

Motion of Mr. Lowndes, the blanks in the  
were so filled as to embrace the following  
appropriations:

For the Quarter-Master's Department,	950,000
For the Bay of the Army and Militia,	5,617,000
For the subsistence of do.	2,310,372
Forage,	60,000
For Clothing,	103,000
For Bounties and Premiums,	400,000
For the Medical and Hospital Departments,	100,000
For Fortifications,	200,000
For the Ordnance Department,	140,000

Mr. Sharp moved to strike out of the bill the words "during the years 1814 and 1815," on the ground that the insertion of these years would exclude claims of prior date, which he would be yet unsatisfied, though recognized by the government as just; among these he particularly mentioned the case of the men who served in Gen. Hopkins's expedition. He presumed it to be the intention of the bill to include all claims remaining unpaid, with which object the language of the bill did not correspond.

Mr. Lowndes disavowed any intention to exclude any just claims from payment; nor did he think such would be the effect of the present phraseology. The accounts of the Department were kept under a general head for each item, without making any discrimination as to the date of its becoming due. These appropriations would of course go to the general heads, and be equally subject to all claims of whatever date.

Mr. Sharp replied—but his motion was overruled by the house by a majority of two. The bill having been reported to the house, Mr. Sharp moved to lay the bill on the table, to give an opportunity to ascertain from the war department the fact in relation to outstanding claims prior to 1814, but after some conversation this motion was withdrawn; and by consent of Mr. Lowndes, the bill was so amended by the house, as to read "during the late war," instead of "during the years 1814 and 1815."

The bill was then ordered to be engrossed and read a third time; and was subsequently read a third time and passed.

On motion of M'Lean of Ohio, the committee of Pensions and Revolutionary Claims were instructed to enquire into the expediency of appointing persons to pay the pensions allowed by government to invalid soldiers, in those states where there are no commissioners of loans.

Mr. Jennings, in making the following motion, described the western line of the Territory of Indiana, and stated the circumstance of the stream of the Wabash cutting the straight boundary line in its sinuous course, as occasioning much inconvenience to those living on its banks, and inducing a general wish on their part, that the line should be altered: He therefore moved, "that a committee be appointed to enquire into the expediency of changing the western limit of the territory of Indiana, with leave to report by bill or otherwise." The motion was agreed to.

Thursday, Dec. 19.  
A letter was received from the Secretary of the Treasury, transmitting the annual statement of reports during the preceding year; which was referred to the committee of Ways and Means.

Mr. Yancey, from the committee of Claims, made a report on the petition of John B. Eastman, late a District Paymaster in the United States' service.—The petition prays that his bond as District Paymaster may be cancelled, in consequence of the seizure of his vouchers by the enemy at Detroit, which precludes the settlement of his accounts in the usual mode. The report is against the prayer of the petition, but recommends authority to be given to the accounting officers of the Treasury to adjust the accounts of said Eastman on principles of equity. For which purpose the committee reported a bill, which was twice read and committed.

Mr. Yancey also reported a bill authorizing the payment for private property lost, captured and destroyed by the enemy whilst in the service of the U. States; which was twice read and committed.

Mr. Reynolds submitted for consideration the following resolution, which was rejected by a considerable majority, without debate: "Resolved, That the committee on public lands be instructed to enquire into the expediency of reducing the price of public lands; and that they have leave to report by bill or otherwise."

The motion of Mr. Easton respecting the Missouri lead mines, offered yesterday, was taken up, modified in its language, and agreed to.

Wednesday, Dec. 20.  
Mr. Johnson of Ky, from the military committee, reported a bill "for the relief of the infirm, disabled and supernumerated officers and soldiers of the Revolutionary war, and the late war, and of the army of the United States for the time being;" which was twice read and committed.

On motion of Mr. Yancey, the house resolved itself into a committee of the whole, Mr. Condict in the chair, on the bill for the relief of John B. Eastman; which was passed through the committee and ordered to be engrossed for a third reading.

Thursday, Dec. 21.  
The Speaker laid before the House a letter from the Secretary of the Treasury, containing several statements relative to the public revenue; and a letter was received from the Secretary of the Navy, enclosing a statement of monies transferred from certain specific appropriations to other objects of expenditure—which were referred to the committee of ways & means.

On motion of Mr. Reynolds, the house proceeded to consider the resolution submitted by him a few days ago.

Mr. Yancey of N. C. moved to amend it so as to read thus: "Resolved, That the committee on public lands be instructed to enquire into the expediency of appropriating all that tract of land known by the name of Congressional Reservation, lying in the counties of Maury and Giles in Tennessee, for the extinguishment of the genuine land warrants issued by the state of North Carolina, agreeably to the 3d section of an act of Congress of the 18th of April, 1806, entitled 'An act to authorize the State of Tennessee

to issue grants and perfect titles to certain lands therein described, and to settle claims to the vacant and unappropriated land within the same." This amendment was, after some debate, agreed to, and the resolution passed.

On motion of Mr. Darlington, a resolution was adopted, instructing the committee on roads and canals, to enquire into the expediency of extending aid on the part of the general government to the company incorporated for the purpose of cutting a canal from the waters of the Chesapeake to those of the Delaware.

Friday, December 22.  
The day was principally spent in the discussion and amendment of the bill authorizing the payment for private property lost, captured and destroyed whilst in the service of the U. States. It passed through a committee of the whole, was reported to the house; and, it being late, was laid on the table.

IN SENATE.

Thursday, December 21.  
Mr. Dana introduced the bill of which he yesterday gave notice, concerning evidence in cases of naturalization; which was read and passed to a second reading.

On motion of Mr. Barbour, "Resolved, That the secretary of the naval department, be directed to communicate to the senate, whether any, and if any, what steps have been taken during the recess to ascertain the most convenient harbours in the waters of the Chesapeake Bay, for the reception of ships of war; and that he also be directed to communicate whether the middle ground between the Copes of the said Bay, has been explored with a view to that object, and the result of such examination."

Friday, December 22.  
The bill concerning evidence in cases of naturalization, was read a second time and referred. The bills for the relief of Jabez Hull, and Jonathan B. Eastman, were read a second time, and referred to the military committee.

STATE LEGISLATURE.

House of Representatives, Dec. 13.—Sketch of Debate on a reported bill for allowing compensation to individuals for services rendered and expenses incurred during the late war.

COL. HAYNE explained in a few words the reasons on which the provisions of the bill were founded. It proposed to compensate as well the expenses of the detachments ordered out in pursuance of requisitions from the general government as those who served under state authority. Strict justice may not have required the former of us—but the agents of the United States had made some difficulty in paying the claims which had been presented, and it had been deemed best for the state to satisfy the claimants, and to make their demands an item in our claims on the general government, when the expenses of the war should be finally adjusted. Some specific allowance had been made to four individuals who had been named that had no legal claims on the state, and could not be included in any general regulation for the payment of the militia, but who, nevertheless, had strong claims upon its liberality in consequence of sickness, losses and expenses.

MAR. GEDDIS was opposed to paying the militia called out in pursuance of orders of the U. States for the common defence of the country, or for supplies furnished these troops. It was the duty of the general government to sustain this expense; they were able, and he had doubt willing, if applied to in a proper manner.

MR. CARROLL spoke on the same side. If we undertake, said he, to pay any claims that were properly those of the United States, however just or politic it might be in the particular instance, we should presently be inundated with such claims. We should have our table loaded with petitions, and should eventually suffer much from the precedent thus needlessly set up.

COL. HAYNE hoped gentlemen opposed to particular provisions of the bill would separate the questions, so as not to effect parts in which every member would agree. But he was not sure but we were bound to make compensation to all the militia. By whom were they ordered out? By the Governor of this State. If they did not receive supplies they never could arrive at the rendezvous conformably to the requisition. The United States' quarter-masters and agents failed or refused to furnish supplies, &c. One quarter-master, who is now a member of this house, paid money to a considerable amount out of his own pocket for defraying expenses of transportation. How is he to be remunerated? The United States' officers do not recognize him as an officer to whom they are to account. They have refused his claim. Unless he obtains compensation here he has no remedy but to petition to congress. Will he do this for a hundred or two dollars? There are besides a multitude of lesser claims, and of those much less able to make the demands of them at a distance. Shall we by denying them compensation here, bar them of all hope of any. But if we satisfy these demands and make the claim our own, when it is presented at once to the general government it will be allowed.

MAR. GEDDIS said so far as it had come within his knowledge, accounts for transportation for the militia had been paid by the officers of the United States when presented. It had always been the case at Charleston, and he presumed it would even have been the case elsewhere if the claims had been presented in proper manner. There are particular forms required in which to make claims and render returns, forms necessary to be observed to lessen the labour of office, and make official transactions correct.—If our quarter-masters do not conform to these rules of office and their accounts are disallowed, the fault is their own. It gives them no right to lay their complaints at our door. But the fact of our Governor calling out the militia gave them no exclusive character of state militia.—The Governor did not then act in pursuance of any state authority, but as a constituent member of the national government & in pursuance to its orders. The militia were not called out for the local services of the state, but for the general defence. If however, the United States

do not refuse these claims, then and not before, will it be time for us to take the payment upon ourselves.

MR. GIER wished to know what reasons had been assigned by the officers of the United States for refusing payment. If they are ready to pay, and the accounts are not regularly made out, he should oppose any appropriation for that purpose.

MR. DANNY said, the accounts had been made out duly, and in regular form. As respected himself, he felt an indifference as to compensation. He should never apply here or elsewhere; but he knew there were claims for supplies and transportation, that the U. S. agents had refused to discharge, on the ground of its not being their duty.

COL. HAYNE said, he could assert from his own knowledge, that regular applications, had been made in a proper manner, which had been carried to Gen. Pinckney himself; he had referred them to the proper officer; and they had finally been disallowed. A militia officer signs himself quarter-master. His claim is presented; but the paymaster does not find his name on the rolls of the army, and does not recognize him.

MR. GIER said he was satisfied with the statements that had been made. He should vote for the bill. The state can better wait a deferred payment than individuals can.

MR. HOOZE said, he had occasion to know himself that the militia claims would not be allowed by the General Government. He had advised one who was unsuccessful in his application to petition congress. He had told him that congress, and not the State Legislature was the place for him to apply. Though he thought it the duty of the General Government to compensate the services and defray the expenses of their requisition; yet as they had not done so, and the claimants had come here to obtain payments, he did not hesitate a moment as to the course we ought to pursue. We ought promptly to discharge all these demands. Suppose we do not? What will be the effect should we be engaged in another war? Would the militia turn out with alacrity? Would they be ready to furnish supplies or transportation? You should do nothing to damp the ardor of the militia. You should cherish their affections for government by lending an indulgent ear to their complaints and claims. Pay them promptly and liberally. If not strict justice it is sound policy. If the General Government remunerate us, well; if not, we at least have done our duty.

LITERARY.

REVIEW OF COOPER'S JUSTINIAN.  
The following valuable paper, which originally appeared in the State Gazette for August 1813, will be read with interest, as a just and comprehensive review of an estimable work, and as the production of a distinguished jurist of S. Carolina.

It is surprising how little attention is bestowed on the literary productions of our own country even by men of letters. Politics seem to absorb all the faculties of the mind, and a lamentable neglect exists of every thing else interesting to the country. This disproportionate attachment to one object, has been long noticed and lamented by many of our ablest men; and the instances of it are continually multiplying, to increase their regrets. I was led to this train of reflection, by observing how little attention has been bestowed on a late production of a very learned writer. Mr. Cooper, formerly a judge in Pennsylvania, driven from that station, as it is reported, by the violence of party spirit, and recently appointed professor of Chemistry at Carlisle College in that state, has published a translation of the Institutes of Justinian, with notes. It is not dissembled by Mr. Cooper that his translation is grounded on the work of Mr. Harris, which it is acknowledged, was a faithful version. But he claims, and justly, the merit of having pruned that work of some redundancies, and of having elucidated some passages more distinctly than Mr. Harris.

To these merits it ought to be added, that Mr. Cooper has supplied a great body of valuable notes, composed partly of a judicious collection of the adjudged cases, both in England and America, on subjects connected with the text of the institutes. The cases are classed with care and judgment, and form an excellent manual for the practising lawyer, or the judge who is deliberately forming his opinion, or drawing up his judgment on some contested question. Indeed I have rarely seen more judgment than is exercised in the selection and arrangement of the decided cases, chosen to illustrate any of the doctrines which come under review. In short, this valuable book carries us up to the living fountain of the wisdom and experience of antiquity, from which all the civilized nations of Europe, not excepting the English (who are at least willing to acknowledge the obligation) have drawn their best principles of jurisprudence, in the civil intercourse of men in private life. And it adds to that obligation, by giving us examples of the adoption and application of these maxims to our own affairs.

No scholar who aspires to the character of general knowledge, no legislator who raises his views above the cloudy atmosphere, and the narrow speculations of the day, no practising lawyer who disdains to be a mere case hunter, no judge who proudly elevates his mind to first principles, to guide his judgment in doctrines, not thoroughly settled by solemn decisions, ought to be without this valuable work in his library. It will amuse the curious, instruct the ignorant, and remind the learned. Mr. Cooper, (whose introductory lecture to the science of chemistry, with his valuable notes, discovers the great variety as well as the extent of his reading and learning) not satisfied with what he has done for the public, hints his intention, if the book now under consideration should be approved, of undertaking a condensed digest of the civil law; which he very justly considers to be yet a desideratum. It is greatly to be desired that this

\* I use this restriction because the post code of Justinian was as imperfect as our own, and the text juris magistrates, guards with a too jealous and bloody severity, for our imitation, the security of the emperor, and of the nominal republic.

learned gentlemen would undertake what he could so well execute. It cannot be doubted that it would add greatly to his reputation; it is to be hoped it would be as productive himself as it would be useful to others.

Such a work would be a desideratum in a country governed by laws, but most especially in this country, which professes to be governed by the laws alone. It would make the writ wisdom of antiquity, now hidden in works difficult access open to all who are not proud to be instructed.

This work (which I am willing to consider half promised to the public) would indeed be valuable every where, but would be peculiarly in the United States, where every observer has noticed a smaller aptitude, in almost every man, to yield merely to authority, than in other countries. Hence less reverence decided cases in the courts, not only by the people, but by the very judges themselves. If the diminished respect for precedents; and inclination to go up to principles. This may be illustrated by many examples. Mr. Cooper himself, who appears to have looked into the jurisprudence of all the states, has furnished. He has noticed the English maxim of caveat emptor, as to the soundness of personal goods, and reprobated it as far inferior in wisdom and morality, to the civil law maxim which obliges the vendor, to warrant, not only the title, but the soundness of the article sold; and he eulogized the Bench in South Carolina for abandoning the English common law maxim adopting the civil law doctrine. In proportion as this disposition prevails to quit the ground of authority, and to seek for sound principles, does it become important to furnish beat texts, codes and speculations, for example and illustration.

I should therefore, among many other gratified by the publication of a condensed digest of the civil law, which would open the foundations of that legal polity, which built on the experience of near ten centuries of Roman legislation, varied according to changes in her habits, manners and government and which surely has been rarely equalled or excelled. Before I conclude these observations, (which are intended chiefly to express my own obligations to Mr. Cooper and to others to do justice to his work.) I will make a few remarks on the subject of divorce. Mr. Cooper has noticed in the course of work. It is a justice due to our state.

That gentleman has given in the notes book, page 434, 5, 6, 7, a brief account of the doctrine of divorce amongst the Romans, varied with the various alterations in the national manners and habits. He has also taken occasion to notice the precision and correctness principles by which the present French law, under Bonaparte, has settled the doctrine of divorce in France. Without concurring entirely with Mr. Cooper in his eulogium on this branch of French jurisprudence, because, I think the door of divorce thrown open too wide, I really accede to the statement, that whatever may think of the principles of the system, more clearly and distinctly settled by the civil, which has been composed under the auspices and promulgated under the authority of a Napoleon, than by the legal code of any other nation of Europe. Mr. Cooper then goes on to speak of the conduct of the different states in America relative to divorce. He says, in page 438, "in this country the facility of divorce by management, is almost equal to that of the government of France during the revolution. If I am bound to understand by the words 'this country' the United States, as I fear intended, then I beg leave to enter a protest against the universality of the censure. I however true it may be of Pennsylvania, &c. I understand, of some others of the states, I can assure Mr. Cooper, (and I am sure I shall give him pleasure by doing so) that the statement is not correct as to some others of the states.

In South-Carolina, particularly, not a single instance of divorce has occurred since the revolution. When applications have been made to the legislature, and several very strong ones have been made at different periods, and vehemently urged, the legislative body acting by large majorities, has uniformly protested against interfering in family disputes, and refusing usurp or to exercise judicial functions.

When attempts have been made to pass laws settling the doctrine of divorce, an authority to some tribunal to adjudicate applications for divorce, the legislature uniformly refused to enact such laws; and that it was wise policy to shut the door of divorce altogether; and rather to permit unhappy persons to remain unhappy than open the door to great and certain depravity of the public morals, and private families.

Whatever wisdom there may be in this, it has been very steadily and firmly adhered to in this state, under all the vicissitudes of party politics; and I do not think it is undergoing any change. So that in one least, there is only one resemblance to the French revolutionary government, in the repelling all attempts to relax the authority of the laws on this point.

The only indulgence shown to persons in the married state, is, that in cases of continual cruelty, the court of equity will protect the injured party, in living from the oppressor; and will compel him to make some provision for the wife driven from him by unjust severity. Marriage remains in full force, and no nominal contracts can be formed. At can be little doubt that the Tribunals of this state would repel any attempts to relax laws on this subject, by any of our citizens, if the aid of the laws of those states have introduced a looser system with divorces as wisely and firmly as was the supreme court, in the state of New Jersey, in the case of Jackson vs. Jackson, which Mr. Cooper has noticed with approbation.