### ANNA *or the* ADIEU.

WHEN the sails catch the breeze, and the anchor is weigh'd,
To bear me from ANNA, my beautiful maid,
The top-mast ascending, I look for my dear,
And sigh that her features imperfect appear,
Till aided by fancy her charms I still trace,
And for me see the tears trickle down her pale face,
While her handkerchief waving solicits my view,
And I hear her sweet lips sadly sigh out ADIEU.

The pleasing delusions not long can prevail,
Higher rise the proud waves, and more brisk blows the gale;
The gale that regards not the sighs that it bears;
The proud waves (still unmov'd, tho augmented by tears;
Ah! will ye not one single moment delay,
Oh! think from what rapture you bear me away!
Then my eyes strain in vain my dear ANNA to view,
And a tear drops from each, as I sigh'd out ADIEU.

Yet some comfort it gives to my agoniz'd mind,
That I still see the land where I left her behind;
The land that gave birth to my charmer and me,
Tho less'ning, my eyes beam with pleasure to see;
'Tis the casket that holds all that's dear to my heart,
'Tis the heaven where yet we shall meet ne'er to part,
If the fates are propitious to lovers so true;
But if not, dearest ANNA! a long, long ADIEU!

### *The Prayer of a wise Heathen.*

GREAT Jove this one petition grant;
(Thou knowest best what mortals want:)
Ask'd or unask'd, what's good supply;
What evil,—to our prayers deny!

### ANECDOTES.

A SHOEMAKER of Dublin had a longing desire to work for Dean Swift: He was recommended by Mr. James Swift, the banker, and Mr. Sican a merchant.—The Dean gave him an order for a pair of boots; adding, "When shall I have them?" "On Saturday next," said the shoemaker; "I have disappointments," said the Dean, "nor would I have you disappoint others; set your own time and keep to it:"—"Thank your reverence, (said Bamerick, for that was his name) I desire no longer time than Saturday fen-night, when you will be sure to have them without fail." They parted; and the boots were finished to the time; but through the hurry of business, Mr. Bamerick forgot to carry them home till Monday evening. When the Deany drew the boots on, and found them to his mind, he said, "Mr. Bamerick, you have the commendation of your friends, but you have disappointed me, for I was to have been at Sir Arthur Acheson's, in the county of Armagh, on this day." "Indeed, and indeed, Sir, (said Bamerick) the boots were finished to the time, but I forgot to bring them home."——The Dean gave him one of his fierce looks; and after a pause asked him, "Whether he understood gardening as well as boot making." Bamerick answered "No, Sir; but I have seen some very good gardens in England." "Come (said the Dean, in a good-humoured tone) I will shew you what improvements I have made in the deanery garden." They walked through the garden to the further end which the Dean started as if recollecting something, "I must step in (said he) stay here until I come back;" then he run out of his garden, locked the door & put the key in his pocket. Bamerick walked about until it grew dark, and not seeing the Dean, he at last ventured to follow him; but found the door locked; he knocked and called several times to no purpose; he perceived himself confined between two walls, the night dark and cold. However, he had not the least suspicion of his being intentionally confined.

The Deanery servants went to bed at the usual hour, and the Dean remained in his study until two o'clock in the morning. He then went into the hall, and drew the charge out of a blunderbuss, and other fire arms, then returned and rung the bell. He was immediately attended by one of his servants. "Robert (said he) I have been much disturbed with noise on the garden side, I fear some robbers have broken in; give me a lantern, and call up Saunders." —Then the Dean took the lantern, and said by the arms until the men came. "Arm yourselves (said he) and follow me." He led them into the garden, where the light soon attracted poor Bamerick, who came up to them. Upon his approach the Dean roared out, "There's the robber, shoot him, shoot him." Saunders presented, and Mr. Bamerick, terrified to death, fell on his knees, and begged his life. The Dean held the lantern up to the man's face, saying, "Mercy on us! Mr. Bamerick, how came you here?" "Lord, Sir, (said Bamerick) Don't you remember you left me here in the evening?" "Ah! friend (said the Dean) I forgot it, as you did the boots;" then turning round to Robert (who was his butler) he said, "give the man some warm wine, and see him safe home."

A FRENCHMAN discoursing with some bricklayers, laborers, at the palace of Fisano (near St. Carlos, in Italy) deplored the wretchedness of their condition, amidst so many rich princes and prelates, and highly commended the system of equalization established in France: when one of the laborers suddenly interrupted him, and lifting up his tray of wet mortar, placed it on the Frenchman's head, saying "*Let us here try your system of equality; I carried up the last tray, do you carry this.*" The Frenchman being decently dressed, was greatly enraged at the compliment, and go away as well as he could to complain of the insolence. He was heartily laughed at; and it is said that he has since left the town.

A CHILD of six years of age, being introduced into company for his extraordinary abilities, was asked by an eminent dignified clergyman, where God was, with the proffered reward of an orange. "Tell me (says the boy) where he is not, and will give you two."

*From* LOUDEN'S REGISTER.

"*One lover to another still succeeds,*
"*Another and another after that,*
"*And the last foal's as welcome as the former,*
"*Still (having lov'd his hour out) he gives place,*
"*And mingles with the herd that went before him.*"
ROWE.

OF all the curses avenging heaven ever sent upon mankind, a WICKED WOMAN surely stands first in the infernal catalogue. Habitually indulging herself in the promiscuous caresses of every libertine she can find, her principles and her character becomes blasted alike. Ugly as sin—malicious as the devil—the feels the consciousness of inferior attractions, and wishes to be thought as her deformed aspect might justify a conjecture of. But there are strange animals in the creation, and custom is with many esteemed a delicacy. To this end she endeavours to blacken the characters of others, and establish her own sickly reputation by comparative chastity. She affects politeness while the wants civility; and would be thought a well bred lady, when she does not possess the education requisite for a waiting woman. She will bribe a servant to betray his master's secrets; if his information is not sufficiently infamous, she will instruct him in the art of lying; and induce him to propagate reports of connections, the mere ideas of which gnaw her corrupted liver. She can make a negro blush by the indelicacy of her questions; and modest virtue droops whenever she breaks silence.

Spurned, hated, and feared, she is casually endured by some of equivocal character (and even these despise her in their hearts) while others, unwilling to sacrifice their fame at the shrine of her vanity and pretension to character, avoid her as they would the box of Pandora.

Happily, those characters are generally well known. Their envenomed shafts return with trebled poison to their dark bosoms; and they taste, in this life, the torments of the d——n'd!

It is to be lamented, that animals of this description too often meet with countenance and encouragement from male as well as female gossips. Happy to ingratiate themselves with an object whose favours may be thought desirable for their depraved appetites, they coincide in opinions and assertions derogatory to the conviction of their own senses, and become the second hand agents of calumny and falsehood.

### *A Receipt for the FLUX.*

AS the flux is now raging with much malignancy, in many parts of the country, I take the liberty of publishing the following simple cure, which after an experience of its utility, for near forty years, I will venture to recommend as a sovereign remedy.

Take two tea spoons fulls of clean *Hickory* or *Oak Ashes*, quite hot, in half a gill of old Spirits, whisky or milk, morning and evening. It is seldom necessary to repeat it more than two or three days.

N. B. Let the Patient observe at the time, to live on a flour diet altogether; and it would contribute much to the cure, if a warm flannel was constantly worn next to the stomach.

## *To the* PUBLIC.

WHEREAS in the *fourteenth* Edition of my spelling Books, printed in New-York for Samuel Campbell, Robert Hodge, &c. the publishers have inserted a declaration that, that edition contains *my latest corrections* and *that it is the most correct edition printed on the continent*: This is to notify all persons concerned, that, that declaration was inserted without my knowledge or consent, and that after examining the work, I find it the *most incorrect* edition I have ever seen.—There are in it between *two and three hundred* errors in printing, great numbers of them very material ones, not to say any thing of two or three sheets of the work which are printed on bad paper and on old worn out letter. For the information of those who wish to have correct copies of this work, I think it my duty to give public notice, that on account of the multitude of errors in this edition, I utterly disclaim it.

NOAH WEBSTER, Jun.

HARTFORD, SEPTEMBER 15, 1792.

### LIST OF LETTERS IN THE POST-OFFICE NORTHAMPTON.

REV. Timothy Allen, Chesterfield; Rev. John Taylor Deerfield Mr. George Barnard, do.; Mr. John Wealch, Belchertown; Capt. Gideon Stebbins, ditto; Mr. Joseph Eastman, Granby; Messrs. Hutchins and Mather, Northampton; Messrs. King and Howe, Chesterfield; Mr. Boaz Searls, Southampton; Mr. James Beard, Glasgow, Capt. Moses Cock, Amherst.

THE Subscribers being by the Hon. Judge of Probate of Wills &c. for the County of Hampshire, appointed to receive and examine the claims of the several creditors to the estate of Phinehas Lyman, late of Hadley, deceased, represented insolvent, (nine months being allowed for that purpose.) Hereby give notice that they will attend that business at the house of Mr. Elisha Cook, inholder, in said Hadley, on the first Wednesday of November next, and on the first Wednesday of each succeeding month, until said commission expires, from 10 o'clock. A. M. to 6 o'clock, P. M. on each of said days

OLIVER SMITH.
ENOS NASH.
J. E. PORTER.

Hadley, Sept. 29, 1792.

### FOR BOSTON.

THE new SLOOP, LUCINDA, WILLIAM WICKHAM, Master, will sail by the 15th inst. For freight or passage, apply to John Caldwell, Nath. Blake, & Co. or the master on board.

Hartford, October 1, 1792.

## War-Department,

AUGUST 6, 1792.

INFORMATION is hereby given to all the Invalids of the United States, that the sums which they are entitled for six months of their respective pensions, from the 4th day of March 1792, and which will become due on the 5th day of September 1792, will be paid on the said day by the commissioners of the loans within the States respectively, under the usual regulations, viz.

Every application for payment must be accompanied by the following vouchers.

1st. The certificate given by the state, specifying that the person possessing the same is in fact an invalid, and ascertaining the sum to which as such he is annual ly entitled.

2d An affidavit, agreeably to the following form:

*A. B. came before me, one of the Justices of the county of in the state of and made oath that he is the same A. B. to whom the original certificate in his possession was given, of which the following is a copy (the certificate given by the state to be recited) That he served (regiment, corps or vessel) at the time he was disabled, and that he was so disabled in the and county of and has resided there for the last years, previous to which he resided in.*

In case an invalid should apply for payment by an attorney, the said attorney, besides the certificate and oath before recited, must produce a special letter of attorney agreeable to the following form:

*I. A. B. of county of state of do hereby constitute and appoint C. D. of my lawful attorney, to receive in my behalf for my pension for six months; as an invalid of the United States, from the fourth day of March, one thousand seven hundred and ninety-two, and ending the 5th day of September, one thousand seven hundred and ninety-two.*

Signed and Sealed
in presence of } *Witnesses.*

Acknowledged before me.

Application of executors and administrators must be accompanied with legal evidence of their respective offices and also of the time the invalids died, whose pensions they may claim.

By command of the
President of the United States,
H. KNOX,
*Secretary of War.*

THE subscriber hereby notifies his customers in Norwich, Worthington, Goshen and Chesterfield, that he wishes to make a settlement with them immediately.——Those who have any demand on him, he will call and pay.

LUKE GATES.

CHESTERFIELD, SEPT. 26, 1792.

BROKE into the inclosure of the subscriber the 6th of May last, a black STEER, 2 years old, a ring in the right ear, and a piece of the upper side of the left ear, one eye blind,—also, a eyear old HEIFER, red fined, with a piece cut off the under side of the left ear.——The owner is desired to prove his property, pay charges and take them away.

SAMUEL HAMILTON.

Chesterfield, Sept. 20, 1792.

THE Partnership of GOODMAN & DANA, is by mutual agreement, *this day* dissolved—All persons indebted to said Partnership are notified to call on the subscribers in South Hadley, to settle the same.

TITUS GOODMAN,
SIMEON GOODMAN.

SEPTEMBER 29, 1792.

LOST, OUT of a drove on the 11th instant, between Landlord Wait's in Williamsburgh, and Hatfield, a large red white faced STEAR, four years old past, of the English breed of Cattle, whether he has any artificial mark is unknown. Whoever will take up said Stear and return him to the owner shall receive a generous reward.

BENJ. SMITH.

Hatfield, September 29, 1792.

TAKEN up by the subscriber the 17th inst. in damage, a likely thrifty SHOTE, weigh nearly a hundred, has no artificial mark or brand, except one ear off, is yok'd, his bristles leaning forward, supposed to be occasioned by a fright.——The owner, by paying cost, may take his property.

ELIPHALET PHELPS.

Northampton, Sept. 25, 1792.

RUN away from the subscriber on 25th ult. ELISHA THAYER, between 17 and 18 years old, black hair, dark complexion, had on when he went away, a brown or mixed coloured coat, check'd or brown tow cloth overalls. All persons are hereby forbid harbouring or trusting said boy. Whoever will take up said Runaway and return him to his master shall have a handsome reward.

JONAH WILLIAMS.

Goshen, October 2, 1792.

### TICKETS,

IN *Enfield Falls LOTTERY*
*To be sold, by*
DANIEL BUTLER.
Northampton, August 15, 1792.

*BLANKS*
*Of various kinds for sale at this Office.*

☞ A few TICKETS, in *Enfield Falls Lottery*, which will *positively* commence drawing on the 15th inst. may be had of DANIEL BUTLER, Northampton.


# Hampshire Gazette.

NORTHAMPTON, (*Massachusetts*) PRINTED AND PUBLISHED BY WILLIAM BUTLER.

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Extract from *Barlow's* ADVICE to the PRIVILEDGED ORDERS.

*On the administration of Justice.*

"A METHOD of communicating instructions to every member of society, is not difficult to discover, and would not be expensive in practice. The government generally establishes ministers of justice in every part of the dominion. The first object of these ministers ought to be, to see that every person is well informed in his duties and in his rights; that he is rendered perfectly acquainted with every law, in its true spirit and tendency in order that he may know the reason of his obedience, and the manner of obtaining redress, in case he should deem it unjust; that he is taught to feel the cares and interests of an active citizen, to consider himself as a real member of the state, know that the government is his own, that the society is his friend, and that the officers of the state are the servants of the people. A person possessing these ideas will never violate the law, unless it be from necessity; and such necessity is to be prevented by means which are equally obvious.

For the purposes of compulsive justice, it is not enough that the laws be rendered familiar to the people; but the tribunals ought to be near at hand, easy of access, and equally open to the poor as to the rich; the means of coming at justice should be cheap, expeditious and certain; the mode of process should be simple and perfectly intelligible to the meanest capacity, unclouded with mysteries and unperplexed with forms. In short; justice should familiarize itself as the well known friend of every man; and the consequence seems natural, that every man would be a friend to justice.

After considering what is the duty of society, and what *could be* the practice of a well organized government, relative to the subject of this chapter, it is worth while to enquire, what is the practice of all the old governments in Europe. We may be sure beforehand, that it directly the contrary,—that, like all other parts of the system, it is the inversion of every thing that weight and reasonable. The pyramid is every where set on the little end and all sorts of extraneous rubbish are constantly brought to prop it up.

Unequal governments are necessarily founded in ignorance; and they will be supported by ignorance; to deviate from their principles, would be voluntary suicide. The first great object of their policy is to perpetuate that undisturbed ignorance of the people which is the companion of poverty, the parent of crimes, and the pillar of the state.

In England the people at large are so perfectly ignorant of the acts of parliament after they are made, as they possibly can be before. They are printed by one man only, who is called the King's printer—in the old German character, which few men can read—and sold at a price that few can afford to pay. But left some scraps of information upon them should come to the people through the medium of the public newspapers, every such paper is stamped with a heavy duty; and an act of parliament is made, to prevent men from lending their papers to each other*; so that, not one person in a hundred sees a newspaper once in a year. If a man at the bottom of Yorkshire discovers by instinct that a law is made, which is interesting for him to know, he has only to make a journey to London, find out the king's printer, pay a penny a page for the law, and learn the German alphabet. He is then prepared to spell out his duty.

As to the general system of the laws of the land, on which all property depends, no man in the Kingdom knows them, and no man pretends to know them.—They are a fathomless abyss, that exceeds all human faculties to found. They are studied, not to be understood, but to be disputed; not to give information, but to breed confusion. The man whose property is depending on a suit at law, dares not look into the gulph that separates him from the without fee decision; he has no confidence in himself, nor in counsel, nor in justice; he submits on the back of a lawyer, like the Burke's heroes of chivalry between the wings of griffins, and trust the pilotage of a man, who is superior to himself, only in the confidence which results from having nothing at stake.

To penetrate into what are called the courts of justice, on the continent, and expose the general system of their administration in those points which are common to most countries in Europe, would be to lay open an inconceivable scene of iniquity; it would be

"To pour in light on Plato's dreary abodes,
Abhor'd by men, and dreadful e'en to gods."

* In this work may chance to fall into the hands of some people who never see the acts of parliament (the same precautions not being taken to prevent its circulation) it is out of compassion to that class of readers, that I give this information. It is duty of humanity, to save our fellow-creatures from falling into snares, even those that are spread for them by the government. Therefore: Notice is hereby given to all persons, to whom theft presents shall come, that the penalty for letting a newspaper, within the kingdom of Great Britain, is FIFTY POUNDS.

What are we to do with our sensibility, with our honest indignant of propriety—how refrain from exclamation of horror, while we contemplate a set of men assuming the sacred garb of justice, for the uniform and well-known purpose of selling their decisions to the highest bidder! For a judge to receive a bribe, we should think an indelible stain upon his character as a *man*; but what shall we say of the state of human nature, where it is no disgrace to him as a *judge*? Where it is not only expected as a matter of course, and practised without disguise, but is made almost a necessary part of the judiciary system?

Whether the practise of receiving bribes was the original idea on which is founded the *equality of effect* in modern governments, it is not our purpose to enquire. But certain it is, they are concomitant ideas, and co-extensive practices; and it is designed that they should be so. In France, before the revolution, the office of judge was not indeed hereditary, like that of king; but it was worse; it was held up for sale by the king and put at auction by the minister. As a part of the king's revenue arose from the sale of justice, the government sold all the offices in the department at fixed prices; but the minister made the bargains with those who would give him most. Thus the seats of the judges became objects of speculation, open to all the world; and the man whose conscience was the best fitted to make a profitable trade of deciding causes, would afford to give the highest price, and was consequently sure to be judge.

Justice then was a commodity which necessarily gave a profit to three fen of men, before it could be purchased by the suitor; even supposing it might have flowed to him in a direct channel. But this was a thing impossible: there were other descriptions of men, more numerous, if not more greedy, than those of whom we have spoken, through whose hands it must pass and repass, before it could arrive at the client, who had paid his money to the judge. These men who infested the tribunals in all stages of the business, were divided in France into seven classes, for want of the precise names in English to designate all their official definitions, we shall rank the whole under the great appellation of Lawyers. But though we here confound them together, as we often do objects at a distance, yet they were not to be so treated by the client. He must address them all distinctly, and respectfully, with the same *empressement et prévenance*, with which he had addressed the judge; as one or more of each class had a necessary part in bringing forward and putting backward, every causing that came into Court.

Lawyers in France served two important purposes, which it is supposed they do not serve in England: they added considerably to the revenues of the crown by the purchase of their places; and they covered the iniquity of the judges under the impenetrable veil of their own. In spite of ordinary consequence, there was more writing to be done in France than there is even in England, perhaps by a hundred and fifty pages. The reason of this was, that it was more necessary to involve the question in mysteries and perplexities that should be absolutely inextricable. For it must never be known, either at the time of trial or ever after, on what point or principle the cause is decided. To answer this end, the multiplying of the different orders of the managers, as well as increasing the quantity of writing, had an admirable effect; it removed the possibility of fixing a charge of fraud or misrepresentation on any one of the great fraternity, or of disposing, among the formidable piles of papers, and parchments that enveloped the mysteries of the trial, in what stage the iniquity was introduced.

To call this whole system of operations a solemn farce, is to give no mistrance to our feelings: to say it is a splendid mockery of justice by which individuals are robbed of their property, is almost to speak its praise.—The reflecting mind cannot rest upon it a moment, without glancing over society, and bewailing the terrible inroads made upon mortals public and private, the defalcation of principle, the outrage upon nature, the degeneration of the best particle of dignity by which we recognize our own resemblance in man. Its obvious tendency, is, by its enormous expence, to bar the door of justice against the poor, who in such countries are sure to form the great body of mankind,—to render them enemies to society, by teaching that society is an enemy to them,—to stimulate them to crimes both from their necessities and from the example of their masters,—and to spread over the people a large an incrustation of ignorance, which excluding all ideas of their duties and their rights, compels them to forget their relation to the human race.

Are those to be ranked among the governments which call for a change in the government of Europe? Or are we to join with Mr. Burke, and lament as an

"To avoid my delusion of exaggeration, I will mention by their original names such officers, classes as occur to me. These were the *counsellors, avocats, procureurs, secretaries, the judges, greffiers, huissiers, sergeants, bailiffs, subalterns*, with all their clerks, who must be paid, or the cause would stop in any stage of its progress.

evil of the French revolution, That the ancient system "of jurisprudence will no more be studied?" The whining of that good gentleman on this idea, is about as rational, as it would be to lament that the noble science of Heraldry was in danger of being forgotten; or that men had lost the mystical meaning of *Abracadabra*. This study, forsooth, a chaste, unsweyed the same purpose in Medicine, as flattery does in honor; or the old jurisprudence, in justice: it rendered men superstitious; and consequently, immoral and *unhappy*.

It is so fashionable in Europe, especially among the gentlemen, to speak in praise of the English jurisprudence, and to consider it as a model of perfection, that it may seem necessary for a person to begin with an apology for offering his ideas on that subject: if no means to deviate from the opinion so generally established. But instead of doing this, I will begin by apologizing for those who thus day support the established opinion: Your justest apology, Gentlemen, is that you understand nothing of the matter. Talking any other, would be less favourable to your characters as honest men.

Exclusive of the room by which the merits of a cause are to be decided (& which if they could be ascertained, would be the *law*) the mere *form* of bringing a question before a court is of itself a science, an art, less understood, and more difficult to learn; than the construction and use of the most complicated machine; or even the motions of the heavenly bodies. It is not enough, that the administration of justice (which ought to be as simple as possible) is so involved in perplexity, that none but men of professional skill can proceed to and extend it; but the profession are divided, as in France, into several distinct classes; each of, which is absolutely necessary to render helping hand in every step of the progress of a cause. This dark multiplicity of forms has not only usurped the knowledge of law from the generality of states, but has created such an expence in obtaining justice, that very few ever make the attempt. The courts are effectually shut against the great body of the people, and justice is as much out of their reach, as if it were confined.*

Those who have attempted to purchase justice thro' the necessary forms, have never been known to pronounce eulogies on the courts. But their number has always been so small, that had they uttered the exclamations that the system deserved, their feeble voice could scarcely have been heard. No man, whose eyes are not blinded by fees or prejudice, can look upon the enormous mass of writings which accumulate in a cause, without reflecting with indignation on the expence; one hundredth part of which would have been more than sufficient for every purpose of obtaining justice between the parties. A writer who should give the names and descriptions of the various parts of process, with the expence annexed to each part, would scarcely gain credit, except with professional men. Several hundred pages are expended only in writing Bills, Subpœnas, Pleas, Demurrers, Answers, Petitions, Orders, Motions, Amendments, Notices, Reports, &c. in a single cause where no witness is called.

Let us trace a few of the windings, and see where some of the paths lead, which are laid down as necessary to obtaining a decision in Chancery; we shall there find how hundreds, and sometimes thousand of pounds are expended in a cause, before any defence is set up, and where no defence is ever intended to be set up. The suitor begins his incomprehensible operation, by stating his claim, in what is called a *Bill*, which he leaves at a certain office belonging to the court, and obtains an order, called a subpœna, for summoning the defendant. This being done, the court requires the defendant to send an Attorney to write his name, at another office of the court. This writing the name, is called an *appearance*; it answers no public purpose, but that of increasing expences and fees of office, for which it is a powerful engine. Now if the defendant does not simply, an expence of thousands of pounds may be made, to compel him. *Attachments*, a process for *contempt*; a commission of *rebellion*, and an order and commission for *sequestration*, are pursued in their proper rotine, till he consents to write his name.

* The provision made in the English law, enabling a person to bring his suit *informa pauperis*, is rather an insult than a real advantage. Certainly, not one person in a hundred, who is deprived of justice in the ordinary course, would ever think it worth his while to go to the trouble to sue, he must go into court and swear that he has not property enough to satisfy his claim, his poverty is proclaimed, and his general character who wishes to carry on business, or has a spirit enough to seek for justice, has a higher interest in establishing a credit among his connections in business, than in prosecuting any ordinary suit at law. He knows, that to expose his own poverty, especially in a commercial country, would be irretrievable ruin; it would be a *positive* injury; while bring down with the loss of his right, without bringing his suit, is only a negative injury.