and unless it should appear, on such trial, that all legal requirements had been previously complied with, and were observed at the time, and further, that the accident was one, which no degree of attention could have foreseen or prevented, the boat should be forfeited, and the persons having charge at the time should be punished. It is no unreasonable hardship, in such cases, to throw the burden of proof on those who are entrusted with the navigation and management of the boat. They should be able to make out a clear case of actual attention, skill and vigilance, or else forfeiture ought to follow. It is a very high trust, to have charge of that which is so potent to destroy life, and which, when negligently treated, is so likely to destroy it. Of course, all unnecessary delay, expense, or trouble, should be avoided.—The property seized might be restored on bonds, as in other cases of seizure, pending preparation and trial; and every indulgence allowed, in the forms and modes of proceeding, compatible with the great end of an immediate investigation, and a prompt decision.

It is evident that, for many reasons, a judicial investigation will seldom be had, in these cases, unless it be instituted by public authority; and I do not think any provisions will be adequate which do not secure such investigation, whenever the loss of life happens.

As to Steamboat racing, it is an enormity that demands no tolerance. Doubtless, the Committee will see the propriety of providing that all such racing, on any wager, or for any stakes, whether it be between boat and boat, both or either, having passengers on board, or whether the wager be on any boat, with passengers on board, running against time, shall be punished, with forfeiture of the boat, and severe personal penalties on those concerned, whether any accident happen from such racing or not.

This sir, is a rough sketch of those enactments, which I think, may deserve the consideration of the Committee. Others, and perhaps better than these will doubtless occur to the members of the Committee. I have the fullest confidence that it is in the power of Congress to put an end, in a very great degree, to these disastrous occurrences. I believe that a wise and efficient law, such as may be easily framed and put in practice, would prevent three-fourths of them. At any rate, I trust we shall meet the public expectation, and try the experiment.

There are, sir, one or two other subjects, belonging to the safe navigation of steamboats, though not immediately connected with the explosion of steam, which the Committee will probably think worthy of attention. The first is, the collision of these vessels. It has happened more than once, that steamboats have run foul of each other, not by means of darkness or fog, but simply because the one did not know on which side the other meant to pass. Something like a law of the road, by which each should know on which hand to keep her course, with the obligation of being well lighted at night, would probably prevent some of the occurrences.

The other subject, is the carrying gunpowder, in large quantities, in boats having passengers. As there are boats used exclusively for freight, there can hardly be a necessity of transporting gunpowder in passenger boats.—This transportation in such boats augments the danger, and, when known, still more augments the terror of the passengers. And it is probably in consequence of this, and because some Captains on that account are not willing to receive gunpowder on board, that the article is sometimes shipped in disguise, the boxes being marked as containing other goods. This highly objectionable and criminal practice ought to be severely punished.

Mr. Benton then rose and said, that he entirely agreed in the justice of the views which had been thrown out by the Senator from Massachusetts. He was fully aware of the injury which had resulted to the community from the accidents which had occurred in the Steamboat navigation, estimating (if he was heard correctly) the number of persons injured by these accidents at 4 or 5,000. He stated that he was in New Orleans at the time of the explosion of the steamboat on the Red river, which had caused the loss of an honorable member of that body; and he had been assured that there was a quantity of gunpowder among the cargo on board. It had been stated to him, as a practice, that powder was frequently taken on board these boats, put up and marked, as coffee; and he adverted to an instance in which some hogsheads which had been shipped, under a different designation, had been discovered, at the end of the voyage, to contain kegs of gunpowder.—But there was another class of offences perpetrated on board the steamboats in the Western watars, to which he desired to call the attention of the Senate, namely, the assaults, batteries, and homicides which had become of such frequent occurrence. Crimes of this character were committed, the boat passed rapidly on from the point; a man perhaps was killed, and nothing more was heard of it.

He had not risen to throw any obstruction in the way of this resolution, or against a reference of it to some committee, because the resolution had his most hearty occurrence. But he had thought that, instead of the Committee on Naval Affairs, it ought to be sent to the Committee on the Judiciary. The question would necessarily involve points connected with the jurisdiction of the States themselves over the public waters within their limits. That was a subject which he thought would be more properly examined by the Judiciary Committee than by any other. These western waters were to be found in the back creeks running up to the heads of streams, and through farms and plantations, and were, therefore, properly to be regarded as private waters.

He had another word to add. Notwithstanding all which had been said on the subject of the calamities in the western steamboats, he was very well assured from an experience of twelve years, during which he had been in the regular practice of travelling on all these waters, that the captains of the western steamboats were men of high professional character, and of great skill. There were doubtless exceptions to this general character, but he had thought it right to make this statement in favor of that highly respectable body of individuals. During twelve years that he had travelled these waters, he had witnessed no accident, a result which he did not attribute to chance, but to the character of the captains, as it had been his practice never to trust himself on board one of these boats, of which the captain was not either well known to him, or whose reputation for skill and discretion was not established.

Mr. Webster replied, that the regulations proposed by him would apply to all boats navigating on the coast and in the rivers of the U. States, carrying persons and goods, being licensed in the usual manner. He contemplated no inference with State authority; but simply to provide that while navigating on the waters of the United States, and while engaged in any part of the commerce of the United States, all steamboats should be subject to regulations by Congress.

The resolution was then adopted, as follows:—

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of passing a law for preventing, as far as may be, accidents to vessels employed on the foreign or coastwise commerce of the United States, from explosion by steam.

TWENTY-THIRD CONGRESS.
FIRST SESSION.

FRIDAY, DEC. 27.

The SENATE did not sit to-day.

HOUSE OF REPRESENTATIVES.

After the presentation and reference of a number of petitions.

On motion of Mr. Watmough, it was

Resolved, That a committee be appointed to inquire into the expediency of equalising the compensation of the officers of the Army and Navy, and fixing the amount of compensation by law, instead of allowances now made by the Department.

ENLARGING THE PENSION LIST.

Mr. Chilton moved the following resolution:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of so extending the provisions of the act of Congress, passed 6th June, 1832, granting pensions to certain classes of troops therein named, so as to embrace in its provisions those who were engaged in the wars against the Indians subsequent to the close of the Revolutionary war.

Mr. C. made a short explanatory speech in support of the resolution.

Mr. Hardin, of Kentucky, advocated the resolution, and dwelt on the hardships, dangers, sufferings and merits of those for whose benefit the resolution was offered; arguing to show that they were as well entiled to the bounty of Government as those who are now borne on the pension rolls.

Mr. Wardwell, thought that the resolution ought to go to some other committee than that on revolutionary claims, (over which he presides) inasmuch as these were not revolutionary services which it was now proposed to compensate.

Mr. Everett, of Vermont, thought it would be better to refer the inquiry to a select committee.

Mr. Chilton accepted the suggestion, and modified his resolution accordingly.

Mr. Whittlesey, of Ohio, moved to amend the resolution so as to confine its effect to those who had served subsequently to the peace of 1783, and prior to the year 1791. Mr. W. adverted to the favorable reception of such a limited proposition at a previous session, and spoke some words in its favor.

Mr. Chilton accepted his amendment as a modification of his motion.

Mr. Lane, of Indiana, advocated the resolution, and observed that he had himself intended to bring the subject before Congress, if some one else had not done it.

Mr. Bard wished to give the resolution a retrospective operation before the year 1783, and for this end remodelled it.

Mr. Williams was opposed to any extension of the pension system beyond the limits of the Revolution. No others could have the same claims on the country, because none could be in their peculiar situation. Mr. W. spoke very respectfully of the services intended to be provided for by the resolution, but thought if the pension system was once carried beyond the Revolutionary period, there would be no end to it. He concluded by moving to lay the resolution on the table, but withdrew his motion at the request of

Mr. Burd, who, after some explanatory remarks, withdrew his amendment.

Mr. Hardin again took the floor in support of the resolution, which he advocated with much earnestness; adverting to the small proportion of the public money which was expended in the West.

Mr. Allen, of Kentucky, replied to the speech of Mr. Williams, insisting that these services came within his own principle, for they were in fact a portion of the revolutionary struggle. Though peace was signed in '83, and the war closed on the seaboard, it was continued in all its horrors, on the western frontier, and did not end in point of fact till Wayne's victory. It was the same war, prosecuted for the same end, and imposing the same debt of public gratitude.

Mr. Blair, of S. C., was opposed to the resolution, because it went to extend the operation of the act of 1832, to which act he had been and still was opposed; as it went to tax the descendants of meritorious soldiers to pension rich men and tories. He renewed the motion to lay the resolution on the table; and demanded the yeas and nays.

The question was accordingly taken upon laying the resolution on the table, and decided as follows: yeas 50, nays 139. So the House refused to lay the resolution on the table.

Mr. Bouldin, though opposed to the resolution, thought the claims of the individuals referred to ought to be heard. He moved to amend the resolution, so as to direct the committee to inquire "into the moral and political effects of the pension laws of the United States; and how far the same ought to be modified or repealed." Mr. B. supported his amendment by a short speech in which he insisted that the practical effects of the system had been to discourage private industry, and lead a large portion of the people of the United States to look to the Treasury as the unfailing spring from which they were to receive every good.—The poor, instead of being relieved in their own neighborhoods, were pensioned on the United States.

Mr. Chilton, in reply, made a long and very animated speech, in which he dwelt largely on the merits and sufferings of those engaged in the Indian Wars upon the frontier down to 1794. He admitted himself to be quite a latitudinarian, and declared, with Burns, that, if he was rich as the day, he would be as generous as the sun, in paying debts of gratitude to those who had won our liberty.

Mr. Boon called for the previous question, but his call was not seconded by the House.

The further consideration of the subject was then, on motion of Mr. Evercit, of Vt., postponed to Tuesday.

Mr. Clay, from the Committee on Public Lands, reported a bill to reduce and graduate the price of the public lands.

Mr. Ashley asked leave to move for the printing of 5,000 copies of the reports accompanying the bill; but it was objected to. He then moved to suspend the rule; but the House refused.

An appropriation bill, in part, for 1834, was reported by Mr. Polk, read twice, committed, and made the order of the day for Monday.

The House then adjourned to Monday.

LEGISLATURE OF MARYLAND.

HOUSE OF DELEGATES.

MONDAY, DEC. 30, 1833.

This being the day appointed by the constitution and form of government for the meeting of the General Assembly of this State, seventy-six members of the House of Delegates appeared. About 11 o'clock, on motion of Mr. Blackistone, of St. Mary's, the Clerk of the House proceeded to call over the names of the members returned, when it being found that a sufficient number of Delegates were convened, on motion of Mr. Blackistone the members proceeded to qualify, by taking the customary oath and subscribing to the Constitution—after which, the House adjourned.

SENATE.—Senators present, J. C. Chapman, Dennis Claude, T. Emory, Benjamin S. Forrest, John C. Groome, William Hughlett, Charles F. Mayer, Isaac Montgomery, John B. Morris, Samuel G. Osborne, Henry Page, Thomas Sappington, Wm. T. Wootten.

Benj'n S. Forrest, was appointed president, Joseph H. Nicholson, clerk, John N. Watkins, assistant clerk, Andrew Slicer, messenger, S. Peaco, door-keeper.

A resolution was adopted, declaring the seat of Littleton P. Dennis, Esq. as a member of the Senate, void, he having been elected a Representative in the Congress of the United States, and taken his seat.

The vacancy thus occasioned, was, by the vote of the Senate, supplied, by the election of Henry P. C. Wilson, Esq. of Somerset county; and an order passed, that the President of the Senate inform him by express of his election, and request his attendance at the seat of government.

Leave granted to Mr. Mayer, to report a bill, to be entitled, An act to incorporate the Commercial Savings Institution of Baltimore.

From the American Sentinel.

A few months past in noticing some treatise on the constitution of the union, and an apprehended collision in construing any part of its contents, between the general government and any state government, we had asserted that no tribunal of arbitration is in existence to give a decision. The constitution is a compact between one state and all the others of the United States; but certainly not a compact between one state or all, and the general government—for the government is but an effect itself of the social compact, having no power constructively implied—none not literally expressed.

No state can alone be the arbiter of any violation of this compact; nor indeed can the separate parties to any covenant or contract in social life or government, be arbiters of their own interpretation—much less can any party or power created by the contract to perform the terms of said document, be arbiters of their mode of performance. The constitution has not invested the government of the union—either in its executive, legislative or judicial capacity, or in all capacities combined—to be the equity arbitators in chance of misinterpretation of the compact. The supreme court of the United States has no more power by the constitution, to determine the constitutionality of the laws of Congress than has Congress itself that document is unfortunately deficient in empowering any board or court of arbitration.

We formerly recommended to the attention of those suggesting amendments to the constitution, that this deficiency should be supplied by an express article of amendment, stituting a convention of one or more delegates from each state—to arbitrate in case of an alleged violation of any part of the constitution. Two delegates from every state would be adequate. These might be the Governor for the time being; and the Chief Justice of each state. Or if more were required, then might the present or past president of each house of the legislature be added. Thus the executive, the legislative and the judicial power of each state would be represented; and would form an efficient court of appeal or arbitration.

Is there no expediency—is there not also a necessity—for such a court? It is a singular anomoly or oddity in the constitution that arms the legislature with authority to condemn the executive or judiciary branches of the government, if they commit any violation of its precepts; but that it gives no authority to any, to condemn a violation by the legislative branch. Is the legislative part of a government alone immaculate, or does not it require some constitutional check or safeguard?

It has been wisely asserted by able jurisconsults, that if England were ever enslaved, it would be by her parliament. Similarly say we, if the union is ever jeoparded or the country prostrated, it must be by the Congress. Let therefore no state ever permit Congress to assume any power—even in trifles—which is not expressly or constructively defined in the constitution.

The states are beginning to be too passive and supine to their own rights and immunities. But let no friend of the union, no patriot, ever think of nullification or secession, before arbitration. They are not the rightful remedies of unconstitutional aggressions.

LIABILITY OF PARTNERS.—It has been ruled by one of the New York Circuit Judges, that an endorsement of the name of a firm upon a promissory note, by one of the firm, in a negotiation not connected with the partnership business, is not binding on the firm; unless the express knowledge and assent of the other members of the firm is proved, or such strong circumstantial evidence given as to justify the jury in presuming express assent. The plaintiffs were non-suited, because they could not show such assent.

VALUE OF BLOOD HORSES.—Mr. J. C. Stevens sold his horse MEDOC for $10,000 to a gentleman of Kentucky. Not wishing to part with so favorite an animal, he asked a price that he thought left but little risk upon that score. But he was mistaken—the gentleman paid him the money, and walked off with the horse; and it is a little singular, that within twelve hours after, he had an offer of the same sum from a gentleman from Virginia, who came on to purchase him, and thought him cheap at the price. Double the sum obtained, however, would not have induced his owner, thorough sportsman as he is, to part with him, except upon condition of his being withdrawn from the turf. He goes to Kentucky as a stud. Medoc is an Eclipse colt, out of Young Maid of the Oaks, and will be five years old next spring. His color is sorrel, in that and other particulars resembling his sire.—N. Y. Amer.

EASTON, MD.

SATURDAY, JANUARY 4, 1834.

A letter to the editor, from Annapolis, dated the 1st of January, says, "We got through our elections yesterday without difficulty, electing THOMAS WRIGHT, 3d, Speaker, LOUIS GASSAWAY, Clerk, and G. W. SHARPE, Assistant Clerk; R. B. A. TATE, of Queen Anns, LEVIN JONES, of Somerset, and HENRY L. GALE, of Cecil, our Committee Clerks. The votes for Speaker stood, 40 to 38, the candidates not voting.

A letter from Tuscaloosa, Alabama, says:—"The Creek controversy is now regarded as at an end. An agent of the General Government (F. S. Key, Esq.) has been here for several days, and the rumor is that he is in a fair way of bringing all the difficulties that have grown out of the vexed Creek question, to an amicable close.

The last mail from Canada brings an account of the re-election of Mr. Mackenzie to the provincial Parliament, by an almost unanimous vote—of his presenting himself to claim his seat—and of his summary expulsion for the fifth time.

It is stated that Col. Haskett has entered into an agreement to walk 3000 miles against a Georgia pedestrian. The trial is to take place the first week in June, on the road between Taunton and Boston, for a heavy purse—say, $10,000. The Colonel goes on the bread and water system; the Georgian is to take meat, brandy and wine, in stated quantities every day.

It appears that Prussia and Germany, at the instigation of Russia, are about to impose so heavy an impost on British manufactures as to amount to a prohibition. Much anxiety has thereby been excited among the English merchants, least Nicholas may prove another Napoleon.

From the Delaware Watchman we learn that Welsh, who was to have been executed at New Castle on Friday last, received a pardon from the governor, just before he was to have been taken from the jail to the scaffold. A large crowd had assembled to witness his execution, and when his pardon was received about one o'clock, such was the satisfaction expressed by the multitude, that their feelings could scarcely be repressed from bursting out in a tumultuous cheering.

A letter from the Pacific, via Panama, states that Arica and Tacna were nearly destroyed by an earthquake on the 18th of September.

The House of Representatives of Ohio have passed a resolution disapproving of the Military Academy of West Point, as at present organized.

A singular difference appears to exist between the recommendation of the directors of the banks in New York and this city, in order to relieve the pressure in the money market—that is, to make the supply equal to the demand. Here our directors recommend memorials, without any action on their own part; but in New York, they recommend that an agreement shall be made among all the banks of that city to make simultaneously large extra discounts. Which recommendation is more sensible and [illegible] relieve the pressure?—AMER. SENTINEL.

Confidence appears to be somewhat restored in money matters. Our merchants have passed almost unscathed; and in Market street and elsewhere, business seems to be as brisk as could be expected at this season.—IB.

We learn that the American Board of Missions intend to send out, during the year 1834, if practicable, sixty-four Missionaries, as follows: To Western Africa, 2; to Eastern Africa including a physician, 5; to the island of Cyprus 2; to Asia Minor 5; to Syria, 4; to the Nestorians of Persia, a physician, 1; to the Mahomedans of Turkey, 1; to the Mahomedans of Persia, 1; as explorers in Persia and the countries beyond, 4; to the Bombay missions, 5; to Siam, a physician, 1; to southeastern Asia, and the Indian Archipelago, 10; to the Ojibwas, 2; to the Saux, Winnebagoes and Sioux 6; to the tribes west of the State of Missouri and the Territory of Arkansas, towards and beyond the Rocky Mountains, 6; to the Choctaws and Creeks, 4; to the Osages, 2; to the Senecas, 1; total 64. The Board already have under their care 150 mission families, besides unmarried adult laborers and native preachers and assistants, amounting in all to 323 persons.—The number of missionary stations is 60, churches 40, comprising al out 2000 members, printing presses 5, pupils in the schools about 56,000.—N. Y. Jour. Com.

The Wayne Sentinel states that the mysteries of Mormonism are about to be developed to the world. Doctor P. Hulbert, of Kirtland, Ohio, who has given the matter a thorough investigation, intends publishing a history of this new faith. The Wayne Sentinel says,—"The original manuscript of the Book of Mormon was written some thirty years since, by a respectable clergyman, now deceased. It was designed to be published as a romance, but the author died soon after it was written; and hence the plan failed. The pretended religious character of the work has been superadded by some more modern hand—believed to be the notorious Rigdon. These particulars have been derived by Dr. Hulbert from the widow of the author of the original manuscript."

Much excitement was felt at Amherst last Wednesday, at the burial of Mrs. Carter, in consequence of a change in the appearance of the corpse. The funeral exercises were performed and the body about to be committed to the grave, when her appearance became so fresh and unlike the dead, that the friends were led to believe and cherish the hope vitality still remained. In consequence of this, the interment was deferred until the succeeding day, and in the mean time the arteries were opened and the galvanic battery tried, but without the least evidence of returning animation. She had been ill but a few days, and the freshness of health and vigor of the system did not relax its usual energies so soon as in ordinary cases. Sometimes the suspension of life continues a number of days, and the individual by some miraculous effort of the vital energies, is again restored to society. But when the seal of Death is once set, no human agency can remove it, nor can the inanimate body be brought to life again. A friend of ours who was in Paris, a few years since, in passing a chapel one day, perceived much commotion around it. He was informed that a young man, over whom the funeral exercise had just been made, discovered signs of life, had been resuscitated, and from among the dead, was restored back to the arms of the living.—Northampton Courier.

From the Baltimore American.

CASE OF LIEUT. RANDOLPH.

We have already stated that the U. S. Circuit Court at Richmond, Judges Marshall and Barbour presiding, have discharged this gentleman from his arrest under the U. S. Treasury warrant. The judges gave separate written opinions in favor of his discharge, which are published in the Richmond papers. We have read the opinions attentively, and as we believe we can present the principal points clearly, we proceed to make an abstract of them—thus saving to our readers the labor of reading and ourselves the necessity of publishing the several columns that they would occupy.

The case was argued on a habeas corpus, to which the Marshal made return, that the party was detained by virtue of a warrant of distress issued by the Treasury Department against him. The warrant was issued in pursuance of the 3d section of the act of Congress, of May 18th, 1830,—which "authorises and requires" certain officers of the Treasury "to settle and cause to be stated" the accounts of certain public officers who fail to render their accounts and pay over the balance according to law, exhibiting truly the amount due the United States; and the "agent of the treasury is to issue a warrant of distress against such delinquent officer and his sureties, directed to the Marshal of the district in which such delinquent officer and his surety or sureties shall reside; which officer is commanded to make the money appearing to be due to the U. States, by seizing and selling the goods and chattles of such delinquent officer and his sureties, and by committing the body of such delinquent officer to prison, there to remain until discharged by due course of law."

This is the law relied on for the arrest. The facts are—that the sums claimed from the defendant arise under his accounts when lieutenant in the Navy; acting as purser on board the Constellation in 1822. His accounts were settled by the then Fourth Auditor, and allowed by the Comptroller in October, 1828. The present Fourth Auditor re-opened the account, upon the ground of discoveries made since, of errors and omissions, and in February, 1833, re-stated the same accounts with a heavy balance against Mr. Randolph, and the warrant was issued thereupon.

Upon this state of facts, Judge Barbour confines himself to two points;—first, whether the writ of habeas corpus will lie in a case merely civil; and secondly, allowing the writ, whether the Auditor on whose report the warrant was issued had jurisdiction. On the subject of jurisdiction, he speaks not with absolute certainty—admitting, that the British statute confines it to criminal cases, and quoting conflicting precedents from common law authorities. He concludes by deciding in favor of the writ, on the ground that if it did not lie here, there would be no remedy for unlawful imprisonment, and that if wrongfully assumed, "in cases of execution from Courts of Record, the Courts themselves can quash it, if it do not conform to the judgment—if it do, and that judgment be erroneous, it can be corrected in a Court of appellate jurisdiction."

His second point, that of the jurisdiction of the Auditor,—he decides promptly in the negative, upon the ground that by the first settlement in 1828, the power given to the Fourth Auditor was executed, and became extinct in in the case. The proper authority having once settled an account of a public officer, and closed it, it is not competent for the same authority to re-open it, and to re-state it on an allegation of error or omission, so as to re-vest the special jurisdiction which has been once at an end. The first settlement imports a final statement, and subsequent proceedings to correct, surcharge or falsify, must follow the ordinary rules and remedies.

The question of the constitutionality of the law was expressly waived by Judge Barbour, as unnecessary to be inquired into, and he also declined considering the alledged errors and misstatements in the Auditor's account, upon the ground that the case was before them, not as an Appellate Court, on a writ of error, nor to revise the merits of the case, but upon the simple question of jurisdiction in the Auditor. The Auditor having no jurisdiction under the law, he would not go into the constitutionality of the law itself, and accordingly directed the discharge of the party from custody.

The opinion of Chief Justice Marshall is also in favor of the discharge of the party, upon the ground of want of jurisdiction. He does not positively pronounce the act under which the warrant issues, to be unconstitutional, but passing over the main point, decides that so far, at least, it authorizes any proceedings of a judicial nature, it is clearly unconstitutional. This argument is used, to show that acts under that law, if valid at all, are valid as purely ministerial acts; that the statement or certificate cannot be taken as a judgment, nor the warrant as a judicial process. The consequence is that the validity of these acts must be decided by those legal principles which govern all acts of a ministerial character. These require that the authority, whether given by a legislative act or otherwise, must be strictly pursued. Such agents cannot act on other persons or on other subjects than those marked out in the power, nor can they proceed in a manner different from that which it prescribes.

The Chief Justice upon these principles examines the warrant, and decides that Mr. Randolph is not one of the persons upon whom the law was designed to operate. The statute does not reach all public debtors, but has selected a particular class, and named them.

A military or naval officer is employed for military or naval duties, not to disburse the public money appropriated to the service of his department. Judge Marshall states that a military or naval officer into whose hands money belonging to the public may come, from the words of the act is not more liable to this summary and severe proceeding than any individual not bearing a commission, to whom the same money might be confided for similar purposes.

Mr. Randolph was not the purser of the Constellation, but only the acting purser; and the Judge contends that the law can only apply to regularly appointed and commissioned officers, who give official bonds. This distinction is sufficient to take the case out of the construction of a statute which departs entirely from the ordinary course of judicial proceedings, and prescribes a harsh and extreme remedy—to be placed under the control of a mere ministerial officer.

Another point is made by the Chief Justice, upon the use of the word "truly" in the statute; "shall exhibit truly the amount due the United States," &c. He argues that the introduction of the word indicates the idea that this summary process is to be used only when the true amount is certainly known to the Department, when the sum of money debited to the officer appears certain, and either no credits are claimed, or none about which a controversy existed.

He recapitulates some of the items of the account to show, that all the amount claimed cannot be due, and that consequently the warrant of distress exceeds the lawful authority for which it could be issued. The contested items ought to be settled in a court of justice, to which Mr. Randolph is amenable.

On these two points, viz. that the warrant has been issued against a person not embraced in the description of the law, and in a case not contained in the limitation of the law—the Chief Justice decided that the agent of the Treasury had exceeded his authority, and the imprisonment is illegal.

The American Sentinel says—We copy the following provisions of the recent treaty with the northwestern Indians, from the Vandalia Advocate of the 2d inst. The Advocate says that many difficulties and obstructions had to be overcome before it was concluded. Great praise is to be given to Cols. Owen Weatherford, and General Erving, for their efficiency in the negotiation.

"Perhaps no treaty has been effected with the Indians in the last twenty years, of more decided advantage to Illinois, than the one just concluded.

"Its general provisions are—that the united nations of Chippewa, Ottawa, and Pottawattamie Indians, sell us their lands in this country, making no reservations in favour of half breeds or others. They move beyond the limits of our State in all next year, into the country bought of them in the Michigan territory, west of the Lake, on the Manotawalk and Milwaukey rivers, and from which they are required to go beyond the Mississippi in the course of three years from the ratification of the treaty.

"All the reservations at the villages of Tepe-ne-bee and Poncagan, on the St. Joseph river were also bought.

In exchange for these lands, the treaty stipulates to give them a country west of the Mississippi, equal in extent to that sold to the United States, estimating the same at 5,000,000 acres, 1 1-4 millions in Illinois, and the balance in Michigan territory. Also, $1,000,000—$175 thousand of it are set apart for the payment of the claims against the Indians; $100,000 for the purchase of agricultural implements, and the establishment of blacksmith shops, the building of mills, for the employment of blacksmiths, millers, &c. &c. $70,000 are put at the disposal of the President, to vest in the purchase of some profitable stock, with the view of producing from its interest a fund for the establishment of schools in the country proposed to be given to them—$109,000 are appropriated to the purchase of goods suitable to the wants of the Indians, to be distributed among them during the present and next years. Several other smaller sums are appropriated to several other beneficial objects—and the balance of the $1,000,000 is divided into annuities limited to 20 years.

"The annuities to be paid at Chicago until they remove beyond the Mississippi, and after that time at some convenient place on the Missouri river.

"Pon-ca-gan and his band being religious, they are permitted (for the present) to settle themselves in the northern extremity of the peninsula of Michigan, at a missionary establishment called La Arbe la Noshe.

"One hundred horses were distributed among them.

"Sau-ka-Nort (or Caldwell) and Robinson have the privilege of selecting five white men and a number of Indians not exceeding 40, to go and explore the country given them in exchange for theirs, at the expense of the United States, before they remove thither."

Governor SWAIN of North Carolina has recently made a most luminous Report to the Legislature of that State, proposing Plans of Improvement, which, if carried into effect, will, it is confidently believed, elevate the wealth and prosperity of that State beyond any thing which has hitherto been contemplated. Not having room to give the Report at length, we will give to our readers such extracts from it as will afford an idea of the importance of the plans proposed.

The Governor directs the attention of the Legislature to a favorite object with Mr. Gallatin, as appears from his Report made in the year 1807, of forming a direct inland Navigation from the State of Maine to Georgia; and thinks it probable that this great Statesman may yet live to see this great scheme effected.—Nat. Intel.

"The Board submit to the Legislature the propriety of connecting Beaufort Harbor with the waters of Neuse River, by a Ship Channel, and the extending this Channel by a cut, as direct as may be, to Roanoke River, at or near Plymouth; and by a cut from the north side of Albemarle Sound, at Edenton, to the point where the feeder enters the Dismal Swamp Canal, so as to open a direct communication for vessels drawing eight feet water from Norfolk to Beaufort. In the course of the next spring, it is stated that the Delaware and Raritan Canal will be finished, and a direct inland navigation consequently be opened from Stonington, Connecticut, to Elizabeth City, in North Carolina. And if a Canal, 50 feet in width and 8 feet water, shall be excavated, so as to afford a direct communication between Beaufort and Norfolk, what will be the effect upon the condition of N. Carolina and of the Union? All the produce from the shores of Albemarle Sound, from the valleys of the Chowan, Cashie, Roanoke, Tar, and Neuse Rivers, estimated to be of the value of five millions of dollars annually, would find its way into it. That which was intended for the South would reach the sea at Old Topsail Inlet, or stop at Newbern or Beaufort. The latter is known to be the best harbor and seaport on our coast; and from its proximity to the Southern and West India markets, must at once become an important commercial town. The produce, on the other hand, intended for the North, would either go up the Chesapeake and inland to Philadelphia, or out to sea at the Capes of Virginia, or seek a market at Norfolk, now the finest seaport, and which, supported by such a trade, would soon become one of the largest cities in the Union. By this channel of communication our coasting vessels, and all others drawing eight feet water, would be relieved from the hazardous and difficult navigation around Cape Hatteras and Cape Lookout, the most dangerous points known to our navigators, and where it is believed more vessels have been wrecked than on the whole coast of the United States."

"An improvement of this character would contribute much to make us one people.—Wilmington, Beaufort, Newbern, Washington, Plymouth, Edenton, Hertford and Elizabeth City would be drawn nearer together.—The produce of the West would be brought down by Railroads and improved River Navigation, and find its way to the Ocean, or be concentrated at Beaufort and Norfolk.

"In addition to the facilities this Canal would open to commerce, it would have the effect of reclaiming a large body of Swamp Lands, which would be soon brought into cultivation and rendered productive. That which is now a howling wilderness the abode of wild beasts and venemous reptiles, would become a fertile and highly cultivated country, and this great highway of trade exhibit upon its borders a succession of fruitful fields and flourishing villages, the reward of our enterprize and liberality.

"These are some of the advantages likely to result to our own State. Let us now consider in what manner the interest of the Union would be affected by the accomplishment of such a work. An inland navigation would be opened from Connecticut to Georgia, with the exception of a short run, through a safe sea from Beaufort to Charleston. If the channel be

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