EASTERN-SHORE WHIG AND PEOPLE'S ADVOCATE.

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WHOLE NO. 108.

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THE TERMS

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THE MARSEILLES HYMN. Ye sons of France awake to glory, Hark, hark, what myriads bid you rise, . Your children, wives, and grandsires hoary, Behold their tears and hear their cries. Shall hateful tyrants mischief breeding, With hireling hosts a ruffian band, Affright and desolate the land, While liberty and peace lie bleeding?

To arms, to arms, ye brave, The avenging sword unsheath, March on, march on, all hearts resolv'd On victory or death.

Now, now, the dangerous storm is rolling, Which treach'rous Kings confederate raise; The dogs of war let loose are howling, And lo! our fields and cities blaze-And shall we basely view the ruin, While lawless force with guilty stride, Spreads desolation far and wide, With crimes and blood his hands imbruing? To arms, to arms, ye brave, &c.

With luxury and pride surrounded, The bold insatiate despots dare; Their thirst of gold and power unbounded, To mete and vend the light and air-Like beasts of burden would they load us, Like Gods would bid their slaves adore; But man is man, and who is more?

Then shall they longer lash and goad us? To arms, to arms, ye brave, &cc. Oh! liberty, can man resign thee; Once having felt thy gen'rous flame; Can dungeons, bolts, or bars confine thee, Or whips thy noble spirit tame? Too long the world has wept bewailing, That falsehood's dagger tyrants wield;

And all their arts are unavailing. To arms, to arms, ye brave, &c.

But freedom is our sword and shield,

[From the Boston Patriot.] THE DEAD.

A countless throng are ye!

Peace to the silent dead ! Peace to your voiceless sleep-pale race of men Gathered from sea and land, from hill and glen To fill the same cold bed.

Men of the ancient time,-peasant and king, Whose fiery passions made the earth to ring -Whose din shook land and sea. Peace to your quiet sleep!

Your arms of terror are o'erspread with rust,

Your giant-frames are mingling with the dust -Your rest is long and deep. Peace to the dead of Rome. Empress of heathen time-thy pomp hath fled

As the gray mists around the mountain head When thy warm light doth come. Kings-that did scourge your lands,

And ye whose glory ne'er hath had a stain, There's but one voice can call thee up again, -Sleep till that voice commands. Who doth not bless the dead?

Is there a heart that throbs not at the name Of some long-perished friend-whose deathless In his own breast is treasured.

Ask of the feeble one That falters by thy path—the aged man, With head bowed down to earth, and forehead

If he doth weep for none! Oft in the toil of life, When hard beset with grief,-we love to turn

And think of those who'll ne'er again return, -The brother-son or wife. How solemn is the grave!

Oh! there's a warning in the death-quenched eye, And pale, pale lip-they tell us we must die, The fair-the good-the brave. [From the New-York Amulet.]

BY J. G. WHITTIER. HENRY ST. CLAIR. that name a thousand dreams of friendship reach of your noble generosity—a guilty and dancing party had been convened in his little. We believe that the result of this case will and youth-and of the early and beautiful as- a dying man. I do not seek for life. There sociations which linger like invisible spirits around us, to be called into view only by the | -dark, and terrible, and mysterious, as it may

of manhood; and a more ingenuous and high braiding spirit at my side. I arrived at my

ty and grandeur of the earth, and the illimitative world of waters, his vision never extended. She world of waters, his vision never extended its to catch a glimpse of the better and more beautiful land.

There was and more beautiful land.

There was and more beautiful land.

There was appointed to ne gaines. When one well-timed and to race against the Opposition; and that, implied to race against the Opposition are received, the build-directed effort, he sprang, caught a tree, well-directed effort, he sprang caught and more beautiful land.

liar to each other.

with Eternity,—that I had occasion to pass forehead with an intellectual halo. in my way homeward, through one of the darkest and loneliest alleys of my native city. Anxious to reach my dwelling, I was hurrying eagerly forward, when I felt myself suddenly

"Allston! I look back to that Spring-time of trabe for plaintiff, McCutloh for defendants.

"Allston! I look back to that Spring-time of trabe for plaintiff, McCutloh for defendants.

Love even at this awful crisis in my destiny tance as might enable them to throw a rope to him, by which means they hoped to drag him him, by which means they hoped to drag him, by which means the dead man!"

I turned suddenly. I heard the cocking of unworthy of its slightest regard. of a pistol,—and saw by a faint gleam from a neighboring window, the tall figure of a maning a weapon at my breast.

acquainted with the struggle of mortal jeopar- mind darkened and perverted as my own--- the vortex that would have caught and swept tion, did so against the express orders of his The Captain of the Superior, at the pressing dy. But I did resist—and, one instant I saw might have been reclaimed from the pathway them to destruction. And often was poor owners, and that therefore his conduct, being solicitation of the Russian Minister, took him niy assailant in the posture I have described, of ruin--- I might have been happy. the next, he was disarmed and writhing becould have subdued him.

pistol to his bosom, "what is your object?- in letters of fire. It comes up before me like glimpses they had of him, as they were driven Are you a common midnight robber --- or bear a terrible dream---but it is a dream of reality past him they saw no blanching on his dauntyou ought of private malice towards Roger It dashed from my lips the cup of happiness less countenance,—they heard no reproach, no

"Allston!-Roger Allston!" repeated the tiny. wretch beneath me, in a voice which sounded like a shriek, as he struggled half spirits around me; and I had drank freely and wore on, and still they were unsuccessful. upright even against the threatning pistol. fearlessly for the first time .-- There is some seemed to them that something more than -"Great God! has it come to this? Hell has thing horrible in the first sensations of drunk mere natural causes was operating against no pang like this meeting! Shoot!"-he ex- enness. For relief I drank still deeper-and them. 'His hour is come!', said they as they claimed, and there was a dreadful earnestness I was a drunkard--I was delirous-I was hap- regarded one another with looks of awe; 'our in his manner, which sent the hot blood of py, I lest the inebriated assembly, and directed struggles are vain.' The courage and indignation cold and ice-like upon my heart. my steps, not to my lodgings, but to the home hope which had hitherto supported them becy kill me!"

the pistol fell from my hand.

Go-and repent of your crimes."

with some difficulty he regained his feet, "e- undistinguished abhorrence.-Irritated at her ven you have forgotten me.

utter annihilation!" pulse, I caught hold of the stranger's arm suming go upward like a sacrifice to the Deand hurried him towards the light of a street mon of Intemperance, and there-even there lamp. It fell full upon his ghastly and death --- by that Christian fire-side, I cursed the like features, and on his attenuated form, and Book and its Author! his ragged apparel. Breathless and eagarly I gazed upon him until he trembled beneath cription. The shrick of my betrothed -her the waters, it fell from time to time on the ears

the deformity of disease. mons; but you cannot long be cursed by my the dark night-cloud sweeping over the fair which is given with the fingers in the mouth, presence. I have not tasted food for many days; -hunger'drove me to attempt your robbery-but, I feel that I am a dying man. No human power can save me, and if there be a God, even He cannot save me from myself- ony which mocks at consolation, the grave now resorted to an easier mode of transmit-

the vile tokens of a disgusting sensuality, and

from the undying horrors of remorse." increasing ghastliness of his countenance, I led conveying him to bed, and administering a cor- I am without a friend. I have no longer the the ears of his foreboding friends like the ill dial to his fevered hips, I ordered a physician means of subsistence; and starvation may yet omened cry of some warning spirit; and to be called. But it was too late;—the hand anticipate the fatal termination of the disease may be matter of question whether all believ of Death was upon him. He motioned me to which is preying upon me." he strove to speak, but the words died upon ble St. Clair. Let the awful lesson it teaches for a brief space; but at last they were heard his lips. He then drew from his bosom a seal- sink deep in the hearts of the young and ardent no more, save in his frantic wife's fancy, who ed letter addressed to myself. It was his last of spirit. Let them remember that "Infidelity continued to start as if she still heard them, efforts. He started half upright in his bed- and Intemperance go hand in hand;" and and to wander about and to listen, when all uttered one groan of horror and mortal suffer- who have once yielded themselves to the fas- but herself were satisfied that she could never

pillow. He was dead. to the narrow place appointed for all the liv- ing that the gulf of utter darkness is widening ing-thedamp and cold church-yard. I breath- and deepening before them. ed to no one the secret of his name and his guilt. I left it to slumber with him.

bling hand I broke the seal of the envelope, and read the following addressed to myself: "If this letter ever reaches you, do not seek HENRY ST. CLAIR!—How at the mention of to find its unhappy writer. He is beyond the of Charleston of Aberlour, on the Spey. A the law, as applicable to carriers of persons.

is no hope for my future existence,-and death magical influence of memory, are awakened! - seem, is less to be dreaded than the awful re- stitious fears of his wife. "Surely our good alities with which I am surrounded. tion, which urged me from your society-from We were as brothers in childhood-St. the enjoyment of that friendship, the memory

one being-a young and lovely creature, at bosom of the waves. A shout of joy arose ness, after a release from the defendents, and will cause him to be carried not obsolutely safely, the Duke of Somerset.

I need not tell the story of my friend's young | whose shrine all the deep affections of my from his anxious friends, for they now deemed | stated, that, at the time of the accident, he did | but carefully, and that they will employ proper | years. It has nothing to distinguish it from a | heart were poured out, in the sincerity of ear | him safe; but he uttered no shout in return | not think much about his orders, but was anx- and competent drivers, and that he is not to It was a night of Autumn-a cold and star- lent the deep witching of soul to her fine coun- Curuickshanks from his perilous situation. against the opposition line,—and that disre- After the argument of Counsel had been less evening—I remember it with painful dis-tinctness, although year after year has mingled like sunshine on her lip, and crossing her hir admit of their nearing it, so as to take him di-

neath me. It seemed as if an infant's strength in the abhorrent shape of loathsome Drunken eries of his situation, that of the bitterest dis- no direction which the master could give ness. I shall never---in time or eternity, for appointment. "Wretch!" I exclaimed, as I held his own get that scene, -- it is engraven on my memory Yet he bore all calmly. In the transient and fixed forever the dark aspect of my des. complaint, no sound, but an occasional short fords—and from a careful examination of a His excellency Baron Krudener, Envoy Ex-

-"Shoot!-you were once my friend-In mer- of her, whom I loved-nay adored above all gan to fail, and the descending shades of night others. Judge of her surprise and consterna-A horrible suspicion flashed over my mind. tion when I entered with a flushed counte--I felt a sudden sickness at my heart-and nance and an unsteady tread! She was reading to her aged parents, when with an idiot's "Whoever you may be," I said, "and what grimace I approached her. She started from ever may have been your motive in attacking her seat--- one glance told me the fatal truth; me, I would not stain my hand with your blood. and she shrunk from me, aye, from me, to whom her vows were plighted and her young by its gradual advance towards his feet, whilst "You do not know me;" said the robber, as affections given-with fear, with loathing, and the rain and the tempest continued to beat conduct, I approached her rudely; and snatch-

Even you refuse the only mercy which man | ed from her hand the book she had been readcan now render me-the mercy of death-of ing. I cast it into the flames which rose highly from the hearth. It was the volume which Actuated by a sudden and half-defined im- you call sacred. I saw the smoke of its con-

the scrutiny. I pressed my hand against my sinking down in a state of insensibility-the of his clustered friends, and rent the heart of brow, for I felt my brain whirl like the com- tears of maternal anguish--- the horror depict- his distracted wife. Ever and anon it came, ing on of delirum. I could not be mista- ed on the countenance of the old man -- all and hoaser than before, and there was an occaken. The guilty wretch before me was the these throng even now confusedly over my sional wildness in its note, and now and then friend of my youth—one whose memory I had memory. I staggered to the door. The strange and clampages are position for a time, as if despair had inspired him with an unatural It was Heary St. Clair. Yes-it was St. Clair! by produced, had obviated in some measure energy. But the shouts became gradually but now changed since last we had commu- the effect of intoxication; and reason began to shorter,—less audible, and less frequent,—til nion with each other! Where was the look assume its empire. The full, round moon, at last their eagerly listening ears could catch of intelligence, and the visible seat of intellect was up in the heavens -- and the stars -- how them no longer. "Is he gone" -- was the halfthe beauty of person and mind? Gone-and fair, how passing beautiful they shone down whispered question they put to one another, gone forever—to give place to the loathsome- at that hour! I had loved to look upon the stars and the smothered respenses that were mut ness of a depraved and brutal appetite—to --- those bright and blessed evidences of holy tered around, but too plainly told how much and all pervading intelligence; -but that night | the fears of all were in unison.

"Well may you shudder," said St. Clair, like a curse to my weary vision. I could have scream,—'That was his whistle I heard!'-"I am fit only for the companionship of de- seen those beautiful lights extinguished; and She said truly .- A shrill whistle, such as that face of the sky, and have smiled with grim sa- rose again over the loud din of the deluge, and tisfaction, for the change would have been in the yelling of the storm. He was not yet unison with my feelings. of my betrothed. She died of a broken heart. ting to his friends the certainty of his safety.

Shocked by his words and still more by the From that moment, all is dark, and hateful, For some time his unhappy wife drew hope and leathsome, in my history. I am now re- from such considerations, but his whistles, as the wretched man to my dwelling, and, after duced to poverty,-I am bowing to disease,- they came more loud and prolonged, pierced his bed-side after the physician had departed; Such was the tale of the once gifted and no- mortal. Still they came louder and clearer

ing; and sunk back, still and ghastly upon his cination of vice, are hurried onward, as by an hear them again. irresistible impulse, in the pathway of ruin; I followed the remains of my unhappy friend although conscious of their danger, and know- haugh, some four or five miles down the river.

The following appalling details of a man be-I now referred to the paper which had been | ing swept away by a torrent, is extracted from | McTavish vs. The Proprietors of the Union handed me by the dying man. With a trem- an account of the Great Floods in Scotland, August 1829, by Sir T. D. Lander:

> mansion the previous evening, and the mirth have the best effect in securing the public of the landlord was so extreme as to attract safety and convenience. the painful attention and to awaken the super-

thousand others;—it is the brief and sunny biography of one upon whose pathway the sunshine of happiness rested, unshadowed by a
passing cloud. We were happy in our friendship,—but the time of manhood came, and we

neart were poured out, in the sincertty of earthousand others;—it is the brief and sunny bily love. She was indeed a beautiful girl—a
being to bow down to and worship—pure and
high thoughted as the sainted ones of Paradise,
ship,—but the time of manhood came, and we

see seed every advantage of outward beauty—
ship, and that the is not to be subjected to the dangers and risques of imboat!" was the general cry, and some ran this
sel for the defendents prayed that the Court
would give the following instructions to the Jusessed every advantage of outward beauty—
seesed every advantage of outward were parted by our different interests, and by but it was not that which gathered about her, tained from Mr. Gordon of Aberlour; and, the opposite tendency of circumstances pecu- as with a spell, the hearts of all who knew her. though no one there was very expert in its use, dence, that the desendents in the cause ex- is not expected to become acquainted, and It was the light of her beautiful mind which it was quickly manned by people eager to save pressly forbade the driver of the stage to race over whom he can have no control.

rectly into the boat; but their object was to suffered by the plaintiff was an immediate con- verdict for the Plantiff -- Damages \$600. Laseized by the arm; and a voice close in my ear oasis in the desert of being. She loved me, and as frequently were they foiled, even by said injury." whispered hoarsely-"Stop-or you are a Allston-and a heart more precious than the that which was considered as the gentler part gems of the East, was given up to a wretch of the stream, for it hurried them past the point whence they wished to make the cast of their "Hitherto pride rather than principle had rope, and compelled them to row up again by the it on the part of the Defendants have proceed- en board, was, after being at sea a few days, kept me above the lowest degradation of sen- side, to start on each fresh adventure. Often one hand grasping my left arm, the other hold- sual indulgence. But for one fatal error were they carried so much in the direction of that in order to sustain the action against the pled state she was fallen in with by the schr. might have been united to the lovely being of the tree, as to be compelled to exert all their servant, his act must have been in its inception Superior, belonging to Mr. Silas E. Burrows, I know not what prompted me to resistance; my affections; -- and, oh! if sinless purity and strength to pull themselves away from him tortious, and evidence has therefore been given of this city, then on her passage from New -I was totally unarmed, and altogether un- persuasive love could have had power over a they would have saved, that the driver, in racing against the opposi- York to the Pacific ocean on a sealing voyage.

> exclamation of encouragement to persevere in "I had been very gay, for there were happy their friendly endeavours. But the evening extinguished the last feeble sparks of both, and

put an end to their endeavours. Fancy alone can picture the horrors tha must have crept on the unfortunate man, as, amidst the impenetrable darkness which now prevailed, he became aware of the continued increase of the flood that roared around him more and more dreadfully upon him. these were long ineffectual in shaking his col lected mind, we know from the fact, after wards ascertained, that he actually wound up his watch while in this dreadful situation But hearing no more the occasional passing exclamations of those who had been hitherto trying to succour him,he began to shout for help in a voice that became every moment more long-drawn and pitcous, as between the gusts "The scene which followed beggars des- of the tempest, and borne over the thunder of

their grandeur and their exceeding purity came | What was that?' cried his wife in delerious gone. His voice was but cracked by his fre-"Allston! I have visited, in that tearless ag- quent exertions to make it heard, and he had ed that the sounds they heard were really

The body was found next day lying in a

We published, on Tuesday a short notice of the case, recently decided in Baltimore, county Court, Judge Hanson presiding, of Line of Stages. The importance of the decison induces us to publish to-day the opinion which was delivered by the Court, and which explains, Cruickshanks was innkeeper of the village in the clearest and most satisfactory manner,

man is dast the day," was her observation to The evidence on the part of the plaintiff, is supposed to know the nature of the business in the preceding lines, attempted to express "I have little strength to tell you the story one of the guests; "I ne'er saw him dance at proved that the Union Line being overtaken he is engaged in, and the sort of liabilities he the deep and unvaring impressions. ish merriment to the manly rivalship—from of my fall. Let me be brief. You know how sic a rate. Lord grant him binna fey." by the opposition within seven or eight miles the banquit hall and the pleasant festival, we parted from each other.—You know the down to the silent and unbroken solitude of the lofty hopes and the towering feelings of ambisome timber lying on its banks, requested the assistance of two neighbours to drag it out of where the ground did not permit this, he urged is therefore not punishable for his direct tort, danger; but the waters increased so rapidly his horses to full speed, notwithstanding the but if a man choose to employ an agent in a that they were fain to abandon the task, and entreaties of the passengers, and among the concern especially requiring in relation to the ing in England -- A meeting has been held at minded friend I never knew. Yet he was place of destination; and aided by the introstrangely proud—not of the werld's gifts— ductory epistles of my friends, and the influthe raft on which he was floating; but proud of his skill as a floater, he mocked at the fears where a road to the right passes by the Chemthe possessed—the ardent and lofty spirit which shone out in his every action. And he might wall be proved of such gifts. I never possessed those principles of virtue area to the right passes by the opposition turned off; on personal to the right passes by the opposition turned off; on personal to the right performed by Mr. Buckingham. The Duke of his advisers; and when his own were at length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited. The opposition turned off; on personal length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited, it was too late to hearken to length excited in the leng well be proud of such gifts. I never knew a finer mind. It was as the embodied spirit of poetry itself—the beautiful home of high and a stantions of the stage, and attentions of the stage, and the raft and down the stage and attentions of the stage, and not the passen-ing of the object of the voyage, and of Mr.

The owner of the stage, and not the passen-ing of the stage, and not the passen-ing of the object of the voyage, and of Mr.

The owner of the stage, and not the passen-ing of the object of the voyage, and of Mr.

Buckingham's fitness to take the management the current, his guiding pole was torn from his been so conspicuous in your own character. It was as the embodied spirit of the current, his guiding pole was torn from his been so conspicuous in your own character. Amidst the latteries and attentions of these stages are also at the current of the stage, and not the passen-ing of the object of the voyage, and of Mr.

The owner of the stage, and not the passen-ing of the object of the voyage, and of Mr.

Buckingham's fitness to take the management ing of the object of the voyage, and of Mr.

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Buckingham's fitness to take the management ing of the object of the voyage, and of Mr.

Buckingham's fitness to take the management ing of the object of the voyage, and of the object of the voyage ing of the object o poetry itself—the beautiful home of high and Amidst the latteries and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions of those grasp, and the raft sped down the stream like and attentions at the latteries and attentions of those grasp, and the raft sped down the stream like and attentions at the latteries at the lat glorious aspirations.

glorious aspirations.

Henry St. Clair was never at heart a christian. He never enjoyed the visitations of that pure and blessed influence, which comes into

ed the following "opinion." The prayer and the argument in support of tersburg, with the Russian Minister and suite ed, we think very correctly, on the ground, dismasted and otherwise injured. In this cripof ruin--I might have been happy.

Cruickshanks tantalized with the approach of But that fatal error came--and came too, help, which came but to add to the other mis-

his servant as to duties and conduct which t law of itself imposed, could alter the nature of owner and Baron Krudener, which we take the obligations to the plaintiff or affect the great pleasure in laying before the public, as character of, or the distinctions which the law honorable to our commercial reputation and creates between, the different remedies it af- character: technical question touching the rights and interests of a very useful body of men, affording great accommodation to the public, and the case when sued jointly for a joint act. Are night, all well. the facts then before us such as to sustain an

cart. If this be the true doctrine as regards and friends. the rights of third persons, who are strangers | Wishing you and your companions every in the case of the latter is in so much stronger | servant, as the injury to them is the more remute; the nature of the employment, and as such, must clearer light. be regarded, as respects a passenger as done | Accept, dear sir, my thanks and those of the tan. He never enjoyed the visitations of that pure and blessed influence, which comes into the silence and loneliness of the human bosom, the bilence and loneliness of the human bosom, and revive the drooping flowers of its desoia. The plaintiff's collar bone was proken in two dispositions of the Spey before daffections. He loved the warks of the Great God with the love of an enthusiast. But beyond the visible and outward forms—the beau-beyond the visible and outward forms—the believe saded and holv.

Stanhope, General Benthars, and Mr. James diverges, is forehead much cut, and he was continued by deep and strong current, and far from the land. The raft tooks a direction towards one of these; and seeing the wide and tumultuous waters of the Spey before the defendents with my whole soul. You know my former him, in which there was no hope that his loose of the Union Line was not the visible and outward forms—the continued by Mr. Buckingham, is, the pouliar feature of the projected of the pouliar feature of the pouliar feature of the projected of the owners are deceived in the characters of the broken in two trees, now surrounded by deep and strong current, and far from the land. The raft tooks a direction towards one of these; and seeing the wide and tumultuous waters of the Spey before thought proper to confide in; accordingly, the three was no hope that the driver of the Union Line was of the defendents. The evidence on the part of the defendents with my wice soul. You know my former those of infidelity, and I embraced them the part to defendents. The evidence on the part of the defendents with my wice soul. You know my former those of institute of the visitation of the pouliar feature of the tume the part to the was continued. The raft tooks are the part of the defendents with the owners

"That if the Jury shall find from the evi- no contract, and with whose qualifications he

This prayer the Court refused, and deliver- board was visited, the corvette Kensington, on her way from Philadelphia, bound to St. Pe-

> rrespondence took place between the NEW YORK, Sept. 3, 1930.

from Russia to the United States: Sir-I am informed by Captain Conger, of rights, interest and safety of the public itself, the sealing schooner Superior, belonging to we think that the best rule deducible from a me, that on his passage to the South Seas, in collation of the authorities is-that inasmuch lat. 38, long. 68, he fell in with the Russian as a servant can be sued in Trespass vi et ar- corvette Kensington in a dismasted state of mis, only where the master is not liable (ex- distress, and was induced, from your solicitacept where they are joint Trespassers) so the tions, and those of the Russian admiral and master is always liable where the servant is officers with you, to return to this port, and not; and both are liable in an action on the safely landed your party (nine in number) last

Capt. Conger informs me that he made a action of trespass vi et armis or an action in most advantageous contract for my intereststhat any amount I thought proper to demand To sustain the former, the act complained your excellency had agreed to pay. I am, sir, of must be tortious and in itself actionable, a traveller-often have been a sailor-and my that is to say, not only wilful in the sense con- feelings cannot be led astray by any pecuniatemplated by the prayer of the Defendants, but ry considerations. I shall not receive any comintentional, direct, and immediately effecting pensation for the service rendered you, knowan injury (no matter how slight) and from ing that you will repay the same, if chance its character indicating a design to molest at should place any of my suffering countrymen the moment the rights of others. Now although within your reach. The captain assures me the racing of a stage may be a misdemeanor the amount I receive is to be paid by the Rusand indictable, being contra bonos mores and sian Government. This in no manner changes endangering the safety of the public at large, my decision, as I consider individuals should it is not of itself actionable; the injury arising act to governments, and governments to indifrom it, is therefore technically incidental, and viduals, as individuals to each other; and I consequential, and the remedy is in case, not am happy in having this opportunity of showin trespass; if therefore the cart or the herse ing the Russian government (which has invaagainst which the driver ran had been injured, riably been the friend of my country) the feelthe action would be case against the owners not ings that a citizen of the United States entertrespass against the driver; the act of racing the tains. I send you by the bearer twenty-seven stage was wilful, not the running against the trunks and cases of baggage, belonging to you

and not at all included in the obligations of blessing and a safe return to your country, the owners and passengers, the reason for it | remain your most obedient and very humble SILAS E. BURROWS. NEW YORK, 4th Sept. 1830.

racing of the stage cannot imply, of itself, any My Dear Sir-I regret that the contents of immediate intention of injury to a passenger, your letter of yesterday, deprive me of the saand cannot give him an action of trespass vi tisfaction of expressing otherwise than in words, et armis against the driver-What tort does my sense of the services rendered to my govthe latter commit? The damage is consequen- ernment, and myself, by the commander of tial and no injury however slight, necessarily, the schooner Superior, who landed me and the immediately or even remotely ensues from it, officers of the Imperial Navy, and enabled me nor can the nature of the remedy be in any thus to accelerate the return of these gentleway changed by the orders of the owners, to men to Russia, at a time when, if the aid of drive carefully, for the driver is bound to do your vessel had not been afforded us, an unfaso by law, and they are bound for him. The vorable wind might have for weeks together, legal qualities, therefore, of his wilfulness are precluded the Kensington's making this port. not altered by orders, for his wilfulness may His Majesty the Emperior, has too vivid a perbe as great with as without orders; and if the ception of that which constitutes the feelings owners had given express orders to the dri- of rightful honor and generosity, not to apprever to contend with the ophosition line at all ciate fully the resolution you have taken to rehazards, that would not give the right of ac- ject the compensation for the loss of time and tion against them, nor create obligations to the the trouble occasioned to Captain Conger, passengers-no orders could diminish, but might which it was my duty to offer you. His Impeincrease the risque and extent of liabilities, by rial Majesty will feel it the more, that indepenmaking them answerable for greater damages, dently of the high motives of a general nature and also as joint trespassers, for we hold, that which actuated you in this circumstance, you as long as the relation of master and servant express in your letter the particular satisfaccontinues, the liability of the former contin- tion it gives you, to have an opportunity of oues; and it only ceases when the driver goes bliging the Russian government and nation, out of his character as such. The responsibil- whose sentiments and conduct you justly obity of a master flows in a great measure from serve to have been constantly of the most friendthe nature of the service; if a driver wilfully ly character towards these United States. I runs against a carriage or passenger, he does gives me personally more pleasure than I can not act in the character or according with the find words to describe, thus to receive an adnature of his duties and employment; he, as the ditional proof of the feeling of good will existbook says, is deemed in such case to depart ing between the two nations .- To that state of from it altogether, and to assume the character things the Emperor will ever attach great imof an owner; but not so as regards the act of portance, and he will learn with pleasure that immoderate driving; it partakes of the very through your means, it has been placed in a

during the existence of the relation of master officers who accompanied me, and at the same and servant between the owner and driver; time the assurance of the sincere attachment and while that relation subsists (and cannot and esteem which your conduct towards us all, be severed by the very sort of indiscretion so fully warrants, and which we are fain to exwhich drivers are most apt to and daily com- tend to your countrymen and country, is mit) can it be doubted that the owners are at whose name you have conferred upon my goleast as responsible for the consequences of im- vernment, upon myself, and upon the officers moderate driving as for any other kind of negli- of the Imperial Navy, who were with me at gence, carelessness or unskilfulness. Every man this juncture, the obligations, of which I have

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