

prisonment. The messenger-at-arms may boast, that by the terrors of the law, he has in these instances recovered a debt which otherwise would not have been paid in full. We give implicit credence to his statement; but for the benefit of society at large, we would deprive him of the power of wielding this terror of the law; because, in both of these instances, positive injustice is done to the less urgent creditors, and the gain is made altogether at their expense. The debtor has nothing to lose, and if he is forced by terror to pay one in full with costs, he has so much the less left wherewith to satisfy the other demands against him.

The second class of debtors embraces those individuals who are solvent and willing to pay, but whose effects are not converted into money when their obligations become payable. This class is pretty numerous. It is composed of individuals who have a great appetite for becoming rich, and who, in spite of Solomon's warning, fall into a snare by hastening too much to be so.—With a limited capital, they embark in an extensive trade, and encumber themselves with too large a stock of goods. They are generally active, sharp-sighted, and economical, and are continually making money: but from being deficient in capital, their sales are never effected in time to meet the payment of their debts. They are from one to two or three months behind in the settlement of their bills. They suffer all the miseries of poverty with the perfect consciousness of solvency. They continue the richest pasture for writers and messengers-at-arms.—The writers send them threatening letters, with the certainty that they will pay 3s. 4d. for each of them; the messenger, with all the civility of a courtier, waits on them and intimates his caption, and requests an early payment. He calls and calls again, nothing loth, as he knows that for each visit the debtor will pay a handsome fee. At last, after the tardy trader has probably obtained six weeks delay, he scrapes together funds sufficient to pay principal, interest and expenses. This is a triumphant case for the gentlemen of the law; they hand over to their employer principal and interest undiminished by any charges, which are all paid by the debtor. It is truly astonishing to what an extent this system prevails. There are men who are habitually under diligence in these circumstances, and who probably add 10 per cent. to their whole payments annually by the accumulation of law-expenses. We have known a few instances in which, by a lucky turn of the market, the sufferers were enabled to extricate themselves from their difficulties, and ultimately emerge into competence; but in general, the struggle is maintained only for a time between labour and economy on the one hand, and the grinding dead-weight of legal fees on the other; and in the end, the debtor is sunk into real insolvency, terminating in open bankruptcy.

We do not justify this class of persons, or blame the creditors, or men of the law.—The trader is clearly in the wrong in launching into business beyond his capital, and the mental annoyance and pecuniary losses to which he is subjected, are the legitimate consequences of his indiscretion; but it ap-

pears to us, that a pouncing and sale of part of his stock, would be equally effectual in realizing the debt to the creditor, and far more effectual in checking his evil habit of overtrading, than the diligence by caption. The real circumstances of such persons soon become known, and they find that their credit is not extinguished, nor their business much interrupted by the protesting of their bills, and visitations of messengers-at-arms. Deluded by hope and avarice, they persevere, for season after season, in their erroneous system, and the diligence of caption does not sufficiently deter them. On the other hand, if their surplus stock of goods were at once seized and sold, they would pause before attempting to lay in a new stock to be seized and sold also by the officers of the law at the end of the usual period of credit. In short, we conclude, the letters of caption, and the fear of imprisonment, may safely be superseded by attachment of effects in the case of this class of debtors.

The third class consists of those who are able, but through caprice or spite, are not willing to pay. The number in it is remarkably small. We have known only one or two instances in the course of twenty years experience. If we could deal with these men alone, we would have no hesitation in delivering them over to the tender mercies of messengers and jailors; not because it is necessary to do so for obtaining payment to the creditor, but because imprisonment is the best cure for the waywardness of such persons. We knew a gentleman of this description who, in a mortal passion at his creditor, resolved to go to jail, although he could have discharged the debt by an order on his banker. To jail he went; but unfortunately, (or perhaps we should rather say fortunately), he was incarcerated on a Saturday afternoon, and the banks were not open on Sunday, so that it was Monday morning before he could possibly obtain his liberation. As soon as the bank opened on that morning, he sent his clerk for the money, lodged it with the jailor, and walked forth a free man. Ever after he spoke with horror of the nausea, constraint, headache, and disagreeable society which he had been compelled to endure in jail; and never again was seized with the whim of courting incarceration.

As these persons have funds, it is clearly unnecessary, with the view of obtaining payment, to incarcerate their persons. They are generally men of great pride and self-will, who despise concealment, and have no intention of practising fraud. There would be no difficulty, therefore, in obtaining payment by diligence directed against their effects. We admit that it is a handier and neater way to put their persons in prison, and, as we have already observed, if the law could be applied to them alone, we should not object to this being done: but as they are the only class with whom imprisonment is justifiable, and as they form almost an imperceptible fraction of the whole community, we would not continue a general evil for the sake of a partial good.

To render diligence against the property of debtors effectual, we think that they ought to be compelled to deliver up an inventory of their funds and effects to the creditor

within the days of charge—failing their doing which, they should be liable to imprisonment; and in case of wilfully falsifying their inventory, they ought to be subjected to the pains of falsehood.—*Scotsman.*

PATRONAGE OF BURNS.—The name of Burns, and the fame of his poetry, flashed like sunshine over the land, and as Byron said of himself, he lay down to sleep obscure, and awoke eminent. The first scholar of Scotland courted his acquaintance; and the highest and the lowest names in the country were huddled together in the subscription for a new edition of his works.—He was invited to Edinburgh, where Blair called him the Lowland Ossian; Burnet took him to his evening visits, where he drank wine out of bottles wreathed with flowers, in the manner of the ancients; Mackenzie handed him to a wider fame in a generous and venturesome critique; and the Duchess of Gordon admired his wit, and took his arm as she walked from the drawing-room to the supper table. The inspired Peasant of the West, was received and entertained as a sort of wonder: he was exhibited at the tables of the great, that they might make merry with him, as the lords of the Philistines of old with Samson: Lords nodded approbation to the sallies of his wit, and ladies sat round him in ring, fanning his forehead with their plumes, surprised with his untutored eloquence. Some pension, post, or place was expected by the country to be bestowed on the poet: one wrote to him that the Government would surely do something; a second hinted at royal patronage; while a third, wiser than any, whispered, "return to the fanners and the furrowed field, and be independent." He was caressed, praised and feasted till the taste for things rustic was cloyed, and men desired to see something new; lords and ladies neglected to invite him; and when they met him by chance, saluted him coldly, or passed him with averted eyes. He stayed for nearly a whole year in Edinburgh, and seeing at last that his hopes were vain, retired in deep anger and disgust to Nithsdale; took the farm of Ellisland from Miller of Dalswinton; married Jean Armour, and resolved to be prudent and laborious. But all his speculations regarding independence were doomed to be unfortunate; the farm required more attention than the poet was pleased to bestow on it; he resigned it; accepted a situation in the Excise, and lived in the hope of rising to the station of supervisor. "The luckless star that ruled his lot" interposed; he felt, as the world now feels, that his country had neglected him; and in the bitterness of disappointed hope, spoke too freely of freedom, the natural dignity of genius, and the fame which talents bring, compared to the rank which a king bestows. He was given to understand that his hopes of preferment were blasted; and his continuing in his humble office depended on his silence. He survived this degradation a year or more, but never held up his head again: he died in the summer of 1796, more of a broken heart than of any other illness.—*Allan Cunningham in the Athenæum.*

THE ETRICK SHEPHERD.—When he sought employment as a shepherd, no one would