists, the advocates of free trade finally succeeded. Many of the reasonings they employed have now become axioms of political science, upon which the commercial legislation of the greater part of the civilized world is based. No man can now be found to stand up in defence of the ancient system of monopolies, so beneficial has free trade been found to the welfare of mankind.

But while freedom of trade exists in respect to almost every thing else, while individuals are now left to manage their affairs in relation to all other matters under the dictates of their own interest, and guidance of their own judgment, they are still hampered by antiquated restrictions in respect to the procuring and disposing of money. Provisions and wages, houses and lands, produce and manufactures, wares and merchandise, are left to the management of individuals, to be bought and sold, at a price higher or lower, according to the dictates of their own interest, under the guidance of their own prudence, subject to be affected by a short demand, by an over supply, by the greater or less risk of payment, and according as the place and time of receiving payment is more or less convenient. But the trade in *money* is restricted. Supposing the laws to be obeyed, and no man, whatever may be its value to him, may give over a certain rate; no man may lend at an interest beyond that rate, however short may be the supply, or however urgent the demand. He may exchange the money for some other commodity, and sell that other commodity for any advance upon its cost which he can obtain—it may be fifty or one hundred per cent.; but he may not lend his money to another, to make the same operation, unless he is contented with six or seven dollars on the hundred per annum; although the borrower might well afford to pay much more, and the lender ought to receive much more upon every principle of right and equity. It is not necessary to go on with the catalogue of absurdities which a slight examination of this subject will develop to us.

There have not been wanting those persons who have contended, with zeal and ability, that the trade in money should be as free and unrestricted as the trade in any thing else—and have supported their positions by sound and solid reasoning. Many persons have come to the conclusion that the trade in money should be unrestricted; the number of these persons is increasing; repeated efforts have been made to accomplish the object, but owing to the doubts of some, the timidity of others, and the still more unreasonable refusal of others to discuss the subject at all, these efforts have not been successful.

Some persons are always unwilling to change that which is clothed with the sanction of the generations that are past. Doubtless, we should only change laws or customs that have long been approved of, after the most full and mature deliberation; and while slow to change laws that have long existed, yet, when they are found unsuited to the state of society, with nothing to recommend them but their antiquity, they should be unhesitatingly cast aside, to make room for others, more adapted to the wants of the community which they affect. What is wanted in such a case, is full, fair, and candid discussion. Liberal minded men will not hesitate to grant it; but,

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\* This is some of the reasonings in a minority report to the Massachusetts House of Representatives, February 19, 1840, which recommends the taking of interest exceeding six per cent. should be punished by fine and imprisonment!



strange as it may seem, there are men who are not willing even to reason upon this subject. An instance occurred quite recently, in one of our state legislatures, where a proposition was brought forward for a slight modification of the usury laws. Before any discussion was had, a member rose, and saying it was quite useless to waste time *in discussing a question that had been repeatedly SETTLED*, moved to postpone it indefinitely!

These persons do not indeed stand up in defence of the ancient theory of restrictions and monopolies: that would never do. They claim that money stands on a different footing from every thing else; and must therefore be excepted from the operation of the general rules which govern trade in every thing else. Those who reason upon the subject at all, employ themselves in discovering specious arguments why it should be so. If, then, it can be made to appear that money is like every thing else, a commodity subject to be influenced by abundance or scarcity, or by any of the influences to which other things are subject, the argument would seem to be gained: let this be made to appear, and the principle laid down by Bentham could not be questioned—"that no man of ripe years and sound mind, acting freely with his eyes open, ought to be hindered with a view to his own advantage, from making such bargains, in the way of obtaining money, as he sees fit; nor should any person be hindered from supplying him on any terms he thinks proper to accede to." This may doubtless be made clear to the candid examiner of this subject, and many reasons may be given why, even if it were not altogether so, nevertheless, money should not be subject to any restrictions upon its free employment to the best advantage of its possessor.

The ground taken by the opponents of usury laws, is principally, as before stated, that money is a commodity, and, like every other commodity, should be left to find its own level in relative value, as compared with other things. This question, then, of the character of money, is first to be settled and decided. It almost seems to be begging the question to prove that money is a commodity, like wheat, iron, cotton, and other articles; for as money is but a material among many others, which aid to make up the business of the nation, there would seem to be *prima facie* evidence of its being what all its co-elements in trade confessedly are. It would seem to be incumbent on those who take a different view of its character, to prove that it formed an exception to the general rule; this would be the rule in the discussion of almost all disputed questions of like character. The reason it is not so in this case can only be, that it is a fragment of ancient policy, reasonable it may have been at some time, but now out of date, useless, and oppressive, which has become incorporated into our mental system, and is not yet cleared away by the spirit of reform. So interwoven has the idea been into our education, that money is some mysterious, incomprehensible thing, to be tinkered and regulated, that we must reason ourselves *out* of an opinion which could hardly have been imbibed by the calm exercise of our reasoning faculties.

But we need not stand for forms; we wish to consider this question; we wish to give reasons in support of our opinions; we wish to answer objections; we wish to elicit truth; we wish to excite a rational spirit of inquiry: we trust we may be successful.

Money is a creation of civilized society: it is not found among nations that are barbarous and uncivilized. The savage, who is in a state of nature, exists almost like the animals of the forest—each individual indepen-

dently, and without the necessity of aid from another. If he is in want of food, some animal which he may take, supplies it. If he wants clothing, the skin of the same animal answers the purpose. If he wants a house, the same skins, or the nearest twigs or turf, or all, are the material, and he himself is the artificer. He exists alone; or, perhaps, it should be said, he may exist alone. His wants he can supply without aid from his fellows. He requires only articles of first necessity, such as will supply the cravings of nature: other commodities are, in a measure, useless, because they answer no useful purpose to him. Gold and silver are of little value; he can manufacture them into rings and plates, for ornament, but will readily part with them for a small scrap of iron,\* which is of greater use, in enabling him to prepare better and more serviceable arms for war or the chase. Of course, among such a people there is no trade—there is nothing to exchange—there is no necessity for exchanges. But as society becomes civilized, and the division of labor takes place, exchanges commence, and become more and more frequent, according to the degree of civilization attained. As society reaches the highest stage of civilization, and the division of labor has become thoroughly established, men supply but a very small part of their own wants with the produce of their own labor: from existing independently, as in a savage state, men depend upon the labor of each other. The superior comfort in which men can live, in consequence of the division of labor, whereby man is enabled, by the excellence he can attain by practice in any one employment, to procure much more for his comfort than he could in an independent existence, binds society together, and men become, as it were, interlocked with each other. As society comes into this state, money comes into use, for the purpose of enabling the members of society to effect their exchanges.

For example: a hatter can use for himself but a very small part of what he produces; after supplying himself with one or two hats in the course of a year, his productions must be exchanged with some other person who needs his hats, and can supply him with other articles of which he is in need. The baker, we will suppose is one—but the hatter wants a great deal of bread in the course of the year, while the baker wants but a very small amount in hats. The baker can give his bread until he has received all the hats he wants, and then trade between them must stop, unless some new way of exchanging can be devised. The baker employs workmen, whom he pays for their labor; they want the commodities of the hatter, but the hatter wants nothing of them: they could therefore receive of the baker in payment of their wages, the commodities of the hatter, to such an extent as would supply their wants, but no further. Here the trade would stop again; but these workmen might want beer of the brewer, who in his turn would want hats of the hatter—while the hatter might think he could do without the beer, and would not have it: here would be an opening for further exchanges; but they would by this time become very cumbrous and inconvenient, and moreover very difficult; and there would be no remedy to the inconvenience but for the parties to the exchange to make use of some commodity which would be desirable by every body, and be received by every body, and which could be given from one to another, in greater or less quantities, according as circumstances might require.

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\* An illustration of this will occur to every one who has read the history of the discovery of America. The natives readily parted with masses of gold for small quantities of iron, and seemed to wonder that the gold seemed so valuable to the Spaniards.

There can be no doubt that such was the origin of money, for different nations in different times have made use of different articles to effect their exchanges, but all were intended to answer the same purpose. In the early ages of the world cattle were principally made use of. "The armor of Diomedes," says Homer, "cost only nine oxen; but that of Glaucus cost a hundred oxen." Cattle, however, must have been a very inconvenient medium of exchange, to say the least of it. It must have been very difficult to effect small exchanges, to buy any thing of less value than a whole horse, or sheep, or ox; and the cattle could not be kept on hand without care and expense. Among some people, grain was made use of. There could not be the same objection to grain as to cattle, as it could be divided into such quantities as might be convenient; but it would be difficult to transport any quantity of it from one place to another, and by keeping it on hand too long, the holder would be liable to loss from its deterioration in quality. Among other people, other articles have been made use of, as tobacco in Virginia, or even milkpails in Massachusetts;\* but the use of any of these articles was always attended with inconvenience: the various metals were found to possess the various qualities requisite to make them suitable agents in effecting exchanges. From their hardness they are not likely to perish. They can be kept without expense. They are easily transported, they are divisible into minute parts, so as to be serviceable in large or small exchanges, and they possess that quality of universal usefulness requisite to any thing to make it serviceable as a medium of effecting exchange, which makes every body desirous of possessing it. Among the Spartans, iron was used; among the Romans, copper. The abundance of these metals, however, makes them of less comparative value than others, and requires too great a bulk of them to represent any considerable value. For this reason, nations farther advanced in wealth and civilization have made use of those rarer, and consequently more valuable metals, silver and gold.

If this explanation of the origin of money is a correct one, it follows that money is merely a commodity selected to represent the value of other commodities, and is in no wise distinguished from them. It is, like them, subject to fluctuations of supply and demand. It is used as a medium, for no other reason than that it possesses certain qualities which make it the most convenient for the purpose. In fact, in their uncoined state, they are so considered by every body, whether friends or opponents of usury laws. As bullion, gold and silver stand in the market precisely as do lead, copper, and iron. Whoever takes the trouble to read the London price currents, will observe them to be quoted in the same way, with the same observations relative to supply, demand, &c. &c.

The question would then seem to be narrowed down to this—does the *coinage* of these metals by the government clothe them with any peculiar attribute, and so divest them of their character as commodities as to require *specific* and *arbitrary* regulation of their *value*?

This question cannot be more satisfactorily and clearly answered than by quoting from Adam Smith. He gives us the reason *why* the metals are coined into pieces of specific weight and fineness. Let us hear what he says:—

"The use of metals in the rude state was attended with two very considerable inconveniences; first, with the trouble of weighing them; and,

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\* The town of Hingham, in Massachusetts colony, once paid its taxes in this article.

secondly, with the trouble of assaying them. In the precious metals, where a small difference in the quantity makes a great difference in value, even the business of weighing with proper exactness requires at least very accurate weights and scales. The weighing of gold, in particular, is an operation of some nicety. In the coarser metals, indeed, where a small error would be of little consequence, less accuracy would, no doubt, be necessary. Yet we should find it excessively troublesome if, every time a poor man had occasion to sell a farthing's worth of goods, he was obliged to weigh the farthing. The operation of assaying is still more difficult, still more tedious; and unless a part of the metal is fairly melted in the crucible with proper dissolvents, any conclusion that may be properly drawn from it is extremely uncertain. Before the institution of coined money, however, unless they went through this tedious and difficult operation, people were liable to the grossest frauds and imposition, and instead of a pound weight of pure silver or pure copper, might receive, in exchange for their goods, an adulterated composition of the coarsest and cheapest materials, which had, however, in their outward appearance, been made to resemble those metals. *To prevent such abuses, to facilitate exchanges, and thereby encourage all sorts of industry and commerce*, it has been found necessary, in all countries that have made any considerable advance towards improvement, *to affix a public stamp upon certain quantities of such particular metals* as were, in those countries, made use of to purchase goods. Hence the origin of coined money, and those public offices called mints, institutions EXACTLY OF THE SAME NATURE as those of the analyzers and stampmasters of woollen and linen cloth. *All of them are equally meant to ascertain, by means of a public stamp, the quantity and uniform goodness of THOSE DIFFERENT COMMODITIES, when brought to market.*"—Wealth of Nations, book iv.

Now it seems difficult to suppose that money had any different origin than that which is here supposed. If this was its origin, by what process of reasoning can it be made to appear to possess a character differing from that of every other commodity? The metals, in their rude state, are confessedly articles of merchandise. With what new attribute are they clothed by the coining? The stamp of government is merely a certificate, of an authority which all are bound to acknowledge, that the pieces are of a certain weight and degree of fineness, so that a quantity can be ascertained by counting a number of pieces, without the trouble of weighing or assaying. The coining itself was originally a rude device to certify the quality of the metal by means of a mark upon the piece, like the marks we now see upon cast-steel and some kinds of iron; but this would not remedy the evil of weighing. If the mark certifying the weight were put upon one end of the ingot, it could be made lighter by cutting off at the other; consequently, the mode of cutting the metal into pieces of uniform weight, and covering the whole surface, on both sides and the edges, with the stamp, came gradually into use, and coining came to its present state of perfection. Does it appear more reasonable to prescribe what shall be given for the use of one or more of these pieces, than to prescribe what shall be given for the use of a barrel of beef, after it has undergone government inspection and received the stamp of the proper authority, certifying it to be of a certain kind and a certain weight, which certificate "encourages trade," by enabling the buyer to purchase without examining any thing but the mark.

The great object of coining, therefore, appears to have been to save two

sorts of trouble; one, the trouble of weighing, the other, the greater one of assaying. It was intended to promote the public convenience, especially in the smaller exchanges; the acknowledged stamp upon the metal, being respected by both parties, entirely did away with the machinery of scales, weights, and crucibles, in ordinary transactions. It is not probable, that, at the time coining was introduced, such a thing as credit was thought of, except in some peculiar cases. Men exchanged commodities, and completed the exchange at the time. The loan of metals, especially for use in commercial transactions, was then a thing which rarely, if ever, occurred. In this state of society, we cannot understand the reasons which induced lawgivers to prohibit the taking of interest\* altogether, as they did. But whatever the reasons were, when commercial credit came into existence, the laws were altered. The authorities were forced to do it from the very necessity of the case. But when the alteration was made, having ancient customs firmly fixed in their minds, they only yielded so far as they were absolutely compelled to yield, and allowed interest to be taken, but restricted the rate to a certain per centage, probably in order that the unforeseen evils that might arise from the innovation should not be very monstrous. These rates were subject of alteration from time to time, but the principle of restriction was adopted by almost all commercial nations, as will be explained as we further examine the subject.

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#### ART. IV.—CAUSES OF UNSTEADINESS OF THE CURRENCY, AND THE REMEDY THEREFOR.

##### NUMBER THREE.

##### OF THE MEDIUM OF EXCHANGE.—FRANCE, GREAT BRITAIN, AND THE UNITED STATES.

WE propose now to inquire into the condition of several nations as regards those portions of the currency which consist of coin and circulating notes, with a view to ascertain what is the proportion which they severally bear to the amount of production, and to the exchanges that are performed—and will afterwards proceed to a similar examination of the whole currency, including coin, circulating notes, and deposits.

In some countries, money is received on deposit by banks or bankers, subject to transfer by the depositor, provided he enters his order therefor upon the books of the bank. Such is the case at that of Hamburgh. Others perform transfers on receiving orders in the form of checks, or drafts, a much more simple operation. Such is the case with the bankers of London. Others not only permit their depositors to make transfers by means of checks, but grant also their own promises to deliver certain quantities of money, by the use of which great facilities are afforded for the performance of all transactions in which money is used. Some of these banks charge commission, and the charge is usually in the inverse ratio of the convenience afforded. That of Hamburgh charges five cents for each entry of transfer,

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\* The law of Moses absolutely forbids the taking of interest. Aristotle says, as money cannot produce money, nothing ought to be taken for its use.



and about one half of one per cent. for the re-delivery of the money. Those of Great Britain charge about  $\frac{1}{4}$  per cent., while none of those of the United States make any charge whatever.

It is usual with writers on currency to devote considerable space to a description of the various banks that exist throughout the world, with a view to determine the advantages of those of deposit over those of issue, or *vice versa*; but we shall not trouble our readers in this way, believing that they would deem it equally useful to go into an examination of the advantages of the horse-path, the first wagon-road, the turnpike, and the railroad, with a view to determine which would afford the greatest facilities for the transport of merchandise. To men accustomed to the conveniences resulting from the use of bank notes and checks, the proposition to dispense therewith, and to substitute in the place of the existing system the clumsy machinery of Hamburg, must appear as extraordinary as would be a proposition to take up the rails of the various roads, and to substitute therefor clay or pounded stone.

It is not unfrequently assumed that the tendency to variation in the amount of the currency, and consequent unsteadiness of prices, is the result of the substitution of drafts, checks, and circulating notes, for gold and silver, and that if communities would agree to deprive themselves of those facilities to trade, a steady currency might be established. Experience, however, teaches that with every increase in the facility of intercourse and exchange, there is a tendency to equality and steadiness of value, which is much more uniform throughout the world, and from year to year, now, than they were fifty, one hundred, or five hundred years since. The price of grain in the fifteenth century fluctuated in a single year from four shillings to four pounds, and the produce of China, or India, a century since, would sell in England at three or four times the cost, whereas at the present time an advance of 10, 15, or 20 per cent. is deemed sufficient. If unsteadiness in the currency be the consequence of the increased facilities for trading, it will be found that where the restrictions upon the use of those facilities are most numerous, the currency will be smallest, and there will be the least tendency to expansion and contraction; whereas *if steadiness be the natural effect of improved modes of transacting business, it will be found that where the people are most free to select for themselves their own medium of exchange, the currency will most nearly approach the amount actually needed for the daily business of life, and will consequently be least liable to expansion or contraction, at the will of either individuals or associations, and thus that the cheapest currency must be the safest and most steady.*

The annual product of FRANCE is about fourteen hundred millions of dollars, or forty dollars per head of the population. The quantity of capital remaining in the form of gold and silver coin or bullion, is stated at six hundred millions of dollars, equal to the product of the nation for one hundred and twenty-nine working days. No paper was allowed to circulate of less amount than five hundred francs, equal to ninety-three dollars and thirty-three cents—until, at the recent establishment of the Bank of Havre, permission was granted to issue notes of two hundred and fifty francs. The circulation maintained by the single Bank of France averages in amount forty-five millions of dollars, being equal to the product of ten days.

The annual produce of ENGLAND and WALES is estimated at two hundred and sixty millions of pounds, or eighty-one dollars per head, viz., twenty-seven cents per day for three hundred working days. The quantity of capital in the

form of gold and silver coin or bullion, is stated at about thirty millions of pounds, and is equal to the product of the nation for thirty-five days. The usual average amount of circulating notes is about twenty-eight millions, but as a considerable sum is constantly retained by the private and joint-stock banks in notes of the Bank of England, the *net* circulation in the hands of the public cannot exceed twenty-six millions, equal to the product of ten days. No notes are permitted under five pounds, equal to twenty-four dollars and three cents.

In SCOTLAND, one pound notes are permitted to be circulated. The whole system has always been more free and less expensive than that of England, and its steadiness has been proportioned to its freedom.

In the SOUTHERN STATES, no notes are permitted under five dollars. The specie required amounts to, probably, nine days' production.

In PENNSYLVANIA, no notes under five dollars are permitted, while in New York and New Jersey, notes of one dollar are, and were at the date of our statement, permitted. The quantity of specie used amounts to little more than four days' product.

We do not undertake to show what is the proportion which the circulating notes employed in the various parts of the Union above referred to bears to the product, because of the difficulty of determining with any accuracy the amount thereof. That of the local banks is readily ascertained, but it is not easy to ascertain the distribution of that furnished by the Bank of the United States in the different states, in all of which, south of New England, it was considerable.

In every state of NEW ENGLAND, notes of one dollar are used, and coin is required only for the payment of fractions of that sum. The product of these states may be taken at two hundred and fifty millions of dollars. The whole quantity of coin upon which their system is based, is but about two and a half millions of dollars, being the product of about three days' labor. The gross amount of the circulation of their 169 banks in 1830, was eight millions nine hundred thousand dollars. Deducting the amount on hand in the various banks, the actual quantity circulating with the public cannot have exceeded eight millions, or about ten days' product.

The one institution in France, issuing no note of less amount than about one hundred dollars, maintains a circulation as large in proportion to the productive power of the nation, as do all those of England, issuing notes of twenty-four dollars—in all those of New England, which furnish the medium used in all exchanges down to a single dollar; and if we take into consideration the number of exchanges performed, we shall see that the circulating notes of France bear a vastly larger proportion thereto than exists in New England.

When production is very small, as is the case in the former, the return to both laborer and capital is so, and the chief part of the product is consumed by the little capitalist and the laborer, in the form in which it is produced; but, when it is large, they exchange a large portion of it. The man who obtains, in return for a week's labor, the equivalent of two bushels of wheat, will hardly have a gallon per week to exchange for clothing; whereas he who obtains six bushels, may consume three bushels, and have as much more to exchange for clothing or groceries, or for ploughs, horses, and cattle, to increase his stock to aid in the further extension of production. We have little doubt that the exchanges of New England are six times greater in proportion to the product than those of France; and if so,

the proportion which circulating notes of all descriptions bear to the business performed is only one sixth as great.

When, however, we regard the fact that no payment less in amount than five hundred francs can be made with a note of the Bank of France, while every payment exceeding five francs may be made with notes of the banks of New England, the disproportion becomes vastly greater. Were we to suppress in the latter all notes under one hundred dollars, the circulation would be at once reduced to less than two millions of dollars, or one fortieth of the annual product, and, perhaps, to a fiftieth or a sixtieth thereof. The single Bank of France is therefore enabled to maintain a circulation at least twenty-four times greater in proportion to the business for the performance of which its notes are used, than is maintained of paper of a similar description by all the banks of New England.

It is commonly supposed that increase in the number of banks must be attended with an increase in the gross circulation; whereas, it can readily be shown that every increase in the facilities of exchange, by the opening of new shops for the purpose of trading in money, must be attended with a diminution in the amount that can be maintained. The reader may readily satisfy himself that no increase in the number of banks will induce him to carry about his person a larger number of bank notes than he has been accustomed to do. If, by any such increase, he is enabled more readily to obtain the use of money, he will withdraw only so much as is necessary for his purposes, and at the next moment the person to whom it is paid will return it to the bank for safe keeping. The circulation is, as we have endeavored to show, almost a constant quantity, tending, however, to reduction in quantity with every increase in the facilities of trade.

Were the reader distant fifty miles from a bank, he would, probably, transact his business with it once in a month. When he went there, he would find it necessary to provide himself with as much of the medium of exchange as would render it unnecessary for him to visit it again for three or four weeks to come. He would have always in his house bank notes to the amount of one, two, three, or four hundred dollars, to the advantage of the bank, and to his own disadvantage. Another of our readers is distant ten miles from a bank. He transacts his business with it every week, and is not required to keep on hand more money than is necessary for that period. Another is distant a single mile. He visits it three times a week, and requires no more notes than will serve his purposes for two days. Others of our readers have the money shop within a stone's throw of them. They transact their business with it every day at a little before the hour of closing, and deposit for safe keeping all the money they have received, because, with the return of business hours, they can withdraw whatever amount is required. The nearer the trader is to the bank, the smaller is the amount of circulating notes that he will use; and the more distant, the larger must it be. A man in a country town, distant fifty miles from a bank, will retain on hand bank notes a thousand times greater in proportion to the amount of his trade than a merchant in Philadelphia, New York, or Boston, who is surrounded by banks, and who scarcely finds it necessary to use either notes or specie, except in payment of his household expenses.

The Bank of France enjoys a monopoly, and is thereby enabled to maintain a large circulation—larger by far, in proportion to the uses for which it is required, than can be maintained in either England or the

United States. It does this for the advantage of the few, to the disadvantage of the many, who are obliged to pay interest on large sums that would not be required under a different system. In New England, the advantage of the many is promoted by a system which diminishes to the smallest possible sum the quantity of the medium of exchange used in the performance of exchanges.\* Were there in those states but a single bank, it could, and would, maintain a circulation double the amount of that now existing, because individuals distant from it would be obliged to retain on hand, to meet their demands, three, five, or ten times as much as is needed when the money shop is close at hand.

The people of several of these countries, being deprived of the right of selecting their own medium of exchange, are compelled to use that which is more costly, and are thus prevented from otherwise applying their capital in aid of their labor. It will be obvious to the reader that every increase in the amount of capital required for effecting *exchanges*, must be attended with a diminution in that which can be applied to *production*. The amount of coin employed by the several nations is, therefore, in the inverse ratio of their productive power.

FRANCE retains, in the form of gold and silver, capital that	
would require for its production the labor of	- - 129 days.
ENGLAND, - - - - -	35 "
THE SOUTHERN STATES, - - - - -	9 "
THE MIDDLE STATES, - - - - -	4 "
While NEW ENGLAND retains only that of	- - - 3 "

Nothing is more common than the assumption that the United States are remarkable for excess of currency, yet in no country are the operations of the community carried on with so small an amount thereof; and in no part of the United States is the quantity so small as in New England, where every village has its money shop, and every neighborhood provides its own medium of exchange.

We shall now proceed to inquire into the amount of the currency of the several nations, and doubt not we shall be able to satisfy the reader that *unsteadiness and a large amount of unproductive capital go together*—that the nearest approach to perfect steadiness is to be found where the people are most free to exercise their own judgment, and where, consequently, the medium of exchange is that which is least costly—and that they will be prepared to admit it as a law, universally true, that—

*The more perfect the facility of performing exchanges, the smaller is the quantity of the medium of exchange that can be kept in circulation—the smaller must be the currency—and the more perfect must be its steadiness.*

\* In a recent English journal we have remarked, among some comments upon American banks, that "the small amount of their circulation, when compared with their capitals," is deemed "*a suspicious circumstance.*" The banks of the United States, as we shall have occasion to show, overtrade far less than those of Europe. Europeans, who undertake to notice their proceedings, are at a loss to understand how they should ever be in difficulty with so small an amount of liabilities; yet, if we were to judge of their proceedings by the remarks of some of our "learned Thebans," we should suppose that in no country did they overtrade so much. We hear a perpetual outcry about the excessive use of paper money, and the necessity for substituting specie for bank notes, that wages may be reduced to the rate of France, from men who, from their stations and great pretensions, should be better informed.

## ART. V.—DISCOVERY OF THE NORTHWEST PASSAGE.

## DEASE AND SIMPSON'S ARCTIC LAND EXPEDITION.

In the year of our Lord 1062, just four years before the battle of Hastings changed the laws, the language, and the destinies of France and England, and, with them, those of the world, North America was discovered and colonized by the Norwegians, who appear to have coasted as far south as the Bay of Fundy certainly, and probably even to Massachusetts Bay. We make some allowance for the poetical fervor of the people who gave the name of *Green-land* to a sterile waste of ice, where brandy freezes by the fireside, and nothing green but moss was ever seen. Still, when they assert they found grapes in the country they call *Wineland*, as they left behind them accurate descriptions of the Esquimaux and other natives, such as they are found at the present day, there is no reason to deny them the honor of being the original discoverers. The Norwegian colony, however, was early lost; its story existed but as a vague tradition, and no way detracts from the glory of Columbus and Cabot. From that time till the year 1818, nothing was learned of that region likely materially to affect the interests of mankind.

In 1618, William Baffin discovered and explored the inland sea that now bears his name, though its very existence was long discredited, and the narrative of his voyage was treated as a fable till his veracity was duly attested by Captain Ross. His name was even expunged from the maps. Rather more than a century after, Behring's Strait was passed, and the separation of the two continents in the west ascertained. Hearne reached the mouth of the Coppermine River in 1772, and McKenzie the mouth of McKenzie's River, twenty-one years later. These four points, then, were all that was known of the shore of the American Arctic Ocean; and no benefit resulted from that little, if we except the settlement of Hudson's Bay, till the recent explorations of Ross, Parry, Franklin, Beechy, and, though last, not least, of Dease and Simpson. Let the reader read what follows with the best map he can procure before him. It will be necessary to a correct understanding of the premises.

In 1818, Sir John Ross ascertained that the barrier of ice which closes Baffin's Bay was penetrable, circumnavigated that great inland sea, and opened a new ocean to the whale fishery, which has already been of great benefit to Great Britain. He also invented an instrument for sounding the depths of the ocean, and discovered a people of fishermen who pursued their avocation without boats, or the use or knowledge of iron or other metals, in a climate where the sun has scarce power to shine, and the very brutes are yearly obliged to emigrate. These people knew no others, considered themselves the only men on earth, knew scarcely a comfort, and yet they were contented and happy. More than two thousand miles of coast were restored to our knowledge of geography; and all this, one would suppose, was enough to entitle the gallant officer to the gratitude of the people he represented; but it was not so. He did not do all that it was possible to have done, as subsequent experience has demonstrated. He did not see that there was an open passage into Lancaster's Sound, or enter it; and hence he suffered a temporary disgrace. It was alleged that his officers were more clear-sighted than himself, and hence he lost the confidence of



his government, was not employed again, and suffered an obloquy which his subsequent unexampled energy, hardihood, and daring, were scarcely sufficient to remove. The comparative success of Sir Edward Parry, his successor in command, overshadowed him like a cloud; but, sweet are the uses of adversity—his wrongs impelled him to exertions, which have put him above the reach of calumny. He thus modestly defends himself against the aspersions cast upon him:

"He," (Captain Parry,) "could not have believed that there was a passage through Lancaster's Sound, or he would have told me that he thought so; for it would be to suppose him capable of gross misconduct, were I to imagine that my second in command suppressed any opinion that could concern the duty in which we were both engaged." Captain Ross is decidedly right in his position, and exempts himself from all blame that must not be shared by every man under his command. We are therefore to believe that no part of the vituperation of the English periodical press emanated from any of the officers of the *Isabella*, directly or indirectly. The contrary opinion is too disgraceful to them as subjects, officers, and men, to be entertained for a moment. At the worst, Captain Ross's fault was but an error in judgment, and worse can be alleged against even the immortal Cook.

Nevertheless, it does appear, notwithstanding his own rejection of the idea, his promotion, and the disavowal of any intent to blame him, made by the Admiralty, (after his subsequent triumphant success) that Captain Ross did lose the confidence of his government; for he was not employed to command the next arctic expedition. That trust was confided to Sir Edward Parry, than whom no abler navigator could have been found, though it was well known to the whole civilized world, that it was the object of the keenest desire to the unfortunate Ross. If the reader will follow Sir Edward Parry's course on the map, he will see that he penetrated Lancaster's Sound to 113 deg. west longitude, and received the reward promised by parliament for that achievement. He was there stopped by the ice. The results of his expedition were the ascertainment of the impracticability of any passage in that direction, of the probable separation of the great continent of Greenland from the American main, of the existence of a vast tract of land towards, and probably to the North Pole, and of Prince Regent's Inlet, through which it was hoped and believed that the long-sought passage might be found, and which subsequent experience has demonstrated to be the true Strait of Anian. He established the fact of human existence in latitudes where it had been believed an impossibility; he made various valuable observations on the northern lights, and *guessed* correctly the true position of the magnetic pole. Such improvements were made in the mode of wintering in high latitudes, as cannot fail to be of vast importance to the future preservation of human life. This advantage alone, in our estimation, amply repays the expenses of all voyages of discovery past and future. Moreover, an abundance of ornithological, piscatory, and animal life was discovered in those regions, which may be of great future advantage to British commerce; nay, must.

In 1820-21, Franklin made his first unhappy, but sublime journey down the Coppermine to the ocean, established the veracity of Hearne, which was before doubted, and traced the coast eastwardly to Point Turnagain. He also guessed the position of the magnetic pole, and made valuable discoveries in every department of natural science.

In Parry's second voyage, he discovered Melville Peninsula, and the Strait

of the Fury and Hecla, where he vainly sought the expected passage. In his third expedition, he sailed down Prince Regent's Inlet as far as latitude 72 deg. 30 min., in longitude 91 deg. west. Franklin, in two subsequent expeditions, traced the line of coast between the Coppermine and McKenzie's rivers, and westward from the McKenzie to Cape Back; and Captain Beechy, of the B. R. N., passed through Behring's Strait to 156 deg. 21½ sec. west longitude, leaving but 150 miles of coast to be surveyed between Behring's Strait and Point Turnagain. Let the reader refer again to the map, and he will see that of the whole northern coast of America, between Cape Garry, in Prince Regent's Inlet, and Icy Cape, but 650 miles remained to be explored; and of these the line of 150 was known and defined with sufficient accuracy for all commercial and geographical purposes. The land seen by Parry south of Mellville Island, and called by him Banker's Land, that on the western side of Regent's Inlet, called by Captain Ross Boothia Felix, that seen by Franklin, north of Coronation Gulf, is supposed by Captain Ross to be one vast peninsula or continent, and is assuredly either such or a great group of islands. We come now to Ross's recent discoveries, by which he has satisfied himself that it is a peninsula, and that there is no passage from the waters of Hudson's or Baffin's bays through Regent's Inlet or any where else to the south of latitude 74 deg. His nephew, and second in command, however, is of a different opinion. The late expedition of Messrs. Dease and Simpson sets the question at rest, and proves Sir John Ross to have been wholly mistaken. We shall presently abridge it; but first, in justice to the brave and adventurous uncle and nephew, we must give some account of their unparalleled sufferings and exertions.

Captain Ross, judging very justly, that the arctic seas could best be navigated by vessels of shallow draught, and not dependent on the wind, proposed to the admiralty to attempt the northwest passage through Regent's Inlet by steam; but his proffer was at once rejected. The unfortunate are not readily trusted. Smarting under unmerited censure, he proposed the scheme to Sheriff Felix Booth, in whose favor we can forgive Ross for naming his discoveries after him, an offensive fashion of man-worship which all the modern explorers have followed, from Ross to Beechy. Why should the Strait of Anian be rebaptized by the name of a beast and a drunkard, "the fourth of the fools and oppressors called George?" If they had called their discoveries after themselves, there would have been some sense and justice in it. Mr. Booth, however, deserves to be immortalized, if only for his generous munificence. At first, he refused to aid Ross, because, as parliament had offered a great reward for the projected discovery, it would look like speculation in him to do so; but as soon as that offer was rescinded by government, this princely individual at once advanced his friend twenty thousand pounds, and became responsible for the whole of the expense of the expedition, and left him at liberty to select his own officers and crew. He set sail in the steamship Victory, with a company of twenty-four persons, in May, 1829, fitted forth in the most complete manner possible, with stores for a thousand days. The machinery, however, proved defective. The labor of managing it was excessive. It propelled the boat but three miles an hour at best, and it was of very little service at any time. The crew of a tender to the Victory mutinied, and she was obliged to proceed alone. Seldom has a voyage been commenced under more inauspicious circumstances. The Victory lost her fore-top-mast in a gale, and one of her engineers was dangerously wounded by her engine. Nevertheless, no man's heart failed him; and in

the first week of August the ship entered Lancaster Sound. Thus far the climate had proved as mild and auspicious as that of Italy. On entering Regent's Inlet, the compass became useless, from the close vicinity of the magnetic pole. On the twelfth, the ship made the spot where the *Fury* was wrecked in A. D. 1825. The tent poles erected on that occasion, were still standing, but the wreck was gone. Though four years had elapsed, the stores were in excellent preservation, and had escaped the curiosity of the bears, a circumstance to which the whole party owed their ultimate temporal salvation. A good quantity of the stores was taken on board the *Victory*; enough to complete her complement for two years and three months. The gunpowder was destroyed, lest it should accidentally do injury to the Esquimaux. The next day, the ship made Cape Garry, hither to the southern limit of the navigation of Regent's Inlet.

On the fifteenth, the *Victory* was on the shore of Boothia, thirty miles south of Cape Garry; but what avails it to indite the ship's itinerary? The strait was much clearer of ice than could have been expected—whales abounded, so did the usual arctic animals, and the signs of the natives were observed every where. In September, the ice formed, and the weather became tempestuous. By the end of this month, all hope of further progress was at an end; the insurmountable obstructions of nature forbade it, and preparations were made to winter in latitude 70 deg., longitude 92 deg. 40 min., three hundred miles further than any preceding expedition had gone, and within two hundred and eighty miles of Point Turnagain. The guns were taken out, the ship was unrigged, and frozen in for the winter. A magazine was erected on shore, the engine was landed, and the company began to amuse themselves by hunting polar bears, foxes, and seals; spirits were no longer used, divine service was regularly performed, &c., &c.; a school was also opened. It is here justly observed that the temperature of these regions is not, like that of Sweden and Norway, dependent on the latitude. These are the facts from which this inference was drawn:

	LATITUDE.			LONGITUDE.		MEAN TEMPERATURE.	
Victory's Position,	69°	69'	00"	92°	01' 06"	Oct. 1829, was	+ 8° 43 <i>t</i>
Melville Island,	74	47	20	110	48	07	" 1819, " — 6 50 <i>t</i>
Winter Island,	66	11	27	83	11	00	" 1821, " + 9 51 <i>t</i>
Igloodik,	69	20	30	81	52	46	" 1822, " + 9 79 <i>t</i>
Port Bowen,	73	13	40	88	54	48	" 1824, " +10 85 <i>t</i>

In the course of January, 1830, the explorers made the acquaintance of a party of Esquimaux, who had knowledge of the whites, and who did not differ materially from their congeners described by Captain Parry. We regret that our limits do not allow us to dwell upon this interesting people, and indeed the length to which we have already drawn this paper, warns us to cut it short. Suffice it to say, that the company of the *Victory* were lost to the world for four years, that they discovered the true position of the magnetic pole to be in the supposed peninsula of Boothia, in latitude 70 deg. 5 min. 17 sec. and longitude 96 deg. 46 min. 45 sec. The dip of the needle was here 89 deg. 59 min., within one minute of vertical, and consequently, within a mile of the pole. The accuracy of science and mathematical instrument makers can go no higher to perfection. The spot is thus described: "The land at this place is very low near the coast; but rises into ridges fifty or sixty feet high, a mile inland. We wished that a place so important had possessed more of mark or note. It was scarcely

censurable to regret that there was not a mountain to indicate a spot to which so much interest must ever be attached, and I could have pardoned any one of us who had been so romantic or absurd as to expect that the magnetic pole was an object as conspicuous as the mountain of Sindbad, or a mountain of iron, or a magnet as big as Mont Blanc. But Nature had erected no monument to denote the spot she had chosen as the centre of one of her great and dark powers."

The widest part of the peninsula of Boothia is ascertained to be but fifteen miles wide, of which ten are occupied by water, and a canal might easily be cut through, were its possible navigation for about a month in the year a desideratum. It was supposed by Captain Ross that the level of the sea on one side of the isthmus of Boothia was several feet higher than on the other, and hence he inferred, though erroneously, that there was no passage nigh this point. It is proper to observe here that the overland surveys, and the assignment of the pole, were made by Commander James Ross.

On May 29th, 1832, all hope of saving the Victory being at an end, and it being impossible to brave another winter in that region, the company left the ship for Fury Beach, which they reached, after incredible hardship and sufferings, on the 1st of July. It was their only chance for life. Here they found three of the shattered boats of the Fury, in which they reached Leopold South Island in September following. Then, the ice barring all further progress, they returned to Fury Beach.

"All our attempts to push through were vain; at length, being forced by want of provisions and the approach of a most severe winter, to return to Fury Beach, where alone there remained wherewith to sustain life; there we arrived on October 7, after a most fatiguing and laborious march, having been obliged to leave our boats at Batty Bay. Our habitation, which consisted in a frame of spars, 32 feet by 16, covered with canvass, was during the month of November enclosed, and the roof covered with snow from four to seven feet thick, which, being saturated with water when the temperature was 15 deg. below zero, immediately took the consistency of ice, and thus we actually became the inhabitants of an iceberg during one of the most severe winters hitherto recorded: our sufferings, aggravated by want of bedding, clothing, and animal food, need not be dwelt upon. Mr. C. Thomas, the carpenter, was the only man who perished at this beach; but three others, besides one who had lost his foot, were reduced to the last stage of debility, and only thirteen of our number were able to carry provisions in seven journeys of sixty-two miles each to Batty Bay. We left Fury Beach on July 8, carrying with us three sick men which were unable to walk, and in six days we reached the boats, where the sick daily recovered. Although the spring was mild, it was not until August 15 that we had any cheering prospect: a gale from the westward having suddenly opened a lane of water along shore, in two days we reached our former position, and from the mountain we had the satisfaction of seeing clear water almost directly across Prince Regent's Inlet, which we crossed on the 17th, and took shelter from a storm twelve miles to the eastward of Cape York. Next day, when the gale abated, we crossed Admiralty Inlet, and were detained six days on the coast by a strong northeast wind. On the 25th we crossed Navy Board Inlet, and on the following morning, to our inexpressible joy, we descried a ship in the offing becalmed, which proved to be the *Isabella*, of Hull, the same ship which I commanded in

1818; at noon we reached her, when her enterprising commander, who had in vain searched for us in Prince Regent's Inlet, after giving us three cheers, received us with every demonstration of kindness and hospitality which humanity could dictate."

We have only further to say of Captain Ross, that his government were so far liberal as to reimburse him and his noble friend, Felix Booth, the expenses they had actually incurred, that he received the honor (?) of knighthood, and that all his officers were promoted. This was pretty liberal for a government which appropriated thirty thousand pounds *per annum* to provide the queen with a plaything; but what was knighthood or title to such men as Booth and the Rosses? Their mortal bodies may crumble to dust; but they can never die. There needs no statue to their memory—they have reared their own—and will never be forgotten while there is a tear in the eye of British pity, or a throb in the breast of the British brave.

We leave Captain Ross and his gallant company, with regret that our limits will allow us to bear them company no longer. There is much of interest in the narrative of their perils and sufferings, at which we cannot even glance. We must also try to pay a slight tribute of justice to Messrs. Dease and Simpson, and to the Hudson's Bay Company. "Where in the annals of discovery," asks the London Athenæum, "are to be found such touching examples of enterprise, fortitude, and perseverance, as are offered to us in the narratives of Hearne, Franklin, and Parry, not to say any thing of Captain Ross's last voyage?" The writer might have asked, in addition, what combination of individuals since the creation of the world, ever rendered so much service to science, to their country, and to mankind, as the Hudson's Bay Company? What do we know of two-thirds of an entire continent, that is not derived directly or indirectly from their exertions, their patronage? They have now rendered almost the last possible benefit of the kind.

In June last, these gentlemen descended the Coppermine river, in pursuance of Governor Simpson's instructions. They explored Richardson's river, discovered in 1838, which discharges itself into the sea in latitude 67 deg. 53 min. 57 sec., longitude 115 deg. 56 min. Here, as every where else in America which the foot of man has ever yet pressed, were found the all-enduring Esquimaux. In the first week of the following month, the ice opened, they reached Coronation Gulf, the eastern limit of Franklin's discoveries, and found it free from ice. Here may properly be said to begin the region now first made known to the civilized world.

Cape Alexander is situated in latitude 68 deg. 56 sec., longitude 106 deg. 40 min.; and thence to another remarkable point in latitude 68 deg. 33 min., longitude 98 deg. 10 sec., the coast is one great bay, indented by many smaller bays, with long projecting peninsulas, like those on the western shore of Scotland, and studded, or rather choked, by islands innumerable. Thus it appears that the route of the surveyors was intricate, and their duties harassing, though not dangerous; for the islands protected them from the seaward ice, and the weather was clear. Their most serious detention was at a jutting cape called White Bear Point, in latitude 68 deg. 7 sec., longitude 103 deg. 36 min. Vestiges of the everlasting Esquimaux appeared wherever the voyagers landed, and they appeared to exist in single families or in very small parties. In June they travel inland to the chase of the caribou, and return to the islands for seals when the winter



sets in. In no material respect do they seem to differ from their compatriots, as described by Ross, Franklin, and Parry.

A much larger river than the Coppermine falls into the sea in latitude 68 deg. 2 min., longitude 104 deg. 15 min., and is much frequented by reindeer and musk oxen. This will probably be one day soon the location of a trading post.

"Finding the coast tending northerly from the bottom of the great bay," says the despatch of the adventurers, "we expected to be carried round Cape Felix of Captain James Ross; but on the 10th of August, at the point already given, we suddenly opened a strait running in to the southward of east, where the rapid rush of the tide scarcely left a doubt of the existence of an open sea leading to the mouth of Back's Great Fish River. This strait is ten miles wide at either extremity, but contracts to three in the centre. Even that narrow channel is much encroached on by high shingle islands; but there is deep water in the middle throughout.

"The 12th of August was signalized by the most terrific storm we ever witnessed in these regions. Next day it blew roughly from the westward, but we ran southeast, passed Point Richardson and Point Ogle of Sir George Back, till the night and the gale drove us ashore beyond Point Pechell. The storm lasted till the 16th, when we directed our course to Montreal Island. On its northern side our people found a deposit made by some of Sir George Back's party. It contained two bags of pemican and a quantity of cocoa and chocolate, besides a tin vasculum, and two or three other articles, of which we took possession, as memorials of our having breakfasted on the spot where the tent of our gallant, though less successful, precursor stood that very day five years before.

"The duty we had, in 1836, undertaken, was thus fully accomplished; and the length and difficulty of the route back to the Coppermine would have justified our return. We had all suffered from want of fuel and deprivation of food, and prospects grew more cheerless as the cold weather stole on; but having already ascertained the separation of Boothia from the continent, on the western side of Great Fish River, we determined not to desist till we had settled its relation on the eastern side also. A fog which came on dispersed towards evening, and unfolded a full view of the shores of the estuary. Far to the south, Victoria Headland stood forth so clearly defined, that we instantly recognised it by Sir George Back's drawing. Cape Beaufort we seemed to touch, and with the telescope we were able to discern a continuous line of high land as far round as northeast, about two points more northerly than Cape Hay, the extreme eastern point seen by Sir George Back.

"The traverse to the furthest visible land occupied six hours' labor at the oar, and the sun was rising on the 17th when we scaled the Rocky Cape, to which our course had been directed. It stands in latitude 68 deg. 3 min. 56 sec. N., longitude 94 deg. 35 min. W. The azimuth compass settled exactly in the true meridian, and agreed with two others, placed on the ground. From our proximity to the magnetic pole, the compass had latterly been of little use; but this was of the less consequence, as the astronomical observations were very frequent. The dip of the needle, which at Thunder Cove (12th August) was 89 deg. 29 min. 35 sec., had here decreased to 89 deg. 16 min. 40 sec. N. This bold promontory, where we lay wind bound till the 19th, was named Cape Britannia. On the rock that sheltered our encampment from the sea, and is the most conspicuous object

on this part of the coast, we erected a conical pile of ponderous stones, that, if not pulled down by the natives, may defy the rage of a thousand storms. In it was placed a bottle, containing a sketch of our proceedings, and possession was taken of our discoveries in the name of Victoria I.

"On the 19th, the gale shifted, and after crossing a bay, due east, the coast bent away northeast, which enabled us to effect a run of forty miles. Next day the wind resumed its former direction, and after pulling against it all the morning and gaining only three miles, we were obliged to take refuge in the mouth of a small river.

"From a ridge, about a league inland, we obtained a view of some very remote blue land in the northeast, in all probability one of the southern promontories of Boothia. Two considerable islands lay far in the offing, and others, high and distant, stretched from E. to ENE.

"Our view of the low main shore was confined to five miles in an easterly direction, after which it appeared to turn off greatly to the right. We could, therefore, scarcely doubt our having arrived at that large gulf uniformly described by the Esquimaux as containing many islands, and with numerous indentations stretching southward till it approaches within forty miles of Repulse and Wager bays. The exploration of such a gulf, which was the object of the Terror's ill-starred voyage, would necessarily demand the whole time and energies of another expedition, having a starting or retreating point much nearer to the scene of operations than Great Bear Lake; and it was evident to us that any further perseverance could only lead to the loss of the great object already attained, together with that of the whole party. We must here be allowed to express our admiration of Sir John Ross's extraordinary escape from this neighborhood, after the protracted endurance of our ships, unparalleled in arctic story. The mouth of the stream, which bounded the last career of our admirable little boats, and received their name, lies in latitude 68 deg. 28 min. 27 sec. N., longitude 97 deg. 3 min. W.; variation of the compass, 16 deg. 20 min. W."

We have done our best to make the doings of Messrs. Dease and Simpson, and Sir John Ross, comprehensible. We something doubt whether we have succeeded. As far as we know, there has as yet been no map, great or small, of the recent discoveries, published either in this country or in England; and without such a facility, it is almost out of the question to follow either of the exploring parties. Even were the line of coast well defined, the absurd practice of American map makers of calculating longitude from Washington, instead of from Greenwich, is excessively harassing to the reader who attempts to accompany an English traveller on an American chart.

One question arises from the whole subject, *Cui bono?* What good is to result from the lavish expenditure of wealth, the unremitting exertions of five centuries, the loss of life that has attended the search after the north-west passage? It has been said with apparent truth, that the passage now demonstrated to exist, exists to no available purpose; that it never has been and never will be passed. But these objections are rather specious than real. The discovery of the magnetic pole alone, repays every sacrifice made in the cause of northern discovery from the date of Eric Raude and his Northmen down to the time of Ross, Dease, and Simpson. Again, if the passage can never be effected in one season, or by one vessel, does it follow that it cannot be effected at all? The contrary is demonstrated. What has been done once can be done again. Every inch of the coast

from Behring's Strait to the strait of the Fury and Hecla has been navigated by Englishmen, excepting a distance of less than one hundred and seventy-five miles; and it is proved that any part of the distance can be traversed at a certain season of every year. It is certain that the bottom of Regent's Inlet may be reached in any one year from England by a good steamboat, and that the voyage is attended with no greater danger than any other whaling trip. What is to hinder the establishment of a trading post at the isthmus of Boothia, and another at the mouth of the Coppermine? A third is already near the mouth of the McKenzie. A fourth might be established at Kotzebue's Sound, which is approachable from the Pacific every year. Supposing steamboats to be kept at each of these stations; who can calculate—who can guess the results? Whales, seals, birds, and fur-clad animals abound in the sea of Hearne and McKenzie. There is nothing to hinder the pursuit of them there. Men have wintered in Spitzbergen—men have been born, lived, and died, in the most northern regions of America yet known or even guessed at.

It is something to have added a continent nearly as large as Europe to the world, though it be but cold and sterile. It is something that we are enabled to ameliorate the condition of the natives of that country, to communicate to them a knowledge of the arts of life, and the blessings and promises of Christianity. It is something that, without taking an inch of ground from the poor tribes who live north of Lake Winnipeg, without injuring them in the slightest degree, we have improved their condition while we have benefited ourselves; we have furnished employment to hundreds and hundreds of thousands. We have drained the half of a continent of its wealth without impoverishing it. We have served the cause of humanity. The miserable Esquimaux no longer perishes by the ruthless hand of the almost as degraded Dog Rib, and the degraded Dog Rib holds his hut, his wife, his life, at the pleasure of the capricious Copper Indian no more. The one is no longer able, or even willing, to oppress the other as before. All parties have risen in the scale of being.

With these reasons for rejoicing there mingles one drop of bitterness—no, of regret rather. We cannot feel bitterly to see good done even by an enemy; far less by a friendly and a kindred people. We may, however, without subjecting ourself to the imputation of envy or lack of charity, express our sorrow that no part of this harvest of true glory was reaped by us. It is our consolation that we can fall back upon the honors of Lewis and Clarke, of Daniel Boone, and many a hardy pioneer, whose enterprise, fortitude, and magnanimity would have done honor to Parry, or Franklin, or Ross, though they were displayed on a less conspicuous field of action than theirs.

We have but two faults to find—one with Captain Ross, and the other with his American publisher. The first is, there was no need, in speaking of the not-too-highly-to-be-praised liberality of Felix Booth, of a sneer at Benjamin Franklin, who also had a heart as big as a whale, or a kraken, or as Booth himself. Such a sarcasm was unworthy of Ross and of Booth. The fault of the publishers is, the carelessness or stinginess which has sent the work into the world without a chart, which might have been given for twenty or thirty dollars, and the want of which takes away half its value.

## ART. VI.—OUR TRADE WITH THE IMAUM OF MUSCAT.

## COMMERCE AND PRODUCTIONS OF ARABIA.

THE arrival at New York of the *Sultanée*, an armed vessel, belonging to the Imaum of Muscat, is an event in our commercial history which requires some notice at our hands, as it is the commencement of a trade which will prove lucrative to the young and enterprising Arabian ruler, as well as beneficial to the United States. The province of Oman or Ommon is situated in the southeastern part of Arabia. The coast extends along the sea of Arabia, from below Ralhat to the entrance of the Persian Gulf. It is governed by an Imaum, or spiritual chief, who is brave, intelligent, and exercises his power for the benefit of his people. His residence is Muscat—hence he is called the Imaum of Muscat. This city, the capital of the province, was in 1507 taken by Albuquerque, and remained subject to the Portuguese until 1648, when the latter were driven out by an insurrection of the natives. Muscat is in latitude 23 deg. 38 min. north; longitude, 58 deg. 41 min. east.

The harbor is large, deep, and well protected by high rocks on one side, and the island of Muscat on the other. Excellent pilots are constantly upon the watch for vessels. The town is enclosed by a strong wall, only Arabs and Banians being allowed to enter. Strangers are accommodated in mat huts without the gates. Mr. Buckingham states the population to be only 10,000. By others it is put down as high as 60,000. From all we can gather, we are inclined to think it does not exceed 40,000. To the southwest, 100 miles, is Scher, the old capital of Eastern Arabia, but it is almost deserted, trade and people having left it for Muscat.

The situation of the city is important in a commercial point of view, as it is filled with the merchandise of India and Persia, while the tribes from the interior of Arabia bring in their various articles of traffic to its excellent market. The police is so well organized that goods frequently remain open and unwatched in the streets; nor is there ever a loss from such exposure.

All the ports along the coast are tributary to the Imaum of Muscat, who has subjected Socotra, Brava, Zanzibar, Pemba, Monfia, and several other points along the eastern coast of Africa. He also holds Kishma, and Ormuz, on the Persian Gulf, and a large portion of the Persian coast around Gombroon. He has a navy nearly as large as that of the United States, chiefly fine English built teak ships, well armed and completely manned. Once or twice a year he goes on board his flag ship—cruises among his various possessions, and receives the tribute due to him. His power upon the Indian Ocean is acknowledged, and his friendship sought by nearly all the sovereigns round him. Muscat was largely engaged in the opium trade along the coast of China, until the recent difficulties with the Celestial Empire; and even now there are some vessels from that port still dealing in the forbidden drug.

In 1835, a treaty of commerce was concluded between the United States and the Imaum of Muscat; and the *Sultanée* is the first vessel which has come to our shores under that compact, as indeed she is the first Arabian vessel ever seen in our waters.

It now becomes an object of attention to know what we are to derive

from this treaty, and we can only come at this point by examining the articles which will be hereafter brought to us in Arabian vessels. First is the very superior Mocha coffee, for so is all the coffee called that comes from Arabia. We leave others to dispute the point whether coffee is native or exotic in Arabia—it is enough for us to know that the soil of that country greatly favors its growth and quality. Though superior to coffee from Surinam or St. Domingo, the whole produce of Arabia is only about 1,500,000 pounds. The Imaum of Muscat, however, receives a large quantity of coffee from Persia, but little inferior to the Arabian, and this will now be shipped to this country.

In the province of Oman, wheat and barley are sown in December, and reaped in March. The yield is not large, but the quality of the barley is very fine. Of course, these will not be imported into this country.

Indigo is raised in the interior of Arabia, which is almost equal to that of India. It is brought to Muscat by the caravan, and from thence will find its way to us.

The *acacia vera* or *acacia arabica*, from which the gum-arabic is obtained, is found throughout the whole country. This drug is in demand all over the world, and is sure to find a market in every quarter.

The date trees are common to Arabia, and are a great source of profit to the merchants of that country.

Arabia was once celebrated for its precious metals, though at present there is no appearance of either gold or silver throughout its bounds. The province of Oman, however, possesses several very productive lead and copper mines, that are worked by the Imaum of Muscat, and from which he receives a very handsome income. Large quantities are annually exported from Muscat, and both are in demand at many ports upon the India Ocean.

Of the manufactures, there is a kind of cotton which is coarse and of bad color, but it is afforded cheap, and is in general use in the country.

The hair of the camel is used for various purposes. The finest pencils and paint brushes are made from this article. So also a fine quality of ladies' shawls, which are quite fashionable with us.

The horses of Arabia rank first of that noble race of animals. There are two kinds—the patrician and the plebeian, or the *Kadishi* and *Koheili*, or *Kohlani*. The first is the draught-horse, and is sold at cheap rates; but the *Koheili* is of unquestioned descent, the pedigree being frequently carried back for 2,000 years, and is the pet and companion of the Arabian. It is a mistaken idea that the true Arabian horse is wild, furious, and ungovernable. The purest breed is an animal docile, gentle, and faithful as a dog. He is nursed, fed, and tutored with the greatest care, and becomes strongly attached to his master. This species is common in Oman, and though the prices are high, and it is difficult to bring them away from the country, yet we trust that the new treaty, and the late arrival under it, is sufficient indication to lead us to expect that the real Arabian horse may soon be brought to, and bred in this country. There are agriculturists and sportsmen in the Union who have sufficient wealth, and will soon embrace the opportunity now offered to them to improve their breeds of horses.

The island of Socotra, which has been already mentioned as belonging to the Imaum of Muscat, produces the famous Socotrine aloes, and the same article is raised throughout the southern part of Arabia in great abundance.



Cocoa-nut, almonds, filberts, figs, oranges, lemons, and the mangosteen are brought to Muscat from the interior.

Besides these, Arabia furnishes balsam, frankincense, myrrh, senna, and tamarinds, which have all become staples, and are sold at good profits. The *amyris gileadensis* is supposed to be native in Arabia, whence it was transferred to Mount Gilead.

Frankincense is produced from the *juniperus lycia*. It was used by the Hebrews in their sacrifices, and it is generally supposed that they obtained the best quality from Arabia. The same is used by the Roman Catholics at the present day, who procure all they require from the same place. The *juniperus lycia* grows chiefly in the province of Oman, and is there called by the natives *liban* or *oliban*. Besides the quantity raised in the province, there is much imported by the Arabians from India, (which is the gum of the *boswellia serrata* of Dr. Roxburgh,) and by them exported to other countries.

Myrrh is a gum-resin, exuded by the *amyris kataf* of Forskal.

It is undoubtedly to Arabian physicians that we were first indebted for the valuable drug, the senna, which is the foliage of the *cassia lanceolata* of Forskal.

Tamarinds are produced by the *tamarindus officinalis*. It is a beautiful tree, and is now cultivated in all or nearly all the warm climates of the world.

Situated as is the port of Muscat, it is a grand centre for the various products of Arabia, Persia, and India. Through it we shall receive the Thibet and Cashmere shawls, and thousands of other articles of value and importance in commerce. On the other hand, this new trade will open a market for the staples of this country, so that the exchange will be profitable to both parties.

## ART. VII.—LAWS RELATIVE TO DEBTOR AND CREDITOR.

### NUMBER FOUR.

#### NEW HAMPSHIRE.

By the statutes of New Hampshire, the personal estate, lands, tenements, and hereditaments, belonging to any person, stand chargeable with the just debts of such person; and may be attached on mesne process, and taken in execution for the satisfaction of the same. Rights in equity to redeem real estate or other property mortgaged, may also be attached for the debts of the mortgagor. So also the franchise of a corporation.

Where a debtor has money, chattels, or credits in the hands of a third person, which cannot be reached by ordinary process, the creditor may sue out a trustee writ, as it is called, which requires the supposed trustee to disclose on oath, or before a jury, the state of his affairs with the debtor at the time of the service of the process. If, on examination, it appear that he has property belonging to the debtor in his hands, of whatever description, execution is issued for the same, and he is compelled to pay over. If he is adjudged not chargeable, not having any property of the debtor in his charge, he recovers judgment against the creditor for costs.

Property of an absent debtor may be attached, and in such case notice is served upon his attorney, if he have any, or by causing a copy of the writ to be delivered him, or by advertisement in some public newspaper, as the court may order.

#### PROPERTY EXEMPT FROM ATTACHMENT AND EXECUTION.

The articles exempted by law from attachment in New Hampshire are the arms, equipments, and uniforms of officers, musicians, and privates in the militia; the wearing apparel necessary for the immediate use of a family; household furniture to the value of twenty dollars; two comfortable beds, bedsteads, and bedding necessary for the same; Bibles and school books in actual family use; one pew in the church where the debtor usually worships; one cow; one ton of hay; one hog, and one pig not over six months old; six sheep, and the fleeces of the same sheep while in possession of the owner; and in case the debtor be a mechanic or farmer, tools of his trade or occupation, to the value of twenty dollars.

#### ATTACHMENT ON MESNE PROCESS.

Any person having a claim against another, founded on any judgment, debt, or contract, may sue out a writ of attachment, and at once take possession of any personal estate of the debtor that he can find, to an amount sufficient to secure his claim; or he may attach the real estate of the debtor; or both, in case either is deemed insufficient to satisfy the judgment. And property thus attached is held from the date of the attachment, to satisfy the judgment, which is afterwards to be determined by the court. This is a harsh feature in the law, and sometimes leads to great injustice, as the creditor who *first* attaches may get his whole claim, while another creditor, less vigilant, though perhaps having a better claim, may lose his debt—the property being held under the attachments, to satisfy in full the judgments and costs that may be rendered, in the order of their priority.

The process is very simple and expeditious. A brief writ of attachment may be drawn up by an expert attorney in ten minutes, and if the officer be in waiting, the entire personal estate of any debtor in the neighborhood may be secured for the creditor in an hour. The officer has only to make known his errand, declare his possession, and the lien is created. He then proceeds at leisure to make out an invoice of the property, which he either takes and retains possession of, or permits the debtor to resume it, on giving satisfactory receiptors, some friend of the debtor, whose bond the officer is willing to take, agreeing that the property attached shall be forthcoming whenever demanded, or the value in money, as estimated in the bond.

Personal property under attachment may, by consent of the debtor and the attaching creditors, be sold at any time before judgment; the proceeds to remain in the officer's hands, to be applied on such judgment.

In cases where attachments are made of live stock, goods, wares, or merchandise, of any kind, liable to perish, waste, or greatly depreciate in value by moving or keeping, or which cannot be kept without great and disproportionate expense, and the parties not consenting to a sale, appraisers may be appointed at the request of either party, to affix a cash value to such property; after which, if the debtor refuse to redeem the

same at the appraisal, or procure a sufficient receiptor, the officer may proceed to sell the same at public auction, holding the proceeds in his hands, to apply on the judgment recovered by the attaching creditor.

Attachments of real estate are made by the officer's leaving a certified copy of the writ, with his return, describing the property attached, endorsed on the back thereof, at the office of the town-clerk, who notes on the same the hour at which it is filed, and the attachment then commences.

Where the creditor lives within the state, the suit must be brought in the county where one of the parties resides. Where the creditor lives without the state, he may bring his action in either of the counties.

All property attached must be levied upon within thirty days after the rendition of judgment in the suit, or the attachment is lost.

Where neither property is attached, nor an arrest of the body of the debtor ordered, service is made by leaving a summons with the debtor.

#### EXECUTION ON MESNE PROCESS.

This is very expeditious and simple. Where judgment is rendered for the creditor, he obtains his writ of execution, delivers it to the officer who made the original attachment, and in four days the sale is completed.

In cases of levies upon real estate, appraisers are chosen, one by the creditor, another by the debtor, and a third by the officer, who set off, under oath, at its value, so much of the lands and tenements of the debtor's as will satisfy the judgment and costs. The creditor is at the same time put in possession of the premises, and his title becomes perfect in the same, unless within a year the debtor redeem the same by payment of the debt, cash and interest on the same. Rights in equity to redeem real estate mortgaged, or set off in execution, and franchise in corporations, are sold as personal property; the debtor, however, in such case, having the right to redeem within a year, which he has not in the case of levy upon goods and chattels.

#### ARREST ON MESNE PROCESS, BAIL, AND IMPRISONMENT.

Females are not liable to arrest for debt in New Hampshire; and certain public officers, judges, sheriffs, &c., are also exempt from arrest. But every other person in that state, owing a debt amounting to *thirteen dollars and thirty-three cents*, may be arrested thereon, at the pleasure of the creditor, and thrown into close jail, unless he can procure a friend to become his bail. If he cannot procure bail, he may be detained in confinement until judgment is rendered, which is rarely ever in a shorter period than six months. The creditor, however, is required to give security to the jailer for the payment of prison charges against the debtor while so confined, or the jailer may set him at liberty.

Where a debtor is imprisoned on mesne process, the execution recovered against him must be levied upon his body within thirty days after judgment, or he is freed from arrest for a year thereafter.

#### ARREST ON EXECUTION.

Any person arrested or imprisoned on execution, may be discharged from arrest or imprisonment, on giving bond to the creditor with two suf-

ficient sureties, in double the amount of the sum for which the execution issues; with the condition that he shall within one year from the day of his arrest, apply to the proper authority and actually take the poor debtor's oath, or surrender himself up to the creditor. If he take the oath, he can never again be arrested on the same claim, although the judgment remains good against the property of the debtor, should he ever thereafter be possessed of any. If he fail to take the oath prescribed within the year, and surrender himself to the creditor, he may be committed to close jail, there to remain for life, unless the debt be paid. And if the debtor, having given the bond aforesaid, neglect either to take the oath, or to surrender himself to the creditor within the year specified, the bond is then adjudged forfeit, and the creditor may put it in suit, and recover his just debt with ten per cent. interest and costs, from the time of the arrest. The sureties on such bond, if they fail to pay, may be arrested and imprisoned on execution recovered on the bond, and are denied the privilege of the poor debtor's oath, or of even entering into bonds to surrender themselves within the year; but go at once into close confinement, there to remain until the debt is paid.

When the officer has a person under arrest on execution, and the creditor is not at hand to approve, or declines to accept the bond offered by the debtor, he may have it approved by two justices of the peace and quorum; and any two justices of the peace and quorum may act as commissioners of jail delivery, examining the prisoner arrested and confined, or under bonds, for debt, and may administer the poor debtor's oath. The debtor may be examined by the creditor or his attorney while on the stand, touching any property, rights, or interests he may be supposed to possess.

#### POOR DEBTOR'S OATH.

The oath administered to poor debtors in New Hampshire, is as follows, viz:—

"I, A. B., do solemnly swear before Almighty God, (or affirm,) that I have not any estate, real or personal, in possession, reversion, or remainder, to the amount of twenty dollars, excepting goods and chattels by law exempted from attachment and execution; and that I have not, at any time, directly or indirectly, sold, leased, nor otherwise conveyed, nor disposed of to, nor intrusted, any person or persons with all nor any part of the estate, real or personal, whereof I have been the lawful possessor or owner, with any intent or design to secure the same, or to receive or to expect any profit or advantage therefor, nor have caused nor suffered any thing else whatever to be done, whereby any of my creditors may be defrauded. So help me God. (Or, This I do under the pains and penalties of perjury.)"

The justices, having administered the above oath to the debtor, make a certificate of the same, and the prisoner is discharged, on payment of prison charges, and costs of jail delivery; and is thereafter exempt from any arrest on the same judgment.

#### MORTGAGES AND ASSIGNMENTS.

All mortgages, whether of real or personal property, are required to be placed on the public records, for the inspection of those who are interested. Mortgages of personal property are recorded in the office of the town-

clerks; and those of real estate, in the offices of the registers of deeds for the county; no lien created by such mortgage being good against attachment or execution until so placed upon the records.

By the laws of New Hampshire, no assignment made for the benefit of creditors is valid, except on the following conditions:—

1. The assignment must provide for an equal distribution of all the debtor's effects equally among all his creditors, in proportion, according to their respective claims.

2. The debtor, on executing the assignment, must make oath that he has placed in the hands of his assignees, for the benefit of his creditors, all his property of every description, except such as is by law exempted from attachment and execution.

The courts of New Hampshire are, the Superior Court of Judicature, consisting of a chief justice and three associates, who hold one term annually in each of the eight counties of the state, for the hearing and determining questions of law, &c. This court is also vested with chancery powers, under certain regulations, and for certain purposes prescribed by the statute.

The judges of the Superior Court are *ex officio* judges of the Court of Common Pleas. This court, before whom all actions for the recovery of debts and the enforcement of contracts, and all jury trials are brought, consists of one of the justices of the Superior Court, who sits as chief justice of the Common Pleas, and of two county judges, generally appointed from among the yeomanry, and whose principal business is to attend to the ordinary business of the county, its roads, expenses, &c. Two terms are held annually in each of the counties, and debts are usually as speedily and cheaply collected in New Hampshire as in any state of the Union. The expenses of obtaining a judgment on a suit for debt usually varies from ten to fifteen dollars, exclusive of attorney's fees, where the case is argued at length before a jury. And it will be seen by the preceding statement, that in all cases where the debtor is in possession of property, the law provides the most effectual means to reach it. The creditor who suspects his debtor, may attach and take possession of his property, without notice or warning of his intention, and hold it until he can obtain a judgment in court, and a writ of execution. If he can find no property, or suspects the debtor of a design to conceal it, he may arrest and imprison him, in default of bail. If he have reason to suppose that any third person has in possession any goods, chattels, rights, or credits of the debtor, he may summon such person to disclose and to surrender whatever may be in his hands. With his writ of execution, if he fail to find property, he may arrest the body of the debtor, and compel him to take the poor debtor's oath, or go into close confinement. Not only so, but the creditor has the power, in the first place, to apply all the goods and effects of the debtor towards the payment of his demand, and then, if his execution remain unsatisfied in full, he may arrest the body of the debtor for the balance, and imprison him, if he refuse to take the oath aforesaid. Nor is this all. The poor debtor only exempts his body from duress, by the oath of bankruptcy. The creditor still holds his judgment over him, or such part of it as remains unsatisfied; and although he cannot again imprison him, he may, at any time thereafter, pounce down upon the unfortunate debtor, and take away his earnings.



## ART. VIII.—MERCANTILE LAW REPORTS.

## INSURANCE.—GENERAL AVERAGE, &amp;c.

AN action was recently brought in the Superior Court of the State of New York, Judge Jones presiding, by John H. Mason *vs.* the Jackson Marine Insurance Company, upon a policy of insurance to recover the amount of a general average; and, also, for the difference of freight paid by the owner of the goods between an intermediate port where the vessel stopped, and her original port of destination, and also for the personal expenses of the owner of the goods in going to the intermediate port to get possession of the goods.

In September, 1838, the plaintiff shipped goods from this city for Vicksburg, on board the ship *Superior*, and effected an insurance on them with the defendants, the policy of insurance containing a stipulation that the vessel might be towed up the river Mississippi by a steamboat, or that the goods might be transhipped at an intermediate port.

The vessel encountered a storm on the passage, which injured her so much that it was found necessary for her to put into New Orleans, in order to have her repaired before she could proceed on her voyage. The captain made the usual protest, and the cargo was landed and put in store. While the vessel was being repaired, the owner of the goods went to New Orleans, and agreed with the captain of the vessel to pay him  $16\frac{1}{2}$  cents per cubic foot for the freight of the goods to that place, instead of 25 cents, which was the freight he was to have been paid for carrying the goods to Vicksburg. The captain having made this arrangement, delivered the goods to the owner, who forwarded them to Vicksburg. The plaintiff now sought to recover the difference between what it cost to transmit the goods to Vicksburg, and what it would have cost if the vessel in which the goods were originally shipped had continued her voyage and brought them there. The personal expenses of the owner of the goods going to New Orleans, to get possession of them, was also claimed. The plaintiff also claimed his share of the general average, resulting from the injuries the vessel received at sea, which was paid at New Orleans, in compliance with the regulations of that port, and amounted to \$500.

In the defence it was contended that when the captain arrived at New Orleans, and found that his vessel could not proceed on her voyage, he was bound to immediately forward the goods to their destination, in accordance with the stipulation in the policy. And that independent of that stipulation, he was bound to forward them to Vicksburg, if on inquiry he found that it would cost less to do so than to land and store them at New Orleans. It was also contended that the average was exorbitant, particularly one item of  $2\frac{1}{2}$  per cent. commission for landing and re-shipping the cargo, which charge it was alleged was illegal, and need not have been paid by the plaintiff. That his paying it was his own voluntary act, and that he ought not to recover it.

The court charged the jury:

The policy of insurance contained a stipulation for liberty to have the vessel towed up the river by a steamboat, or to transfer the goods, and forward them by another conveyance. The owner of the goods stipulated for these privileges by way of greater caution, but it was not obligatory on him

to perform them. The insurance was the act of the owner of the goods, and not of the master of the vessel—and any obligation arising from that document, rested not on the master, but the owner.

The first question was, whether the captain was justified in stopping at New Orleans, or was he bound to proceed up with his vessel by her own power, or by the aid of the steamboat. This was a fact for the jury to pass upon. The court listened with great attention to the testimony, and thought there was a strong case on the part of the captain. But if the jury thought he was bound to proceed with the vessel either by her own aid or by the help of a steamboat, there was an end to the case, and the underwriter must get a verdict, as he could only touch at New Orleans to land his passengers, and had no right to stop there except as a port of necessity, or from the other causes which the policy contemplates, and which evidently have reference to the situation of the river, and not to the vessel being injured at sea. The policy in giving leave to tow up the ship, contemplated the river being in such a state as that it would be imprudent for her to ascend the river at all, or at least without the aid of a steamboat. But the master did not stop at New Orleans on that account, but, as he alleges, on account of the condition of the ship. And the question is, was he justified in stopping? The next question is, had he a right to detain the goods until the ship was repaired, or was he bound to send them on? There was no express contract between the master and the owner of the goods that the master should tranship them at the option of the owner, and the master had a right to earn his whole freight, instead of getting another vessel to carry on the goods, if his own vessel could be repaired at a reasonable expense and time. But if she could not, he was bound to send on the cargo. This was, however, also a question of fact for the jury.

When the owner or consignee made the arrangement with the captain to pay him a *pro rata* freight and took away the goods, there was then an entire separation of the cargo from the ship, and the ship from the cargo, and the master was no longer responsible for them, nor had he or the owner any further claim for freight on the underwriters. With regard to the owner or agent's personal expenses in going to New Orleans, the underwriters were not liable for it.

In relation to the claim on account of the general average which the plaintiff paid at New Orleans, the court could not now give any decided opinion in relation to it, and the jury must, for the purposes of this trial, consider the adjustment of the general average, which was made at New Orleans, conclusive, unless there was a collusion between the parties; that if the plaintiff could not recover it from the underwriters, he was to be paid it back to him by the ship owner. And of that there was no evidence.

Verdict for the plaintiff, \$500 79—being the proportion he paid of the general average.

#### BILLS OF EXCHANGE.

In the Superior Court of the State of New York, before Chief Justice Jones, an action was recently brought to recover the amount of two bills of exchange, sold by the plaintiff to the defendant, through a broker by the name of Shultz, who, our readers will remember, committed suicide some time in May, 1839. It was proved that Shultz, the day before he killed himself, had received a check for the bills from the defendant, which he

appropriated to his own use. The plaintiff, however, contended that it was not customary to pay the broker, but the seller of the bill; and if done, it was done at the risk of the defendant, and the plaintiffs were not bound by it. In support of this allegation, a number of dealers in French exchange were called upon, who testified that it was the custom to enclose the check to the seller, and not to the broker, who has no authority to receive payments for bills sold through his agency. For the defence, it was contended that Shultz was the agent of the plaintiff, and was regularly paid by him for negotiating the bills, and that it was as much the custom to pay the broker as the seller of the bills.

The court charged the jury. It must be shown that, either in point of fact, or in judgment of law, the plaintiff was paid for the bills. That is, was he personally paid, or was it paid to an agent expressly authorized to receive it, or was the nature of the transaction such as to justify the defendant in paying it, and by doing so exonerate himself from any further demand for it?

If the check was paid for these bills, and the broker was authorized to receive it, then there must be a verdict for the defendant. Assuming the payment was made to the broker for those bills, the question was then, was the broker authorized to receive it? He could only be authorized on one of two grounds; authority from the purchaser to the defendant, to pay the broker, or general usage which authorized the purchaser to pay the broker. And the usage, in order to be valid, must be reasonable, universal, of long standing, and notorious. If such a general usage exists, it is not the business of the purchaser to question the character of the broker; that was the business of the seller who intrusted him. If, however, as counsel alleges, but of which we have no evidence, the broker in this case was untrustworthy, and that the defendant knew it, it would be a strong circumstance to show he was not justified in paying him. The question of usage after all resolves itself into a question of authority. Do persons who give bills or goods to a broker to sell, authorize him to get the money for them? In some transactions it is necessary, from the circumstances of the case, that the broker must get the money. As, for instance, where you give a broker a horse or a note to sell, and tell him to sell it for cash, he could not conform to his instructions without getting cash for it. But when the article is to be sold for a check or on time, the same necessity does not exist.

If the jury thought that the broker had an implied authority to receive the money, or that it was the general course of business, or that there was a custom which justified it, or that he had actual authority, then they would find for the defendant, and if not, for the plaintiff.

Verdict for the defendant.

For plaintiff, Mr. Cutting.

For defendant, Messrs. Foot, Davies, and Prescott Hall.

#### ASSIGNMENTS—LEGAL DECISION IN MISSOURI.

The Supreme Court of Missouri recently gave a decision on the subject of assignments for benefit of creditors, which, as it establishes an important point in relation to them, should be known to our mercantile community. The cases before the court were *George Brown vs. Knox, Boggs, & Co.*, and *Rogers & Shrewsbury vs. Eads & Buchanan*; both involving the validity of assignments. The main ground contested in the case

was, whether a debtor, in making an assignment for the benefit of his creditors, has a right to stipulate that they shall receive the dividend which the assignment will make in full satisfaction of their claims, and that the debtor shall be *released* on the payment of that. The court, after full argument and review of authorities, gave an extended decision, declaring that "a stipulation for a release of a debtor contained in an assignment, makes it null and void."

This is the first time that this question has been decided in Missouri, and the decision now given will have a considerable effect, not only on assignments already made, but on the nature of assignments hereafter made. Very few assignments have ever been made in that state which did not contain the clause against which the Supreme Court has now declared itself.

#### CUSTOMHOUSE BONDS.

In the United States Circuit Court, Judge Thompson presiding, an action was brought by the United States *vs.* Charles A. Heckscher, to recover a debt alleged to be due on a bond executed by defendant as one of the sureties of John Doering, dated December 4th, 1830, in the penalty of \$1605 20, conditioned that twenty casks domestic refined sugar, weighing net 16,052 pounds, laden by said Doering on board the brig *Calliope*, and entered for exportation for the benefit of drawback, should not be relanded within the limits of the United States, but should be duly exported to the port of Leghorn, or some other place out of the limits of the United States. The condition of this bond was now alleged to have been broken.

It appeared from the evidence for the United States, that Doering, who was in 1830 a sugar refiner in this city, made five separate entries of sugars to be exported for the benefit of the drawback by the *Calliope*, and that other like entries were made by other persons, the whole amounting to 170,896 pounds; the drawback on which, at five cents per pound, was paid by the collector upon the production of the regular certificates of the weighmasters and inspectors. When Messrs. De Yough & Co., the consignees at Leghorn, opened the sugars described in Doering's entries, forty-five barrels of them were found to be only partly filled, and twenty other barrels, though full, were found to have been substituted for larger casks, so that there was a deficiency of 44,453 pounds of sugar in that part of the cargo described in Doering's entries.

For the defence, it was alleged that no part of the sugar laden on board the *Calliope* had ever been relanded within the meaning of the bond. That a fraud had been practised by the persons who made the entries and owned the cargo, upon the officers of the customs, by means of which the returns to the customhouse, from which the bonds were filled up, state a larger quantity of sugar to be on board than was actually put on board the vessel. And that the defendant was merely a surety, and had no knowledge or participation in the fraud. The manner in which it was effected, as appeared in evidence, was thus:—After some of the casks of sugar had been weighed, inspected, marked, and put on board the vessel, the shipper had them relanded on the dock, in the presence of the weighmaster and inspector, and the marks completely obliterated from the casks, and new marks put upon them. They were then weighed again in presence of the customhouse officers, and again put on board the vessel, thus showing upon the returns

of the customhouse officers a greater number of casks, and a larger quantity of sugar, than was actually put on board. And in order that the number of casks put on board should correspond with the number of casks in the customhouse officers' return, a number of casks equal to those from which the marks were obliterated, were put on board without the knowledge or inspection of the customhouse officers; which casks contained a far less quantity of sugar than those from which the marks had been obliterated.

From a memorandum on the bond, it appeared that it had been regularly discharged by the customhouse in April, 1831, and it may therefore be contended that it had been regularly discharged in law—that no action could be maintained on it. But it was shown by the cross-examination of the subscribing witness to the bond, that this memorandum was made by him, as a clerk in the customhouse, upon the production of a landing certificate signed by Messrs. De Yough & Co., of Leghorn, with the oath of the master and mate of the vessel, and the consular certificate, which papers were produced in evidence. And it was shown, on the part of the United States, that this landing certificate was untrue, in point of fact.

The court charged the jury that the defendant, having admitted by the recitals contained in his bond, that the twenty casks of refined sugar referred to in the bond and in the corresponding entry, had been had on board the *Calliope*, and that the net weight of the sugar contained therein was 16,052 pounds—he was stopped from denying these facts; and that if the jury believed from the evidence, that the casks, or any part of them, described in said entry, after having been weighed and laden on board the vessel, have been taken and replaced on the dock, in the manner and for the purpose described by the witnesses, such relanding, though before the sailing of the vessel, would be a relanding within the United States, within the meaning of the condition of the bond, and of the acts of congress under which it was taken.

The jury found a verdict for the United States for the amount of the bond.

For the United States, the District Attorney, Mr. Butler.

For defendant, James A. Hamilton.

#### RECEIVER OF GOODS.

In the Court of Chancery, May 19, 1840, *Samuel S. Parker vs. Cyrus S. Browning*: N. Dane Ellingwood, for complainant; R. J. Dillon, for defendant.

The chancellor decided in this case, that where a receiver has taken possession of the goods of the defendant under the express direction of the court, or where the master has decided that the goods were in the possession and under the power and control of the defendant, and has directed him to deliver the possession thereof to the receiver, this court will assume the exclusive jurisdiction over the subject, instead of suffering its officer to be harassed in a suit at law for obeying its order. That where the authority of this court or the construction of its order is not in question, but the complaint is made against the misconduct of its officer, acting under color of authority merely, this court may, in its discretion, either take to itself the cognizance of the complaint, and do justice between its officers



and the parties aggrieved, or it may permit them to bring a suit at law for the alleged injury. That generally, in such cases, *it seems* to be better to permit the parties to proceed at law. That it is not necessary, in any case, for the receiver to put himself in a situation where he is not entitled to the full protection of this court; as he is under no obligation to attempt to take property out of the possession of a third person, or even out of the possession of the defendant himself, by force, and without an express order of the court directing him to do so. That where the property is legally and properly in the possession of the receiver, it is the duty of the court to protect that possession, not only against acts of violence, but also against suits at law; so that a third person claiming the same, may be compelled to come in and ask to be examined *pro interesse suo*, if he wishes to test the justice of such claim. But that where the property is in the possession of a third person, under a claim of title, the court will not protect the receiver who attempts by violence to obtain possession, any further than the law will protect him; his right to take possession of property of which he has been appointed receiver being unquestioned.

## ACTION OF TROVER.

In the Court of Common Pleas, an action was brought before Judge Ulshoeffer, by Margaret Terrell *vs.* T. N. Cosneau, to recover from the defendant, an insurance broker in Wall-street, the value of certain articles, furniture, &c., which had been left in his charge, and illegally converted to his own use. The defendant pleaded the general issue.

It appeared that the plaintiff, who originally came from Santa Cruz, in the West Indies, had opened a boarding-house in Pearl street, but was not successful. In 1835 she left the city for Denmark, leaving in the possession of the defendant, her nephew, several articles of furniture, &c., valued at \$252. Upon her return here in the following April, she could not discover his residence, but understood he was in the Atlantic Insurance Office. She subsequently met him accidentally, and inquired for her furniture. He promised to write to her, and said he had secured them. This was all the satisfaction she could obtain. It was stated the plaintiff was very poor.

Mr. Bergen, an insurance broker, deposed that the defendant had admitted that the goods had been left with him, and that he had appropriated them to his own use, being in difficulties, and that the plaintiff's claim against him would amount to \$200 or \$300.

Several witnesses were then produced on the part of the defendant, whose testimony went to show that the plaintiff, some time previous to her departure to Denmark, had been sold out under a sheriff's order, and that the family were in the greatest distress, and supported for some time by the defendant, he having taken a room and furnished it for them, allowing them a certain sum per week. That the goods left by the plaintiff consisted only of some old articles of furniture, which were put in a shed at the back of the house; that subsequently a fire broke out at the baker's, next door, which destroyed the shed, damaging a great portion of the furniture, and destroying the rest. That they were not brought to the defendant's house by his permission; he was absent at the time, and his wife objected to receiving them.

The judge, in charging the jury, said that this was an action of trover, in which it was necessary for the plaintiff to prove her actual right in the

property, and that the defendant had illegally converted them to his own use. The contents of the paper read to the court not being proved, the plaintiff was bound to make out item by item. Judging from the evidence adduced on the part of the defendant, he understood the value of the property left in his charge to be \$193; deducting the \$31 admitted to be due from the plaintiff, the balance due to her would be \$162. It had been urged by the defence that by means of many of the articles being destroyed by fire, he was entitled to be credited for them. If the jury were satisfied that he had taken proper care of them while under his charge, he was clearly entitled by law to have credit for them. Conceding this, it was for the jury to say if any and what balance was due to the plaintiff. The proof rested entirely upon the defendant's admission, and if they were satisfied with the testimony, they had a right to bind him by that admission, and assess the amount from the facts placed before them.

The jury retired, and after a short time returned a verdict for the plaintiff, with \$125 damages.

#### REPLEVIN—IMPORTANT DECISION.

In the District Court for the city and county of Philadelphia, before Judge Stroud and a special jury, *R. & H. Weed & Co. vs. Hill, Fish, and Abbe.*

This was an action of replevin, to recover certain goods and merchandise, enumerated in the Writ and Declaration, valued at \$919 46. The plaintiffs are merchants of New York, and the defendants common carriers between the cities of New York and Philadelphia.

The facts of the case, as detailed in the evidence, were briefly as follows: In the month of September, 1835, Isaac Campbell, of Alton, Illinois, went to the city of New York, with the view of purchasing goods. He represented to the plaintiffs that he was a member of the firm of Isaac Campbell & Co., which firm, he said, consisted of his father, his brother, and himself—that the firm was free from debt—that his father was in affluent circumstances, and the capital of the firm was about \$10,000.

Upon the faith of these representations, the plaintiffs sold him the goods in question. It was in proof that he bought goods of many other persons in New York, by means of similar representations. The goods sold by the plaintiffs, as well as others, were packed up in cases and bales, marked "Isaac Campbell & Co., Alton, Illinois," and delivered to the defendants, for conveyance to Philadelphia, thence to be forwarded to Illinois.

On the arrival of the goods in Philadelphia, they were seized under processes of foreign attachment, by pre-existing creditors of Isaac Campbell, whose debts amounted to several thousand dollars. Campbell absconded upon the laying of the attachments. It was afterwards ascertained that he was largely in debt in Philadelphia—that he was wholly insolvent, and that no such firm existed as Isaac Campbell & Co. Campbell afterwards fled to Texas.

This replevin was issued to take the goods out of the hands of the defendants, who were mere stakeholders for the parties entitled, either the plaintiffs or the attaching creditors.

The plaintiffs' counsel contended, 1st, That the plaintiffs had a right to stop the goods *in transitu*, in their transit from New York to Illinois, in consequence of the insolvency of the pretended purchaser, Isaac Campbell.

2d. That the contract of sale was annulled and rescinded by the fraud

and falsehood which were practised to obtain the goods, and that no property passes where a purchase is brought about by misrepresentation.

His honor, Judge Stroud, charged the jury, that if they believed the evidence, they must find for the plaintiff—that the contract was vitiated by the fraud, and no property could pass under such circumstances. Verdict for plaintiffs.

For plaintiffs, Job R. Tyson, Esq. For defendants, S. H. Perkins, Esq.

#### IMPRISONMENT FOR DEBT—IMPORTANT DECISION IN LOUISIANA.

Judgment was pronounced on the 2d of June, 1840, by Judge Buchanan, of the First Judicial District Court of Louisiana, in a case where the securities on a bail bond, executed previous to the act of 1840, abolishing imprisonment for debt, sought to be released from their obligation. The suit was instituted in 1836, the defendant arrested, and set at liberty on giving bail for his appearance. Judgment was rendered in favor of plaintiff in the District Court. An appeal was taken to the Supreme Court, where the judgment of the court below was affirmed. In the mean time, however, the Legislature had abolished the writ of *capias ad satisfaciendum*. The securities on the bail bond, confiding in the supposition that the new law cancelled their obligation, moved for a rule on the plaintiffs, to show cause why the bond should not be annulled, on the ground that by virtue of the act abolishing imprisonment for debt, the securities were disabled from performing the condition of their bond, and their responsibility had therefore ceased. On these facts and pleading, the rule came up before the court for trial. In the argument, the strongest ground urged for the application was, that the late law abolishing imprisonment, has deprived the bail of the means of performing the condition of the bail bond, and has thereby discharged the bail. The answer to the argument was, that the Legislature cannot interfere with the rights of the plaintiffs. Their rights spring from the bail bond. It created an obligation between them and the bail, which must be construed and decided by the laws in force when the contract was made.

The law has no retrospective operation. The point was raised in argument, that the bail writ was a remedy which the Legislature may abolish. The answer to the objection was, that this is a right acquired under a remedy. The bond was taken—the act was executed under the sanction and by the authority of law. A right was vested thereby which cannot be divested by a subsequent law. What the plaintiffs claim, then, was not merely a remedy, but a right springing from a contract. The bail bond is the property of the plaintiffs—property acquired under and in virtue of a law, and beyond the control of the Legislature. After taking the matter under mature consideration, the court stated its construction of the act of 1840 as applicable to this case to be, that either the plaintiffs have a right to sue out a *ca. sa.* on the return of the *fi. fa.* “no property found,” notwithstanding the repealing provision in the first section of the act, or that the return of the “*nulla bona*” fixes the bail. The reason of the construction is, the constitutional provision forbidding the passage of laws impairing the obligations of contracts. The bail bond is a contract between the signers and the sheriff, the rights of which latter are vested in the plaintiff by an assignment. The only mode by which the bail in the present case *can be exonerated, is by surrendering the principal.* Upon such surrender, the defendant could claim his discharge in three months, by the operation of the 4th section of the act of 1840. It is therefore ordered, adjudged, and decreed, that the rule be discharged, with costs.

## EVILS OF COMMERCE.

*The Annual Sermon, preached at New Haven, on the 19th of June, 1839, before the Board of Missions of the Protestant Episcopal Church, by the Rev. John S. Stone, D. D., Rector of St. Paul's Church, Boston.*

MUCH has been said at various times and on various occasions, on the benefits which commerce has conferred on mankind. This is a fruitful theme, on which the poet and the orator have delighted to dwell; but the evils of commerce have been but rarely touched upon. To the picture of commerce there are *shades* as well as *lights*—and they have lately been presented to the public in strong relief by a master's hand.

The sermon before us is a production of no ordinary power; but is well calculated to interest the reader, as well by the strength of the language, the purity of the style, the cogency of the reasoning, and the correctness of the views, as by the great importance of the subject to which it principally relates, viz.: "the bearings of modern commerce on the progress of missions." The text of the discourse is very happily taken from Isaiah, lx. 9. "*Surely the isles shall wait for me, and the ships of Tarshish first, to bring thy sons from far, their silver and their gold with them, unto the name of the Lord thy God, and to the Holy One of Israel, because he hath glorified thee.*"

In the outset of his discourse, the author bears the following testimony to the benefits which mankind derive from commerce:

"Among all the means used in converting the human race to Christ, commerce, no doubt, is to be one of the most important. Three fifths of the earth's surface are covered with *waters*: while the remaining fifths lie in the shape of two vast continents, and of innumerable isles,—the abodes of men, and the depositories of those treasures which God has given for the use of men. Between these, the great deep is a broad highway; and commerce, with her ships, the only system of intercommunication. Without commerce, neither science nor art, neither civilization nor religion, could spread beyond the boundaries of the land of their birth. All other agencies, not purely spiritual, are, when left to themselves, *local*. Commerce has the only *created* arm that can reach round the globe."

He enumerates many of the blessings which modern commerce has conferred on man—showing that it has been the occasion of a great extension of the arts of civilization, and of the blessings of true religion—that within the last half century, her ships have wafted the true missionary of the Cross with the true gospel of Christ, and with the elements of true Christian civilization, to almost every part of the earth. And in almost numberless ways, through the channels which she has opened, almost numberless blessings have been spread over the world. But, then, he says, all this has been but an *incident* to the system, not its main *object*, nor yet its main *result*. It has not grown out of the spirit and tendency of commerce, but has come to pass *in spite* of that spirit and tendency. The blessings which commerce has carried, were not in her *heart*. They only followed unbidden in her *train*. They went, not *by* her, but *with* her, and often in *spite* of her. And that while, therefore, we must not be unmindful of the good of which she has been the occasion, this good must not be suffered to blind us to her real character, and to her own proper works.

He then goes on to describe the *evils* of modern commerce—which he does in a manner to arrest the attention of the philanthropist, and awaken all his energies to provide a remedy. He shows that modern commerce, owing to the discoveries of new and rich countries, which were well calculated to gratify “the lust of power and lust of gold,” which had been cherished by the nations of Europe, became in her very first movements, and has ever since continued, a *colonizing* spirit. Ships visited the new world, not to communicate, in exchange for honestly acquired wealth, knowledge, and civilization, peace and love, but to pour in *colonies* of foreigners; to take possession of whole countries in the name of an arrogant and distant usurper; and, under pretence of planting the cross, and of spreading a religion of which they knew nothing but the name, to grasp at the whole incalculable mass of the treasures of the richest portion of the earth. Modern commerce thus soon became a *war-waging* spirit. Having first by deceit and treachery roused the simple natives of the western world to resistance, it opened on them those baying mouths of death, its musketry and its cannon, and drove wars of extermination through their beautiful isles. And under the influences which reigned over its origin, modern commerce speedily became a *slave-making* spirit; for in the womb of modern commerce, begotten by the lust of gold, was first conceived an idea, which has since been the parent of the deepest wrongs and miseries which this earth has ever suffered—the idea of filling the places made vacant by the vanishing of *one* race, with *slaves*, captured and dragged thither from *another*.

Nor is this all: modern commerce early became, and has since continued, a *corrupting* spirit. It corrupted the bodies and minds of the once beautiful and healthy, the comparatively pure and innocent aborigines of every land which it visited, by the systematic introduction and supply of *intoxicating liquors*, and by the reckless dissemination of the *dark vices* and *deadly diseases* of a misnamed civilization. In the former, it opened on them the burning waters of a river of death; and, in the latter, poured through the veins of both their bodies and their souls, the creeping poisons of a physical and a moral pestilence. Not content with this, it opened the very prisons and poor-houses of the old world, and vomited forth upon the new, colonies of the vile and the licentious, of the thieves and the assassins, with which the dark and corrupt bosom of so called *Christian* Europe teemed. Indeed, so far as the *system* of commercial aggrandizement is concerned, but *one* spirit has actuated the whole, from its conception to its present maturity; and this spirit has been “a *fiery, rabid, quenchless lust of gold*.”

Dr. Stone then briefly alludes to the horrid scenes in history, which the Spaniards enacted in Mexico, Peru, and Paraguay—the Portuguese and Dutch in the broad Brazils, and in the rich isles and peninsulas of Eastern India—and to the scenes amid which the commerce of humane, noble, *Christian* Britain, introduced and carried forward its system of territorial acquisition in Bengal and throughout all Hindostan, in New Holland and through the myriad isles of the smiling Pacific, filling the most extensive and populous regions with some of the bloodiest and most devastating curses ever felt; and finally, to those scenes nearer home, amidst which the combined and successive cruelties of the French, the English, and the inhabitants of our own United States, “have, for two hundred years, by treachery and the sword, by disseminating intemperance and disease, been weakening,



wasting, and blotting out the thousand tribes of one of the once finest races of men that God ever formed,—the aborigines of our own North America!"

Modern commerce, says the reverend author, during the 350 years of her reign, has furnished for herself the materials of a darker, bloodier history, than that which has been written of the tyrants of the earth during the whole 4,000 years of ante-christian barbarism. Referring to the efforts of British merchants to introduce and extend into all populous China, that awful curse, the *opium trade*, he says:

"If missionaries, by the help of coasting-vessels, attempt to introduce into that vast empire the Word of *life*, men at home grow at once exceedingly conscientious, and cry out against the effort, as an interference with the religious institutions of the land. But they make no scruple in illicitly introducing there the drug of *death*, and that, in the face of the most solemnly proclaimed prohibitions of the emperor and his government. I do not suppose they would feel any special pleasure in murdering, outright, the three hundred millions of China; yet, for the sake of abstracting the immense wealth of the country, they would not hesitate to do what is *worse*, to besot both their bodies and their souls with a poison, which, in its work of human destruction, has no compeer, save in that perhaps peerless agent of Satan, alcohol!"

The following picture is drawn by the hand of a master, who, we have too much reason to believe, has not borrowed from imagination, but has based all his assertions on frightful *reality*:

"When commerce, with her newly invented mariner's compass in her hand, went forth to the discovery of a new world, peopled with before unknown races of men, simple and guileless, generous and trusting; what a precious, what a glorious opportunity was presented for carrying to them the blessings of real civilization, of useful knowledge and of pure religion; and thus, for pouring the very soul of a heaven-descended Christianity into the minds, into the social state, and into the political and religious institutions of those who looked up to the newly arrived with feelings of veneration, as to beings of a superior order! How was this opportunity improved? By holding out, at first, a wooden cross, as the symbol of an unexplained gospel, and calling on the wondering multitudes to bow down and worship; and then, in their bowed-down posture, loading them with every form and with every extreme of intolerable wrong. Instead of *Christianizing*, the process *exterminated*. In the West Indies, the whole native population became speedily extinct, the ten millions of that almost unearthly race, the gentle Charibs, vanished like a morning mist before their oppressors. They bled in war; they wasted away in the mines; they toiled to death in the sugar-mills; they were torn in pieces by trained squadrons of ferocious dogs; and they pined and died in the dens and caves, whither they had fled from the foot of their civilized persecutors; until, at length, their native lands held not in life a single remaining trace of their once beautiful forms. They had disappeared from the earth; and, as their spirits vanished, they went full of execrations upon the very name of that Christianity which should have been the instrument of both their temporal and their eternal salvation.

"In Mexico and Peru, history records that the Spanish sword drank the blood of *forty millions* of their sons. The whole Indian race in Newfoundland is extinct. Entire tribes in South Africa, and in North America, are

no more. While, in numerous lands and islands, great races of aboriginal and pagan men are wasting away to weakness and nothingness before the relentless approach of a power bearing the ensign of life, but doing the work of death!

"And even where this power has not exterminated, it has wrought evils of a perhaps darker character. It has actually rendered the living savage *more* savage, and the living heathen *more* heathen than ever. It has made, not Christianity, for of this little or nothing has been carried by the agents of this power—but the *name* of Christianity, an offence and a loathing to the whole pagan world. Through all the realms of heathenism, it has made that name synonymous with hypocrisy and deceit, cunning and fraud, oppression and cruelty, avarice and extortion, pollution and crime. In this state of things, let the *true* missionary of the cross approach, and offer the genuine religion of the gospel as a light from heaven, and as the only means of purity and of salvation to benighted man; and with what answer is he met? 'Go home and convert your own countrymen; cleanse your own seamen; regenerate the agents of your death-dealing commerce, and thus show that your religion is the boasted blessing which you represent. Then come to us and we will listen to your instructions, and examine the claims of the gospel which you bring.'"

Such is the effect of these proceedings in modern missions, upon the spread of the gospel during the last 350 years! But into this picture of darkness our author introduces a gleam of light, and well remarks that, "much as modern commerce has done to make the savage *more* savage, and the heathen *more* heathen, to make the name of Christianity a loathing, and that of civilization synonymous with a *curse*,—all this may be undone, and the aborigines and the pagan still reconciled to the gospel, if governments, merchant companies, and trading men, will but learn justice, truth, and mercy in their dealings, and leave unobstructed Christianity to do her own proper work."

He alludes to the dismal past as furnishing an ample store of facts in proof of this position, and refers to the philanthropic conduct of the Jesuits in Paraguay, recorded in history, to the Christian proceedings of ROGER WILLIAMS and WILLIAM PENN, two of "the most perfect Christian statesmen that ever breathed," who proved themselves the benefactors of the aborigines; and to the more recent missionary efforts among the untutored and once cannibal natives of the South Sea Islands, which have almost brought back the age of miracles; and says that "unless commerce, with her already begun trade in alcohol and disease, hatchets and murdering knives, should again succeed in arresting the triumphs of the gospel, and in pouring darkness over the light of that new-born Christianity, it *will* be to make those myriad isles smile as rejoicingly, under the full radiance of heavenly day, as they do amid the beams of nature's sun, and the bounties of nature's God."

He goes on to say that Christian missions do not fail because the gospel wants power to conquer, or because the missionary wants knowledge how to act, or because the pagan wants susceptibility to heavenly truth. If those who direct commerce, would leave Christianity unobstructed, to do her own proper work, if they would place truth, justice, and mercy, at the basis of their system, these missions would generally succeed. The success of missions under all past discouragements, is a hundred fold more than enough to justify all past expenditure, whether of money or of lives, and

amply sufficient to sustain and encourage us under any future labors and sacrifices, which the work may require.

This article is already longer than we intended it should be; we cannot, however, refrain from extracting the following passage, relating to the efforts which are making by philanthropic and Christian men in Great Britain and the United States, to give to modern commerce a noble and a more Christian character than it has yet sustained:

"The worst evils which commerce in her unsanctified state has disseminated, are war, slavery, intemperance, and disease. Why, then, just as this commerce has reached to something like its maturity, and accumulated a power capable of moving the world, have we seen these two great Christian nations stirred and wrought up, internally, with deep, steadily growing and resistless efforts to disseminate the spirit and the principles of *peace*; to wipe out the blot of *slavery* from the earth; to quench the fires of all-devouring intemperance; and to wash clean from their pollutions those hitherto despised and neglected circumnavigators of the world,—our seamen? Had God designed the conversion of commerce, He could not, so far as we can perceive, have raised up a cluster of measures, more appropriate to His purpose than those, to the working of which, I have now pointed. What, then, must be our inference, when we see these measures really put in action, at the very time, and in the very places, where they are most needed; when we see mighty instrumentalities, embodying the common sentiment of the wise and good, pointed, like heaven's artillery, against the thickest host of the evils which modern commerce has bred, and pouring in upon that host a power which is every year becoming more and more resistless? What, but that God is actually doing his great work; that He is turning this commerce to himself, and preparing to make her His handmaid, in carrying the blessings of salvation to all mankind?"

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#### MERCANTILE LITERATURE.

*A Course of Reading, drawn up by the HON. JAMES KENT, late Chancellor of the State of New York, for the use of the Members of the Mercantile Library Association.*  
New York: Wiley & Putnam. 12mo. pp. 70. 1840.

Some of the public prints have spoken of this publication in terms of censure, as they have an unquestionable right to do, for the freedom of speech is inalienable. When, however, a writer finds that his own works have escaped the notice of one of the most distinguished jurists, accomplished scholars, and elegant speakers and writers the country has ever produced, he would do well to turn his eyes inward, and repeat the modest prayer of Robert Burns, before he utters the war-whoop of criticism—

"O, would some power the giftie gie us,  
To see oursel's as others see us!"

He might reflect that the eyes of great men are never microscopic, and that there is such a thing as difference of taste and opinion. A glow-worm would very naturally, but very silly, blame a Newton for not directing his telescope at his glimmering light instead of the starry heavens. We have known a man who could not abide Shakespeare;—but what of that? His dislike only proved the depravity of his own taste. We cannot say that we like every work recommended thus publicly by the learned chancellor; still, there is not a selection he has made that has not already received the approbation of some large class of readers.

# STATISTICS OF INSURANCE.

TARIFF OF MINIMUM RATES OF PREMIUM, WITH CONDITIONS, ADOPTED BY THE BOSTON MARINE INSURANCE COMPANIES, MARCH 9, 1840.\*

## RISK BETWEEN UNITED STATES AND WEST INDIES.

	SAILING.	
	Oct. 15 to July 15.	July 15 to Oct. 15.
From Atlantic ports to South side of Cuba, one port only,.....	1 1-2 to 3	2 1-2 to 5
From Atlantic ports to North side of Cuba, one port only,.....	1 1-2 to 3	2 1-2 to 5
From Atlantic ports to Porto Rico, Hayti, and Windward Islands, one port only,.....	1 1-4 to 2 1-2	2 1-4 to 5
	Oct. 15 to July 15.	July 15 to Oct. 15.
From South side of Cuba, to Atlantic ports, one port only,.....	1 1-2 to 3	2 1-2 to 5
From North side of Cuba, to Atlantic ports, one port only,.....	1 1-2 to 3	2 1-2 to 5
From Porto Rico, Hayti, and Windward Islands, to Atlantic ports, one port only,.....	1 1-4 to 2 1-2	2 1-4 to 5

- 2—If any goods are shipped and insured as on deck, not less than double premium to be charged, with condition not to be liable for damage by wet or exposure, nor for partial loss under fifteen per ct.
- 7—For any other division or allowance of average for partial loss on the whole interest of the assured under deck, than is provided for in our printed form of policy, an additional premium shall be charged of not less than one quarter per cent. except on the rates for such cases from Great Britain and Havre already provided for in this tariff; and except on risks North and East of Florida coastwise, on which not less than one eighth per cent. additional premium shall be charged.
- 8—To add not less than one quarter per cent. for each port used more than one, at either the beginning or the ending of the voyage, for each time used; except risks provided for in the 14th article.
- 9—In all cases of over-insurance, ten per ct. of the return premium is to be retained by the insurers, not exceeding one half per ct. on the amount of short property.
- 10—Premiums on vessels and freights not to be less than those on cargoes of general merchandise for same voyages.
- 11—Specie and bullion, excepting to port or ports beyond the Cape of Good Hope or Cape Horn, to be insured as the parties may agree: provided, that it shall never be at a greater reduction than one third from the rates herein fixed for merchandise on the same passage.
- 13—When several passages are included in the same policy, the rates for each passage are to be added together.
- 14—If insurance be made from foreign ports to port or ports of discharge, or final port of discharge, in the United States, the coastwise premium to be added for each port used, more than one, in the United States.
- 15—With regard to risks not provided for in this tariff, it is agreed that the parties are to make contracts at discretion, but it is expected that the companies will require rates equivalent to those named in this tariff on risks of like value, acting in good faith, and not taking one risk for a lower rate in consideration of receiving the tariff rates on another.

\* The tariff and conditions of insurance for "East Coast of South America, United States, and Europe," "United States, India, China, and the Pacific Ocean," "United States and Europe," and "General Regulations," will be published in the August number of this Magazine. The underwriters of New York, Boston, and Philadelphia, have had a meeting in New York, for the purpose of equalizing the rates in the different cities, and are co-operating in measures that are calculated to prove mutually advantageous to the insurer and the insured.

## FROM RUSSIA AND PORTS IN THE BALTIC TO THE U. STATES.

*To a Port N. E. of Cape Florida.*

Sailing on or before	10th September,	1 3.4 pr. ct.
" from	11th " to 20th inclusive,	2 " "
" " 21st " 30th "	2 1.2 " "	
" " 1st October 10th "	3 " "	
" " 11th " 20th "	3 3.4 " "	
" " 21st " 31st "	5 " "	
" after 31st "	6 " "	
If to port in the Gulf of Mexico,		1.4 pr. ct. to be added.

- 7—For any other division or allowance of average for partial loss on the whole interest of the assured under deck, than is provided for in our printed form of policy, an additional premium shall be charged of not less than one quarter per cent. except on the rates for such cases from Great Britain and Havre already provided for in this tariff; and except on risks North and East of Florida coastwise, on which not less than one eighth per cent. additional premium shall be charged.
- 8—To add not less than one quarter per ct. for each port used more than one, at either the beginning or the ending of the voyage, for each time used; except risks provided for in the 14th article, and, except for stopping at Elsinore.
- 9—In all cases of over-insurance, ten per ct. of the return premium is to be retained by the insurers, not exceeding one half per ct. on the amount of short property.
- 10—Premiums on vessels and freights not to be less than those on cargoes of general merchandise for same voyages.
- 14—If insurance be made from foreign ports to port or ports of discharge, or final port of discharge, in the United States, the coastwise premium to be added for each port used, more than one, in the United States.
- 15—With regard to risks not provided for in this tariff, it is agreed that the parties are to make contracts at discretion, but it is expected that the companies will require rates equivalent to those named in this tariff on risks of like value, acting in good faith, and not taking one risk for a lower rate in consideration of receiving the tariff rates on another.
- 16—Copenhagen is considered as in the Baltic.
- 17—Gottenburg is not considered as in the Baltic.

## FROM CUBA TO EUROPE AND BACK TO CUBA.

	SAILING.	
	Jan. 1 to July 15.	July 15 to Jan. 1.
From Cuba to Gottenburg, one port only,	2 to 3	3 to 5
" " St. Petersburg, or other port in the Baltic, one port only,	2 1.2 to 3 1.2	4 to 6
From Cuba to a Continental port in the North Sea, one port only,	2 to 3	3 to 5
From Cuba to London or Liverpool, one port only,	1 3.4 to 2 3.4	2 3.4 to 4
	SAILING.	
	Jan. 1 to June 1.	June 1 to Jan. 1.
From the Baltic to Cuba, one port only,	2 1.2 to 3 1.2	3 1.2 to 5
" other European ports to Cuba, one port only,	2 to 3	3 to 4
1.2 pr. ct. to be added on risks sailing from ports in the Baltic, from October 1st to 15, both inclusive.		
1 pr. ct. to be added on risks sailing from ports in the Baltic, from October 16th to 31st, both inclusive.		
1 1.2 pr. ct. to be added on risks sailing from ports in the Baltic, after October 31st.		
3.4 do do if the vessel from Cuba touches at a port in the United States for any purpose.		



- 7—For any other division or allowance of average for partial loss on the whole interest of the assured under deck, than is provided for in our printed form of policy, an additional premium shall be charged of not less than one quarter per cent. except on the rates for such cases from Great Britain and Havre already provided for in this tariff; and except on risks North and East of Florida coastwise, on which not less than one eighth per cent. additional premium shall be charged.
- 8—To add not less than one quarter per ct. for each port used more than one, at either the beginning or the ending of the voyage, for each time used; except risks provided for in the 14th article, and, except Elsinour, and a port for advice in the British Channel.
- 9—In all cases of over-insurance, ten per ct. of the return premium is to be retained by the insurers, not exceeding one half per ct. on the amount of short property.
- 10—Premiums on vessels and freights not to be less than those on cargoes of general merchandise for same voyages.
- 13—When several passages are included in the same policy, the rates for each passage are to be added together.
- 14—If insurance be made from foreign ports to port or ports of discharge, or final port of discharge, in the United States, the coastwise premium to be added for each port used, more than one, in the United States.
- 15—With regard to risks not provided for in this tariff, it is agreed that the parties are to make contracts at discretion, but it is expected that the companies will require rates equivalent to those named in this tariff on risks of like value, acting in good faith, and not taking one risk for a lower rate in consideration of receiving the tariff rates on another.
- 16—Copenhagen is considered as in the Baltic.
- 17—Gottenburg is not considered as in the Baltic.

#### VESSELS ON TIME.

##### *Risks on Time on Vessels of Two Hundred Tons and Upwards.*

ON VESSELS VALUED AT	RATE PER CENT. PER ANNUM.
75 to 60 dollars per ton.	6 per cent. per annum.
60 " 50 " "	6 1.2 " "
50 " 40 " "	7 " "
40 " 30 " "	8 1.2 " "
Under 30 " "	

At a proportionate increase of premium.

To add one-half per cent. for each passage traversing the hurricane latitudes, viz: within the parallels of 10° and 28° of North latitude, and 58° and 86° of West longitude, between the 15th of July and 15th of October.

##### *Risks on Vessels of smaller sizes usually employed in the W. I. Trade, and on Short Voyages.*

If engaged in more favorable employment, they may be placed under the rates of Vessels of 200 tons and upwards, instead of the following.]

ON VESSELS VALUED AT	RATE PER CENT. PER ANNUM.
75 to 60 dollars per ton.	6 1.2 to 8 1.2 per cent. per annum.
60 " 50 " "	8 1.2 " 9 1.2 " "
50 " 40 " "	9 1.2 " 10 1.2 " "
40 " 30 " "	10 1.2 " 11 1.2 " "
30 " 20 " "	11 1.2 " 12 1.2 " "
Under 20 " "	12 1.2 and upwards " "

To add 2 per cent. if within the parallels of 10° and 28° of North latitude, and 58° and 86° of West longitude, between 15th July and 15th October.

If North of latitude 50° North, and East of longitude 2° East, between 1st October and 1st March, 1 per cent additional premium to be paid.

In all cases of over-insurance, ten per cent. of the return premium is to be retained by the insurers, not exceeding one half per cent. on the amount of short property.

For a continuance of the risk beyond the year, half per cent. shall be charged in addition to the pro rata premium for the time used.

If the policy be cancelled before the time expires, 10 per cent. of the whole premium to be paid in addition to the premium earned pro rata up to the time the policy is cancelled, but in case of the sale of a vessel, the policy may by consent be transferred,

or the old policy may be surrendered without charging the 10 per cent., provided the purchaser takes out a new policy at the same office on terms as favorable to the insurers; but no policy shall be cancelled merely because the vessel is to be employed in a business where the premium would be reduced below the annual rate charged, without the charge of 10 per cent. of the whole premium over the premium earned pro rata; but nothing contained in this regulation shall prevent any office from cancelling any risk such office may be desirous to get rid of, without any charge of premium, or extra premium.

## COASTWISE RISKS WITHIN THE UNITED STATES.

## EASTERN COASTING.

FROM BOSTON, to or from	Sailing from	Summer Risk.	Hurricane Season.	Winter Season.
		Ap'l 1 to Aug. 1.	Aug. 1 to Nov. 1.	Nov. 1 to Ap'l 1.
Ports between Cape Ann and Casco Bay inclusive,.....		1.4 to 3.8	3.8 to 1.2	1.2 to 5.8
Ports eastward of Casco Bay to Penobscot River inclusive,.....		3.8 to 1.2	1.2 to 5.8	5.8 to 3.4
Ports eastward of the Penobscot River, in Maine,.....		1.2 to 5.8	5.8 to 3.4	3.4 to 1.4
Ports in the British Province of New Brunswick,.....		1 to 1 1.4	1 1.4 to 1 1.2	1 1.2 to 2 1.2
Ports in the British Province of Nova Scotia, except Cape Breton Island,.....		3.4 to 1	1 to 1 1.4	1 1.4 to 2
Ports in Cape Breton Island, or Sydney, Pictou, &c.,.....		1 1.4 to 1 1.2	1 1.2 to 2	2 to 3
Ports in the St. Lawrence, and beyond—at discretion.				

## SOUTHERN COASTING.

FROM BOSTON.	Sailing from	Summer Risk.	Hurricane Season.	Winter Season.
		Ap'l 1 to July 15.	July 15 to Nov. 1.	Nov. 1 to Ap'l 1.
To port in Nantucket, Vineyard Sound, Rhode Island, and Conn.		3.8 to 1.2	1.2 to 5.8	5.8 to 3.4
From such port to Mass.,.....		3.8 to 1.2	1.2 to 5.8	3.4 to 1
To City of N. York or port in State of N. York, on Sea Coast,.....		1.2 to 5.8	5.8 to 3.4	3.4 to 7.8
From such port,.....		1.2 to 5.8	5.8 to 3.4	7.8 to 1
To Albany, or place on North River above New York City,.....		5.8 to 3.4	3.4 to 7.8	7.8 to 1 1.4
From such port,.....		5.8 to 3.4	3.4 to 7.8	7.8 to 1 1.4
To port in Delaware Bay and River,.....		5.8 to 3.4	3.4 to 1	1 to 1 1.2
From such port,.....		5.8 to 3.4	3.4 to 1	1 to 1.2
To port in Chesapeake Bay and waters,.....		5.8 to 3.4	3.4 to 1	1 to 1 1.2
From such port,.....		5.8 to 3.4	3.4 to 1	1 to 1 1.2
Sailing from		Ap'l 1 to July 15.	July 15 to Oct. 15.	Oct. 15 to Ap'l 1.
To port in North Carolina,.....		1 to 1 1.2	1 1.2 to 2	1 1.4 to 1 3.4
From such port,.....		1 to 1 1.2	1 1.2 to 2	1 1.4 to 2 1.2
To port in S. Carolina and Georgia,.....		3.4 to 1	1 1.4 to 1 1.2	1 to 1 1.2
From such port,.....		3.4 to 1	1 1.4 to 1 1.2	1 to 1 1.2
To New Orleans or United States' port in Gulf of Mexico,.....		1 3.4 to 2	2 1.2 to 3	1 3.4 to 2
From such port,.....		1 1.2 to 1 3.4	2 1.4 to 3	1 1.2 to 2

On Cotton and Metals to or from the Gulf of Mexico 1.4 per cent. may be deducted.  
On " " " ports N. of Florida 1.8 " " "

- 2—If any goods are shipped and insured as on deck, not less than double premium to be charged, with condition not to be liable for damage by wet or exposure, nor for partial loss under fifteen per ct.
- 7—For any other division or allowance of average for partial loss on the whole interest of the assured under deck, than is provided for in our printed form of policy, an additional premium shall be charged of not less than one quarter per cent. except on the rates for such cases from Great Britain and Havre already provided for in this tariff; and except on risks North and East of Florida coastwise, on which not less than one eighth per cent. additional premium shall be charged.
- 8—To add not less than one quarter per ct. for each port used more than one, at either the beginning or the ending of the voyage for each time used.
- 9—In all cases of over-insurance, ten per ct. of the return premium is to be retained by the insurers, not exceeding one half per ct. on the amount of short property.
- 10—Premiums on vessels and freights not to be less than those on cargoes of general merchandise for same voyages.
- 11—Specie and bullion, excepting to port or ports beyond the Cape of Good Hope or Cape Horn, to be insured as the parties may agree: provided, that it shall never be at a greater reduction than one third from the rates herein fixed for merchandise on the same passage.
- 13—When several passages are included in the same policy, the rates for each passage are to be added together.
- 15—With regard to risks not provided for in this tariff, it is agreed that the parties are to make contracts at discretion, but it is expected that the companies will require rates equivalent to those named in this tariff on risks of like value, acting in good faith, and not taking one risk for a lower rate in consideration of receiving the tariff rates on another.

## STATISTICS OF COINAGE.

### ENGLISH COINAGE.

An account of the gold, silver, and copper coinage, at the Mint in London, from 1816 to 1836, showing the number of pieces, and the value of each denomination of coin struck during that time.

	No. of pieces.	Value.	
GOLD.			
Double sovereigns,.....	16,119	£ 32,240	s. d. 5 0
Sovereigns,.....	51,073,016	51,073,021	18 4½
Half sovereigns,.....	8,092,903	4,046,454	0 9
SILVER.			
Crowns,*.....	1,849,905	462,476	7 1
Half crowns,.....	30,871,362	3,858,920	6 1
Shillings,.....	91,903,680	4,595,184	0 0
Sixpences,.....	50,800,595	1,270,014	17 8
Fourpences,.....	4,300,378	71,646	6 0
Threepences,.....	55,440	693	0 0
Twopences,.....	72,072	600	12 0
Pence,.....	179,784	749	2 0
COPPER.			
Pence,.....	21,275,520	84,896	0 0
Halfpence,.....	27,498,240	55,440	0 0
Farthings,.....	38,180,352	39,771	4 0
		£	s. d.
Total gold coinage,.....		55,151,716	4 1½
Total silver coinage,.....		10,260,284	11 10
Total copper coinage,.....		180,107	4 0
Total coinage in 21 years,.....		65,592,107	19 11½

\* None coined since 1822.

**MINT VALUE OF FOREIGN COINS USUALLY DEPOSITED FOR COIN  
AGE AT THE MINT OF THE UNITED STATES.**

	Average Weight.		Average Value.	
	Dwts.	Grs.	Dolls.	Cts.
<b>GOLD COINS.</b>				
<b>GREAT BRITAIN.</b>				
Guinea, .....	5	7 1.2	5	01
Sovereign, .....	5	2 8.10	4	84
<i>Note.</i> —Guineas not much worn may be rated at.....			5	03
<b>FRANCE.</b>				
Louis d'or, Napoleon, or 20 Franc Piece, .....	4	3 3.10	3	84
<b>NETHERLANDS.</b>				
Piece of 10 Guilders, .....	4	7 7.10	4	01 1.2
<b>GERMAN STATES.</b>				
Double Fr. d'or, X Thaler piece of Prussia, Denmark, Saxony, Brunswick, Westphalia, and Brunswick Hanover, (except Geo. III. and Geo. IV.) Parts in proportion, .....	8	12 1.2	7	89
X Thaler piece of Br. Hanover, reigns of Geo. III. and Geo. IV. ....	8	12 1.2	7	84
<b>SPAIN AND SPANISH AMERICA.</b>				
Doubloon—Peruvian and Chilian, (before 1833,) Carolus, Mexican and South Peruvian, .....	17	8 1.2	15	55
Columbian, Bogota mint, .....			15	59
do. Popayan “ .....			15	38
Peruvian and Chilian, (since 1833,) Bolivia and New Grenada, .....			15	59
<i>Note.</i> —All doubloons are irregular, but will average nearly as above stated.				
<b>PORTUGAL.</b>				
<i>The real Joe</i> varies from 8 dwts. 21 grs. to 9 dwts. 7 grs. Its value of course varies, but it is about the same, weight for weight, with old coins of the United States.				
<i>The false Joe</i> , frequent in commerce, varies from 5 dwts. 17 grs. to 8 dwts. Fineness about 21 1.4 carats, but not much to be relied upon. At that rate they would be worth about 91 cts. per dwt.				
Eagle of the United States prior to August, 1834, .....	11	6	10	60
<b>BETCHTLER'S (NORTH CAROLINA) COINS.</b>				
\$5 pieces, called 20 carats fine, worth about .....			4	90
do. “ 21 “ “ .....			4	87
do. “ 22 “ “ .....			4	81
<b>SILVER COINS.</b>				
French Crown, .....	18	11 1.2	1	08 1.2
“ 5 Franc Piece, .....	16			93
British Crown, same as French, nearly. ....	14	4		68
GERMAN STATES—Rix Dollar, .....	17	8 1.2	1	00 1.2
Spanish Dollar, with or without pillars, .....	3	18		19
“ Head Pistareen, .....	3	14		18 1.2
“ Cross do. milled, .....				23 6.10
“ Quarter Dollar, considerably worn, worth about... ..				11 1.10
“ Eighth do. do. do. ....				5 2.10
“ Sixteenth do. do. do. ....				
Mexican Dollar, average of all the mints, somewhat worn, and not of very recent date, .....	17	7 3.4	1	3.10
Mexican Dollar, average of all the mints, unworn, and of recent date, .....	17	8	1	5.10
<i>Note.</i> —The best dollars are of the mints of Mexico, Durango, and Chihuahua, (Mo. Do. Pi. Ca.) say .....				
Those of Zicatecas (Zs.) and Guanacuato (Gs.) are tolerable, say.....			1	8.10
Those of Guadalupe (Gs.) are inferior and very irregular.			1	1.10

SILVER COIN—CONTINUED.

	Average Weight.		Average Value.	
	Dwts.	Grs.	Dolls.	Cts.
Peruvian Dollar,.....	17	8 1.4	1	8-10
Columbian Dollars, if they weigh about 15 dwts. 11 grs., are worth.....				75
The coinage of 1835, and since, weight 17 dwts. 9 grs., and the value of the uncertain, may be rated at.....			1	01
Chilian Dollar about the same as Peruvian.				
Brazil do. or piece of 960 Reas, worth about .....			1	5-10
do. do. do. 640 do. do. ....				67

*Note.*—When small silver coins are asked for upon a deposit of any kinds of silver coin, except French, British, or German, a charge is necessarily made equal to about 50 cents on each hundred dollars.

COINAGE OF THE UNITED STATES.

The following facts are taken from a report of the Secretary of the Treasury to the Senate, relative to the import and export of coin and bullion, and the coinage of the United States mints :

Amount of American coin and bullion exported from the 20th September, 1828, to 1839, \$8,230,676.

Amount of coin and bullion imported into the United States from the 30th September, 1821, to 1839, \$168,841,504.

Amount exported during the same period, \$121,222,821.

The coinage at the Philadelphia mint, since its establishment in the year 1793 to the year 1839, inclusive, was—

Gold coin,.....	\$25,913,602 50 cents.
Silver coin,.....	53,077,328 90 “

The coinage in the years 1838 and 1839, at the branch mint in New Orleans was, gold, \$23,490; silver, \$280,403. At the Charlotte branch mint, during the same period, \$246,932 50 cents were coined in gold; and at the Dahlonega branch mint, \$231,795.

The amount of gold from North Carolina coined at the Philadelphia mint, up to 1838, was \$2,648,500.

The mines in the gold region of North Carolina are estimated to have yielded, since their discovery, \$10,000,000; and their annual product at this time about \$400,000.

Mr. Bechtler's private manufactory of coin in the above region, produced from January, 1831, to February, 1840, of coin \$2,241,840 50 cents, and 1,729,998 dwts. of fluxed gold.

PRECIOUS METALS.

The “Mining Journal” (England) gives the following table of the production of gold and silver for forty years, viz : from 1790 to 1830 :

	Gold.	Silver.
Mexico,.....	\$28,606,569	\$621,413,475
Buenos Ayres,.....	17,888,422	120,811,880
Russia,.....	16,461,080	6,679,916
Chili,.....	12,314,390	8,101,885
	\$75,270,461	\$757,007,156

A total of eight hundred and thirty-two millions two hundred and seventy-seven thousand six hundred and seventeen dollars.



## BANK STATISTICS.

## THE BANK OF ENGLAND.

A Governor of the Bank of England must own at least £4,000 of stock, a Deputy Governor £3,000, and a Director £2,000. Every elector must have at least £500 in his own name, and can only give one vote. We give below the names of the present Directors, their firm, and business:

Name.	Firm.	Business.
Sir Jno. Rae Reid, Gov....	Reid, Irving & Co.....	General merchant.
J. H. Pelby, Dep. Gov.....	Own name,.....	Merchants.
John Bowden,.....	Portuguese merchant now out of business.	
William Cotton,.....	Sir J. Huddart & Co.....	Rope and canvass manufac's.
Timothy A. Curtis,.....	Garry & Curtis,.....	Russian merchants.
Bonabry Dobree,.....	Samuel Dobree & Co.....	Merchants.
Thomas Hankey, Jun.....	J. Hankey & Co.....	West India merchants.
John Oliver Hanson,.....	Hanson Brothers,.....	Merchants.
J. Gellebrand Hubbard,.....	J. Hubbard & Co.....	Russia merchants.
Rowland Mitchel,.....	W. R. Mitchel & Co.....	Merchants.
Sheffield Neave,.....	R. & T. Neave,.....	do.
George Warde Norman,.....	Merchant out of business.	
J. Horsley Palmer,.....	Palmers, Makellop & Co.....	East India merchants.
James Patteson,.....	J. & J. Patteson,.....	Silk merchants.
Henry J. Prescott,.....	R. Prescott & Co.....	Merchants.
Charles Pole,.....	P. & C. Van Notten & Co....	do.
T. C. Smith,.....	Magnias, Smith & Co.....	East India merchants.
T. M. Weguelin,.....	Thomson, Bonar & Co.....	Merchants.
Robert Barclay,.....	Barclay Brother,.....	do.
Edw. H. Chapman,.....	J. Chapman & Co.....	Ship and insurance brokers.
A. Z. Gower,.....	A. A. Gower Nephews,.....	Merchants.
J. R. Heath,.....	Heath, Furse & Co.....	Continental merchants.
K. D. Hodgson,.....	Finlay, Hodgson & Co.....	Merchants.
H. St. John Mildmay.....	Baring, Brothers & Co.....	General merchants.
Christopher Pearce,.....	Fletcher, Alexander & Co....	East India merchants.
Wm. Thompson,.....	Thompson & Forman,.....	Iron merchants.

The Bank of England was instituted in 1694, being incorporated by charter, July 27, in that year. It is the most important institution of the kind that exists in any part of the world, and the history of banking furnishes no example that can at all be compared with it, for the range and multiplicity of its transactions, and for the vast influence which it possesses over public and national affairs.

This extensive pile covers an irregular area of about eight acres. The exterior extent in front, or on the south side, measures 365 feet; on the west side, 440 feet; on the north side, 410 feet; and on the east side, 245 feet. Within this space are nine open courts, a spacious rotunda, numerous public offices, court and committee rooms, an armory, &c., engraving and printing offices, a library, and many convenient apartments for principal officers and servants. The principal suite of rooms occupies the ground-floor, and the chief offices being furnished with lantern lights and domes, have no apartments over them; the *basement* story consists of a greater number of rooms than there are above ground. The site of a portion of the edifice being a marshy soil in the course of the ancient stream of *Walbrook*, it was found necessary to strengthen the foundations by means of piles and counter arches.

An act of parliament was passed in 1694, incorporating certain subscribers, under the title of "*The Governor and Company of the Bank of England*," in consideration of a loan of £1,200,000, granted to government, for which the subscribers received almost 8 per cent. So eager were the public to share some of the advantages of this concern, that the subscription for the whole sum of £1,200,000, was completed in the course

of ten days. The charter directed that the management of the bank should be vested in a governor, deputy-governor, and twenty-four directors; thirteen, or more, to constitute a court, of which the governor or deputy-governor must be one. They were to have a perpetual succession, a common seal, and the other usual powers of corporations, as making by-laws, &c., but were not allowed to borrow money under their common seal without the authority of parliament. They were not to trade, nor suffer any person in trust for them to trade in any goods or merchandise; but they might deal in bills of exchange, in bullion, and foreign gold and silver coin, &c. They might also lend money on pawns or pledges, and sell those which should not be redeemed within three months after the time agreed. But this has since been little acted upon. No dividend was to be made but by consent of a general court, and that only out of the interest, profit, and produce arising by such dealing as the act of parliament allows. These important privileges have been often renewed to the great advantage of the mercantile interests. The erection of this celebrated bank, according to the declaration of one of its first directors, not only relieved the ministry from their frequent processions into the city for borrowing money on the best public securities, at an interest of ten or twelve per cent. per annum, but likewise gave life and currency to double or triple the value of its capital in other branches of public credit.

#### THE BANK OF FRANCE.

The report of the commission on the project of law for extending the charter of the Bank of France has been published at Paris. It states that the bank has no wish whatever to free itself from its dependence on the government, which was established by the law of April 22, 1806, and according to which it is managed by a governor and two sub-governors appointed by the king, and fifteen directors and three auditors nominated by the shareholders. Prior to this law, the administrators of the bank were nominated by the shareholders alone, and the present system was introduced by government on the plea that the former one had given rise to abuses. By the law of 1806, the capital amounted to 90,000,000*f.*, and was represented by 90,000 shares of 1,000*f.* each. Part of the profits have been employed from 1808 to 1817 in buying in 22,100 shares, which have been since cancelled. Hence the present capital is 67,900,000*f.*, represented by 67,900 shares.

This capital the commission consider sufficient, but at the same time are opposed to the principle of the shareholders varying the capital at pleasure. The capital they consider as the pledge which the bank should always offer to contracting parties, and that to these the amount should always be exactly known. The capital and reserved fund, according to the report, are represented by the banking house, by 2,952,335*f.* in five per cent. rentes, by 59,046,700*f.* of nominal capital, and by 17,737,525*f.* 85*c.* in specie. The large quantity of capital and reserved fund vested in rentes did not escape the attention of the commission, who reflected that the very same circumstances which might force the bank to an inconvenient taking up of its notes, might also lead to a disadvantageous sale of the rentes. They considered, however, that such a crisis could not come all of a sudden, but that the bank might foresee it and take precautionary measures, and thought it would be hard to compel the bank to keep in its coffers 77,000,000*f.* of specie, (the sum to which the capital and reserve together ought to amount,) which would thus be withdrawn from circulation, and on which the bank would receive no interest.

The majority of the commission were opposed to the issue of notes under 500*f.* (£20), considering that these would find their way into the hands of the less opulent part of the community, who would be the most susceptible of alarm, as to the security of their limited but hard earned property, and who would be likely to rush to the bank for payment in the event of a panic. Hence the bank would be forced to keep in its coffers a

greater quantity of specie to meet these small notes, which would usurp the place and cause the exportation of much metallic currency. With respect to the period to which the charter should be renewed, the commission propose 1867, with a power to terminate or modify it at the end of 1855, by a law previous to that period.

## STATISTICS OF NAVIGATION.

### TIME OF THE OPENING OF NAVIGATION ON LAKE ERIE AND THE CANAL AT BUFFALO.

*A Table showing the dates at which Lake Erie and the Erie Canal were navigable at Buffalo, for the last ten years.*

By this it will be perceived that the aggregate gain in favor of the latter is less than fifty days. On the average this would not enable shippers to receive their goods from the seaboard before a boat was ready to convey the same to the west.

Year.	Canal.	Lake.	Lake gain.	Canal gain.
1830.....	April 15	April 6	6	...
1831.....	" 16	May 8	...	22
1832.....	" 18	April 27	...	9
1833.....	" 22	" 23	...	1
1834.....	" 16	" 6	10	...
1835.....	" 15	May 8	...	23
1836.....	" 25	April 27	...	2
1837.....	" 20	May 16	...	26
1838.....	" 12	March 31	13	...
1839.....	" 20	April 11	9	...
1840.....	" 20	" 24	...	4

### THAMES NAVIGATION BY STEAMERS.

The Thames between London Bridge and Chelsea is now provided with projecting floating piers, extending in many places, as at Hungerford Market, far into the river, and although undoubtedly a great obstruction to the navigation, are very convenient to passengers who proceed short distances in the numerous small steamboats which have entirely superseded the trim-built wherry of the industrious waterman. There are no fewer than twenty-five steamboat piers between London Bridge and Chelsea, and the traffic is so great, especially in fine weather, that others are about to be formed, including one on the city side of Blackfriars Bridge, the Surrey side being already provided with one. The only pier, however, below the wharf at London Bridge is one at Lower Shadwell, which has been recently formed, and opened for the embarkation and landing of passengers. The river Thames has now become the most important public highway in this kingdom, and perhaps in Europe. The number of passengers always afloat is enormous, and it sometimes happens that there are 10,000 persons going up and down the river at one time in steam vessels, including those proceeding to and from the continent. The language of an old statute (6 Henry VIII., c. 7,) declared that it was "a laudable custom and usage within this realme of England, tyme out of mynde, to use the river of Thames in boats and barges." The river was then almost exclusively the medium of communication between the royal palaces of Windsor, Westminster, and Greenwich, as well as the means of access to and from the splendid mansions of the nobility which then graced its northern shore. Steam on the Thames has almost superseded all other modes of conveyance. The watermen, 14,000 of whom served in the navy during the late war, are deprived of their occupation, and are the only body who have not benefited by steam. Capital to the amount of five millions is employed in steam navigation, and 150 steam vessels are constantly engaged on the river.

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**STATISTICS OF MANUFACTURES.**

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**LOWELL, MASSACHUSETTS.**

This city, the American Manchester, is remarkable for the extent of its water power, its rapid growth, and the height to which it has raised the American character, by the perfection of its manufactures.

Lowell has risen to eminence by the remarkable energy and skill of a few individuals; among whom PATRICK T. JACKSON, Esq., of Boston, and the late KIRK BOOTT, Esq., were distinguished.

It lies on the south side of Merrimack river, below Pawtucket Falls, and at the union of Concord river with the Merrimack.

In 1815, the site where the city stands was a wilderness, with the exception of a few lonely dwellings. In 1824, Lowell, then a part of Chelmsford, was incorporated as a town. In 1835, it became a city. Lowell is situated 25 miles N. from Boston, 14 NNE. from Concord, 37 NE. from Worcester, and 38 SSE. from Concord, N. H. Population, 1830, 6,474; 1837, 18,010.

By the census of 1840, just completed, it appears that the whole population of Lowell is 20,981; of which 7,341 are males, and 13,640 females. The number of males and females under 10 years of age is just equal—1865 of each. There are only 262 people in the city over 60 years of age, and only 542 over 50 years. The number between 20 and 30 is 7711, of whom 5568 are females; between 10 and 20, 4833, of whom 3464 are females; between 30 and 40, 2733, of whom 1605 are females; between 40 and 50, 1170, of whom 650 are females.

The hydraulic power of this place is produced by a canal, of a mile and a half in length, 60 feet in width, and 8 feet in depth, extending from the head of Pawtucket Falls to Concord river. This canal has locks at its outlet into Concord river; it also serves for the passage of boats up and down the Merrimack. From this canal, the water is conveyed by lateral canals to various places where it is wanted for use, and then discharged, either into the Merrimack or Concord.

The canal is owned by "The Proprietors of the Locks and Canals on Merrimack river." This company was incorporated in 1792, and have a capital of \$600,000. They dispose of lands and mill privileges, and own the machine shop, and carry on the manufacture of machinery. The first cotton mill at this place was erected in 1822.

The whole fall of the Merrimack at this place is 30 feet, and the quantity of water never falls short of 2,000 cubic feet per second, and is very rarely so low as that. This quantity of water is estimated to carry 286,000 spindles, with all the preparatory machinery. There is therefore an unimproved water power at this place sufficient to carry eleven mills of the usual size, making the whole number of mills thirty-nine, when all the water is improved.

The goods manufactured in these mills consist of sheetings, shirtings, drillings, calicoes, broadcloths, cassimeres, carpets, rugs, negro cloth; machinery for mills, and for engines and cars for railroads. The quality of these goods is generally superior to those imported. The annual amount of goods manufactured by these mills is about \$8,000,000.

The mills are built of brick, and are about 157 feet in length, 45 in breadth, and from 4 to 7 stories in height.

With regard to the future prosperity of this interesting city, nothing need be said to those who know that it was founded, and is principally sustained, by the most eminent capitalists of Boston, a city renowned for its enterprise, wealth, and public spirit.

# STATISTICS OF LOWELL MANUFACTURES.

JANUARY 1, 1840.

COMPILED FROM AUTHENTIC SOURCES.

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Corporations.	LOCKS AND CANALS.	MERRIMACK.	HAMILTON.	APPLETON.	LOWELL.	MIDDLESEX.	SUFFOLK.	TREMONT.	LAWRENCE.	BOOTT.	MASSACHUSETTS.	Total.
Capital Stock.	600,000	2,000,000	1,200,000	600,000	500,000	500,000	600,000	600,000	1,500,000	1,200,000	1,200,000	10,500,000
Number of Mills.	2 Shops, Smithy, and a Furnace.	5, and Print Works.	3, and Print Works.	2	Cotton and Carpet Mill in 1 building.	2, and Dye House.	2	2	5	4	4	32, exclusive of Print Works, &c.
Spindles.		37,984	20,992	11,776	6000 Cotton, besides Woollen.	4,620	11,264	11,520	32,640	29,248		166,044
Looms.		1,300	590	380	164 Cotton, 74 Carpet.	32 Broadcloth—92 Cassimere.	352	409	960	830		5183
Females Employed, Males	500	1,300 437	750 230	470 65	400 200	350 185	460 70	460 70	1,290 200	950 120		6430 2077
Yards made per week,	1225 tons wrought and cast iron per annum.	230,000	110,000	100,000	2500 Carpet, 150 Rugs, 70,000	6300 Cassimere—1500 Broadcloth.	90,000	145,000	210,000	155,000		1,120,450
Bales of Cotton used in do.,		130	100	190	80	600,000 lbs. Wool per annum, and 3,000,000 Tensels.	90	96	190	130		906
Pounds of Cotton wrought in do.		55,000	44,000	40,000	40,000		32,000	38,000	68,000	53,000		370,300
Yards dyed and printed do.,		195,000	70,000									265,000
Kind of goods made,	Machinery, Cars, & Engines, for Railroads. 200 chaldrons smith's coal, 200 tons hard coal.	Prints and Sheetings, No. 22 to 40.	Flannels, Prints, and Drillings, No. 14 to No. 40.	Sheetings & Shirtings, No. 14.	Carpets, Rugs, and Negro Cloth.	Broadcloth and Cassimere.	Drillings, No. 14.	Sheetings & Shirtings, No. 14.	Printing Cloths, Sheetings & Shirtings, No. 14 to 30.	Drillings, No. 14. Shirtings, No. 40. Prints Cloth, No. 50.		
Tons Anthracite Coal per annum.		5,200	2,800	400	500	500	330	330	650	750		11,460
Cords of Wood per annum,	300	200	1,250		500	1,000	70	60	60	70		3510
Gallons of Oil do.,	2,300	8,700	6,500	3,440	Olive 4000, Sperm 4000,	Olive 11,000 Sperm 2,500	3,840	3,692	8,217	7,100		65,289
Diameter of Water Wheels,	13	30	13	13	13	17 and 12	13	13	17	17	17	
Length of do. for each Mill,	14	24	42	14	60	46 and 21	42	42	60	60	60	
Incorporated,	1792	1822	1825	1828	1828	1830	1830	1830	1830	1835	1839	
Commenced operations,	1822	1823	1825	1828	1828	1830	1832	1832	1832-4	1836		
How warmed,	Hot Air Furnace.	Steam and Hot Air.	Steam and Hot Air.	Hot Air Furnace.	Hot Air Furnace.	Wakefield Furnace and Steam.	Steam and Hot Air.	Steam and Hot Air Furnace.	Steam.	Steam and Hot Air.	Steam.	

Statistics of Manufactures.



Yards of Cloth made per annum.....	58,263,400
Pounds of Cotton consumed.....	19,255,600
Assuming half to be Upland, and half New Orleans and Alabama, the consumption in bales, averaging 361 pounds each, is.....	53,340
A pound of Cotton averaging 3 2-10th yards.	

One hundred pounds of Cotton will produce eighty-nine pounds of cloth.

As regards the health of persons employed, great numbers have been interrogated, and the result shows, that six of the Females out of ten enjoy better health than before being employed in the mills; of Males, one half derive the same advantage.

As regards their moral condition and character, they are not inferior to any portion of the community.

Average wages of Females, clear of board.....	\$2 00 per week
“ “ Males, clear of board.....	80 cents per day
Medium produce of a Loom on No. 14 Yarn.....	44 to 55 yards per day
“ “ No. 30 Yarn.....	30 “ “ “

Average per spindle, 1 1-10th yards per day.

Persons employed by the Companies are paid at the close of each month.

Average amount of wages paid per month.....\$160,000

A very considerable portion of the wages are deposited in the Savings Bank.

Consumption of Starch per annum.....	600,000 pounds
“ Flour for Starch in Mills, Print Works, and Bleachery, {	3,000 barrels
per annum.....	
“ Charcoal, per annum.....	500,000 bushels

To the above named principal establishments may be added, the Lowell Water Proofing, connected with the Middlesex Manufacturing Company; the extensive Powder Mills of O. M. Whipple, Esq.; the Lowell Bleachery, with a capital of \$50,000; Flannel Mill; Blanket Mill; Batting Mill; Paper Mill; Card and Whip Factory; Planing Machine; Reed Machine; Flour, Grist, and Saw Mills;—together employing above 300 hands, and a capital of \$300,000.

The Locks and Canals Machine Shop, included among the 32 Mills, can furnish machinery complete for a Mill of 5000 Spindles in four months; and lumber and materials are always at command, with which to build or rebuild a Mill in that time, if required. When building Mills, the Locks and Canals employ directly and indirectly from ten to twelve hundred hands.

### INCREASE OF BRITISH MANUFACTURES.

Two or three years ago, the Government Inspectors of Factories published returns of the number of mills in the United Kingdom, and of the hands employed in them during the year 1835. Similar returns for the year 1838, laid before Parliament in the past session, have been recently printed. These two volumes afford the means of contrasting the condition of their manufactures in 1835 and 1838:—

Of cotton factories there were—

In 1835.....	1,262, employing 220,134 hands.
In 1838.....	1,815, employing 259,301 hands.

Of woollen factories there were—

In 1835.....	1,313, employing 71,274 hands.
In 1838.....	1,738, employing 86,446 hands.

Of flax factories there were—

In 1835.....	347, employing 33,283 hands.
In 1838.....	392, employing 43,487 hands.

Of silk factories there were—

In 1835.....	238, employing 30,682 hands.
In 1838.....	268, employing 34,318 hands.

It thus appears that, during the three years referred to, nearly one thousand new factories have been opened, and more than sixty-eight thousand new hands engaged. As will be seen from the following table, more than one half of the new hands have been absorbed by the cotton manufacture:—

#### INCREASE IN NUMBER OF HANDS.

Cotton.....	39,167
Woollen.....	15,172
Flax.....	10,204
Silk.....	3,636

Total increase.....68,179

## COMMERCIAL REGULATIONS.

## REGULATIONS OF TRADE IN THE EAST INDIES.

THE following notice of a highly important regulation of trade, removing the restraint under which foreign ships laid, to import into the East India Company's ports only articles the product of their respective countries, has been received from the United States Consul at Singapore :

SINGAPORE, Feb. 1, 1840.

By a government regulation, dated in Calcutta, 2d December, 1839, the former regulation limiting foreign ships to import into the British ports of India, only articles of the growth or produce of their respective countries, has been rescinded, and "foreign ships belonging to any state or countries in Europe or America, so long as such states or countries remain in amity with H. M., may freely enter the British seaports and harbors in the E. I., whether they come directly from their own country or any other place, and shall be there hospitably received, and shall have liberty to trade there in imports and exports, conformably to the regulations established or to be established in such seaports; provided, that it shall not be lawful for said ships to receive goods on board at one British port of India, to be conveyed to another British port of India on freight or otherwise; but nevertheless, the original inward cargoes of such ships may be discharged at different British ports for their foreign destination."

J. BALISTIER, U. S. CONSUL.

## STATIONS OF THE UNITED STATES REVENUE CUTTERS.

1 Alert,	Capt. Nones,	Eastport, Me.
2 Morris,	Capt. Walden,	Portland, Me.
3 Madison,	Capt. Currier,	Portsmouth, N. H.
4 Hamilton,	Capt. Sturgis,	Boston.
5 Vigilant,	Capt. Connor,	Newport, R. I.
6 Wolcott,	Capt. Mather,	New Haven, Conn.
7 Jackson,	Capt. Bicker,	New York.
8 McLane,	Capt. Hunter,	Wilmington, Del.
9 Van Buren,	Capt. Prince,	Baltimore.
10 Taney,	Capt. Webster,	Norfolk.
11 Dexter,	Capt. Day,	Charleston, S. C.
12 Crawford,	Capt. Rudolph,	Savannah.
13 Jefferson,	Capt. Foster,	Mobile.
14 Woodbury,	Capt. Jones,	New Orleans
15 Erie,	Capt. Dobbins,	Erie, Pa.

## MEASUREMENT OF TONNAGE.

The following is given in a parliamentary paper, just published in England, as the revised rule of the admiralty commission on this subject :

Divide the length of the upper deck, from the after part of the stem to the fore part of the stern post, into six equal parts.

*Depths.*—At each of those points of division, measure in feet and decimal parts of a foot the depths from the under side of the upper deck to the ceiling of the limber strake. In the case of a break in the upper deck, the depths are to be measured from a line stretching in continuation of the deck.

*Breadths.*—Divide each of these depths into five equal parts, and measure the inside breadths at the following points: *videlicet*, at one-fifth and at four-fifths from the upper deck at the foremost and aftermost depths; at two-fifths and at four-fifths from the up-

per deck at the midship depth, and at one-fifth from the upper deck, at each of the two remaining depths.

*Length.*—At half the midship depth, measure the length of the vessel from the after part of the stem to the fore part of the stern post. Then add twice the midship depth to the depths at the foremost and aftermost points of division, for the sum of the depths; and for the sum of the breadths add together the upper and lower breadths at the foremost and midship divisions, the upper and twice the lower breadths at the aftermost division, and the single breadth measured at each of the two remaining divisions.

Then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product of 3500, which will give the number of tons for register.

## MERCANTILE LIBRARY ASSOCIATIONS.

### MERCANTILE LIBRARY ASSOCIATION CORRESPONDENCE.

With pleasure we insert the following correspondence which has passed between Mr. Vermilye and Mr. Zabriskie, and others, on the occasion of the former leaving this city, and the consequent dissolution of his connection with the Mercantile Library Association of New York. Mr. Vermilye has been for many years a member of this institution, and has discharged the responsible trusts committed to him with satisfaction to all interested. His loss will be felt; but we trust that he will be successful in the formation of a kindred association among the young clerks of the city to which he has removed.

[Copy.]

NEW YORK, 14th May, 1840.

JACOB D. VERMILYE, ESQ.,

Dear Sir—Your departure from this city, and the consequent dissolution of your connection with the Mercantile Library Association, affords an opportunity for those with whom you have been more intimately connected in said institution, to express to you their regret at the loss of one of its most valued members.

For a series of years, we have been witnesses of your devotion to its interests; and in the prosecution of our mutual endeavors to extend its usefulness, have always found a helping hand in one whom, with reluctance, we are compelled to part with.

Accept, dear sir, our united and sincere wishes, that wherever your lot in life may be cast, the smiles of a benign Providence may attend you; that prosperity, so richly deserved, may never desert you; and that success may attend all your efforts.

We are, dear sir,  
with much respect,  
yours truly,

ALBERT G. ZABRISKIE,  
EDMUND COFFIN,  
E. LUDLOW, JR.  
CHARLES ROLFE,  
J. P. CUMMINGS

N. WILLIAMSON,  
JNO. H. REDFIELD,  
JNO. S. WINTHROP, JR.  
E. R. TREMAIN,  
H. P. MARSHALL.

[Copy of Reply.]

NEWARK, N. J., June 16th, 1840.

A. G. ZABRISKIE, ESQ., and others,

Gentlemen—I have received your kind and flattering communication of the 14th May last, which should have been answered ere this, but for the pressure of business attendant on my removal from the city of New York.

If any thing could add to the regret which I feel on leaving my native city, it would be in parting with so many kind and much esteemed friends.

Our situation and circumstances in life, are not at our own disposal; but, wherever in the course of providence our lot may be cast, it becomes us with faithfulness and assiduity to fulfil the duties incumbent upon us.

The institution of which you are members, will continue to have my warmest wishes for its prosperity.

With you, gentlemen, I have had personal and pleasing associations, the remembrance of which will be ever grateful to my heart. Wishing you individually, and the members of the Mercantile Library Association generally, all the happiness which an honorable career in life can afford,

I remain, gentlemen,  
yours truly,  
JACOB D. VERMILYE.

#### DONATIONS TO THE MERCANTILE LIBRARY ASSOCIATION.

The Board of Directors of the Mercantile Library Association of New York, would gratefully acknowledge the receipt of the following donations:

*Of Donations to the Cabinet.*—A collection of Land and Fresh Water Shells from Michigan, several Minerals, and Skull of Bear, (*Ursus Americanus*), from Rev. Charles Fox. Minerals and Fossils, from Abraham D. Sands, Esq. Minerals, from J. Albert Lintner, Esq. Of Ostrich's Eggs, and Fishes, from C. Colden Hoffman, Esq. Of an Arab Spear, or Javelin, from P. S. Parker, Esq., United States Consul at Bombay, through Henry P. Marshall, Esq.

*Of Donations in Books*—from J. Cassidy; John Hall; George C. Barker; John C. Spencer; and G. C. Verplanck.

#### BALTIMORE MERCANTILE LIBRARY ASSOCIATION.

We are gratified to learn that this young and interesting association is in a flourishing condition. It was formed in November, 1839. The number present at the adoption of the constitution, was twenty-seven; at the end of the first month, as the fruits of its exertions, they had raised upwards of *eleven hundred dollars*, in subscription and donations. The association has now been in active operation nearly six months, and the number of volumes now in the library, is *twelve hundred and sixty*. With the exception of some hundred volumes added by the purchasing committee, this number was raised among the members of the association.

The reading room, which is a most excellent feature of the association, is supplied with *twenty-six of the principal domestic and foreign periodicals* of the day. The members at present are *one hundred and forty honorary*, and about *eighty active*. This number increases slowly, but surely.

#### OUR SECOND YEAR.

We enter the second year of our existence with this number, with the pleasing assurance, if the liberal encouragement we have received may be considered evidence, that we have not altogether failed to discharge the duties we have undertaken. There are many difficulties connected with the establishment of a new periodical, which are now happily nearly overcome; and we hope to make improvements in the Merchants' Magazine, which shall render it doubly worthy of the favor which has hitherto attended its progress. If industry and increased exertion can effect any thing, we think we may venture to promise, that our subscribers shall have no reason to regret having placed their names on our list. The assistance of many of the ablest pens in the country has been promised us, and assuredly neither pains nor expense will be spared. Standing aloof from politics and parties, and with the interests of the business part of the community for our sole object, we doubt not to deserve the countenance of all. As differences of opinion must arise, we are not so wedded to our own as to refuse to others the respect that is their due, and our pages will be open to the discussion of any topic within the scope of the design of this magazine. We conclude with a grateful acknowledgment of past favors, and a hope for their continuance.