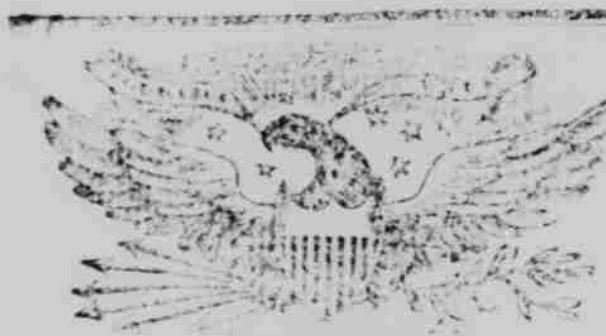




GAZETTE.

SATURDAY, NOVEMBER 19, 1831.

MR. CLAY.

Contrary to the assertions of Jackson editors and rewarded partisans, notwithstanding the abominable tissue of falsehoods, published by many to injure the political standing and character of this much abused gentleman, Mr. Clay has been elected by the Legislature of Kentucky to the Senate of the United States. His long and patriotic services as a Statesman and citizen, were well known to his fellow citizens, and at this momentous crisis, he has been selected to repel the encroachments of arbitrary power by the force of his eloquence and the solidity of his reasoning, and he will unite around him a force of talent and character, which, perhaps, has never been exceeded since the memorable days of the revolution.

INDIANA CONVENTION.

At the Convention held at Indianapolis on Monday the 7th inst. by the National Republicans, the following gentlemen were elected delegates to the general meeting, to be held in Baltimore on the 12th December next, viz: George H. Dunn of Lawrenceburgh, Isaac Hawk of Charlestown, and John I. Neely of Gibson county.

MISSOURI ELECTION.

The result of the election for a member of Congress in this state is uncertain from official and reported majorities, of twenty-eight counties, Gen. Ashley's majority was 362—Three counties yet remain to be heard from.

The first number of the Sangamon Journal, published at Springfield, Illinois, has been received. It is handsomely printed on an imperial sheet, and its contents are interesting and instructive.

ILLINOIS MONTHLY MAGAZINE.

An extract from the November number of this excellent publication, may be found on the last page—it is by no means the most prominent article in the periodical, yet still ranks above mediocrity. It is surprising that men of intelligence, taste, and education, do not more generally foster, cherish, and patronize such a work as this—it is an honor to the West; and every Western citizen should do something to further its existence—there is so much to admire and commend in the whole, that I can only say to my readers, "Subscribe for the Illinois Monthly Magazine."

U. S. SENATOR.

The Indianapolis Journal says, that this election begins to excite interest. In the eastern part of the state, Messrs. Test Holman and Rariden are said to be candidates; in the western part, Messrs. Blake and Judah; and in the southern part, Mr. Jennings.

By referring to another column it will be perceived the *Warsaw has fallen*, and the gallant and patriotic Poles are left to the mercy of the northern autocrat.

The opinion of the Chief Justices of the State of Indiana, will be found particularly interesting to all. Justices of the Peace by this decision, have no jurisdiction over suits commenced for or against Administrators and Executors.

A communication entitled "The Specified Bird" and signed "Cousin," is received. The author appears very desirous to see himself in print. Although not disposed to gratify his wish by "proceeding the total pork," or in other words, "going the whole hog," I have, for his satisfaction, selected one of the stanzas "verbatim et literatim." Our devil says, it goes right well to the tune of "particular metre."

"The time is raised among a few, from whom it came not many knew, Betsey speckled bird and her sister is tell on, And now I conclude to end my song."

"Pati," next week.

FOR THE VINCENNES GAZETTE.

Mr. Editor:—The lover of nature, though he may live in the midst of an extensive, beautiful and variegated prospect will never cease to view it with delight. Year after year, he will climb to the summit of some rugged mountain, to view the world around him. Man can never cease to behold with wonder and admiration, the peak that rises its snow-crowned summit to the clouds—he can never cease to shrink with horror, when from beneath he

looks at the overhanging rock which threatens his destruction. Forever will man view, with inexpressible awe, the cataraict that shakes the ground beneath him—forever will he shudder at the lightning's glance, and tremble when the thunders of heaven roll over his head. The beauty, grandeur and sublimity of nature will always strike a sensitive chord—will always raise emotions which are indescribable; we stand by in reverence; we open not our mouths. Does nature thus effect us; and are we ever become insensible to moral worth, and to moral greatness? Can the qualifications and absolute worth of the patriot and statesman, be looked upon with indifference? Alas! so it appears. The great and the good are sacrificed, to appease the ire of the mighty god, party spirit. The rich and the poor alike suffer under its proscriptions—and the widow and orphan, find alike, the same horrid place. However great the mental intellect, the moral worth, the patriotic services of any one in the present day, if he do not believe in the *knowing ones*, no fate, let it be ever so cruel, is too good for him. Such opinions prevail against one who is the Ajax Telemon of those principles, which are the bone and sinew of our government.

The vile calumnies which have been so rudely, and generally, and industriously circulated, with regard to Henry Clay, are alone ominous of something dreadful—argues a prostitution of principle, that for the sake of human nature, I would wish did not exist. Men have used all the art and trick, pretence and sophistry their cunning could invent, to realize their desires; and these have ever been a more formidable host to public liberty, than the sword, the dungeon, or the gibbet. Falsehood has ever been the mine by which the enemies of freedom have blown up her citadel, and buried her votaries in the ruins. Greece and Rome fell a prey to this creeping serpentine enemy. Its silent and imperceptible, unseen and unsuspected advances, caused the downfall of the Republics of modern Europe, and trod in dust the suffering nations of men. Let our Rulers then beware of this handy and necessary assistant of those who would immolate all our glorious prospects, our liberty, our laws, our all, at the shrine of selfishness. Yes, who would erect a throne for themselves, if it were possible, though it were in the store of slaughter, and environed with a lake of blood. Every flatterer and every demagogue is a liar; then should the people give little heed to what they say, remembering that their advice is the fruit of a *calumniating spirit* based upon selfishness—that they abuse the great and good, to reduce them to a level with their own poor selves; and while they listen, vengeance may overtake them, and they plunged in the gulf of final ruin.

"JIM CROW."

FOR THE VINCENNES GAZETTE.

Mr. Editor:—Would it under the administration of Mr. Adams have been considered proper, either by friends or foes, that during the time of a very important public Land sale, neither Register nor Receiver should be present, but that the public business should be entrusted to Clerks without experience or responsibility, when the law of Congress says positively, that no sale can take place unless both officers are present? Would it have been considered decent to close the Land Office on the day of the general election, move the table out of the Office to the vicinity of the Court House, and the Clerks there to deal out grog and tickets to the public?

It is said that both of these circumstances have taken place in Crawfordsville, since the reformation.

"NOUS VERRONS."

FOR THE VINCENNES GAZETTE.

At a meeting of a number of four-footed gentlemen *"ours of high degree,"* held on the commons adjacent to Vincennes, on the 1st of November, 1831, "Jerry" in the Chair, "Cupid," Secretary, the Chairman in a brief and appropriate speech, explained the object of the meeting; which was, to return thanks to the Common Council for their repeal of a certain ordinance, dogmatical and unconstitutional in its character, & cur-tailing & tyrannous in its effect. (Here there was a general bark.) He saw the meeting perfectly understood the ordinance to which he alluded. It was only necessary to say, he referred to that part which prevented "the running at large of dogs," and he presumed every gentleman present would agree on the propriety of the meeting; and the passage of the resolutions which the secretary would read. The Chairman, "Jerry," further observed, that for his own part, he had been confined to his room several weeks from the fear that should he have taken a contemptible stroll, he might have received a shot through the thorax, or in a Newfoundland phrase, "between wind and water," for such was popular feeling; but that he "had any objection to meeting the fatal enemy, death, but to get shot for a dollar, was rather hard, and looked much like proscription. (A slight yelp.) He saw the meeting was prepared for a vote on the resolutions, and the Secretary would read them.

The subjoined resolutions were then read and unanimously adopted.

Resolved, That the thanks of this meeting be given to the Common Council of the town for the patriotic and generous resolve which allows us once more the liberty of running to and fro, and the privilege of sheep-biting throughout the Borough, unawed by the towns, and unscathed by the attentions of the Constable.

Resolved, That the thanks of this meeting be tendered to the Executive officer, viz: the Constable, for the impartial manner in which he has performed a truly and

distressingly painful duty; making no distinction between bulldog, mastiff, greyhound, terrier, cur, pointer, setter or lap dog, but distributing to each his due share of powder and lead, without respect to persons, owners or proprietors thereof.

Further Resolved, That these proceedings be signed by the Chairman and Secretary, and published.

"JERRY," Chm'n.

"Cupid," Sec'y.

FOR THE VINCENNES GAZETTE.

Mr. Hill—

The accompanying opinion of the Supreme Court at the present session, is one of general interest; and as the publication of it may save much useless litigation, in cases where Administrators and Executors are parties, and may also be deemed important to the Justices of the Peace throughout the State, I have transcribed it for your useful paper.

In error to the Sullivan Circuit Court.

Johnson Simmonds

Nancy Colvert, }
Isaac Colvert, } EXECUTORS.
John Colvert, }

At this time came the parties by their counsel, and the Court being sufficiently advised of and concerning the premises, give the following opinion and judgment.

An action of debt was brought against the defendants as executors of Robert Colvert, deceased, before a Justice of the Peace. The case was submitted to a Jury, and they formed for the defendants. The plaintiff appealed to the Circuit Court, and on motion of the defendants the cause was dismissed on the ground of want of jurisdiction.

The question before us is, Has a Justice of the Peace jurisdiction in a case in which an Executor is defendant?

This is an important question. We approach it with a consciousness that its settlement will be sensibly felt in the adjustment of claims within the jurisdiction of a Justice of the Peace, growing out of contracts in the representative character.

We have given the subject every attention, anxiously seeking by analogy and precedent, a means of arriving at a proper conclusion. The jurisdiction of a Justice of the Peace in civil actions is unknown to the common law. Such jurisdiction is given alone by a statute. When a statute creates a new jurisdiction, the fixed rule of construction denies to such jurisdiction the exercise of a power not directly given. It cannot overstep the provisions of the statute by which it is created, and enlarge itself by implication or inference.

We have examined the acts regulating the jurisdiction of Justices of the Peace, and find no provision which gives a Justice of the Peace jurisdiction in a case in which an Executor or Administrator is either plaintiff or defendant. The provisions of the statute authorizing process to issue, and directing the manner of entering judgment, regard the parties litigant as acting in their own rights and not "in autre droit." The case of Wells vs. Newkirk Executor of Prussan, 1st Johnson's cases 223 is in point. The Supreme Court of New York in deciding against the jurisdiction of Justices of the Peace by inference or implication when an Executor was either plaintiff or defendant, present reasons which irresistibly apply to such jurisdiction in this state. Our statute applies to cases in which a suit is prosecuted or defended in a party's own right and not "in autre droit." Process and judgment is predicated on individual responsibility—no exception as to arrest, or warrant, or limitation of the operation of a judgment. Execution issues against a defendant personally, or against his individual property. Defences which are incident to the representative character are precluded before a Justice of the Peace without legislative enactment. The plea of pious administration, or of standing debt may put in issue an amount greatly exceeding the jurisdiction of Justices of the Peace; and it acted upon, require examination of the whole administration. No judgment can be rendered for assets in future, nor against the property of the testator. Such are some of the grounds upon which the decision in New York is founded. They apply to the case before us.

Judgement below affirmed.

Important Foreign News.
LATEST FROM ENGLAND.
Fall of Warsaw.—The ship Colossus, at Philadelphia from Liverpool, brings London papers to the 21st and Liverpool to the 22d September. The U. S. Gazette furnishes the annexed items. The disastrous intelligence of the Fall of Warsaw, reported in the New York Courier we regret to say, is but too well confirmed.

DETAILS OF THE CAPTURE.
A letter dated Warsaw, Sept. 3 (written by a Russian), says—"Poland is again subject to its lawful sovereign. On the 5th inst. Field Marshal Count Paskewitch sent a confidential officer to Warsaw, to demand in the name of his majesty the submission of the city, and to promise, on the other hand, amnesty and pardon. With an intimation which cannot be sufficiently deplored, these words of peace were rejected by the leaders of the insurrection. On the 6th, at day break, the Russian army advanced to storm the city. After a most desperate and sanguinary resistance, our brave soldiers with rare intrepidity, made themselves masters of four redoubts which lay upon our line of attack, as well as the first line of intrenchments which surround Warsaw itself, and of which Wola is a perfect fortress. The

task, however, was not ended with this; here remained a second line of intrenchments, and a broad moat round the city, defended by bastions.

"At four o'clock in the morning of the 7th the Field Marshal was preparing to overcome these last obstacles, when General Krokowicki sent General Pronizynski to him to announce the intention of the Polish nation to submit to its legitimate King. These sentiments were, however, not confirmed by that Chief of the Government, who soon after came in person to the Marshal. He affirmed that the consent of the Diet was necessary for such submission. After the most urgent exhortations and representations of the loyalty of further defence, and the disasters which it would inevitably bring with it, the General withdrew at ten o'clock in the forenoon. Hereupon, three hours more were granted to General Krokowicki, within which time he was to announce to the Marshal his final resolution. As this was not given by one o'clock, the Marshal sent word that he should give orders to attack. Half an hour more requested for consideration, but this also elapsing without a satisfactory answer being given, the Marshal issued orders for the attack. It was terrible, and very successful; flags of truce were sent, but they bro't only dilatory answers. The attack was, therefore, begun upon the second line of intrenchments, which was carried at the point of the bayonet. The enemy, who in the meantime received reinforcements, vigorously defended the gardens and the edges of the ditches towards the Jerusalem barrier, and even made our troops give way for a moment, but the ardour of the latter revived; they quickly scaled the walls of the city, which presented a most formidable line of defence. The prodigies of valor which had already distinguished the two days were renewed, and at nine o'clock in the evening, the intrenchments, the gardens, ditches, walls—every thing, in short, was in the hands of our brave troops. Meantime night had set in, and the army required repose.

"The lines of intrenchments carried by storm, 5000 prisoners, and nearly 100 pieces of cannon, were the trophies of these two memorable days.

"Nothing could now save the city and the enemy's army. Both, therefore, implored the clemency of the emperor, and this circumstance made it the Marshal's duty to restrain the vengeance of the soldiers, which was excited to the utmost by such an obstinate resistance. To day our troops are in Warsaw. The Polish army and the nation have submitted to their Monarch; the former in conformity with the Emperor's manifesto, is gone to Plozk, there to await his orders. In some days we shall be able to give a more detailed account of these important events. The glorious success which we have obtained had been purchased by severe losses. The Field Marshal himself has received a confusion on the left arm and the breast; Krokowicki has resigned his power.

"Gen. Malachowski has announced to the Field Marshal in two letters signed by his own hand, that he lends the army to Plozk, with the intention of waiting there for the commands of his Imperial Majesty. We must hope that the Polish army will persevere in these good sentiments, and disregard the peridious insinuations which may, perhaps, have been addressed to it."

The London Morning Herald of the 20th says—"The late of Warsaw and the ruin of so sacred a cause as that of Poland, appear to cast a general gloom over the public mind; hard and bitter are the complaints against a government, which by a single manifestation of its will, could have saved a brave nation. The latest accounts from Paris, represent the state of the capital as most alarming, the public feeling is raised to a state of phrenzied hostility against the ministers, on their policy towards Poland; their funds have fallen from 2 to 3 per cent.

Our market has not experienced any material depression. Consols for the Account 91; Exchequer bills 8 to 11 prom. India bonds from 1 dis to 1 prem. Russia bonds 91 to 92.

GREAT EXCITEMENT IN PARIS.

The London Herald of the 20th says:—"The express from Paris gives alarming accounts of the state of the French capital. The news of the fall of Warsaw seems to have excited among all classes there a phreny equal to that produced by the publication of the Polignac Ordinances. Men view it as a national calamity—as a national disgrace, of which each individual must bear his share. The majority of the shops are shut—public business is in some degree suspended, the Ministers are insulted, laughed at, threatened, and hanged in edginess—crowds through the streets, with crap hat and arms, some pillaging gunmakers' shops, others busy in listening to the ancient appeals of the newspapers—the theatres are almost all closed—the black flag is hoisted in some of the main streets—the drum beats hourly to arms—the Marseillaise is publicly sung in the Palais Royal—the troops of the line are in motion—and to sum up all in one significant sentence, the Ministry has been twice defeated on points which it had strongly at heart.

M. M. Casimir Perrier and Sebastiani had a narrow escape with their lives on Saturday.

The French papers contain an abstract of a circular dated Warsaw, August 15, and addressed to the Polish Envoys at Paris. This document is most affecting and impressive. It charges the cabinets of England and France with bad faith, and adds, that if Poland be again enslaved, its fate must be attributed to their "hypocritical sympathy."

The London Morning Chronicle of the 21st says:—"We yesterday received the Paris papers of Sunday and the Messenger des Chambers, dated Monday.

The contents of these papers, as well as our correspondence, are of the most serious import.

Great changes at Paris are unavoidable. But, besides the affairs of the north of Europe, France, it would appear, has threatened Spain, in case the Government of that country interferes in the approaching contest between Don Pedro and Don Miguel.

FRONTIER OF POLAND.

Sept. 29.—Accounts from Warsaw, of the 8th in the evening, announced that the army is included in the capitulation, and has sent a General to the Grand Duke Michael to recommend itself to the clemency of the Emperor, whose commands it will await at Plozk.—Berlin Journal.

MISSOURI ELECTION.

An election for member of Congress to fill the place of the late Mr. Pettis was held in Missouri on the 30th ult. The candidates were Gen. Wm. H. ASHLEY and ROBERT WELLS Esq. The important principles involved in the result of this election will justify a few remarks. Gen. Ashley was an independent candidate, and came forward as such in opposition to the regular Jackson nomination. He declared himself to be in favor of the United States Bank—the tariff—Internal Improvements, and the re-election of General Jackson, and if elected he wished his election to rest on these grounds. Mr. Wells,—we are now speaking of Mr. Wells while he was a self-nominated candidate,—professed himself friendly to the Tariff, so far as the same would protect and encourage certain interests of Missouri, such as the raising of hemp and the manufactures of lead and iron—and against the Tariff, when applied to the protection of the peculiar productions of other States. He also professed himself to be in favor of Internal Improvements, so far as that system would benefit Missouri. On the Bank subject he was entirely silent. Such was Mr. Wells before he became the candidate of the state convention. That Convention furnished him with a new set of principles, which he adopted with all the zeal which generally characterizes elevation hour men. The Convention resolved, by virtue of their democratic principles that Mr. Wells was opposed to re-chartering the Bank! They resolved that he must be opposed to a Tariff except for purposes of revenue—and he immediately became opposed to a protecting Tariff! Other resolutions were passed, which Mr. Wells echoed to the letter. After his nomination by the Convention, Mr. Wells commenced an electioneering tour through different parts of the State, and Col. Benton supported him with the whole weight of his influence. At St. Louis, all the *demagogues* commonly used to control his party, were employed by him to effect the election of Mr. Wells. It was soon manifest, however, that a great portion of those citizens, who had formerly acted with him, would not, at this time, do his bidding.

It will thus be seen that Gen. Ashley and Mr. Wells have occupied distinct and opposite grounds before the people. And the questions to be decided by this election are—whether Missouri is in favor of re-chartering the U. S. Bank—the protection of American Industry, and Internal Improvements by the general government,—or opposed to each of these particulars. We shall, therefore, look for its result with great interest. We are, however, perfectly satisfied that, if the discipline of party has not a controlling influence in Missouri she will prove her self unequivocally friendly to the Bank, Internal Improvements, and the tariff.

Since the above was written we learn, from several sources, that General Ashley is elected by a decided majority. We will not attempt to conceal our gratification at the result of the Missouri election. It has been a contest for principles; and the people of Missouri have been true to themselves. Colonel Barker will find an efficient coadjutor in Gen. Ashley, in the support of the great principles upon which he was elected to the Senate. These gentlemen are both opposed to Col. Benton's views of national policy. He, at the present moment, stands in a very unpleasant position before the public. His state has deserted him; and he continued to press his projects in the Senate, it will be in direct hostility to the expressed wishes of his constituents. He has heretofore said much against the misrepresentation of a case in congress. We shall soon be able to judge of the honesty of his sentiments on that subject.

Sangamon Journal.

The editor of the Commercial Advertiser, who has recently visited this city, says:—"The case of Judge Marshall is one of the most extraordinary ever known or heard of in the annals of surgery. One of the surgeons present at the operation has stated to us that six hundred formations of gravel, from the size of large peas, down to that of small shot, taken from the venerable sufferer, were actually counted; and that the whole number probably exceeded a thousand. The case was so difficult, that instead of two or three minutes, the operation was necessarily protracted to above twenty. Not a grain escaped his lips, nor was there a perceptible twinge of a muscle. The wonder is that, subject to so formidable a complaint, the constitution of the patient has not long since sunk under it, or his intellectual vigors been impaired."