GENERAL JACKSON & THE FINE.

Mr. Pearce's Report.

Mr. Pearce, from the Committee on the Judiciary of the House of Representatives, made the following report:

The Committee on the Judiciary, to whom was referred so much of the President's message as relates to the refunding of the fine heretofore imposed upon General Jackson, and sundry memorials and resolutions of State Legislatures relative thereto, report:

That the subject has been presented to the committee in two aspects, in neither of which have they been able to perceive the propriety of refunding the fine. Considered as a reward for his military services, which are admitted to have been great, it is evidently inadequate. No one can question the valor, patriotism, or military skill of General Jackson, displayed throughout the war, and particularly in its brilliant closing scene. For such services it would be disgraceful to Congress to offer such a testimony of national gratitude as that proposed; and its acceptance as such by the General could hardly fail to tarnish the laurels so gloriously won. Nor is it necessary as a tribute of his grateful countrymen, who have already acknowledged and rewarded his services by the noblest gift in their power to bestow. For him the measure of national gratitude has been filled to the brim. The highest honors and emoluments of the Republic have been his. Twice elected to the Chief Magistracy, it may be safely said that he has had a larger control over the policy of the Government and the opinions of the people than any President or individual since the days of Washington.—Your committee, therefore, think it neither necessary nor proper to refund the fine in question as a requittal of services which have already been fully acknowledged and amply rewarded.

In the other view of the case, the recommendation is urged as a measure of justice to General Jackson, whose conduct throughout the proceedings which occasioned the imposition of the fine is said to have been demanded by a great overruling necessity—by the law of self defence—of defence of self, home, and country, which was never designed to be abrogated by any statute or constitution.

Your committee do not think that the military commander has any rights or duties paramount to the Constitution, from which he derives his authority, and under which he holds his commission. And if such officers do possess powers above the Constitution and laws of the land, of the extent and application of which they and they alone may rightfully judge; & if neither the Constitution or laws can protect the citizen against the exercise of such extraordinary, undefined, and undefinable powers, then is our frame of government a *solemn mockery, then are our* bills and declarations of rights idle and unmeaning forms, and the boasted liberty of an American citizen is but an empty sound. It is not intended to say that every violation of constitutional right should be punished with unsparing severity. In emergencies of desperate character we may perhaps excuse, as a needful usurpation of power, what could not be vindicated as a right paramount to the Constitution. We may pardon something to the zealous & desperate energy of patriotism.

But a careful inquiry into the facts of this case has satisfied the committee that however patriotic his motives may have been, General Jackson was not justified by any such emergency in the arrest of Louallier, and the subsequent proceedings which subjected him to fine; and while they would not sully his fame as a patriot and soldier nor tear one leaf from the laurels which are still green upon his brow, they think this a fit occasion to vindicate the personal liberty of the citizen, the supremacy of the law, & the subordination of the military to the civil authority.

The committee present a concise statement of the facts, so far as they have been able to ascertain them, chiefly from historical works and official documents.

On the 2d of December, 1814, General Jackson arrived at New Orleans, and assumed, in person, the command of the forces there assembled. His arrival infused fresh zeal and ardor throughout the community, and the most active preparations were made for the defence of the city. The Governor of the State having laid before the Legislature a letter of Commodore Patterson, commanding the naval forces of the United States on that station, in which he complained of the want of seamen to man the armed vessels then at New Orleans, and requesting the assistance of the State authorities, the Legislature passed an act authorizing a bounty of $24 to be given to each seaman who would enter the service of the United States for three months, and placing $6,000 for this object at the disposal of the commodore. On the same day, to facilitate this purpose, they laid an embargo for three days upon all vessels and barges then in the port of New Orleans. They also passed a resolution 'requiring the Governor to call upon the inhabitants of such parishes as he might think proper, to send all such male negroes as they could dispose of to Fort St. Charles, at the English Turn, to be sent thence to the different points that might be judged proper to be fortified, there to work on the fortifications.' They refused, however, to pass an act suspending the privilege of the habeas corpus, and, on the 15th of December, General Jackson issued his proclamation announcing his 'unalterable determination to execute *the martial law* in all cases which may come within his province.' Before his arrival he had been informed that there were many disaffected persons in the State, which doubtless was his belief when he issued his proclamation. The committee think this was a great misapprehension of the patriotism and virtue of the people of Louisiana, as subsequent events proved.

On the 15th of December the Legislature passed an act, in which, after reciting that the crisis would oblige a great number of citizens to take up arms in defence of the state, and compel them to quit their homes and leave their affairs in a state of abandonment, they enacted that protests of notes and bills, executions on judgments, and the institution of civil suits, &c. should be suspended till the first of May then next. Subsequently they appropriated $6,000 for the purchase of clothing for such of the military as were destitute, which sum was largely increased by private subscriptions, and was most beneficially employed. Thus the Legislature co operated with the community, "all classes of whom," says the historian of the campaign, "were animated by the most ardent zeal. The young the old, women, children, all breathed defiance to the enemy, firmly resolved to oppose to the utmost the threatened invasion." At this time the American forces were about one thousand regulars and from four to five thousand militia.

On the 23d of December the British effected the disembarkation of their troops and arrived nine miles below the city of New Orleans, of which General Jackson was informed about two o'clock of the same day. With his characteristic decision and courage, he determined to attack them immediately. In the action which resulted so honorably to our arms, and so fortunately for the safety of Louisiana, the uniform and volunteer companies of New Orleans militia were highly distinguished. In the affair of the 28th of December, the first and second regiments of Louisiana militia were engaged and behaved well. On the first of January the General was reinforced by five hundred of the militia from Baton Rogue, and on the 4th by two thousand five hundred of the Kentucky troops. On the eight of January the British attempted to storm the American lines, but were repulsed with great slaughter, losing, in killed, wounded, & missing, near three thousand men, including a great proportion of officers, among whom were the commander in-chief killed and two major generals wounded.

This victory, so glorious to General Jackson and his brave companions in arms was fatal to the success of the British enterprise. On the next day General Lambert determined to relinquish the attempt on New Orleans. His operations were conducted with great secrecy, and, on the night of the 18th, his camp was entirely evacuated, and his troops returned to their shipping. On the 19th, the British naval forces abandoned the attack upon Fort St. Philip, which had been gallantly resisted for eight days, and put to sea.—Thus was Louisiana delivered from invasion.

In the mean time additional reinforcements had been continually arriving at *New Orleans, and the commander found* himself at the head of a numerous and effective army, flushed with victory and glowing with patriotic ardor. On the 19th, of January he wrote to the Secretary of War in these words: "There is in my mind, very little doubt that his (the enemy's) last exertions have been made in this quarter, at any rate for the present season;' and 'I believe you will not think me too sanguine in the belief that Louisiana is now clear of its enemy.' On the 21st January the General and his army returned in triumph to New Orleans, where this brilliant campaign was celebrated by the most animated festivities and public congratulations. It is worthy of observation, that during all this time, no offence or act of insubordination had occurred to require either repression or punishment.

In his address to the army of January 21st General Jackson says: 'Natives of different States, acting together for the first time in camp, differing in habits and language, instead of viewing in these circumstances the germ of distrust and division, you have made them the source of an honorable emulation, and from the seeds of discord itself have reaped the fruits of an honorable union.'

In his letter to the Mayor of New Orleans, of the 27th January, he declares himself deeply impressed, since his arrival, with the unanimity and patriotic zeal, displayed by the citizens;' and prays him to 'communicate to them the exalted sense he entertains of their patriotism love of order, and attachment to the principles of our excellent Constitution.'—He praises their courage, fortitude, and liberality to the sick, wounded, and families of those who were in the field.—Latour, the historian of the campaign himself the friend and eulogist of the General, says that 'all the inhabitants of Louisiana, without distinction of birth, color, age, or sex, vied in zeal or the service of their country, and strained every nerve to repulse the enemy. Their conduct, throughout the campaign, is the most emphatic refutation of the unjust charges of their calumniators.'

On the sixth of February, the Legislature who were doubtless satisfied that a renewed invasion was not to be apprehended, and that in any event, the territory of the State was secure from all danger, adjourned *sine die*. On the 18th of the same month, Mr. Livingston, one of General Jackson's aids, who had visited the British fleet, then lying off Mobile, with a flag of truce, returned with the information, derived from the Admiral, that a treaty of peace had been concluded at Ghent between the commissioners of the two nations. The information was contained in a London paper, which had been forwarded to the Admiral from Jamaica, and though not official, it was received without distrust, and defused a general joy throughout the city. Who could imagine that, in such a state of things, when the enemy had been driven from our shores with disgrace and defeat when all classes of the people had devoted themselves to the defence of the State, the only strife between them being who should most distinguish himself for courage, fortitude, and patience; when more than a month had elapsed since the defeat of that enemy; when the intelligence of peace, though not officially communicated had been received from a credible source; and when, if there had been any reasonable distrust of its truth, the means of defence had been so greatly augmented that there could be no further reasonable apprehension of the enemy: in such a state of things, who could think the commanding General justified, by 'an overwhelming neceisity,' in the continuance of martial law, and in enforcing military discipline, not upon the soldiers merely, but upon citizens, exempts, and alien friends —suspending the functions of all, even the municipal and federal authorities; and subjecting private rights to the control of his iron will? Who can wonder that the generous forbearance and patriotic submission of the people should at last yield to the impatience of a restraint which no law sanctioned and no necessity justified? It is an invariable rule, applicable as well in ethics as in law, that whenever the necessity which alone justifies a particular act ceases, the authority to do that act passes away too. Now, it be admitted that when martial law was proclaimed at New Orleans, there was such an overwhelming necessity for it as abrogated the Constitution and all laws, who can pretend that such necessity continued at the time of which the committee speak?

What this martial law is, which thus claims to override constitutional and civil rights the committee will inquire in a subsequent part of this report. They propose now to state the facts which brought the military in collision with the civil authority.

Among the defenders of New Orleans were certain French subjects, resident in Louisiana, but not naturalised, to whom peculiar privileges had been secured by the treaty of cession for a period of twelve years, not then expired. These men though not liable to military duty, volunteered with the characteristic chivalry of the glorious nation to which they belonged, to defend the State under whose protection they were sojourning, and they displayed (said General Jackson) a zeal as honorable to themselves as it was grateful to the commander. (8 Niles's Register, 122.)

But when the defeat of the enemy and the news or rumor of peace had filled the whole community with rejoicing, they felt that they were entitled to repose and exemption from further military service. For this reason they applied to the French Consul for certificates of national character.

General Jackson seems to have been reluctant to have his forces diminished by their withdrawal from the army and to have thought that others not entitled were receiving these certificates, and on the 28th February he issued a general order, directing all French subjects having the certificate of the French Consul, countersigned by the commanding General, to repair to the interior not short of Baton Rouge, a distance of 120 miles from New Orleans, and declaring that notice would be taken of such as might remain after the 3d of March. This order was considered a violation, as well of the treaty rights of these Frenchmen as of the law of the land, which authorized the President of the U. States only to adopt such measures against alien enemies whose removal might be required by the public safety. It was also believed to be unnecessary and harsh in the extreme towards men who had just periled their lives in voluntary defence of the country. So general was this sentiment that all the officers and soldiers of Plauche's battalion, and of Lacoste and Declouet's, which were the New Orleans troops, petitioned the commander in chief to suspend the order. On the 8th of March, the General, in compliance with their request, did suspend his order, except as to the Chevalier Toussaint, the French Consul, who was banished the city.

In the mean time, however, to wit on Friday the 3d March, a communication was published in the Louisiana Courier, which was ascertained to be the production of Mr Louallier, the elder. This gentleman was no discontented, disorganizing, seditious person, but an active intelligent member of the Legislature, and a good, loyal and patriotic citizen. It was he who, in December, 1814, had obtained the grant from the Legislature of $6,000 to furnish clothing for the destitute militia; he reported and recommended to the Legislature the embargo law, by which Commodore Patterson's vessels were manned, and the apptopriation of $6 000, out of which the bounties to the seamen were paid.

Though, as a member of the Legislature, exempted by the laws of the State from military service, not merely during the session, but without limitation, he was not useless during the time of hostilities; he was one of the committee appointed to afford relief to the sick and wounded and destitute; and, as such, exerted himself with indefatigable diligence.

Unfortunately for him, however, he had, on the 14th December, reported, in the Louisiana House of Representatives, against the suspension of the habeas corpus act which the General and Governor had recommended. This seems to have been his sole demerit. In the communication before mentioned he complained in a temperate manner of the general order of the 28th February, as violating the privileges of the French residents.—He denied the right of the commander in chief to banish them, and insisted that 'it was time for the laws to resume their empire;' 'that enough having been done for glory, the time for moderation had arrived;' and, finally, 'that the acts of authority which the invasion of our country and its safety may have rendered necessary, are, since the evacuation of it by the enemy, no longer compatible with our dignity and our oath of making the Constitution respected.'

For the publication of this article, (on Sunday, the 5th of March,) Mr. Louallier was arrested by a military force, and, by the order of General Jackson, committed to prison. At the moment of his arrest he applied to P. L. Morrel, Esq. to take legal measures for his release. Mr. Morrel immediately drew up a petition to Judge Hall, of the United States district court, for a habeas corpus in behalf of Louallier, which he presented to him at his own house; after some reflection, the Judge signed the order for the issuing of the writ, but suggested to the counsel that he should notify General Jackson that the writ had been awarded. This was done in the course of the day, upon which General Jackson addressed an order to Col. Arbuckle, alleging that he had received proof that Judge Hall had been exciting mutiny in his camp, and ordering his arrest; about 8 o'clock the same evening the Judge was arrested by a party of sixty soldiers, commanded by Major Butler, and confined in prison for awarding the sacred writ of habeas corpus, which it pleased General Jackson to consider as proof of his aiding, abetting, and exciting mutiny!

Before the arrest of the Judge Mr. Claiborne, the clerk of the district court, to whom Mr. Morrel had delivered the petition and order, observed that it was dated the 6th. Apprehending this to be a mistake, as the day was the 5th, he waited on the Judge and suggested the error, which he at once corrected by changing the figure 6 to 5. Between 10 and 11 o'clock of the same evening the clerk was called on by Maj Chotard, one of Gen. Jackson's aids, who produced a written order from the General, which he said required the clerk to give up the original order of Judge Hall, awarding the habeas corpus. This he very properly refused to do, because it was a court paper which his sworn duty required him to keep. About 12 o'clock, however he waited on the General, who asked for the paper, which was handed to him. He read it, observed the alteration in the date, and asked what all this juggling was about? The clerk assured him there was no juggling, and explained the cause of the altered date, when the General said he should keep the paper. To the remonstrance of the clerk he said he should take the responsibility, but would give him a certified copy, which was done accordingly. Mr. Duplessis the marshal of the district, was at Gen. Jackson's headquarters on Sunday evening about 9 o'clock, when the habeas corpus was the subject of conversation. The General said he "had shopped the Judge,' and would treat in the same way any one who might improperly meddle with his camp, of which he considered New Orleans as forming a part. The writ was issued on Monday morning, & was served on Monday afternoon, after the hour of return. Thus were the constitutional rights and personal liberty of the citizen wantonly violated; the established forms of legal proceeding disregarded and annulled, the majesty of the law degraded, and the judicial ermine torn & trampled upon.

On the day after these arrests, Monday, the 6th March, General Jackson received despatches from Washington city By some mistake in the Postmaster General's office, the official despatch of the Secretary of War, informing him of the ratification of the treaty of peace, was changed for one on another subject; but he received an order of the Postmaster General, dated February 11, 1815, stating that the bearer was charged 'with despatches relative to the state of peace which has taken place between the U. States and Great Britain," and urging the forwarding the despatches with all possible haste. On the same day, General Jackson forwarded a letter to General Lambert, commanding the British forces off Mobile informing him of the contents of the order from the General Post Office; and on the 8th he disbanded the militia, who had been levied EN MASSE. He did not however, relax the rigors of his martial law. New Orleans was still his camp, in which his will was the source of all power and the rule of all law, where no courts were allowed to sit but courts martial, and where the freedom of the press was in danger of something worse than the sedition law. Neither Louallier nor Judge Hall was discharged, but both were kept in confinement, and on the same 6th March on which he learned from the Postmaster General's order the fact of peace, he directed the convening of a court martial to try Louallier for his life. There were seven charges, to wit: 1. Mutiny. 2. Exciting mutiny. 3 General misconduct. 4. For being a spy. 5. Illegal and improper conduct and disobedience of orders. 6. Writing a wilful and corrupt libel! and, 7. 'Unsoldierlike conduct, contiary to and inadmissible within the city of New Orleans and its environs, under an order of the commanding General, dated—day of December, 1814, declaring martial law to exist in the city of New Orleans and its environs.' The specification of these charges, which are all set forth in the documents appended to this report, are nothing more nor less than the publication of the manly, but temperate article before mentioned, (which complained of the continuance of MARTIAL LAW and the illegal banishment of the French residents,) and the construction which General Jackson thought proper to give to that publication. Fortunately for Mr. Louallier, the court, at the head of which was Gen Gaines were not so latitudinarian in their views of martial law as the commander-in-chief.—They sustained Louallier's objection to their jurisdiction as to all the charges but the 5th, on which he was tried. At his trial he stood mute, and produced no evidence, nobly resolved never to sanction the outrage upon constitutional rights committed on his person.

The specifications of this charge were that, by publishing the communication in question, he had violated the 56th & 57th articles of war, which are as follows:

'Art. 56. Whosoever shall relieve the enemy with money, victuals, or amunition or shall knowingly harbor or protect an enemy, shall suffer death or such other punishment as shall be ordered by the sentence of a court martial.

'Art. 57. Whosoever shall be convicted of holding correspondence with or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.'

The evidence adduced by the judge advocate was, the proof of the publication in the Courier, of the circulation of that paper out of the city, and that the prisoner was a patriotic and useful member of the Legislature, who had no predilection for the English Government.

Such were the pretexts on which Louis Louallier was dragged to prison and tried for his life by a military tribunal, two months after the triumphant defeat of the British, more than six weeks after the General had written to the Secretary of War that the country was delivered from the enemy, and after AUTHENTIC though not official intelligence of peace had been received. Let it be observed, too, that he was tried by a court composed of officers of the regular army, whereas, if he was a soldier at all, he was of the militia, and by the rules for their government, (see Gordon's Digest, p 671 sec. 2408) should have been tried by officers of the militia.

In fact, he was no soldier at all, not having served in the ranks on any occasion, and being expressly exempted as a member of the Legislature, by the law of Louisiana, without limitation as to the session of that body, (see Martin's Digest, title Militia,) which law of Louisiana is in pursuance of the law of Congress of March 8, 1792, sec. 2

On the 11th, he was acquitted by the court, but was still kept in confinement by General Jackson, and not discharged until official intelligence of the peace was received. On the same day (the 11th March) Judge Hall, who doubtless owed his escape from a court martial to the acquittal of Louallier, was, by order of General Jackson, conducted by a military guard about four miles from New Orleans, and there 'set at liberty.'—On the 14th, the General published his general orders, disapproving the sentence of the court martial, justifying his declaration of martial law, and claiming his right, under the Constitution to suspend the habeas corpus by such declaration.

On the 22d of March, official information of the peace having been previously received, the law re-established, and the Judge at liberty, the District Court of the U. States again met, when the affidavits of Colonel Arbuckle, Major Winston, and others, being taken in open court, a rule was laid on Gen. Jackson to show cause why an attachment should not be awarded against him for a contempt, in wresting from the clerk an original paper of the court, to disobeying the writ of habeas corpus, and imprisoning the Judge.

All the proceedings on the part of the court appear to have been according to the proper and recognised forms. The General offered an answer, part of which objected to the jurisdiction and course of proceeding but the residue was, as he himself styles it "an exposition of his conduct on every occasion into which it may be drawn in question." The court would not allow this to be recorded, but, after circumspect deliberation, declared that "the party might take legal grounds to show that the attachment should not issue, or take exception to the mode of proceeding or prove, from the affidavits offered, that the facts charged do not amount to a contempt." Being satisfied that an attachment should issue, interrogatories were proposed to the General, which he refused to receive or make any answer to; whereupon the court sentenced him to pay a fine of one thousand dollars. This fine the General paid; and thus was atonement made for the violated majesty of the law and the outraged rights of the citizen. Your committee think it is due to both that the fine should not be refunded; that the Legislature should not reverse a judicial sentence which nobly vindicates the first principles of civil liberty, and sustains the supremacy of the civil authority.

(To be Concluded.)

ESCAPE OF THE TEXIAN PRISONERS.—We learn from the New Orleans Bulletin, that the prisoners who were captured at Mier, and who were being marched to the capitol, had overpowered their guard and escaped, by way of Saltillo, to Texas.

The editor of the Bulletin conversed with Mr Thomas Nelson, one of the prisoners, on the 11th instant, who informed him that on the evening of the fifth day after leaving Matamoras, they arrived at a small village where the inhabitants were indulging in dancing and other jollifications, in which most of the guard joined. The prisoners had all laid down, secured as they were while marching with their arms tied behind with a rope, and yoked together in pairs like oxen.—A few of the prisoners having worked themselves loose, Col. Fisher was informed that they intended to make a break—and the matter being generally understood, those who were still tied were released, and the guard rushed upon, and after a short struggle overpowered, and all the arms that could be found brought off. In this affair it was estimated the prisoners lost 14 of their number. The survivors then, in a body, made for the Rio Grande, by the lower route (which, being soft and marshy, is impassable for cavalry,) where they arrived in about 48 hours, travelling night and day, and crossed about 75 miles above Matamoras. During this march they had scarcely any thing to eat, and were nearly naked. After crossing the river they divided into several small parties and took different directions. Col. Fisher, with fifteen to twenty companions took the upper route, for St. Antonia. Mr Nelson came by way of Gonzales and Washington and thence via Nacogdoches to New Orleans.

GOOD FEES.—The Judge Advocate's fees, in the trial of Com. Mackenzie, are as follows: Ten dollars per diem, and ten dollars for every fifteen pages of record, one hundred & fifty words making a page.

A HORRIBLE MURDER.

The New Orleans Picayune of the 17th instant gives the particulars, as detailed by the captain of a steamboat, of a most horrible murder, which, for the sake of humanity, it is to be hoped are greatly exaggerated. They are indeed too revolting for belief:—

A man by the name of Stewart, residing at Cypress Bend, Arkansas, just above Columbia, was some time since robbed of a negro, by, as he supposed, some wood chopper of the vicinity. The circumstance, it seems, threw him into a violent and unrollable rage, and failing to catch the thief or recover the negro, he swore that his dogs should eat the first wood chopper that ever again ventured upon his ground!

Only a few days since, some poor wretch of a wood-chopper stopped at Stewart's door about night fall requesting the shelter of the roof till morning. Stewart admitted him, and soon after let in upon the man a parcel of savage young pups, securing the doors against his egress.—These, however, the poor wood-chopper managed to keep at bay, upon which Stewart turned in his full grown dogs, urging them to rend and tear the unhappy man to pieces. Driven to desperation, the poor wretch for some time kept off even these; when, like a very fiend in human form, Stewart rushed in with his gun and shot down the stranger. The remainder of the story is almost too revolting for pen to write or eye to read. The demon, Stewart, actually kept his oath!—It is given to us in veritable relation that e're life was extinct, the ravenous dogs flew to their horrid repast, and tore the unfortunate man limb from limb! The frightful narrative almost sets belief at defiance.

Stewart instantly fled and a reward of $1,000 is offered for his apprehension; part by the Governor of Arkansas and part subscribed by the citizens of Columbia.—The neighbors found the bones of the poor wood-chopper scattered about and picked clean by the ferocious dogs.

CONFIRMED.—The Herald (Ark) paper of the 14th inst fully confirms the details of the above awful murder—they are even more horrible than those given above.

THE ASSASSINATION IN NEW YORK.—The investigation into the murder of Corliss was continued on Saturday evening but nothing was elicited, which would tend directly to criminate any one. The following abstract of a part of the testimony is curious:—

"Mr. Parson, who occupies the house No. 24 Vesey street where Colton boarded on the night of the murder, testifies positively to Colton's being in at tea about half past six that evening, and remaining there until Justice Mansell came to arrest him—Mrs. Parsons confirms that statement. The girl Rebecca Hays, who resides at Mrs. Tucker's house, No 3 Bensons street testified to an alleged intimacy between Corliss and herself and Jonathan P. Clement stated that he passed down Leonard street, the north side, on the evening of the murder, a few minutes before seven o'clock, and returned in a minute or two into Broadway. That he saw Corliss, whom he knew by sight, talking with a woman opposite the Carlton House, as he went down, and when he went back.—That he saw her face, and noticed her dress, but that Mrs Colton does not resemble her in any manner, and that the girl Rebecca Hays of Benson street does!"

NAVAL COURTS MARTIAL.—Alluding to the Court Martial now in session at Norfolk, for the trial of Commander Ramsay the National Intelligencer has the following seasonable reflections:

"We cannot help remarking that the frequency of Courts Martial in the Navy has become a grievance, if not a nuisance, both to the service and to the public, to the latter it being inconceivable that any advantage can arise to the Navy or to the country, from a large portion of the efficient officers in the service being constantly employed in the trial of individuals among their brethren in arms. It is the general opinion, we believe, that too many of these trials are ordered upon frivolous charges, unworthy of occupying so much time of valuable officers who might be well occupied in duties more acceptable to themselves, and of much greater consequence to the Government, than inquiries whether upon some occasion (perhaps of little moment) Lieutenant A. B. or Midshipman B. C. has not done something or other which, under severe construction, may be considered to have been disrespectful to his superior in rank, or unbecoming in him as an officer or a gentleman. We believe that the Secretary of the Navy could not do a more popular thing, than to come to a determination that henceforth no Court Martial shall be assembled to try, but Court of Inquiry to investigate, any charges but such as he himself shall believe to be not only well founded but essentially criminal if established by proof.

If this rule cannot be established, then let it be made one of the rules for the government of the Navy, that any Officer preferring a charge or charges against a brother officer, shall, in the event of failing to substantiate such charge or charges before a Court Martial, be subjected to the same punishment as would have been inflicted, under the rules, upon the accused if found guilty.

Our word for it, such a regulation would effect a marvellous reformation in the quality and quantity of charges preferred to the Department against officers of the Navy."

CAPTAIN SPENCER.—Capt. Spencer, the brother of the Hon. John C. Spencer, and uncle to the late Midshipman Spencer, has arrived in New York, from the American squadron in the Mediterranean. It is said that he has resigned his commission in the navy. Many rumors respecting his purpose in doing so are in circulation.—Sun.

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