

Law Intelligence.

Quay vs. the Eagle Insurance Company.—At the sittings now holding before his honor Judge Van Ness, came on this interesting and important cause, brought for the recovery of \$10,000 insured upon the house, formerly occupied as a boarding-house by Bennet, at Long Branch, in Monmouth county, state of New Jersey, which was destroyed by fire in May, 1815. The defence set up was fraud, in procuring the house to be set on fire by the negro of the plaintiff. The cause consumed four days, and after a long and patient investigation, was committed to the jury on Tuesday last, who, after retiring from the bar about ten minutes, returned with a verdict for the defendants.

From the rank of the plaintiff, as one of the judges of the court of common pleas, & his high political standing in the democratic party of the state to which he belongs, as well as from the sum in dispute and the nature of the defence, no cause for a long time, if ever, has excited a greater degree of interest. After the testimony on both sides had been finished, it was considered by the counsel employed in the defence; that the iniquitous fraud had been so clearly established, that they proposed to submit the cause to the jury without observation or argument, but this being declined by the plaintiff's counsel, and the judge intimating a wish that the facts should be summed up, Mr. Emmet, one of the counsel for the defendants, and Mr. Colden, one of the counsel for the plaintiff, discharged that duty on the respective sides in a manner uncommonly able and eloquent. The judge in his charge to the jury, in which he recapitulated the principal testimony, with a strong intimation of the preponderance of his own opinion, took occasion to observe, that the whole community was deeply interested in a case of this sort, because, if the benign institution of insurance companies against fire, were not protected by the laws, from frauds, it would have a most injurious tendency, as it would break up and destroy all similar institutions. We understand, that a report of the case is preparing for the press, and, as the whole of the testimony will then be given in detail (and we trust the excellent charge of the judge will not be omitted,) we are thus brief in our statement.

Counsel for plaintiff—Brinckerhoff, Colden, D. B. Ogden.

Counsel for defendant—Boyd, Wells, Emmet. N. Y. Ev. Post.

Foreign Intelligence.

FROM THE BOSTON DAILY ADVERTISER, DEC. 13.

We commenced some time ago a brief account of the disputes that have taken place between the Earl of Selkirk's colony, and the North-West Company & of the destruction of a party of Selkirk's men with Governor Semple at their head. An advocate of the Earl of Selkirk gives a very different account of this transaction. He relates that in the winter a large force was collected, by requisitions upon the various posts of the North-West from Cumberland House to the Upper Saskatchewan, under the command of Alexander M'Donell, at the North-West port on the river Qui Appelle; that about the 12th of May, fifty men of this party attacked a party of twenty-two men of the Hudson Bay Company, who were proceeding down the river in 5 boats and 23 packs of furs and 600 bags of pemican, made them prisoners, and seized their property. M'Donell afterwards marched for the Red River, and in his way detached a party of 25 men, who took possession of the Hudson's-Bay Company's port at Brandon House, and seized their goods, provisions, and furs. The narrative then proceeds as follows:—

"About the 16th of June the expedition reached a place called Portage des Prairies, the distance of about 60 miles from the Colony at Red River, the intended scene of hostile operations. They halted at Portage des Prairies nearly two days, during which time the bags of pemican were brought ashore, and so arranged as to form a rampart, which was guarded by two brass swivels, part of the arms taken from the settlement the year before.

On the 18th of June, the commander in chief detached a body of about 70 horsemen, under the orders of Grant, Laserte, Fraser, Hoole, and Thomas M'Kay, with directions to attack and destroy the colony, and remained himself with the rest of his force, and all the property under his care at Portage des Prairies. Cuthbert Grant now assumed the chief command of this detachment, which was accompanied by two carts of provisions, and proceeded on horseback thro' the plain & meadows of this delightful region, (heretofore represented by the North-West Company as incapable of affording subsistence) until about 3 o'clock in the afternoon of the 19th of June, when they reached the colony at Red River, henceforth deserving the name of the River of Blood.

Immediately on arriving at the first habitations, they commenced their operations by taking the settlers prisoners; when a man, stationed as a watchman on an elevated part of the fort or government house, called Fort Douglass, gave an intimation to the governor of the arrival of this hostile force. The governor then endeavored to reconnoitre them with a spy-glass, and distinctly perceiving a number of men on horseback, and hoping by his appearance with a guard, as well as by his authority, to prevent any injury to the colonists, if the strangers were hostilely inclined, called out in presence of some who are yet living to attest the truth of the facts related. "We must go and meet those people, let twenty men follow me." Between twenty and thirty of the persons who were in the government house, instantly took their arms and accompanied him. He was much beloved, and his people always showed such perfect willingness to execute his wishes that he rather found it necessary to repress than to excite their ardor in his service.—They had only proceeded some hundred yards, when they

were met by several of the colonists, running towards them in dismay, "the North-West Company, the half-breeds!"

On advancing further along the settlement to the distance of about half a mile from Fort Douglass, some persons on horseback were seen just behind a point of woods, and on a very little nearer approach, the party of cavalry appeared much more numerous than had been at first imagined. The governor in consequence ordered his party to halt, and directed one of his men to return to the government house for a small piece of ordnance which was there. Almost immediately after the departure of the person, the body of cavalry perceiving the governor and his party, and of course foreseeing a very speedy and successful termination to their expedition, rode up to them at a gallop, and, to prevent their escape, formed around them a semi-circle to the number of between sixty and seventy. As the horsemen had advanced, the governor attempted to retreat, but for so few to escape from nearly treble their numbers of cavalry was impracticable. As soon as the horsemen had taken their position round the governor's party, one of their number, a Canadian, in the North-West Company's service, of the name of Bouche, rode up to the governor, from the enemy's line, waving his hand and calling out, "what do you want?" to which the governor replied, "what do you want?" Bouche, having now come up to the governor, said, "we want our Fort!" upon which the governor answered, "go to your Fort!" "You" retorted Bouche "have destroyed our fort, you damned rascals!" "Scoundrel," said governor Semple, laying his hand upon Bouche's bridle, "dare you tell me so?" Bouche sprung from his horse, and made towards his companions. A shot was instantly fired by which lieutenant Holt, one of governor Semple's party was killed. Another succeeded by which the governor was wounded, who called out to his men in these words, "do what you can to take care of yourselves." The greater part of them, instead of providing for their own safety, at once affectionately gathered round him, to learn what injury he had received. While they were collected together in the centre, the surrounding cavalry poured a volley of musketry upon them, which killed several and wounded the greater number of them, a few shots only were returned by which but one of the assailants was killed. The cavalry galloped towards the survivors, who took of their hats and called for mercy. But this address for mercy was made to the servants of the North-West Company, and at their hands was immediately received, what must be presumed the accustomed measure of their compassion—a speedy termination of earthly calamities. The ax, or the ball, in able and willing hands, placed in lasting repose, those whom pain and terror had rendered clamorous. One only was spared through the exertions of a Canadian to whom he had been intimately known, and two others were providentially saved by escaping to a canoe, and two more by swimming, in tumult, to the other side of the river.

The Governor, capt. Rogers, R. E. Mr. A. Lez. M'Leod, Mr. James White, surgeon, Mr. J. P. Wilkinson, private secretary to the Governor, Lieut. Holt, of the Swedish navy, and fifteen others were killed. The bodies of the slain, some of whom were barbarously managred to gratify the savage rancour of the monsters who had murdered them, were left unburied for beasts and birds to gaze and feast upon. A small number of the native Indians, who had lingered in the neighborhood, upon hearing of this dreadful catastrophe visited, the spot, and ventured to commit a few of the bodies to a grave. But their apprehensions of the resentment of the visitors, prevented their removing more than a part of the dead; the others remained exposed upon the ground where they fell.

Through the agency of the person who was spared, the capitulation of the fort was negotiated, on the promise of Grant that the people should be safely escorted, on their way to Hudson's Bay. The number of men remaining was not much greater than of those who had been slain, and the fort, where the wives and children of those who were killed were bewailing their loss, and all were in the greatest consternation, was found in the greatest distress. All the property was given up to the conquerors. The wretched colonists, men, women, and children, amounting to near 200 souls, imperfectly provided with provisions, were embarked for Hudson's Bay. M'Donell soon after arrived at the Red River, and about the same time Archibald Nooman M'Leod at the head of about a hundred men. M'Leod sent after the colonists, detained them nearly two days, and selected from them five men who he held as prisoners, put in irons, and sent to fort William. This fort is on Lake Superior, 800 miles easterly from Red River—Here M'Leod and a part of his men arrived soon after his first prisoners, with a part of the property taken at the Red River.

In the mean time Lord Selkirk himself was proceeding from Montreal, to the scene of these operations, with a party of 120 or 130 men, principally discharged soldiers of the army, regularly officered and armed. The men left La Chine in May and his Lordship followed in June, by way of York in Upper Canada. He heard of the Massacre on his way.

Lord Selkirk, with his party of followers in nine boats and six canoes, arrived near Fort William, Aug. 12, and encamped on the island in the river Caministigua, a short distance from the fort. He was not suspected by the people at the fort of any hostile intention, and the men, about 400 in number were peaceably pursuing their several occupations. Lord Selkirk sent two officers in disguise, arrested Mr. McGilvray, and had him brought to his quarters. Two other gentlemen who came and offered themselves as bail for McGilvray were also arrested. Immediately after, a party of his Lordship's men, got possession of the fort, and forcibly held it. On the 18th, eight of the partners of the

North-West Company, were embarked as prisoners, under a military escort, in their own canoes for Montreal. While they were on Lake Superior, a gale arose in which one of the canoes was upset, and one of the partners, Mr. McKenzie, and eight other persons were drowned. The charge on which these partners were arrested was High Treason. On their arrival at York they were examined, and thence sent to Montreal, where they were bound over for trial.

Legislative Proceedings.

LEGISLATURE OF NORTH CAROLINA.

HOUSE OF COMMONS.

Friday, Dec. 20.

The following bill among others was received from the Senate, read the first time and returned, viz.—A bill making further provision for the governor of this state and for the judges of the superior courts of law and courts of equity within this state.

Mr. Hoyle presented a bill which passed its first reading, to regulate attorneys' fees in the courts of law and equity within this state.

The report of the committee on Inland Navigation was received from the senate, recommending the adoption of a resolution, authorising a survey of Albemarle, Croatan and Pamlico sounds and Ocracook inlet. Read and concurred with, and the resolution passed its first reading.

The bill supplemental to an act to prevent the circulation of small promissory notes or due bills, passed its third and last reading.

Received from the senate the report of the committee on inland navigation, recommending the passage of a bill concerning the navigation of Tar river. Read the first time and passed.

Geo. Lee Davidson was chosen Brigadier General of the 7th brigade of militia.

Saturday, Dec. 21.

Marmaduke M. Jeffreys was elected colonel and Isaac Lane first major of cavalry of the 17th brigade.

Mr. Nash, from the committee of finance, reported a bill to provide a revenue for the civil list and contingent charges of government for the year 1817, which was read the first time, passed and sent to the Senate.

Received from the Senate the report of the committee on so much of his excellency's message as relates to Public Instruction, which was read, and concurred and ordered to be printed. [For this excellent report see 4th page of the Minerva.]

The resolution relative to the establishment of a branch of the United States' bank at the city of Raleigh, was read the third time, and negatived, by yeas and nays, 50 votes being for and 66 against the proposition.

Monday, Dec. 3.

Received from the senate a bill to incorporate the Pamlico Steam Boat Company, which passed its first reading and was returned.

Received from the senate the resolution directing the governor to procure two full-length portraits of the late Gen. Geo. Washington to be suspended in the senate and commons halls, which was concurred in and returned.

Received from the senate a resolution reported by the committee on Inland navigation, requiring the Treasurer to subscribe, on behalf of the state, for one hundred and fifty shares on the books of the Cape Fear Navigation Company,—which resolution passed its first reading and was returned.

A letter was received from the governor transmitting particulars respecting the contract with Signior Canova (of Rome) for a statue of Washington, to cost \$10,000. On motion of Mr. Badger, Resolutions were passed authorising his excellency to give directions respecting the altitude, &c. of said statue, and to draw warrants on the treasury for all expenses incurred.

A number of private and local bills passed their third readings.

Tuesday, Dec. 24.

The bill from the senate, authorising a further issue of eighty thousand dollars in treasury notes, was read the first time and returned to the senate.

The report of the committee in favor of the constitutional amendment proposed by Massachusetts, (respecting increase of congressional pay) and which had passed unanimously was likewise concurred in by the commons.

The bill from the senate, reported by the committee on Inland Navigation, for opening a communication between the Yadkin and Cape-Fear river, passed its first reading in this house and was returned.

The bill concerning express revocation of Wills, reported by Mr. Badger from a select committee, was postponed indefinitely.

Wednesday, Dec. 25.

Mr. Boylan, from the committee on that part of the governor's message which relates to the purchase of Cherokee lands within the limits of this state, reported the following resolution:—Resolved, That his excellency the governor of this state be requested to appoint two commissioners, to treat for the purchase of all the lands within the limits of this state, belonging to the Cherokee nation of Indians, whenever it shall be ascertained that the said Indians are willing to dispose of the aforesaid lands: and that his excellency the governor be authorised to draw on the Public Treasurer, for such monies as may be necessary to carry the said purposes into effect. Read the first time, passed and sent to the senate.

The bill to direct the disposal of negroes, mulattoes, and persons of colour imported into this state, &c.—passed its third reading in this house. The bill vesting the exclusive right of run-

ning steam boats upon the waters of the state in John D. De Lacy, was postponed indefinitely.

A large number of private and local bills passed their third readings and were concurred in.

John Carson was chosen brigadier general of the 10th brigade.

SKETCH OF MR. DREW'S SPEECH.

On the Penitentiary bill—the motion to strike out "Fayetteville," and insert Raleigh:

Mr. Drew, felt that the subject before the house was one of great interest and importance. Knowing, as he did, how much depended upon the decision which they were called upon to make, he could not but feel his feelings sensibly excited upon the occasion. He most sincerely hoped that considerations of private interest, if such existed, would be banished from that hall; and, that, on that day, all would unite in evincing their determination to sacrifice upon the altar of patriotism, all sectional prejudices.—Mr. D. had been opposed to the passage of the bill upon the table, from principle and policy; but since the house had decided that it should be a Penitentiary, he had no hesitations as to the place most proper for its location. And from the view which I shall take of the subject I hope to shew that there are reasons far stronger than those which point to the town of Fayetteville. It is strange to Mr. Speaker, that this place, the nursing state, should be viewed with jealous eyes any sister town. Yet, I regret to say, so undeniably the fact. It is well known that Fayetteville has long beheld with a jaundiced eye the growing prosperity of Raleigh. The place and the adjacent county have long an itching to get the seat of government moved there. And, sir, let gentlemen what they will, I maintain that this is a gigantic stride towards it. The moment give them the Penitentiary, that moment put the first block and tackle to the State House. The public offices in this place have been erected at a considerable expense. Legislature I had hoped had began to be proud of the capital of the state. I am willing to relinquish the advantages we have gained upon a slight pretext. Mr. Speaker, I do hope that this house will consider the importance of the decision it is about to make. (Here Mr. D. adverted to the circumstances of many individuals having made large purchases of property in Raleigh, relying on the fact of the Legislature, to continue the seat of government with the other public offices in that place: and remarked upon the injury to the citizens of that town, in the event of the removal of those buildings.) I cannot Mr. Speaker, continued Mr. D. reflect upon this subject without having my feelings sensibly excited. I cannot but anticipate, should the event have mentioned occur (and there is a great probability of them should the amendment to the bill on your table be rejected,) the most disastrous consequences to this now flourishing place. Sir, deep is the gloom which must hang upon this town if you thus suffer her to be ravaged. Soon would she resemble ancient Babylon. Strangers walking where houses once stood will contemplate the dreary prospect with a shudder; while these now gay thronged streets will resound, perhaps, with the cry of the wolf! (Mr. D. then proceeded to take a comparative view of the advantages in relation to a Penitentiary, as afforded by the respective towns of Fayetteville and Raleigh.) The city of Raleigh, sir, said Mr. D. is in my estimation preferable on account of the greater salubrity of the air. None will deny that this is an important consideration. The establishment of an institution of the kind in a healthy place in alike called for by the dictates of humanity and policy. The town of Raleigh is to be preferred as being the seat of government and having all the public offices within it: all must admit the advantage of having an institution of this kind immediately under the eye of the Legislature and executive authority—this is a truth to plain to need insisting upon. Our ancestors chose this as the seat of government. You have ornamented the place with several fine and valuable buildings. You have held out inducements to individuals to settle here and purchase property. Will you nip their hopes in the bud?—Will you undo all that you have done? And this without any immediate or remote prospect of benefit to the state? Mr. Speaker, I trust in God that this assembly will act more wisely. I prefer Raleigh to Fayetteville because I am assured that the advantages of building (in this instance at least) are greater in the former than those held out in the latter place. In Fayetteville, sir, the Penitentiary must be constructed entirely of brick—there is no rock in that part of the country. On the other hand, within one mile of this city, rock of the very best kind is found in abundance, and that two on the public lands, and I believe none will deny that buildings constructed of stone have a vast superiority, as a point of security, to those made of brick. We have daily instances of culprits breaking through prisons built with brick—hardly a solitary one of their digging through stone.—Mr. D. said he had heard urged out of doors an argument in favor of the town of Fayetteville.