

... We have been long of opinion that the frequent exercise of this prerogative of the executive has been carried to an imprudent and dangerous length, and one indeed subversive of the original design, of human punishment. The legitimate aim of all penalties inflicted by law is to hold up to public view the guilty and suffering offender as an example to deter others from committing similar offences. For this purpose nothing is better calculated to make the deep impression intended, than a belief that the punishment will certainly follow the conviction; and nothing tends more to cause it to be regarded in a light and obnoxious point of view, than to see, as we have too often done, artificial & technical difficulties thrown in the way of conviction, in our courts of law, or the hopes of escape encouraged after condemnation, by means of an executive pardon. Entertaining as we do such views on this subject, we are glad to perceive the following remarks from the Boston Daily Advertiser.

N. Y. Ev. Post.

From the Boston Daily Advertiser of June 20.

We could hardly credit the statement, that of the eighteen pirates sentenced to be hung at N. Orleans on the 25th ult. one was pardoned, and fifteen were respited for sixty days. In addition to the reasons which always exist for promptly executing the sentence of the law upon the convicted felon, there seemed to be peculiar reasons in the present case,—stronger than we ever knew in any other case in this country, why the government should exhibit a firm and unwavering resolution. They were in the midst of a people where piracy is so common as to be almost forgotten to be a crime. It has not been suggested from any quarter that they were not most righteously convicted, of the most odious, and most dangerous crime known to the law, and one which is with the greatest difficulty detected, and such is the extent to which the crime has been perpetrated without check or punishment, that the number of the friends and confederates of the persons convicted, is sufficient to overawe the municipal authorities of the town, to keep up a constant alarm, and require a large nightly patrol of the citizens, in addition to a strong guard of U. States' troops to prevent the rescue of the prisoners.—If ever there was a case in which justice should be promptly and unhesitatingly executed, it would seem to be this.

In addition to this apparently limited instance of mercy, in a part of the country in which hundreds of cases of unpunished piracy, robbery and murder called for an example of punishment, we learn by yesterday's mail that of the sixteen persons lately sentenced at Richmond to suffer death for piracy, "two have been pardoned, and the execution of sentence on the other fourteen has been suspended." We have just been told from Baltimore, that the President of the U. States "has respited for an indefinite period, the five pirates, associates of Ferguson and Denny, who were to have been executed on the 14th inst." It is but a few days since Clintock, Matthews, and Bowen, under sentence of death at Savannah for piracy, were respited for two months by the president, and Brailsford and Griffin, also lately under sentence of death at Charleston for piracy, have been pardoned by the president. Is not piracy a crime that deserves to be punished? Is it a mistake in the laws of all nations, that piracy—that robbery and murder on the high seas—the breach of the peace and security of the common high-way of nations, is made punishable with death? If it is so, and those who trust their lives and fortunes on the ocean deserve no protection, let them be repealed.—But if it is indeed a crime that deserves punishment—a crime to which there are the strongest temptations, and against which there are the fewest means of prevention—if it is a crime of which the smallest proportion of those who commit it are detected, and through the defeat of conclusive testimony, the interposition of friends, and the weakness of compassionate jurors and prosecutors, a small proportion of those who are suspected, are brought to trial and conviction—if it is a crime of which the temptations are always presented to a class of men more inclined to calculate the chances of escape, than to estimate the danger of punishment, there was reason to expect that the remarkable number of persons who have

within a short period been found guilty of this crime in different courts of the United States, would have been suffered to meet their fate without any efforts to excite commiseration, and without any interference with the regular administration of justice and the laws. But the fact is far otherwise. We venture to say that crime has been more emboldened by the number of pardons than it has been checked by the examples of punishment.

In this town it is true we have been sufficiently pained by the spectacle of public executions. In Boston where such an example of the execution of justice was as little needed as in any part of the world, to impress on the minds of the seamen in particular, a respect for the laws, where no seaman has been even suspected of committing a crime of this dark dye; seven pirates from other ports, have met the punishment which they so justly deserved, and which for the security of the community it was necessary they should suffer. But in other parts of the country, which are known to be frequented by the perpetrators of this crime, it is thought too cruel to punish, and much more amiable to pardon. It is said, it is a pity to take away so many lives, but it is a still greater pity that so many crimes have been committed; a greater still that they have passed unpunished, and that so many more are likely to be perpetrated, and perpetrated in consequence of this ill timed compassion.

Here follows the account of another instance of the inconsiderate exercise of this same pardoning power in Pennsylvania.

From the Philadelphia Democratic Press, June 21.

A pardoned convict.—It will not doubt be recollected by many of our readers, that about 3 years since, a successful attempt was made by a man named Learned, to rob one of the banks of this city. The novelty of his plan excited considerable attention at that time, and his subsequent conduct in the prison, and the wonderful degree of mechanical genius which he exhibited, satisfactorily proved that such a man with such principles, should not be suffered to run at large to deprecate upon the community.

This man, after a patient hearing and fair trial, was sentenced by the mild laws of Pennsylvania to 12 years imprisonment. Scarcely one fourth of that term had elapsed, when governor Findlay, in direct opposition to the interests of his fellow-citizens, pardoned Learned, and set him loose upon society.

About one month since, this man was released from prison, by order of governor Findlay, and already we have reason to believe that he has recommenced his plundering operations.

We learn that satisfactory evidence was communicated to the officers of the Philadelphia bank, that Learned was seen on Monday evening, at 9 o'clock, to descend into the common sewer at Whalebone-alley. Yesterday morning measures were taken to guard all the avenues to the sewer, and an examination took place yesterday afternoon, when it was discovered that considerable progress had been made in the work of destruction. Tools of various kinds, calculated for such an undertaking, were discovered, and a boat was found moored opposite to Mr. Girard's banking house. An umbrella, containing a dirk, was also found, which was identified by many witnesses, as the same which Learned took with him from prison a few weeks since. We regret to state, that in consequence of the great number of privies communicating with the common sewer, there is every reason to believe that the culprit has escaped through one of the avenues.

We are told, by way of apology for governor Findlay, that the convict he has let loose upon society, were recommended for pardon by the inspectors of the prison. Be it so, but what have a plundered community to do with the inspectors.—The constitution vests the power of pardon in the governor, & he alone is responsible to the community for the abuse of that power.

A favour has lately been got up in favour of a most atrocious murderer and robber in Baltimore, and the humane and benevolent feelings of the governor of that state are assailed by the signature of the names of more than one thousand females! I deprecate such a precedent. Let it be remembered that a governor is not an individual at liberty to consult his inclinations, but an executive officer whose im-

portant duty it is, to see the laws of that community, over whose safety he has been chosen to preside, preserved inviolate. Similar acts of inconsiderate lenity have too often blotted the records of our own state. Let the laws be impartially executed or repealed.

From a Liverpool paper. TRUE STORY.

A short time ago we visited our Borough Gaol, favoured by the company of a worthy magistrate, who, on the conversation turning upon the various characters sometimes inhabiting the prison, related the following story:—

"Twelve months ago, Mrs. Z. the wife of a respectable tailor, near Pownall square, was in confinement here several days, under rather curious circumstances. One Saturday, her sister was married, and Mr. and Mrs. Z. went to the marriage feast, at the house of the new couple, at Brownlow hill. In the course of the afternoon, two young men of the party made a formidable bowl of punch, so judiciously mixed, that its strength was disguised in the sweets and acids, so predominant in the mild beverage usually prepared for ladies. The party quaffed the enlivening nectar, and Mrs. Z. herself was tempted to take a second glass. In the evening, Mr. Z. was suddenly called down town to take orders for mourning suits in a family, in which death had occurred. As the evening advanced, the merry company separated, and Mrs. Z. who waited till the last, in the hope of her husband's return, was obliged to go home alone. When she got into the air, she began to feel the effects of the punch, which gradually overcame her, till at length she almost reeled as she walked. In Great Crosshall street, there was a fight amongst the vulgar which had attracted the attention of the neighbouring watchmen, and just as they were apprehending the rioters, Mrs. Z. passed by the edge of the crowd, and was seized upon as one of the unruly.—She was conveyed to Bridewell, slept soundly several hours, and then awoke in a state of amazement and horror, better conceived than described. The whole of Sunday was to her a day of deplorable anguish. She considered the disgrace she had incurred too great for either her own or her husband's endurance; when he should hear of it, all her happiness would be blighted; she trembled at the thought, and waited in aching agitation some crisis in her calamity. On Monday she was brought before the Mayor. Still her husband had not been near. She had no doubt he must have heard of her disgrace, and in justifiable anger and disgust had abandoned her to her fate.—She wept; she could not hold up her head to give an account of herself, and the Mayor, supposing her to be one of those unfortunate creatures too frequently brought before him, committed her to gaol as a disturber of the peace. Hither she was conveyed, stupefied and heart-broken, and entered this nether world of moral degradation, lost to all self-respect and hope.

"Mr. Z. to whom I must now return, had, on the Saturday evening, executed the business upon which he had been called, but was detained so late an hour that he went home, expecting to find Mrs. Z. already arrived; he was disappointed; but as it was now midnight, he supposed, very naturally, that she had waited till every opportunity of escort had passed, and preferred sleeping at her sister's rather to coming home alone. During the forenoon of Sunday he walked up to Brownlow-hill, where, with an astonishment indescribable, he heard she had left there, for home, late on Saturday night.—All was mystery and fearful foreboding. Like one bereft of his senses, he hastened to all their relatives throughout the town; she was not to be found; he applied to the Dock Police, and at a considerable expense had the northern docks dragged, fearing that by some unaccountable accident she had fallen or had been thrown into the dock. But her body was undiscovered; and he renewed and varied his search in every possible way during that day and Monday. Deprived thus suddenly and mysteriously of the best of wives, he knew not what to do; he put a bill on his window for letting his house and furniture, determined not to lead a miserable existence in the very place in which he had hitherto known unmixed happiness. On Wednesday his house was let, and on the same day he went to the residence of his sympathising mother, with whom he again took up his comfortable, but now melancholy, abode.

"On Thursday morning, I came to the gaol, as the visiting magistrate, and the turnkey drew my attention to Mrs. Z. who he thought was not a prisoner of the ordinary kind, I went to her, and questioned her; after some hesitation, and when she had for a moment subdued the sensations of her grief, she related what I have described, as to her circumstances and imprisonment.—I sent for Mr. Z. and while waiting for him, gave an order for Mrs. Z.'s discharge.—At length he arrived, dressed in deep widower's mourning, with a countenance gloomy as his drapery; I introduced him to his supposed lost wife, and never was surprised more sudden, or joy more ardent, than that which he manifested in clasping in his arms the beloved partner of his bosom, with whom he again entered the busy world; their gladdened eyes beaming, and their re-united hearts swelling with unmeasured felicity."

BOSTON, June 27. Gen. Rondeau Privateer.

Since our last paper, eleven persons have been arrested in this town, as part of those brought from a privateer on the coast by the schooner Augustus, which landed them at Falmouth, Barnstable county. The examination by the District attorney, before Judge Davis, commenced on Friday last, and was continued yesterday. Messrs. Simmons, Bassett and Knapp, appeared in behalf of the persons examined. We believe they are all foreigners; principally speaking the Spanish language. But one is an English lad, named Henry Askew. Mr. Badlam acted as interpreter to those who spoke Spanish. Of these men, three say they were prisoners, five call themselves marines, two (blacks) were cooks, and one was a cabin boy. Of those who were prisoners, one says he belonged to the brig St. Michaels, capt. Guestin, which sailed from Malaga, April 25, bound to the Havana, with a cargo of brandy, wine, fruits, &c. and was taken a few days afterwards off the Canaries, by the privateer; that there were on board the prize at the time 19 persons, including four passengers; that only the present witness was taken out, and the prize, manned, and ordered to Margarita. Another of the prisoners states, he belonged to the felucca St. Francis, from Cadiz for Yuca in ballast, that after being captured, some sails and rigging were taken from her, and the vessel released. The other says he was coming from Naples to Malaga, in the brig Malaga, capt. John Capote—which was taken by the privateer. It appeared from others, that three prizes beside were made viz. a polacca from Vera Cruz for Spain, a brig from Barcelona, for Havana; and another vessel. In all, five prizes were ordered to Margarita. All who were examined agreed nearly in the same relation, viz. that one night, when off Grenada; where some of them had been on shore, many of the seamen being intoxicated, a dispute occurred between them and the Officers—whereupon a Lieutenant ran among them with his sword, and it is said struck one, on which a seaman, (one witness called his name Rider) struck the Lieutenant on the head with an axe, and he died in a few hours, that the Marines would have fired upon the Seamen, but were restrained by the Officers—that the captain and other officers and marines were then forced into a leaky open boat, in the night about 8 miles from Grenada, but in calm weather, and with provisions and some money; that the captain complained that the number was too great, and begged them in mercy to take some back, and they accordingly received back some of the marines; that they know not what became of the boat, but a prize brig which was in company, (and which on these occurrences on board of the privateer, was given to the discretion of the prize crew,) took the same direction as the boat; and it was thought might have overtaken her or that she reached the land in safety. There were 10 persons in the boat. After the mutiny, one Tom Brush took the command; and two days subsequent thereto divided the money which was on board, (about 10,000) among the seamen, giving each something over 200 dollars. But to the marines and prisoners presenting only what he and his asso-

ciates were to have. The person examined, who was taken on board the privateer, says he was taken on board the privateer, after having taken a vessel under French colours, afterwards cutting the colours out of Tenerife, on being ordered her cargo was Spanish property. Mr. Mitchell, a witness who appeared in Court, with some bars, and gold rings, which he offered at his shop for sale and ped.

TO THE AMERICAN PEOPLE.

On the twentieth instant, unexampled in the fury of progress, in the course of a few reduced the fairest portion of once flourishing city to a desolate awful visitation of Divine vengeance, has, in its desolating sweep away an immense amount of the wealth of our city, according to the industry of years, and a respectable and extensive portion of the community, hitherto in the midst of affluence and upon the charity of the public the first necessities of life. The peculiar circumstances attending this terrible calamity has occasioned a greater civil individual ruin and distress than usually caused by the most severe fires. The extreme heat of weather—the extraordinary quantity of every thing combustible—strong wind, and the very compact population in the vicinity of its commencement, at once spread flames in every direction, with rapidity, which not only baffled effort to check its ravages, but derided the removal of any within its desolating range, and turtles are abundant and excellent. Rice, corn, pulse of all kinds, sweet and common potatoes, cassava, yams, &c. cabbage and garden vegetables are easily raised. Cotton, sugar cane and coffee grow wild; and also are cultivated. Palm oil, palm wine, ivory, honey, bees-wax, rice and ship-timber, are articles of export. The natives are friendly and useful labourers. But come to Africa, you shall see Africans in their native character! They are the admiration of every beholder. Fine, straight, hardy, healthy, bold, open countenanced people, whose very look bespeaks that they know that they are on their own soil, under their own sun; beside their own noble rivers; and that this is their country. I admire this people. You see every African among about 4 or 5000 of them. You see every woman with a child; and even the infants seem to walk before their time. But O, they ask not for contributions; they reimburse the losses of the sufferers however extensive, but to mitigate the sufferings of the needy and to relieve the wants of the distressed. And from the liberality and magnificence for which the American character has ever been distinguished, they derive an assurance, that upon the public liberality so profusely bestowed, they will not fail to attract the attention and open hands of the charitable and benevolent in every section of our country. Under this expectation they have pointed a respectable committee to receive, and distribute any donations either in money or property which the public charity may bestow. Of this committee George Corning is chairman, and to his donations should be directed. By order of the Troy.

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