

town to have sent three such companies to the field. Their Light Infantry company was particularly correct in their movements, and the Rifle company was distinguished by the beauty and neatness of their dress. The other Light Infantry companies sustained their established reputation. The Battalion of Cavalry added much to the martial appearance of the line, and their movements and manœuvres on the field during the sham fight, were an interesting scene. Colonel Whipple's regiment of Artillery was completely equipped and in an improved dress, and the celerity with which their pieces were served and manœuvred, did full justice to this important portion of our military force. The Marblehead battalion also distinguished itself by the dexterity and precision with which their artillery was managed. The companies of the line were generally in good order, and many of them in a uniform dress, and we think, on the whole, our militia have improved much since the last Brigade Review."

FROM THE SAVANNAH GEORGIAN.

#### GOV. JACKSON AND COL. CALLAVA.

An attempt has been made, as well by Col. Callava, as by his friends, to prove that he was at the time of his arrest, an official character, and that respect should have been paid to his person on that account, if on no other. Setting aside his prevaricating conduct, and evident desire to retain the papers which he was called upon to deliver up, which of itself would justify the seizure of any individual, it cannot be pretended that he retained any portion of his authority as Governor. If not, could any other character, unless it be that of an accredited minister, protect him from the strong arm of the law, in obliging him to restore what it was evident his intention to have swindled from the government, (for it amounts to little less.)—The law of the province was placed in the hands of Gov. Jackson, and in exercising it promptly and effectually for the public interest, though it involved the punishment of a Spanish officer, he performed an imperious duty.

#### Gov. Jackson and Judge Fromentin.

The case of "the Heirs of Vidal vs. Innerarity," recently argued at Pensacola, is conclusive on the question of jurisdiction in the dispute between Gov. Jackson and Judge Fromentin. The whole report of this case is given in the Floridian. We give below such part of it as bears particularly upon the question between the supreme judicial officer of both Floridas, and the United States' Judge for the District of West Florida. The defendant in this case put in a plea against the jurisdiction of the court, of which Gen. Jackson in his official capacity acted as judge, and the point was fully argued before Mr. Mitchell, who was appointed by the Governor according to the Spanish custom, as assistant or law adviser, and who delivered the opinion of the court. The court quoted the commission given by the President to Gov. Jackson, which is in the following words:

"James Monroe, President of the United States of America, to all to whom these presents shall come, greeting:—Whereas, the congress of the U. States, by an act, passed on the third day of the present month, did provide, that until the end of the first session of the next congress, unless provision be sooner made, for the temporary government of the territories of East and West Florida, ceded by Spain to the United States, by the treaty between the said parties, concluded at Washington, on the 22d day of February, 1819, all the military, civil, and judicial powers, exercised by the officers of the existing government of the same, shall be vested in such person or persons, and shall be exercised in such manner as the President of the United States shall direct, for maintaining the inhabitants of said territories, in the free enjoyment of their liberty, property and religion.—Now, know ye, that reposing special trust and confidence in the integrity, patriotism, and abilities of Major General Andrew Jackson, I do, in virtue of the above recited act, appoint him to exercise within the said ceded territories, under such circumstances as have been, or may hereafter be prescribed to him, by my instructions, and by law, all the powers and authorities heretofore exercised by the governor, and captain general, and intendant of Cuba, and by the governors of East and West Florida, within the said provinces respectively, and do authorize and empower him, the said Andrew Jackson, to execute and fulfil the duties of this present appointment according to law; and to have and to hold the same, with all its powers and privileges, until the end of the next ses-

sion of congress, unless provision be sooner made, for the government of the said territories, so ceded by Spain to the United States:—Provided, however, and it is the true intent and meaning of these presents, that the said Andrew Jackson, or any person acting under him, or in the said territories, shall have no power or authority to lay or collect any new or additional taxes, or to grant or confirm to any person or persons whomsoever, any title, or claims to land, within the same.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed. Given under my hand at the City of Washington, the 10th day of March, A. D. 1821, and of the Independence of the United States of America the forty fifth.

(Signed) JAMES MONROE.

By the President:

(Signed) JOHN QUINCY ADAMS.

The court argued from the above commission, that it was the will of the President to invest Governor Jackson with all the civil, military and judicial powers exercised by the officers of the Spanish government over the Floridas, before the change of sovereignty—with such limitations, and subject to such instructions as it might please the President from time to time to prescribe. The said powers given as aforesaid, are limited only by the following instructions and reservations of the President, which are, that the Governor of the Floridas shall have no power or authority to lay or collect any new or additional taxes, or to grant or confirm to any person or persons whomsoever, any title or claims to land within the same.—From the exceptions themselves, we arrive at the conclusion, that all the civil, military and judicial powers are given—with this further exception, such parts of them as are conferred on others, for all the above powers are vested somewhere, being absolutely necessary to carry on the government.

The following relates particularly to the powers of Judge Fromentin, from which it appears he had not, as has been stated, the jurisdiction of a United States' Territorial Judge, but simply under such laws as related to the revenue, and the importation of people of color.

"The counsel for the defendant, in his very able and ingenious argument, suggested that as the President had appointed a judge of the United States for West Florida, possibly his tribunal might have jurisdiction of this case. He admitted, however, that he could not have jurisdiction, unless it was positively given him by statute, or the express instructions of the President. From the commission read, and the deductions already made, it fully appears that jurisdiction of this case had been conferred on the governor, and cannot be presumed to be given to the judge: Having seen the commission of the judge, he is expressly required by instructions contained in it, to consider himself as governed by the laws of the United States—and the inquiry now is, what laws of the United States are extended to the Floridas, taken in contradistinction to the Spanish laws in force here. From the second section of the act entitled "an act to carry into effect the treaty between the United States and Spain," we find that only such laws as relate to the revenue and importation of the people of color, are extended to the Floridas. And as these subjects have been expressly excepted, and taken out of the general powers of the governor, it is fair to presume that these subjects, and the cases arising under the two laws of the United States, expressly extended to this country, are alone the legitimate objects of the judge's jurisdiction, until the contrary be shown from any instructions he may have from the President of the United States. In short, the judge's jurisdiction is not defined by any act of congress—and he can exercise no jurisdiction that is not expressly given him by the President's instructions.

"In conclusion we will add, there are technical objections to the plea filed in this case—in a plea to the jurisdiction of this court, it is necessary to shew that there is another court in which effectual justice may be administered; the plea under consideration wants that requisite, which alone ought to be sufficient to warrant this court in taking jurisdiction, least there might be a failure of Justice. We are perfectly satisfied that this court have jurisdiction, and therefore overrule the plea."

It has been contended by the adversaries of Gov. Jackson, that he has committed an offence against the constitution of the United States; but it will be seen from the above, that he is even placed above that instrument. Had it been the intention of the government to extend to the inhabitants of Florida, the benefits of our constitution, the clause prohibiting the temporary governor to lay and collect taxes would not have been introduced.

Congress alone possess power under the constitution; but such is the uncontrolled power given to Gov. Jackson, that an express reservation of this right, with that of disposing of public lands, has been made, leaving of course every other attribute of sovereignty in his hands. That the power thus delegated to an individual, is too great in a republican form of government, we admit; that it has been abused, we deny. It would appear by the following extract from the Floridian, that the Governor is perfectly aware of the responsibility of his situation, and prepared honestly to meet the consequences of his conduct:

"Before Mr. Mitchell pronounced the opinion of the court on the question of jurisdiction, [an extract from which we have just given] Gov. Jackson made several remarks worthy of himself, and which deserve to be recorded; but the following is so perfectly characteristic, that we should be inexcusable in withholding it from our readers: He said, "I am clothed with powers that no one under a republic ought to possess, and which I trust will never again be given to any man—nothing will afford me more happiness than to learn that Congress in its wisdom shall have distributed them properly, and in such manner as is consonant to our earliest and dearest impressions. Yet as I hold these powers by the authority of an act of Congress and commissions from the President of the United States, it therefore becomes my imperious duty to discharge the sacred trust reposed in me, according to my best abilities; even though the proper exercise of the powers given, might involve me in heavy personal responsibilities. It has been my fortune to be thus circumstanced on other occasions in my various relationships as a public servant, yet I never have and never will shrink from the discharge of my public duties from any apprehensions of personal responsibility."

If all this be not conclusive of the powers vested in the hands of the temporary governor of the Floridas, we despair of ever convincing those opposed to Gov. Jackson, that he has any powers at all, and we give up the unprofitable attempt, to argue against prejudice and passion, for

"He that's convinced against his will,  
Is of the same opinion still."

If Callava had chosen to submit respectfully to the authority which had superseded his own, the morbid sensibilities of the exclusive constitutionalists of the Union, would have been spared, and as at St. Augustine the matter would have been settled without unnecessary appeals to the public, and accusations against an officer, whose distinguished rank only exposes him to the shafts of his adversaries. It has been stated in positive terms, that Judge Fromentin had not acknowledged that his powers did not warrant his interference in the affair of Callava, as we had been led to believe. We regret it, because we cannot discover, at the present moment, on what grounds he can maintain the right.

We heartily concur in the suggestions contained in the following paragraph; and should be willing to go yet further, by putting all lies on the same footing, whether told at the bar of a court or the counter of a shop—whether on the highway or in the drawing-room: Nat. Intell.

#### FROM THE FEDERAL REPUBLICAN.

Oaths.—It has become so fashionable and so common a practice to administer oaths, that a great portion of their sanctity and importance is lost in the careless and indifferent manner in which they are administered. On the trial of many causes, no matter how trifling they may be, the same oath is used, and the same indifference is observable. The taking of an oath is a solemn and awful act; it is calling on the OMNIPOTENT GOD, to witness the truth of the declarations which are about to be made; and it is intended to prevent the person who swears from uttering what he knows to be false. If this is the object, then let the mode of administering it be more solemn and impressive.

We cannot say that we are partial to the practice of swearing oaths. Honest men will tell the truth, "the whole truth, and nothing else but the truth," without the formality of "kissing the book;" and rogues are indifferent whether they are sworn or not, whilst the careless manner of administering oaths tends to increase that indifference.

We are not fond of innovations, but we would beg leave to suggest the following, as a better mode of coming at the truth than the one now in vogue. Let the swearing of oaths be abolished, and let the laws which are now in existence against perjurers, be changed into laws against liars. Let the liar be punished with the utmost severity; and when a witness approaches the bar, let him be told to remember the law, and let him fully

understand what he has to expect in case of being convicted of falsehood.

We make these suggestions, for the purpose of drawing the attention of the public to an important but much neglected subject. It is our determination to recur to it speedily. We shall attempt to prove, that it is better to enact and enforce severe laws against liars, than to deprive oaths of their sanctity by administering carelessly, to persons upon whom the present fashionable mode of doing it has no effect.

#### INTELLIGENCE.

He comes, the herald of a noisy world,  
News from all nations lumb'ring at his back.

#### ABSTRACT OF EUROPEAN INTELLIGENCE.

[From foreign papers received at New-York.]  
GREAT BRITAIN, &c.

A subscription has been started in Ireland, for the erection of a testimonial in Dublin, in honor of the King's visit to that country. One gentleman subscribed 500 guineas. A proposition has since been made to build a palace, suitable for a royal residence, in Dublin.

A family at Belfast were lately poisoned, two of them to death, by eating milk, in which something called *Ay-water*, containing a preparation of arsenic, had been accidentally mixed.

Lord Clifden has cancelled the whole of the arrears due by his tenantry, on his large estates in the country, and promised a suitable reduction of rent next season, should prices remain at their present depressed rate.

The King of England has announced his determination to hold a court every third year at Dublin.

Some disturbance lately took place at a public dinner in Dublin, at which both Catholics and Protestants attended, in consequence of one of the latter, an Alderman, giving as a toast, "The glorious and immortal memory of William the Third."

The naval commands at Jamaica and the Leeward are to be consolidated, and given to Admiral Sir Charles Rowley, at present employed at the former place; and Admiral Fahie, at the latter place, will be removed to the command at Halifax.

An extensive maritime survey of the eastern coast of Africa, from the Cape of Good Hope to the northward of the line, is about to be undertaken.

The John Bull newspaper contradicts the account given of the Queen's conversation just previous to her death, published in the Times, (and in many American papers.) It says, "no conversation took place between the Queen and Dr. Holland, as represented. For six hours before her death the Queen did not speak to any one; nor, from the state of her disorder, was she able to do so."

#### FRANCE.

Talleyrand, it is rumored, is soon to be recalled to the ministry.

Numerous lithographic prints, calling to recollection the death of Bonaparte, are circulated in Paris. The government is represented as alternately tolerating and prohibiting them.

The manufactures throughout the northern department of France are said to be extending and improving rapidly by the aid of English, Swiss, and German workmen.

It is said that a theatre, of truly gigantic dimensions, is about to be erected in Paris. The stage will be one hundred feet high, and three hundred feet deep. The performances are all to be of the romantic kind; the scenes will be laid on mountains, in valleys, beside torrents, and sometimes in the clouds. The opening piece will have the following attractive title: *The unknown Spirit of the Mysterious Grotto, or the immense vacuum of the Solitude of the Desert*. Each box will be provided with a telescope!

Letters from Rome say, that all the members of the Bonaparte family, who reside in that capital, and especially his mother, are plunged in the most profound grief.

The sexton of the Church of St. Eustace, in Paris, amazed to find frequently a particular lamp extinct early, and yet the oil consumed only, sat up several nights to perceive the cause. At length he discovered that a spider of surprising size came down the cord to drink the oil. A still more extraordinary instance of the same kind occurred during the year 1751, in the Cathedral of Milan. A vast spider was observed there, which fed on the oil of the lamps. M. Morland, of the Academy of Sciences, has described this spider, and furnished a drawing of it.—It weighed four pounds, and was sent to the Emperor of Austria, and is now in the Imperial Museum at Vienna.

The Paris Moniteur contains an elaborate report of the labors of their Council of Agriculture during the last year. It is an able paper, but keeps quite clear of the commercial part of the subject, and so far affords no points for comparison with recent inquiries in England. Upon this an English editor remarks: "The growing internal prosperity of France at this moment is very apparent; as well from this document as from all other facts and information of a kindred nature.—Two or three years hence the develop-

ment will be still more striking, and we shall begin to discover that the Bourbons are once more our natural enemies."

#### SPAIN.

It is said that the people never paid their taxes with so much punctuality, nor required so little pressing to make payments, as since the re-establishment of the Constitutional system. And the enrolments for the army, in all the provinces, were never before made with so much expedition, and so free from disorder.

The Madrid papers have published extracts from the proceedings instituted against the authors of the massacre in Cadiz, on the fatal 10th of March, last year. The result of the testimony of a great crowd of witnesses proves that every possible means of seduction were employed to induce the soldiers to massacre the inhabitants. Brandy and money were distributed in the taverns. The Generals Campana, Freyre, Rodriguez, Valdes, the Colonels Gabarra, and Capacete, and many subaltern officers, are greatly compromised. The sentence will be quickly pronounced. The three Generals and the superior officers are strictly guarded. The people wait with great impatience for justice. There were 156 persons killed and grievously wounded.

Private letters from Spain speak of some essential modifications of the new constitution, as being in contemplation.—The change has been concerted by those distinguished by their talents, and some of the administration, and has been discussed and approved at several private meetings. It is designed to remedy many of the existing evils, and will be presented to the Cortes as soon as it assembles. According to this project, the representative government will be divided into two bodies—namely, a Chamber of Nobles, and a Chamber of Deputies, for the kingdoms and provinces. These Chambers will have the initiative with regard to the proposal of laws; the Crown will have an absolute veto, and the propositions which it may reject cannot be re-proposed until another session. The municipal authorities and the justices of the peace are to be elected by the people.

A private letter from Madrid, dated the 9th inst, says: "Advices from Cadiz inform us, that the commerce of that port is in the most deplorable state, on account of the extensive losses sustained by the capture of a great number of merchant ships by the insurgent privateers."

#### GERMANY.

The late disturbance between the Jews and Christians at Dantzic, arose from the Jews having erected booths in the market place, which the populace wanted to pull down the day before the annual fair. The director of the police, who attempted to restore order, was very roughly handled; the booths were pulled down, the merchandise destroyed, and the proprietors ill used. The military who were called in were resisted, and obliged to fire. Several persons were wounded, and two Jews killed.

A paragraph, dated on the banks of the Danube, says: "The Austrian troops are marching towards the frontiers of Dalmatia, where they are already assembled to the number of 30,000. Forty thousand men besides are between Trieste and Laybach. These troops are placed on the war establishment."

An article, dated Berlin, Aug. 16th, says, that a grand camp was to be established there about the end of the month, but nothing had transpired which led to a supposition that Prussia would interfere in the affairs of the East.

The Hamburg papers of the 24th of August mention, that a proclamation which had been promulgated by Professor King, of the Leipsic University, on behalf of the Greeks, was seized by the authorities of that city, on the 8th inst. and proceedings commenced against the author and publisher. An article from Frankfort states, that this appeal has excited the most intense interest in that quarter.

#### PRUSSIA.

The Allgemeine Zeitung, of the 14th inst. has, under the head of Prussia, the following paragraph:

Orders have been sent to the Berlin censors to let every thing written in favor of the Greeks pass. It may have been remarked, that within a short time past the Berlin papers, even the Court Gazette included, contain many articles favorable to the Greeks.

The censorship imposed upon the press in this kingdom is of the most rigid and arbitrary nature. The censors of the other German states are regarded as much too indulgent by the Prussian government, and all German books published out of Prussia undergo a fresh examination at Berlin. It even appears from the foreign papers that censors are appointed to inspect the works of particular booksellers. Thus in a letter dated Berlin, Aug. 9, it is said: "The special censorship to be exercised over the works published by M. Brockhaus, of Leipsic, which may be imported into Prussia, is confided to M. Heydebreck, superior president of the province of Brandenburg. From him, in future, will emanate all the ordinances for the whole monarchy relative to Mr. Brockhaus's publications. The censorships on M. Brockhaus's books is not confined to political works, pamph-