

The following petitions were presented and referred, according to contents, to various committees.

By Mr. Yancy, a petition from Ford county, N. C. against the transportation of the Mail on the Sabbath.

By Mr. Clark of Ky. the petition of Browning and Gilkey, and the petition of Thomas Weathers (presented in former sessions.)

By Mr. Hopkinson, the petition of sundry inhabitants of Philadelphia, praying for the passage of an act to regulate National Bank branches, founded on such principles and regulated by such principles shall secure public and private convenience.

By Mr. Sargeant, the petition of day manufacturers of hats in Philadelphia, praying the repeal of the act of the manufacture of the same.

By Mr. Lattimore, the petition of sundry inhabitants of the Eastern part of the Mississippi Territory, praying to be allowed further time to complete their payments for lands purchased in the United States, and that the interest for a certain period may be remitted.

By Mr. Lattimore, the petition of sundry inhabitants of the Mississippi Territory, east of Pearl River, praying a census may be taken of the population thereof, and preparations for admitting the same into the Union.

On motion of Mr. Thomas, Resolved That the committee on public lands be instructed to enquire into the expediency of granting pre-emption of occupancy and pre-emption of dollars per acre, to all such persons who shall be actually seated, on the day of October 1816, upon any section of land obtained by treaty or cession from the Creek nation of Indians during the late war.

WEDNESDAY, DEC. 20.

Mr. Birdseye of New York, and Mr. M'Kee, from Kentucky, appeared and took their seats.

After the reference of several petitions—

Mr. Johnson of Kentucky, from Military committee, reported a bill for the relief of the infirm, disabled superannuated officers and soldiers of the Revolutionary war, the late and of the Army of the United States for the time being; which was to read and committed.

The Austrian Observer, (a newspaper published at Vienna) on the 10th of October, copied an article from Paris papers, (which has been copied into the American papers) stating on the 14th September, her Majesty the Empress Maria Louisa, at the palace of Schoenbrunn, solemnly renounced the title of Empress, and her pretensions to the crown of France, for herself and her son; and then the following remark—"At Vienna we have not the least knowledge of this important diplomatic transaction."

The proclamation of the President which is published in this day's paper is intended to terminate an evil which is believed to be coeval with the government itself. From the close of the revolutionary war, it has been the practice of a particular class of men to emigrate to, and settle upon, every cess of land obtained from the various Indian tribes within our limits, before has been surveyed, and settlements thereon authorized by law.

The cession of several tracts of territory which had been subjected to a reign jurisdiction, and upon which settlements had been made during the exercise of that jurisdiction, and which had not been so far sanctioned as to give a title to law or equity, gave rise to a species of claims called *pre-emption titles*. Congress, by various acts relative to those cessions, recognizing such settlements, by exempting them from sale at public auction, and securing the legal title to the occupant upon the payment of the minimum price of public lands within the territory prescribed for purchases made agreeably to the existing laws. The recognition of these claims gave a new stimulus to this kind of unlawful settlement. It was conceived that the principle upon which claims founded upon settlement anterior to the cession, had been recognized, might, without difficulty, be extended to settlements made subsequently to it. Under this expectation, the number of intruders upon the public land had greatly increased, and embraced with the old class of adventurers. The intruders were composed of hunters and herdsmen, who were influenced by the double consideration of game and range for their stock. Whenever a new cession was obtained which offered great advantages in the respects, a second emigration immediately ensued. But the expectation which had been formed that settlements made subsequent to the cession, would secure pre-emption titles to the occupants, added to the former class of men of wealth, who valued the acquisition of property more than they respected the laws of their country. These men upon every cession of land from the Indians, have joined themselves to the former class, intruding upon the public lands, and selecting

the annual meeting of the Legislature to the first Monday in November.

Mr. Blackburn, from the committee appointed to wait on Mr. Humphreys, informed the house that the commissioner was ready to attend the committee at any time they should think proper to act on the subject. In consequence of the business of the house and proximity of the recess, the consideration of the business was postponed till the 4th of January, being the earliest day after the recess on which a full house can be expected; at which time it is understood that Mr. Humphreys will attend and be heard on the subject.

SEQUEL OF COM. PORTER'S EXPEDITION IN THE SOUTH SEA.

We are indebted to the politeness of one of the officers of the government for a copy of the following letter addressed by Capt. GAMBLE (of the Marines) to Com. PORTER, on the return of the former to the U. States, in August last. Capt. Gamble, (the reader will recollect) was left by Commodore Porter with a few men, in charge of two or three vessels and some public property, when he sailed from Madison Island for Valparaiso, previous to his ever-memorable battle in the Essex. The following letter comprises all the subsequent occurrences:

Copy of a letter from captain Gamble to com. Porter.

New-York, Aug. 30, 1815.

SIR—With regret I have to inform you, the frigate had not got clear of the Marqueses before we discovered in the natives a hostile disposition towards us, who in a few days became so insolent, that I found it absolutely necessary, not only for the security of the ships and property on shore, but for our personal safety, to land my men and regain by force of arms many things they had, in the most daring manner, stolen from the encampment; and what was of still greater importance, to prevent, if possible, their putting threats into execution which might have been attended with the most serious consequences on our part, from duty requiring my men so much separated.

I, however, had the satisfaction to accomplish my wish without firing a musket, and from that time lived in the most perfect amity with them until the 7th May following, when my distressed situation placed me in their power.

Before mentioning the lamentable events of that day, and the two succeeding ones, I shall give you a brief account of a few preceding occurrences, which were sources of great uneasiness to me. The first was the death of John Welter, (marine) who was unfortunately drowned in the surf, on the afternoon of the 28th February, and the desertion of four of my men. They took the advantage of a dark night, and left the bay unobserved by any person, all excepting one (a prisoner) having the watch on deck. They took with them several muskets, a supply of ammunition, and many articles of but little value. My attempt to pursue them was prevented by their destroying partially the only boat (near the beach) at that time sea-worthy.

On the 12th April began to rig the ships Seringapatam and Sir Andrew Hammond, which, as I calculated, employed the men until the first of May. All hands were then engaged in getting the remainder of the property from the Greenwich to the Seringapatam, as I began to despair of your rejoining me at that place.

The work went on well, and the men were obedient to my orders though I discovered an evident change in their countenances, which led me to suppose there was something wrong in agitation, and under that impression, had all the muskets, ammunition, and small arms of every description, taken to the Greenwich, (the ship I lived on board of) from the other ships, as a necessary precaution against a surprise from my own men.

On the 7th May, while on board the Seringapatam on duty, which required my being present, a mutiny took place, in which I was wounded, and the mutineers succeeded in getting the Seringapatam out of the bay—two days after, when making the necessary preparations to depart for Valparaiso, we were attacked by the savages, and I have with the deepest regret, to inform you sir, midshipmen William Peters, John Thomas, Thomas Gibbs, and William Brudinell, were massacred, and Peter Coddington (marine) dangerously wounded. After bending the jib, and cutting our way clear of the bay with six cartridges remaining out of the only barrel left us by the mutineers.

After getting out of the bay, we found our situation most distressing. In attempting to run the boat up, it broke in two parts, and we were compelled to cut away from the bows the only anchor, not being able to cut it. We mustered altogether eight souls, out of which there was one cripple, one dangerously wounded, one sick, one just recovering from the scurvy, and myself confined to the bed with a high fever, produced by my wound.

In that state, destitute of charts, and almost of every means of navigating

ferior court, or from any information received from the client; but that on the contrary it would be an injury, as it might withdraw the attention of the counsel from the legal & true grounds of argument contained in the record, and fix it on something irrelevant, which could have no weight with the court. If the bill was truly intended for the benefit of the people, and not for that of the lawyers, it was insisted that the amendment should prevail.—It would restrain much of that necessary increase of litigation which the bill, without it was likely to produce. The question being taken, the amendment was lost.

The committee having risen, the amendments of yesterday and to-day in committee of the whole were taken up in the house, and the battles of yesterday were all fought over again. The house disagreed to Paris and Russellville as sites for the court in the first and third districts, and struck Woodford from the first. An attempt was made to divide the first district and make two of it, which miscarried, by a majority of one vote—the Speaker's.

THURSDAY, DEC. 21.

After some local and unimportant business, the resolution for a recess from Saturday the 23d to the first of January was taken up—a variety of propositions and remarks were made, and the yeas and nays were called for; the resolution then passed in its original shape by a large majority. The Senate proposed to amend it, so as to adjourn only to Thursday next; but the house disagreed, and the Senate receded.

The Green river debt bill was then taken up, on motion of Mr. Patton—and being put on its passage, Messrs. Allan, George & Blackburn opposed it; a variety of arguments were used against it, but they particularly insisted on the injustice done the state, by that provision in the bill which remits all the interest on the debt, if paid within a limited time, and which now exceeds the principal. They said it was nothing more nor less than sacrificing half the debt, for the purpose of coaxing the debtor to pay the balance, which he ought to have paid many years ago. The bill was advocated by F. Johnson, Harrison, Breabitt, Renick, Patton, Rowan.—They said that as much had generally been paid into the treasury every year, under such indulgence as that contained in the law, as would have been paid if no indulgence but coercion had been used; and that the state should act the part of a parent towards her citizens, and not exact interest on the debts they owe her. They said the amount of the annual instalments, into which the debt had been divided in 1806, was about 80,000 dollars—that some years ago nearly that amount had been annually received under the act of indulgence, remitting the interest, that last year 56,000 was received, and this year upwards of 40,000. This reduction of the annual amount received, they attributed to the diminution of the debt, by anticipation of the future instalments, under the acts remitting the interest (if we rightly understood them, on this complicated subject, on which one member declared on a former occasion, that upwards of forty Statutes had been enacted, and another that no lawyer in the state could understand all the law on the subject.) The bill was then passed.

A joint committee was appointed in pursuance of the resolutions respecting the examination of the bank. The bill from the Senate, extending the time for returning plats and certificates, &c. passed with amendments. The bill to exempt houses for public worship and public seminaries from taxation was passed. The bill for the benefit of actual settlers was returned, signed by the Governor. The bill to amend the law concerning writs of *ad quod damnum*, was rejected.

FRIDAY, DEC. 22.

Mr. Blackburn, from the committee of propositions and grievances, reported a bill to remove the seat of justice in Nicholas.—It prescribes a mode by which a seat of justice shall be selected by a vote of the people.—Passed to a second reading.

Mr. Waggener presented a message from the governor in writing, accompanied by sundry documents.—The message on the subject of a communication from the governor of Tennessee, concerning the boundary line between the two states. The documents were a letter from P. W. Humphreys, Esq. commissioner on the part of Tennessee, announcing his office and business to the governor of Kentucky; the governor's reply thereto; a letter on the subject of the boundary from his excellency the governor of Tennessee to the governor of Kentucky; and an act of the Tennessee Legislature on the same subject.—The object of all which is to obtain an acknowledgement of walker's line on the part of this state.

On motion of Mr. Blackburn the message and documents were referred to the committee of the whole, and a committee of three was ordered to inform Mr. Humphreys, that the house would be gratified to hear him on the subject in committee of the whole, if he should think proper to appear.

Mr. Harrison reported a bill to alter

venience of the people were to be consulted. The gentlemen from Nelson had suggested other considerations, to govern us in locating the branches. We were required to have some regard to books and men—but he trusted these suggestions would have no weight with the committee. Such books and characters as might be necessary to the court, would follow the court wherever it might be taken.—Even in Frankfort, one of the most sterile spots in the state, there was no deficiency either of books or legal characters, suitable to the supreme court. It had been said that litigation was comparatively silenced in the first district. This was not the fact. Look into the courts of that district; examine the docket of the court of appeals, and see from what quarter of the country most of the appeals have been taken. Examine the circuit courts, and see whether business is declining in them. I am informed that in the Fayette circuit court there are no less than 2,000 suits and the number still increasing. While human nature remains unchanged, litigation must forever increase with an increase of population and wealth. The gentlemen from Nelson tells us that every one will incline to form the districts so as to have his own county in the centre—perhaps the remark has been suggested by his inclination on this subject. The point in discussion now, was not where the court should be located but what counties should compose the district. If the interests of the people were to be consulted, he could not see why they should be formed as they stand in the bill. We have been told that litigation has diminished, and is not so abundant in the first district as in the others; but in drawing the bill it appears they have acted on a different principle, for they have given a term of ten weeks to that, while they have only given one of 3 weeks to some of the others. He understood the apprehensions of the gentlemen from Mason, that the court would not have time to do all the business of the first district, to proceed from a calculation that the business would increase in consequence of the court being branched.—Most of the appeals now are taken from the first district; and when the court is removed, more of the circuit court lawyers will practise in the court of appeals, and consequently carry more suits into that court.

Messrs. Rowan and Blackburn spoke again.—The question being taken it passed in the negative—so Franklin and Woodford were left in the first district. On motion of Mr. P. Thompson the county of Ohio was taken from the second and added to the third district. Paris, Bairdstown, Russellville, and Standford were designated as the seats of the court, after some discussion on each by the members immediately interested. The committee then rose and the house adjourned.

WEDNESDAY, DEC. 20.

Mr. Rennick presented a petition for a new county out of the counties of Cumberland, &c. Mr. Fergus presented a counter petition.

Mr. Blackburn reported a bill to alter the mode of taking in lists of taxable property. Passed to a second reading. The house resolved itself into committee of the whole, Mr. Robinson in the chair, on the bill for branching the court of appeals.

Mr. Rowan proposed an amendment, authorising the business, in case of failure to hold a session, or in case the business may require it to appoint and hold an extra session. Adopted.

Mr. F. Johnson offered an amendment to prohibit lawyers, who practise in the court of appeals, from practising in the circuit courts.

This amendment was advocated by Messrs. F. Johnson and Marshall, on the ground that it was necessary to prevent the interference of the supreme with the other courts. If the same lawyers practised in all, it would frequently happen, the courts being in session at the same time, that business would be neglected and retarded in one by the lawyers attending at the other. It was necessary to prevent mal practices on the part of lawyers. If permitted to practise in both courts, they would often conduct the suit in the inferior court, with a view to take an appeal and get a second fee; and would frequently advise clients to appeal, when they knew the appeal must fail, merely for the sake of sordid gain in their profession. They said that in passing laws, it was wise to consider man as depraved and vicious, and to guard against every possible abuse—that the temptation to mal practices on the part of lawyers ought to be removed—and this would be particularly necessary, in case of bills succeeded and the court was branched. Virginia had found it prudent to have such a regulation.

Messrs. Hubbard, Emerson, and Patton opposed it on the ground that the lawyer who attended to the suit in the inferior court would be best acquainted with the subject, and able to prosecute the appeal to the greatest advantage.—That he would have the confidence of his client, and be preferred by him. To which it was replied, that as the subject must be decided in the superior court from the record sent up, no benefit could be derived from knowing what occurred in the in-