INDIANA PALLADIUM.

We make the following extract from the Message of Gov. Desha, delivered on Monday, the 7th inst. to both houses of the General Assembly of Kentucky:—

The wrongs suffered by this state from the decision of the Supreme Court of the United States, declaring our occupants laws to be unconstitutional, have not been redressed. The Remonstrance of a former General Assembly to the Congress of the United States, has been considered by that body, in which many were found who acknowledged our wrongs, and the consequent duty of the General Government to grant redress; but we have witnessed no practical result.

In the mean time, the injurious decision is spreading its baneful influences. At every term of the Federal Court held in this town, numerous judgments and decrees are obtained against our peaceful citizens, for the lands and houses which they have honestly purchased, built and improved; and orders given for their execution contrary to our laws. Our limitation acts are also wholly disregarded, and the non-resident land holder or domestic speculator, who has, perhaps, never paid the first shilling of his just taxes, for the support of our government, is permitted to progress with his action against the honest citizen for lands which he has purchased with his money, improved by his labor, defended with his arms, and paid taxes upon to his government. This is not all. The faithful citizen who has thus performed every moral, social and civil duty, is, upon eviction, charged with rents upon improvements himself has made, and if he cannot pay them, is subject to imprisonment, under the Rules of Court. And thus does this Commonwealth suffer those who have improved, supported and defended her, to be stripped of the proceeds of their life's labor, and made the unpitied victims of heartless speculation and assumed power. It is my firm belief, that in the insecurity now felt by numberless cultivaters of our soil, may be found the chief cause of that extensive emigration which is now thinning the population of some of the finest sections of our state. The delay in obtaining redress for our wrongs, and the portentous indications of the times, sicken hope, and drive our industrious citizens, unwillingly, to seek peaceful homes in other states, where they may set under their own vine and fig tree, exempt from the evils which fill the mind of the Kentucky farmer with anxiety and apprehension.

I cannot too earnestly press upon you, the propriety of again urging the consideration of this subject on Congress, and of availing yourselves of that occasion, to remonstrate in strong terms against the power of making Execution laws, lately exercised by the Federal Judges of this State, inviting their serious attention to the growing influence of the United States Bank, and requesting such a change in the charter of that corporation, as will make it the duty of the Directors to withdraw the Branches located in any State, upon the demand of the State Legislature.

I do not recommend this conrse because I believe the State has not a right to enforce its taxing power, or even expel the Branch Banks from its limits, by the exercise of its reserved constitutional power. The doctrine of our late court of appeals, that an opinion of the supreme court of the United States on subjects involving the rights of the State, is binding and conclusive upon the state authorities, is believed to be not only erroneous but fatal to the sovereignty of the States. When the General Government encroaches upon the rights of the State, is it a safe principle to admit that a portion of the encroaching power shall have the right to determine finally whether an encroachment has been made or not? In fact, most of the encroachments made by the General Government flow through the supreme court itself, the very tribunal which claims to be the final arbiter of all such disputes. What chance for justice have the states when the usurpers of their rights are made their judges? Just as much as individuals when judged by their oppressors. It is therefore believed to be the right, as it may hereafter become the duty of the State governments, to protect themselves from encroachments, and their citizens from oppression, by refusing obedience to the unconstitutional mandates of the federal Judges. The change effected in our court of appeals at the last session, is confidently believed to have banished from that tribunal the doctrine of ready submission to the unconstitutional decrees of the supreme court, prostrating the acknowledged rights of this State; and the people will now find in the head of our Judiciary a tower of defence against encroachment, instead of a gate always ready to open at the summons of an enemy.

Let it not be imagined that in making these recommendations, and declaring these opinions, I entertain or intend to express the slightest want of confidence in the General government. Our causes of complaint do not originate in the system itself, but spring solely from the erroneous constructions of the public functionaries who are selected to carry it into effect. The federal constitution, like our own, is designed to give the public will the ultimate control of its own actions. It has placed none of its offices so high that their incumbents cannot be reached by the voice of the people, and pulled down from an unmerited elevation. The executive and legislative powers of the General government and a portion of the Judiciary, have once been reached and reformed, and in the acts and language of the patriots and republicans of those days, we find a precedent and principles in accordance with which the whole of the Federal Judiciary may be made to bend to the power of the people and renounce its errors. Reformation is all that Kentucky asks, and without it she cannot be satisfied. In the mean time, no respect for the General government ought to induce the State to become the silent instrument of her own degradation. While, therefore, our grievances are laid before Congress, and considered by that body, I would recommend to your consideration whether the rights and honor of the State do not require that she shall prohibit the use of her jails for the purpose of imprisoning debtors under an authority unknown to her laws and constitution.

The policy of the laws adopted some years since, usually termed the Relief Laws, it is not necessary to discuss. They have long since been repealed, as to all contracts formed after the repeal, and their operation has almost ceased to be felt in our Courts of Justice. But the questions of legislative power and judicial right, which have sprung from some of those laws, and outlived them, are of vital importance to the government, as well of this state as of every other in the Union. It will be remembered that one of those laws granted a replevin of two years upon all executions where the plaintiff would not consent to receive the currency of the state. A law similar in principle, existed in Virginia, our parent state, at the adoption of the constitution, and was re-enacted and amended for several successive years afterwards, extending beyond the period at which Kentucky became an independent state. By examining our own Statute book, it will be found, that the same principle has been practised upon by our own Legislature from the era of our separate existence, and that it has never, at any one moment, been wholly eradicated from our laws. By looking at the Journals of our Legislature, it will be seen, that nearly all our eminent statesmen and lawyers, including two of the late Judges, have, at different periods, voted for similar acts. In the records of our Judicial Decisions, they had uniformly been recognized as valid acts, and their constitutionality seems never to have been doubted, until the interest of the United States Bank made it necessary that new and more rigid principles should be incorporated into our system of government. It was then, that objections were made in our Courts by lawyers attached to those institutions, which led to the final decision of our late Court of Appeals, declaring that the remedial law in existence when a contract is made, constitutes the obligation, and that no state Legislature can change that law, as to delay the remedy, without violating that provision in the constitution which declares that no state shall pass any law impairing the obligation of contracts. The Legislature and the country were startled at this decision. It declared void a course of legislation which had been practised as of unquestioned authority from the origin of our government. It wrested from the representatives of the people, the power to suspend the operation of the laws in any case of contract, even in time of insurrection, war, pestilence or famine. It denied to this government a power which, it is believed, has been exercised by every government of every civilized nation, as well as by every state in the Union, and which is sometimes essential to national existence. If our humble and industrious population is called out in martial array to suppress an insurrection, which is desolating the country, is it not necessary that the coercive hand of the law shall be suspended while they are engaged in the service? If they volunteer or are drafted and sent to repel an invading enemy, is there no power in the government which compels them to march, to suspend the operation of the laws and prevent the sacrifice of their property in their absence? By the decision of our Courts, these benign and just powers are denied to the state Legislature, and the rigid enforcement of contracts is deemed of more importance than justice to the absent debtor or the safety of the Republic.

Many, who believed the existing Replevin laws impolitic and unjust, pronounced this decision incorrect, and indeed it had at first but few advocates in the country. Yet a majority of two thirds could not be found in the Legislature prepared to remove the Judges, on account of a respect they had for the men, and a belief that they were honest in their opinions. An animated discussion ensued in the country, and a large majority was returned to the Legislature instructed to vote for the removal of the Judges. These, when called on to shew cause why they should not be removed, defended their decision, and even denied the right of two thirds to remove them, were it as erroneous as was contended. This principle completely confirmed error, and if submitted to, would have enabled the Judiciary to effect radical changes in our constitution, under the convenient mask of honest error of opinion.

To end the controversy and rid the country of these erroneous and dangerous principles, the majority now deemed it necessary to resort to their constitutional power of abolishing the court and establishing another, composed of other men, and restricted in its power over the constitutionality of Legislative acts. That they had this power they could not doubt; because the constitution had not brought any such court into existence, but the first Legislature of Kentucky had established it; because the power of changing and even reorganising it had been once before exercised by the Legislature; because the supreme court of the U. States, as avowed by the Judges themselves, was created by Congress; because the power of reorganising courts, and thus expelling their incumbents from office, had repeatedly been exercised by our own Legislature and by Congress; and because the ablest statesmen in the latter body had declared that the supreme court was as much the creature of the Legislative power, as the inferior courts. Nor was this construction of our constitution thought to be dangerous to liberty, because it accords with the acknowledged principles of most, if not all of the constitutions formed during the revolution, and of most of those which have been formed since.

Influenced by these considerations as well as by a desire to perpetuate correct principles in the current of our Judicial descisions, and give quiet to an agitated country, the last Legislature passed the act abolishing the existing court of appeals and establishing another, which was approved by the executive, and the new court was immediately put into operation. Nevertheless, the former Judges have still claimed to be in office, and have continued to meet in the capital at the supreme Court of Appeals, assuming to exercise the Appellate Judicial power of this Government. It was thought by some to be the duty of the executive, who is entrusted by the constitution with the execution of the Laws, and sworn to perform that duty, to interpose his authority, and suppress this open contempt of law and order. But as no effort was made by them to give or execute judgments or distress, and as their meetings were not attended with any breach of the public peace, it was not thought the duty of the executive to molest them, or in any manner to obstruct their proceedings. At a late meeting, however, they exhibited an inclination to proceed in the exercise of Judicial power, and force the execution of their orders, judgments and decrees throughout the State, in direct hostility to the existing court, and an act of the General Assembly which the executive is bound by the constitution and his oath to see duly executed. I need not inform the Legislature how unpleasant will be the duty which such a course of conduct on the part of the former Judges will impose; nor need I tell them that painful as it may be, the executive will not shrink from the performance of that which he conceived himself bound to do by his oath of office and the constitution of his country.

Though a farmer, I have by the favor of the people, enjoyed many offices of public trust. As it always has been, so it is now my earnest desire to perform the will of my constituents, and promote the peace and prosperity of my country. On the subject of our Judiciary troubles, it has been my earnest endeavor to obtain light from the general intelligence and pursue that course which should be dictated by the public wisdom & will. Instead of quieting the country as was ardently desired, the act of the last session reorganizing the Court of Appeals, together with other causes made to operate, has filled it with new agitations. The people who for several successive years had expressed themselves dissatisfied with the former judges have also expressed their dissatisfaction with the arrangements of the last session, and would seem to demand another change. I have applied the best efforts of my understanding to learn the public interest and will, and I should fail in the performance of my duty, if I did not communicate to you that which I believe will restore harmony to the state, and enable the government to devote its energies to the improvement and permanent interest of the country. It is an undoubted fact, that neither the former Judges nor the present incumbents can unite upon themselves the confidence and respect of both the contending parties into which our population is divided. Nor can either proceed to exercise Judicial power without doubts in the minds of many as to the validity of their acts. The new Court is deemed by many to be unconstitutional, and its acts void: and were the reorganizing act repealed, the same doubts would extensively hang around all the acts of the former Judges, unless they should receive new appointments and commissions from the Governor and Senate. It is of great importance in the State, that the Judges of the appellate Court should not only have the entire confidence of the whole people, but that their authority should be deemed by all parties unquestionable. To accomplish these desirable ends, the way is believed to be open to the present General Assembly. I have the fullest confidence that the present incumbents in the Court of Appeals, will present no obstacle to any pacific arrangement which the Legislature may adopt; and although it may not be usual for the executive to give assurance beforehand of the course he will pursue upon a probable or a possible event, yet the extraordinary circumstances of the times and the peculiar attitude in which I am placed, seem to require of me the frank declaration, that should any measure be adopted by the General Assembly with the view of quieting the troubles of the country, by the appointment of an entirely new set of Appellate Judges, I shall feel myself bound to select them equally from the two contending parties. However this recommendation and assurance may be received by violent partisans, I have in making them discharged what appeared to me to be a sacred duty; and I leave the result to God and the people. If our agitations shall be thus ended, it will be happy for us all; if they are to be continued, I shall endeavor to perform, through scenes yet untried, with fidelity and zeal, the arduous duty entrusted to me by the people of seeing the laws executed in good faith and preserving the peace of the country.

In any event, a change in the acts passed at the late session relative to the Court of Appeals seems to be required by the public voice, and would not operate to the detriment of the public interest. I therefore recommend the reduction of the salaries of the appellate Judges to the former standard of fifteen hundred dollars. This is the more equitable, as that sum is rendered, by the appreciation of the currency, fully equal to two thousand dollars when the salaries were fixed at the last session.

Bolivar.—Strange as it may appear we have as yet no authentic connected account of the private and personal history of a man who has had few equals in modern times, whether we regard his great skill and valour in the field, or his acuteness, tact, and wisdom in the senate. But now that the din of arms has ceased, we trust this desideratum will soon be supplied, and in the meantime we may mention a fact which seems to have escaped the notice of all his biographers. While living in Kingston, he applied himself unremittingly to the study of European tactics; and though absent—unwillingly absent—for a time, from the scene of action, was constantly employed in committing to paper the plans of battles, which he afterwards so successfully reduced to practice. In particular he eagerly embraced every opportunity of watching the manœvres of the troops about Kingston; and such was his enthusiasm and mental abstraction, that he was frequently seen standing in the front of the line unconsciously acting the part of a fugleman. This circumstance, together with his constant appearance on the drill-ground, naturally attracted the attention of the commanding officer, who having learnt the character and quality of the stranger, very obligingly ordered his men to repeat occasionally some of those movements in which Bolivar took the greatest interest Short as his residence in the island was, he added much to his previous stock of military knowledge, and when Morillo next met him in the field, he found he had a new enemy to contend with, and the Liberator is candid enough to ascribe much of his subsequent good fortune to his accidental visit to Jamaica. On leaving La Guayra, Bolivar was dressed in the uniform of a general, and wore enormous large mustachios; but before he had been many hours at sea, he divested his face wholly of hair, and dressed himself in a plain suit of clothes—a proceeding which produced such a change in his appearance, that the wondering sailor entertained doubt as to his personal identity.

ERIE, Pa. Oct. 20.

Severe Gale.—We had a very severe gale of wind on Monday night, which, we fear, has been very destructive to the property on the lake. It is said that the Steam Brig Superior is ashore at Sandusky, and the Steam Boat Pioneer, at Grand river. What damage has been sustained by these vessels we have not learned. The schr. General Huntingdon, Capt. Foster, is ashore at the mouth of Walnut creek, 10 miles above this place. She was partly freighted with ashes, the principal part of which will be lost. It is also said that there is a schooner ashore, near Ashtabula—name not known.—*Gaz.*