FROM THE FARMER'S WEEKLY MUSEUM.

THE COUNTRY CRITIC, OR REVIEW OF RECENT PUBLICATIONS. No. I.

TO BE CONTINUED OCCASIONALLY.]

Epifles, domefic, confidential and official from GENERAL WASHINGTON, &."

THE title page of this volume informs us that thefe epiftles were written about the commencement of the revolution; that they were addressed to several military and diplomatic characters of rank, and

ral military and diplomatic characters of rank, and that no part of this correspondence has been printed in the two volumes, recently published.

Of these letters there is no reason to doubt the authenticity. The Editor, in his preface remarks judiciously that the first collection is incomplete, without the supplementary one. It appears that he, who arranged the letters first published is not the same person by whom the present collection is edited. But both evidently derive their authority from principals, and therefore we may perule this volume without any of those seeptical doubts, generally attached to posthumous or other letters, ap-pearing in a "questionable shape."

Among the few, the very few enemies of Washington, it has long been a fashionable remark, that the foldier is more conspicuous in his character, than the fcholar and the statesman. Men are commonly so envious of superior excellence, that they shrink from praising any but themselves, and when obliged to the task of eulogy, they do it by halves. He who is an eloquent orator is insiduously represented as a weak and slimzy logician. He who eminently excels in any one art, in others is suppo-fed to be a smatterer. But, it should be remembered that, however we may doubt univerfality of genius, there are some minds of such admirable verfatility, and pliancy so ozier like, that they can promptly bend in any direction. They can comprehend the vast, and detail the minute, they can "fweep the long tract of day," and mark the grub of the ground. The Roman annalists convince us that the first Confer was learned and brave, a courtier and a gallant. In the city he could "charm the miltress and fix the friend." In Gaul the reign of softness expired and defeated hordes felt the aim of a warrior.

To this class of intellect the mind of Washing-ton seems to pertain. He is no less at home in his fludy than in his tent. Facts refute the infinuations of faction. In domestick life he has proved himself an easy and amiable man. In military affairs he is unrivalled, and in council fagacious. The letters before us will demonstrate his literature. We will not hefitate to place them in a high rank of epistolary composition. Though not dictated in a eloister, or a college, yet had they been elaborated by a monk or "all Gresham" they had been infe-

Among the first pages of this correspondence we find a letter to John Parke Custis Esq; which marks the liberal and dignified mind of the writer. His youthful correspondent it appears is a candidate for martial honors, and his Excellency points out to him the course of study and action, preparatory to the camp. The young gentleman is his fon in law, and his anxious and military parent exhibits the folicitude of a foldier for the honor of his friend. "Confidering, fays he, your rank, for-tune and education, whenever it is proper for you to come forward on the theatre, it must not be any under part that you act. You are therefore certainly in the right to decline any part, till you are fit for the first and leading character." By insifting on the capricious influence of fortune in war, the experienced Washington endeavors to deter his relative from a course of life, which may expose arms. I am married to my fword, as well as to your amiable mother and heaven is my witness that I am in earnest when I say death alone shall divorce me from either. I am not so blindly devoted however, to my profession, as not to see by how frail a tenure I hold the little reputation I have gained in it .- With a foldier faccefs alone is merit; and the world is a worse judge of military matters, than any other. Have I not reason to wish that your choice had fallen on the quieter, but not less imporcant calling of a private gentleman, in which as a fenator you might have given proof of your abilities in a way, in which fortune would not have had to great a share? The General then adds that if his resolution he fixed and him. esolution be fixed, and his correspondent obtain the confent of his mother and wife, he shall not want bis fanction. After enjoining the study of tacticks, cautioning against too strong reliance upon theory, and adding that the best commentators upon the art of war, next to experience, are the Greek and Roman historians, he concludes in a lofty tone wotthy of a great man, worthy the conqueror at Trenton. " But the main and most essential qualification." on is an high sense of honor, an elevation of senti-ment, and a certain dignified stile of behavior, that distinguishes, or should distinguish a soldier from every other man. It is a fname indeed, if he, who undertakes to command others, has not first learned to command himself. I will not ondure any thing mean or fordid either in your principles or your manners; having determined, if it were left with me, to be as first and rigorous in these parti-culars, as were the knights of old, when a candidate was to be invested with the orders of chivalry. 1 cannot diffociate the ideas between a foldier and a gentleman : And however common it may be to racter, it yet conveys to me an idea of worth, I want words to express, if I had not known you to be a gentleman, you never should have had my confent to your becoming a foldier."
(To be continued.)

From the Delaquare & Eaftern Shore Advertifer. Meffrs. Adams,

The following case, important in its nature and consequence, was decided at Dover, by the Regifler of Kent County, on the 15th of August, 1796. The infertion of it in your Advertises, well apprile the public of its principles, and materially oblige a August 8, 1796. SUBSCRIBER.

Redman and Wife v. Stout. For the plaintiffs, this case was argued by Mr. Ridgely, and by Messis. Vising and Fisher, for the defendant.

The defendant was chosen guardian by the wife of the plaintiff, Mr. Redman, in the month of Hovember, 1789, and continued in that capacity, until her arrival to the age of twenty-one years, in September 1795. Within the fix months preferibed by law, an annual estimate of the minor's real property, was made by three freeholders, who valued it at the fum of f. 100. The question was, whether the defendant should account for the valuation of the minor's land, as returned by the freeholders, or the rents and profits as they annually

On the part of the plaintiff it was contended, that as the guardian was appointed folely for the benefit of the ward, and in his appointment, the law did not contemplate any profit to arife to himself, more than his reafonable expenses and commissions for his trouble and care, he in the prefent instance ought to account for what he has really re-ceived: That the valuation required by the act of Affembly, was never intended as a rule, by which the guardian flould account to the ward, but as evidence to enable the ward to recover double da mages for any waste, falc or destruction of his land, which might have been committed by the quardian during his trust: That the guardian was considered by the law as a truftee or receiver of the ward's property, and as fuel, he could never discharge his trust as he ought to do, but by accounting for the rents and profits, and that practice is in force in this country, there being no other principle esta-blished by any act of assembly, by which the guar-dian is to account, and that the orphan's court, on

Townsend, had adopted the above principles. For the defendant it was contended that the valuation made in conformity to the act of Assembly was intended by the legislature, as the criterion by which the guardian was to account to the mi nor: That this confirmation was fanctioned by the uniform practice of she exphanation that the best position and fince the revolution: That the best position ble method of arriving at the real value, was that directed by the law in question, because on the one hand, it secures the minor against any fraud, which a guardian might be disposed to commit, by taking a false oath in rendering his account, and an the other, the value is fixed by men, emanating from the orphans' court, and who diffutereftedly and on their oaths, return the real value of the premifes, and, that admitting the law not to be made for the express purpose for which they contended, yet that as the valuation had been adopted by the orphans' court as the best evidence for the guardian to account by, ever fince the passage of the law requir ing it to be made, it ought not now to be departed

an appeal to them, in a late cafe of Nock o

The Register delivered his opinion as follows-

The question submitted to my determination important as it is, in itself, derives great additiona consequence, from the circumstance of its bearing an intimate relation to the interest, and most inestimable privileges of my fellow-citizens at large, out more especially to that portion of them, which from every tie of humanity, honor and policy, we are bound to regard with a sustaining hand.

When the extensive operation, the endless effects the decision to be given may have upon ourselves and posterity, is contemplated—involving as it does the settlement of an important principle in our judicial proceedings—I am ready to shrink from my own consciousness of propriety, and resolve forever to doubt upon a question of right and wrong!—
But, tis not optional—to act in conformity to the dictates of my own judgment, is in this initial indispensable duty-no alternative remains, but to

execute er abandon.

The point in dispute between the parties, simply, whether in this flate, and under the existng form of its conflitution, and the laws now in force, a guardian is justly chargeable, as such, for the amount of the rents and profits of the real efate of his ward, and no more ; or for that fum or price, which the freeholders appointed according to in act of the affembly of this state, passed in the year 1766, may estimate and certify the value to be.

I have refricted the enquiry to this state, because n England, from whence our common law is chiefly lerived, it is no question. There it someeded by all, that the guardian is to account for the utmo? farthing of his ward's estate, faving his right to reasonable allowance for his trouble and expense.

In this narrowed view of the subject, I shall of fer no comment upon, or recapitulation of the mant safes adduced by the counsel respectively, the necknowledgment before mentioned-an acknow edgment forced, by the number and great authority of the cases produced and read on the occasion, to wit, that by the common law, the guardian is actually accountable for all the profits, which may

come to his hands.

The great diffinguishing circumstance, between the law of this country, and that of England upon this subject, is, the circumstance of our having a valuation of minor's property to the guardian, under the authority of an act of affembly of this flate, In England there is no fuch valuation.—Hence it is, that any doubt which may have been entertained, with respect to a guardian being accountable for the rents and profits of the real effate of his ward fembly prescribing the valention. There the re-gister read the 7th section of the act " For amending the laws relating to testamentary affairs, and for the better fetiling inteflates' effates.] It is true we here find an intimation of the yearly rents and profits to be raifed, but does not fay to be accounted for, if not raised. The latter part of the section or paragraph, which is explanatory, as to the use of law, is guardedly filent upon that point. It flates the sufficiency of the evidence of this certified return of the valuation, to enable the ward on his ar-

* The reader will observe, that the above is but a base shetch of the arguments of the sample on either

rival at age, to recover double damages in an action

Thus then the law here, feems rather equivocal, not deciding by express terms, nor by strong impli-cation even, what the guardian is to account for whether rents and profits or valuation.

Let it be remembered, that the right of proper iy and its increase, is among the deerest and most inestimable privileges of a freeman—a right most jealously protected by the just spirit of our laws—most securely guaranteed by the constitution itself. Shall it then be pretended, that from mere intimaion, or by the force of implication merely, one citizen shall be deprived of the just increase of his estate, to the emolument of another? To prohibit the minor from the profits—the surplusage profits over the valuation, I deem the use of negative words indispensable in the act of affembly, and that he the almost defert fields of this pastoral people, p should in the most direct terms, be precluded from all claim over the estimated value.

This not having been done, I take it, the queltion is left at large determinable by the common law of England. Nevertheless, I view the certificate of England. Nevertheles, I view the estimated of valuation legally returned, to be prima facie, good evidence of the guardian being fo far chargeable, and no farther, except upon discussion, it shall be in proof, that more or less was received, in which be in proof, that more or less was received, in which the valuation. I hold as inconclusive upon elements of the dead, and that these temple monuments are the coverings of the tomb. Sadness sheats over him; but great ideas, profound reflections succeed, and fill his mind. He sees that at the foot of Caucasus, on ther guardian or ward.

In reply to the idea, that the authority of long continued practice originating with the law itfelfsanctioned by the acquiescence of the people, effects the establishment of the principle, it may be urged that the prevalence of a doctrine sub filentio, is never to be pled in precedent—"Tis the authority of adjudged cases, upon full investigation only, that weigh in the balance against reason and justice.

In addition to what has already been faid, I will, as on a recent occasion, suggest, that as the con-stitution of this state imposes a positive obligation upon the register, to regard the equity of the case, and that too in the most emphatical words, I should and that too in the most emphatical words, I mound not think myself warranted in any degree, that should instringe in the least upon the immutable principles of equal institute. Exceed estizes and estizes, except such instastion was enjoined by the express and positive terms of the law.

In this case, as it cannot be pretended that the

act of affembly is express at positive, against the profits being accounted for, or that it unequivocally makes the valuation conclusive and paramount; and as the common law is beyond all contradiction in favour of the ward's claim to the whole of the profits, and against the valuation, I, in conformity to the conflicted obligation before mentioned, in regard to the principles of common justice and the equity of the case, am constrained to say, that Jacob Stout, late guardian to Rebecca Allen, now Redman, is justly chargeable with the whole amount of the rents and profits of her real estate, saving his right to his expenditures and reasonable com-

+ Vide 10th fection of 6th article of the constitution.

From a LONDON PAPER.

RESPECT FOR THE DEAD.

The question treated in the following article, has already occupied the attention of the French legislature, as being intimately connected with public morals. The subject is popular, and has lately at different times been the subject of difcussion in this country.

AFTFR a revolution in wich the passions of the

numan mind have displayed all their energy, in which falle and mifguided zeal, the arder of novel-ty, the delirium of innovation, have too often usurped the rights of reason and the language of philosophy, in which by disdaining and by rejecting every thing allied to periods marked with the pression of servitude, by a wish to re nothing the customs of other nations. the bonds of fociety were broken, and the empire overthrown of truths the most respectable, or of errors the most dear to feeble humanity : it is the duty of the man whom the leffons of experience have enlightened, to examine, amidst this mass of ruins, what are the ulages, the inflitutions, which ought to be builed in eternal oblivion, and what are those which, founded on human nature, upon unalterable affec-tions, should be cherished so long as it subfits. The legislator ought not to resemble the man who applies the pruning-knife to the tree, retrenches and ops the plants in his garden, without confulting he propriety of time, nor the influence of feafone. He ought to treat man as a feeble being, who requires to be treated with falutary caution, whom too bright a ray ferves to dazzle, not to enlighten. He will purfue, with indefatigable zeal, errors of fatal consequence, and prejudices favourable to tyranny; but he will not attempt to triumph over the invincible power of imagination, and to tear from the heart, illusions fweet and confelatory, never pernicious.

A facred respect for the dead has prevailed at every period, and in every country. Does it originate in our pride, or in that natural defire of furviving, after we are no more, of occupying a place in the remembrance of men, when our frail remains compose only a heap of cold and lifeless dust? The principles of our passions, the sources of our weaknesses and our errors, almost always elude our penetration, We only behold the effects, while the cause is concealed from our observation. Superior geniuses have discovered the laws of the physical world, marked the course of the heavenly bodies, removed a part of the yest with which nature has covered her operations; but none has succeeded in carrying a beam of radient light into the moral system of man. The impenetrable enigma of the human heart, refembles the questions of the Sphynx; but a new Œdipus has not yet prefented himfelf to folve them.

The respect which the Egyptians entertained for the tombs of their ancestors is well known. The Chinese, who continue at this day what they were two thousand years ago, preserve, with pious veneration, the ashes of their fathers. The Greeks and Romans considered funeral ceremonics as an important part of their religion. Aneas flopped on his voyage to perform the last duties to a woman who had been the nurse of his childhood, and to elebrate games upon the tombs of his father, Au.

chiles. Savage people in this point agree with air vilized nations. The Scandinavians conferrated to their dead the fumnit of the loftiest mountains. The Germans and the Gauls, the gloomy covert of the forells. The Americans tell the enemy than endeavours to drive them from their natal foil, "Shall we say to the ashes of our fathers—Rile, quit this earth, and follow us?" How sublime is this exclamation! It is not the field which nouville. ed them; the hut which sheltered them; the i the furubs that adorned their habitations, who attach men in a state of sature to their country. They only regret to leave behind them the graves of their fathers: it is to defend thele venerable mains that they endure battles, fatigue and death, The Tartars tear huts over the sepulciase of their relations. The traveller, fatigued with traversing ceives at a diffance one of these cymetries. Struck with the appearance, he goes up to it; he thinks that he is about to converse with men, He approaches, stone, inquires, but receives no andwer. This mournful tilence informs him, that he is the he banks of the Tanais, on the margin of the Seine and Gaudalquiver, man almost in a savage state, like man the member of civilized society, is animated by the same sentiments, and moved by the fame affectious. Poets are never more touching, than when their Muse, bathed in tears, is seated on the tombs. We weep with Virgil at the grave of Polydorus, and over the funcial pile of Dido. Geiner, that great painter of nature, is never more tender, more pathetic, than when he leads an innocent shepherdefa to weep over the tomb of her mother. Who has not been moved by the paternal lamentations of Young, forced under a totergockimate to render with his own hands the last duties to his daughter? How sublime is the poet of Pharla-lia (Lucan) when he describes a soldier of Pomycy gathering upon the barbarous shores of Alexandra the precious remains of that great man, rearing a funeral pile upon this inhospitable land, and con-lecting his facred aftes, the only treasure he can offer to the illustrious and unfortunate Cornelia!

In those disastrous days, the remembrance of which will long be the punishment of cotempora-ries, and a subject of surprize, indignation and horror to posterny, there remained no more regard to the dead, than pity to the living. Tyranny made it a crime to beltow fome marks of lengthlity upon the fate of its numerous victims. More active than pestilence, its cruel knife in one day carried devastation and mourning into every corner of the Republic. Men accustomed themselves to the fad spectacle of death, not to brave it with courage. but to fink under it without refillance. Upon the entrance of the church-yards, was inferibed—Death is an eternal fleep. This featence, dictated by frantic guilt, horrible at every time, was fill more frightful in those days of destruction, when life hung upon the tenute of a thread—when this pretended eternal night threatened at every inflant to open upon and decour every one of us.

The ferocious tyrants who then bare Iway, not fatisfied with transforming the earth into an abode of tortures and of horror, attempted even to inatch from us the fweet illusions of hope.

In drawing the attention of the Legislature to this melancholy yet important subject, I do not aim at awakening the pretentions of prielthood, nor furnishing to superstition the means of arising out of its ashes. I wish to recal that deceney which ought to prefide over every act of life, and which ought to accompany man even to his last

term.

We all well kn know that man, always feeble even while he is not the flave of superfittion, extends his disquietude to those useless cares which are to be bestowed on his frail remains. The tyranny of Joseph the second, the ftill more overwhelming tyranny of the Lords of the Empire, was not fufficient to compel their peafants to feek, far from the feil which gave them birth, more quiet, and above all more liberty. Jofeph, who thought himself a legislator, because in tolerating the most oppressive abuses, he was the persecutor of some prejudices, Joseph ordered the dead to be buried in quick lime, and this edict did what could not be effected by perpetual drudgery, wretchedness and servitude. The pensates of Tyrol and of Tranfylvania hastened to quit a country where his body could not enjoy the privilege of rotting, under a few feet of earth. In contemplating these facts the philosopher signs and deplores the weakness of humanity; but in considering this question in a light purely political and moral, it is of the number of those which ought to occupy the attention of the legislator, for to attach him strongly to his country, order, decency and dignity ought every where to ftamp their august impressions, and inspire the citizen with the highest idea of his condition; that at the moment of his death, as in every epoch of his life, it may be perceived that he is, or that he was, a member of a fociety in which the fublime character and the dignity of man shone in all their luftre.

(Signed) Representative of the people, and member of the Council of Five Hundred.

North-Carolina—Hillsborough Distria. COURT OF EQUITY, April term, 1796. John Willcox's beirs at law,

John Willcox's beirs at law,

VERSUS

Archibald Maclaine, James Morris, and others.

In this case the death of James Morris being suggested,
as also the deaths of Phoebe Morris and Martha Mission,
other defendants—leave is given to file a bill of revivor.—
But it is ordered, that the complainants first give scenity for
the costs. On the complainant's giving security for the costs,
and filing the bill of revivor, it is ordered, that publication he made in Fenno's Philadelphia Cazette for the space
of one week, and also that publication he made in Hodge's
North Carolins Journal, for the space of two weeks, that
unless the defendants put in their answers on or holore the
third day of the ensuing term, to wit, October term. A. D.
1796, that then the said bill will be taken, the converse
against the defendants so failing, and a decree made accordingly.

I certify, that the complainants have given fecurity for the costs agreezbly to the above; and I also certify the above to be a true copy of he minutes. W. WALTERS, Clerk, and mafter in faid cour