

NEW-YORK, NOV. 11.

The Seminole War.—On the 16th ult. the Legislature of Tennessee (recollecting, probably, the old adage—*Better late than never*—) passed a string of resolutions in relation to the Seminole war. Among other things, they unanimously resolve, that, "In the prosecution and termination of the Seminole War, there is nothing for censure—every thing for approval." They compliment, in the strongest terms, the entire conduct of Major General Andrew Jackson, and brevet Major General Edmond P. Gaines; and voted to each "a sword, with suitable engravings thereon, as a testimonial of the high respect entertained by the State of Tennessee for their public services." They conclude the series of Resolutions with the following:—

Resolved, That the Senators in Congress from this state are hereby instructed, and our Representatives are requested, to use their best exertions to prevent the adoption of any measures in the Congress of the United States, calculated to tarnish the reputation of said officers in relation to the manner in which the Seminole War was conducted."

A late Jamaica paper mentions, that one of the heaviest rains, ever remembered, fell in the town of Falmouth, Jan. on the 10th of September. It was ascertained by a rain-gauge, that the quantity which fell in *fifty-five minutes*, was no less than *eleven inches and three quarters*.

High handed Robbery.—It is stated in the *Merchant's Hall Books* in Boston, that "The American brig *Macedonian*, of Boston, Capt. Ephalet Smith, while at anchor in the port of Guerniez, near Lima, bound for Canton, having on shore one hundred and forty-two thousand dollars, the proceeds of her cargo taken from Boston, was robbed of the whole amount by Lord Cochrane, in the beginning of April last." In mentioning this fact, the *Boston Daily Advertiser* adds the following remark:—"This appears to be the money which Lord Cochrane carried into Valparaiso on the 21st of June last. His share of the plunder he offers to the Chilean government, in a letter which we published a few days ago, on condition that it should be applied to the manufacture of rockets, and that the account should be placed to his credit on the books of the treasury, to be paid when the independence of the country is established."

AUGUSTA, NOVEMBER 17.

We had but a few minutes risen from the sad narrative of the terrible conflagration at Wilmington; our imagination still brooding over her ruins, and the sufferings of her unfortunate inhabitants, when, on Monday night last, the shrill cry of Fire burst upon our ears, and brought more sensibly home to our feelings the dangers and distresses consequent upon such awful visitations. The fire originated in the Cabinet shop of Messrs. Dimons', on Centre-street, in the lower range of Bridge Row—all of which, (consisting of six tenements with their out-houses) belonging to Messrs. Slaughter, Labuzan, and James L. Oliver, was soon reduced to ashes.—The flames crossed Reynold-street and communicated to the store of Messrs. Crayton & Sloan, on the lower corner of the upper range of Bridge Row, and the destruction of this range also, at one time, appeared inevitable—but by animated and well directed exertions, the progress of the devouring element was here arrested. A breeze from the East now drove the flames across the street, and the whole from west range, belonging to Messrs. Leigh & Cantelou, was destroyed, except their counting house on the corner next the river. Here, finally, the fire stopped, by the united and active co-operation of the citizens and

the different companies; and the entire square, which a moment before appeared to be menaced with certain ruin, was saved. The amount of property lost is estimated at \$50,000, 30,000 of which it is stated were insured. Never before did we see the exertions of our citizens better directed or more determined. Indeed, in more than one instance, a spirit of desperate daring was manifested, which however rash, demands our admiration because it was wholly disinterested.

Last evening an attempt was made to fire the upper range of Bridge Row, by placing some combustible materials under one of the tenements—it was discovered in time to prevent the least injury, although one of the sills of the building was partially burnt. This circumstance renders it almost certain, that the fire on Monday night was the work of some vile incendiary. Let our Police and Citizens then be upon the alert, and hunt from their dens those midnight prowlers. As we have no regular watch, we would suggest the necessity of rigidly enforcing the Patrol Laws. We have been too lax in this regard—indeed so much so, that the torch of the incendiary might glare in our city with impunity. It is not our intention to give offence, or to question the zeal and activity of the municipal officers—they, doubtless do their duty; but their number is altogether insufficient for the safety of the city.

NEW-ORLEANS, OCT. 23.

Extract of a letter to the editor of the Orleans Gazette, from an officer in the army; dated Camp Ripley, (on the Sabine,) 8th October.

Since I left you in Orleans, I have seen the papers filled with false reports of a grand expedition under General Long, in Texas. The impropriety of such publications I suspect is severely felt by those poor deluded men, who have been induced to leave a comfortable living in quest of enterprize and conquest; but none feel its effects so severely as the inhabitants of Texas, whose crops have been taken to supply the army, and the only recompense they have now is General Long's due bills, which are in no very great credit. I have been encamped here for some time past, and have watched the fall of this grand army: it has met the fate I anticipated. *I can authorize you to say that the whole are dispersed or broken up.* General Long has gone to Galvestown to Lafitte: his wife is bending her course towards the Sabine.—The officers and men are every day passing in, many of them without money or food. Nacogdoches is evacuated by them; only four or five sick men are left there. A party of twenty men some time ago went towards the Brasos—they are in a state of starvation and will soon be in.

Thus has ended an expedition, which was cried up by some persons as being of much importance, but never exceeded 70 men, officers and all. It has ended as I wish all schemes may end, which are in violation of the laws of our country, and the laws of nations.

COLUMBIA, NOVEMBER 23.

The Legislature of this State met in this place yesterday, agreeable to their adjournment in December last.

The Senate formed a quorum and proceeded to business; the Hon. James P. Pringle, late President of that body, having accepted a disqualifying office during the recess, the Hon. John Taylor was called to the Chair, and they proceeded to the election of a President, when the Hon. Benjamin Huger was duly elected.

The House of Representatives formed a quorum, and proceeded to business; and at a quarter before two o'clock, received a Message, (No. 1.) from His Excellency the Governor, by the Secretary of State, which will be found in our paper of this morning.

GOVERNOR'S MESSAGE.

Yesterday, His Excellency the Governor, delivered the following Message to the Legislature of this State:

To the Senate and House of Representatives of the State of South-Carolina.

FELLOW-CITIZENS,—Since your last session, nothing has incurred to impair the relations of amity subsisting between the United States and any of the powers of Europe, except with Spain. With her we have differences, as she has refused to ratify the Treaty which ceded to us the Floridas for a fair equivalent. This country, which neither yields her revenue, nor adds to her power, would be to us a valuable acquisition, from its relative situation; while in the possession of Spain, it must be a source of perpetual collisions with our neighbouring states, threatening sooner or later to eventuate in war. Public opinion is unequivocally in favor of a pacific system on the part of the United States, as comporting best with our interests, as long as it can be maintained consistently with the rights and honor of the Nation; but when these become implicated, there can be no doubt that there will always be found in the breast of our countrymen, a manly spirit ready to act in their vindication. What may be the result of these differences with Spain we know not, but should an appeal to arms become necessary, there is every reason to believe that the people, mindful of the wrongs they have received from that power, will rally round their government, and maintain the dignity and independence of the Nation.

The United States present an interesting spectacle. We are exempt from the religious dissensions, which in some countries so often embitter the minds of men, and disturb the peace of society, and in the interest which each feels in the liberty he enjoys on the subject of religion, is found a motive sufficient to preserve it so all. It would be pleasant to dilate on these topics of common interest; but I must leave them for the purpose of bringing to your view some matters of a domestic nature, involving highly important considerations.

Your Judiciary system, gentlemen, wants revision; allow me to point out to you some of its defects, and of the evils resulting from them, and to suggest a remedy. Our Superior Courts of Law and Equity being co-equal and independent, the determinations of each are final and conclusive. If the decisions of these tribunals be discordant, as they are said to be in some cases of limitations in wills, involving the construction of particular expressions, and the force and authority of technical rules, it is evident that the law is unsettled and uncertain. Should two different and inconsistent meanings be given to an Act of the Legislature, one of them must be erroneous, and he who suffers from it, may justly find fault with the construction of the Courts, and his complaint is equally well founded, who, claiming property under a will or deed, shall be considered in a Court of Law, as having only a life interest in it; upon the construction of words, which in a Court of Equity, have been holden to create an absolute one. It is proper to observe here, that the contradictory determinations of the Courts, if there be any, reflect no discredit on the Judges; the evil grows out of the system. Our Courts too, may encroach on the authority of each other, and having no common Superior, they cannot be brought back within the limits of their respective jurisdictions. These are serious mischiefs, but they are not all we labour under. The Judges, but this is more particularly applicable to the common law Judges, being obliged at the conclusion of the Circuits to hold the Courts of appeal, enter on this important branch of their duty, fatigued both in mind and body, and under other circumstances unfavorable to research, discussion and deliberation. Besides the Judges sit on the cases decided

by themselves on the Circuits, and if the consequence be to dispose them to affirm each others decisions, or if from jealousy or rivalry a contrary effect be produced, in either case the interests of truth and justice must suffer.

The remedy I suggest for these evils, is the establishment of a Court of Errors and appeals, to be composed of Judges, distinct from the Judges of the Courts of Law and Equity, who shall exercise the appellate jurisdiction, now exercised by these sitting in the Constitutional Court of appeals, and the Court of appeals in Equity. This Court to be superior to all other Courts, to have a superintending and controuling power over them, and to be of dernier resort.

With a view to preserve in its fullness, the separate responsibility of the Judges, and to secure in favor of its Judgments the attention, patience and calm deliberation necessary in judicial investigations, the number of the Judges should be few—four or five, it is believed, would be sufficient. Upon the preference of an even to an odd number, a popular writer makes this observation—"I should prefer, says he, an even to an odd number of Judges; and four to almost any other: for in this number, besides that it sufficiently consults the idea of separate responsibility, nothing can be decided but by a majority of three to one; and when we consider that every decision establishes a perpetual precedent, we shall allow that it ought to proceed from an authority not less than this. If the Court be equally divided, nothing is done: things remain as they were; with some inconvenience indeed to the parties, but without the danger to the public, of a hasty precedent."

The erecting of this new tribunal will be attended with but little additional expence to the public, for as the Judges under the present system will be released from an arduous part of the duties they have now to perform, their number may be diminished, as soon as it can be done consistently with the constitution.—And as there are two vacancies on the Common Law bench to be filled, a favorable opportunity is presented for carrying into execution the proposed object.

The manner of disposing by will of real and personal estate, is also a subject meriting consideration. To dispose of the former by will, three witnesses are necessary; the latter may be disposed of without a witness.

The reason for this distinction has ceased long since, and I do not see the policy of retaining it. A man's personal estate is often larger than his real, and the same distribution is made of both when he dies intestate. Considering the great powers exercised by our Ordinaries, knowing as we do the incompetency of many of them for the duties of their station, and believing as we must, that this will continue to be the case, so long as the compensation for their services shall not be sufficient to induce fit men to accept the office. It appears to me, it would be expedient to declare, that personal property shall not pass by will, unless the same be signed by the testator in the presence of at least one credible witness, and that real estate shall pass by will in the same manner as personal. Putting the two in this, as they are in other respects, on the same footing. Our Penal Code, it is hoped, will not escape your notice. The experience which has been had of the Penitentiary system, is not so satisfactory as to justify me in recommending its adoption, and as our sister state Georgia is trying it, I think we shall act wisely in waiting the result of her experiment. In the mean time, it is proper that we should give to our present system, all the improvement of which it is susceptible, taking care to preserve always a just proportion between crimes and punishments. I know of no law in which this proportion has been so much disregarded, as in that for the

killing of a slave by a white man.—Its inflictions for this offence are so very inadequate to the demands of justice, that our state has suffered in its reputation for humanity. The rules of justice require that the punishment for murder should be the same in all cases, and it is to be observed, that a slave being deprived of his natural right of self defence, against a white man, the killing of him by the latter, receives from this circumstance additional aggravation; if, however, from considerations arising out of the situation of our country, it should be deemed inexpedient to apply these rules to the case of a slave, it is confidently believed there can be no well grounded objection to the annexing of other severe penalties to the commission of this barbarous deed. The extension of the benefit of trial by a jury, to consist of citizens, to this class of persons, for offences affecting life or limb, seems practicable, and as conformable to the dictates of justice, as it is in unison with the feelings of humanity.

The act for the relief of insolvent debtors, has lately received a construction different from that which prevailed in our courts for many years; and by which unfortunate persons imprisoned for debt, and willing to surrender fairly their property to their creditors, must notwithstanding remain in confinement at least three months; a time much more than sufficient for the purpose of giving notice of their intention to take the benefit of the act. While the late construction is attended with consequences distressful to the unfortunate debtor, it produces not the least advantage to the creditor. It is confidently hoped, therefore, that the rigor which it has introduced into the law upon this point, will be found to be inconsistent with its object, and that it may be softened.

It is with pleasure I inform you that the work of Internal improvement is progressing, under a fair prospect of being completed within the time originally contemplated; and that it promises to realize the beneficial objects anticipated by the public. The report of the Civil and Military Engineer, marked (A.) will give you full information on this important subject.

In order to facilitate still farther the intercourse between the different parts of the State, the propriety of keeping in repair our old roads, and of making new ones where they are wanted, is obvious. And if the opinion entertained by many, be well founded, that a more direct road, shortening the distance from fifteen to twenty miles between Charleston and this place, may be opened through land favorable to the undertaking, there are too many considerations of public utility that press the subject upon you, to allow me to suppose that you will not act on it promptly.

It is presumed that nothing need be said to invite your attention to the Militia, as the subject presents claims of too high concernment to be passed over. Among other advantages to be derived from rendering the militia as respectable as possible, may be reckoned the tendency it will have to weaken, in some measure, the unreasonable jealousy too generally entertained against the army of the United States; a body of men certainly the most efficient, least expensive, and best calculated for the success of military operations. Our liberties can be in no danger from this quarter, as long as our militia shall be held in just estimation, and be composed, as they are at present, of freemen, animated by a becoming spirit.

As Congress, under the Constitution, have the power to provide for organizing, arming and disciplining the militia, it is submitted whether it would not be proper to adopt the same rule in regard to the promotion of officers, and the formation of Rifle Corps into battalions and regiments, that prevails in the army of the United States: in order to advantage the general discipline, when