EDITED BY THOMAS RITCHIE.

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THE UNION.

LOCAL INTELLIGENCE.

SUPREME COURT.

MONDAY, JANUARY 5, 1846.

Before the honorable Justices, McLean, Wayne, Catron, McKinley, Nelson and Woodbury.

THE PRE-EMPTION LAWS.—R. C. DOWNES vs. W. T. SCOTT.—An important case, involving a question, which will be found interesting to settlers on the public lands, in relation to the partition of certain lots held under the pre-emption laws, came up, on error, for argument before their honors this day, in which the Attorney General, Mr. Mason, appeared on part of the plaintiff in error, and Mr. Crittenden appeared for the defendant in error. The case originated in a petition to the judge of the ninth judicial circuit of the State of Louisiana, filed by Downes, the plaintiff, which set forth that he is the legal owner of an undivided half of a tract of land, consisting of 133 acres, situated at Brushy bayou, of the district of lands subject to sale at Ouachita, which said tract was patented as a pre-emption right, to parties named Evans and Blakey, as tenants in common. That by the laws of the United States for the division and partition of lands, it is required that the same be done by a north and south, or east and west, line. That the said tract, in order to give each of said patentees the original settlement shall be so partitioned—Scott holding the west half and Evans the east half. In the court below, the defendant put in an answer setting forth that he desired Downes to partition the land by running a line north and south through the lots *separately;* but denies that he has any right to have the two lots therein specified thrown into *one*. The case was tried before a jury, who found that the two lots be divided separately in equal portions, running by a north and south line. A judgment was thereupon entered up, that the lots be *separately* divided by a line running due north and south through *each* of said lots, in such a manner as to divide *each* of said lots into two equal portions. An appeal to the supreme court of Louisiana was afterwards prayed and granted. The Supreme Court affirmed the judgment of the court below, and the cause went back to the district court. The present writ of error has been sued out in order to review the decision of the supreme court of Louisiana—the judge below and the supreme court of the State having decided that the pre-emption act of 1830, under which the plaintiff claimed, was not applicable to the case. The points put in on part of defendant in error, are first, that the writ of error was directed to the judge of the 9th judicial district court of the State of Louisiana; that the writ was for alleged error in a judgment of the said district court; that the record filed—or what purports to be such—is not duly certified; and that the subject-matter of said writ and judgment, and the parties thereto, were proper matters and subjects of the courts of the State of Louisiana; and there was nothing therein to give this court any cognizance right to revise or reverse said judgment. These were the chief points involved.

The Attorney General opened the argument on the part of the plaintiff in error, detailing the particulars which led to the controversy between the parties, in relation to certain alleged improvements made by the plaintiff on his part of the lands. In the course of his argument, he took occasion to cite the law of 1830, known as the *pre emption act*, which provides that "if two or more persons be settled upon the same quarter section, the same may be divided between the two first actual settlers, if by a north and south, or by an east and west line, the settlement or improvement of each can be included in a half-quarter section; and in such case, the said settlers shall each be entitled to a pre-emption of eighty acres of land elsewhere, in said land district, so as not to interfere with other settlers, having a right of preference. The Attorney General, in support of his position, cited the case *Gelson vs. Hoyt*, p. p., 303–4, and contended that the writ of error was properly directed. That the error as alleged therein was error in a judgment of the supreme court of Louisiana, and contended that the record was properly authenticated. He further contended that the court had jurisdiction upon the merits, and that there was error in the court below, inasmuch as it was there decided that the pre-emption act of 1830, under which the plaintiff claimed to have a continuous north and south line run, was not applicable to this cause; and that, as the tract of land to be partitioned was granted to the pre-emptioners as having settled on the same quarter section, under the enactments of that act the plaintiff in error was lawfully entitled to have a continuous north and south line run.

Mr. Crittenden ably reviewed the argument of the Attorney-General. The question before their honors was one as to whether the land should be divided between the parties upon principles of equity, or according to act of Congress; which, if done in accordance with the latter, would amount to an equitable adjustment of the title. If the court meant to apply the act of 1830, it prescribed the amount, and specified the number of acres—which must amount to 160. In the present case the amount was only 132½, instead of the regular quantity of 160, as provided for by the act. This was an anomalous survey, he contended, and not a regular survey, according to the prescribed form, providing for a line running from north to south, or east to west. The mode of division which the plaintiff claimed would give him an over quantity of the land; and he contended that where partition was made after the patent was issued, the law in such cases prescribed that the case should be controlled, and partition made, according to the laws of the State. The judges of the supreme court of Louisiana were of opinion, that the judges did not essentially err. That the language he used did not exactly express their ideas; but the conclusion they had come to was the same. They were of opinion that the United States had sold and given a patent for a tract of land which it had sold, and that the property was then vested in the citizen who was entitled to the patent; and that, therefore, the State laws operated on it precisely as on all other property, except as related to taxation or some special exception; that for the effecting a partition, the laws of the State and the contract of the parties were to control as in all other cases. They further say that the act of Congress under which Blakey and Evans purchased the land made the contract between them as to the quantity each should have. The opinion of the judges goes on to state that "the principal objects of that contract were, first, to give each party the portion of land on which his house and improvements were situated. Secondly, to give as nearly as possible an equal quantity to each. The course of the lines is secondary, and intended only as a means of effecting the principal objects. One equality of value in the portions does not seem to have been considered as important, and is not included in the contract. Courts, in ordering a partition between two original pre-emptors, or those holding under them, will look to the act of Congress as containing in relation to regular quarter sections the primary intentions of the parties as to the direction of the lines; but in relation to a fractional, or, as the commissioner of the General Land Office calls it, an anomalous survey, the rule does not apply, and the judge was therefore correct in directing the jury the act of Congress was not to govern them absolutely. We can easily imagine two improvements so situated on a fraction of land, that neither a north and south, or east and west line would give each an equal quantity and his improvements also. In such a case, the line must take some other direction, or the land could never be divided in kind. An examination of the act of Congress will show there is nothing mandatory in it, even to its own officers; it is directory only in its operation on the right of individuals, and is not so unbending as to compel the perpetration of an act of gross injustice. A perusal of the evidence satisfies us the jury decided in conformity to it and the principles of law and justice. The plaintiff complains the verdict is indefinite and uncertain, as it does not state whether he is to have the east or west portions of the lots when decided. The verdict and judgment might have been somewhat more definite in this respect; but when we look at the whole case, we think the parties will not probably lose any of their rights from the cause complained of."

Mr. C., after contending that this act of Congress did not apply to fractional divisions, and even if it did such equitable adjustment ought to be made as not to affect the interests of his client. The established principle was, that when land was once patented, it became subject to the laws of the State, and the parties could not go behind the patent right to bring the case under the laws of the United States.

The Attorney General concluded the argument, contending that the court had jurisdiction in the present case. In the course of his remarks he took occasion to cite the concluding portion of the judge's decision, referred to by Mr. Crittenden, as follows:

"But if any mistake shall be likely to arise, we do not doubt the district judge will, when the *proces verbal* of the survey shall be returned into court, state distinctly which portions of the lots of land the plaintiff shall have.

"We are of opinion a division of each lot of land into two equal portions by a north and south line is legal and just."

And went on to say that the present case though involving a small amount of property, involved the question of title as regarded large tracts of land in various parts of the State; and, as their honor's decision would govern all these cases, he contended that his client was entitled to what he claimed under the law. The decision has been reserved for a few days, and is looked to with much interest.

CONCERT.—A very crowded audience assembled last evening to hear several of the most popular Irish melodies by that distinguished vocalist Mr. Horncastle, who kept the audience in a perfect rapture during the evening. The performance and accompaniment on the pianoforte, by Mr. Horncastle, drew forth the most unbounded applause. These concerts have been arranged to take place in connexion with the sale of Mr. Mooney's work in each city through which he travels, and have been well attended in Boston, New York, Baltimore, and other of our public towns and cities through which he has already travelled.

YANKEE HILL.—This inimitable comedian and admirable personator of *Yankee* character had a good house this evening. Our evening public amusements are on the increase.

COMMERCE OF BOSTON.—The number of foreign arrivals from January 1 to December 31, 1845, was 2,305. The number of foreign arrivals from January 1 to December 31, 1844, was 2,174. Increase of foreign arrivals over the last year, 131. The number of foreign clearances from January 1 to December 31, 1845, was 2,200. The number of foreign clearances from January 1 to December 31, 1844, was 2,000. Increase of foreign clearances over the last year, 200.

NAVIGATION STILL OPEN.—The steamboat Utica has been plying daily between Newburgh and New York for the past ten days, leaving New York at 8 o'clock, and arriving here at 3 p. m.

[*Newburgh Gazette.*

SALE OF THE RAILROAD.—The Raleigh and Gaston railroad was sold yesterday by the treasurer of the State, pursuant to advertisement heretofore made. Governor Graham bid $363,000, the amount due the State under the last mortgage, with accruing interest; and no other bid being made, the road was accordingly knocked down to the State. Thus has an improvement, which cost public-spirited individuals about a million and a-half of money, been purchased by the State for the comparatively trifling sum of $363,000. That this will prove a profitable investment for the State, cannot admit of a doubt, while the public have a guarantee that this important public highway will be kept up

[*Raleigh (N. C.) Register, 30th ult.*

SHIPWRECK ON THE ST. LAWRENCE.—A letter dated St. Luce, 19th December, states that there are three square-rigged vessels and a schooner wrecked between Matane and St. Anne des Monts. The crews of one of the ships and of the schooner had perished. The bodies of a female and child have been found on the beach, with many others.

A correspondent of the "Montreal Herald," writing from Quebec, December 23, says:

"The most melancholy accounts that we have had of the wrecks which have occurred in the river this fall, were received here yesterday. There is no doubt, from the particulars given in the following extract of a letter to A. Campbell, esq., that one of the vessels mentioned is the bark Montreal, Captain Douglass, which loaded at your port, and sailed hence on the morning of the 28th ultimo, and all her crew, including the captain's wife and child, who were board, have all perished.

LATE FROM TEXAS.

The steam-ship New York, Capt. Phillips, arrived at New Orleans on the 24th December, in 36 hours from Galveston. The Delta gives the following extracts from Galveston papers:

Died at Corpus Christi, on the 1st of Dec., inst., James T. Edgar, a native of Newark, New Jersey. He was one of the members of the unfortunate Santa Fe expedition.

WRECKS.—The schooner Braunfels, bound for Lavacca bay from Galveston, with German emigrants, during the recent bad weather, was forced to run for Aransas, struck upon the bar and was wrecked. No lives lost. The sloop George Washington, from Galveston for Lavacca, was also lost a short distance beyond Matagorda bay.

THE ELECTION.—On the 15th instant the election under the new constitution took place; the vote in Galveston stood—

For governor.—J. P. Henderson, 322; J. B. Miller 13.

For lieutenant governor.—A. C. Horton 269; N. H. Darnell, 69.

For senator.—T. F. McKinney, 281; John Warren, 154; B. C. Franklin, 148.

For representatives.—Israel S. Savage, 331; James Cronican, 294. Hugh McLeod, 278; Wm. N. Carper, 116.

Not complete; the result will not be changed.

In relation to the views of the gentlemen elect, (says the Civilian,) relative to the election of United States senator, we state that the senator is not pledged, though it is belived that he will vote for General Houston, while both the representatives were run as Houston men. In all the eastern and middle counties from which we have heard, there was scarcely a candidate in the field opposed to the election of General H. as senator. Of his election there can be no doubt.

GADSBY'S NEW HOTEL,
Corner of Pennsylvania Avenue and Third Street,
Washington, D. C.

THE subscriber having opened the house recently erected within one square of the railroad depot, is prepared to receive his friends and the public generally. The house is admirably calculated for the convenience of guests, the furniture suited to the rooms, and the proprietor, determined to offer a comfortable home to those who may favor him with their company, respectfully solicits a share of public patronage.

WILLIAM GADSBY.

WASHINGTON, D. C, Sept., 1845.

P. S.—W. G. takes this opportunity of reminding his friends and the public generally, that GADSBY'S NEW HOTEL is two squares nearer the Capitol than his former house, and that he is entirely disconnected with any other house or person.

WASHINGTON, D. C., Oct., 1845.

Board $1 50 per day; $10 per week.

Charleston Mercury and New Orleans Picayune will insert the above one month, inner form, and send their newspapers to the subscriber.

Dec 31—eoif2m

WORTHINGTON G. SNETHEN.
ATTORNEY AND COUNSELLOR AT LAW,
Washington, D. C.,

Practices in the Supreme Court of the United States and in several courts of the District of Columbia, and prosecutes all manner of claims against the United States, either before Congress or the different departments of the government.

Dec. 20—1ydaw

CARD.—Our customers who, upon receiving their bills, will do us the favor to settle them by cash, due-bill, or note, in order that we may open a new set of books, will greatly oblige us. Those who have paid no attention to our former card, of 1st of July, will now be waited upon by our collector.

J. F. CALLAN,
Corner E and 7th streets.

Dec 26—4t

COMMUNICATIONS.

For the Union.

SENATOR HANNEGAN.

IMPORTANT TO BE UNDERSTOOD.

"*The whole maritime control of the North Pacific lie above the 49th parallel.*"

This was the independent and unqualified assertion of the honorable Mr. Hannegan, of Indiana, embodied, among many other intellectual gems, in the able and eloquent speech which was made by him in the United States Senate, in connexion with the Oregon debate, and published in your paper of Tuesday last. It is as true as *Holy Writ;* and presents for consideration a most important fact—one that should be much more generally known than it appears to be by our countrymen. And it *is known to all,* who have taken the pains to examine the subject thoroughly, and have thereby informed themselves correctly and fully of the features and localities of that region. If Great Britain ever had the semblance of a just claim to any portion of Oregon, under the laws of nations, or any other rightful principle, it was located more than three degrees north of that parallel, and confined to Fraser's river, and the territory drained by it, and its tributary streams. The diplomatic correspondence of this government heretofore has shown, under the high authority above referred to, that even *there* our right was paramount to hers. South of that lie the great inland waters so indispensable to us, as capacious and safe harbors for our shipping; and around and above them are dense and extensive forests of timber, best fitted for its construction and supply. The honorable Mr. Rush, when our minister to England, in a generous spirit of conciliation and compromise, proposed by the direction of the then President, with a view to avoid further difficulty and delay, and for the amicable settlement of a controverted question, the fifty-first parallel, recognising thereby the claim connected with the above-mentioned river. The proposition not being accepted, was withdrawn. Is there a lawyer in this country, worthy of the name, who will hazard his character as such by asserting that the rights of a party are forfeited, compromitted, or in any degree affected or diminished, by the proposition of a compromise which has been rejected and withdrawn? Not one, it is confidently believed. The same destiny has attended the subsequent propositions for the parallel of 49°. Great Britain, in all her correspondence on the subject, has not been able to show a just or equitable title to a foot of territory in Oregon. All the rights she now possesses there are the offspring of artful and insidious diplomacy and management, such as have uniformly, for centuries, marked the course of her towering ambition, and her insatiable lust of acquisition in every quarter of the globe!

The conventional arrangements of 1818 and 1827, which gave them to her, would be regarded by enlightened statesmen, knowing the character and disposition of John Bull, as acts of political insanity and suicide. Brother Jonathan never before went to work at the time with his eyes so completely blindfolded. And what are the consequences? Our national rights, and the great interests connected therewith in Oregon, have been wantonly prostrated, and insultingly trampled on, thus far, with impunity, not by the *lion*, (her selected and arrogated national emblem,) for to that animal belong some noble, humane, generous, and magnanimous qualities, but by one of the more ruthless beasts of the forest. Has the spirit of '76 deserted the American bosom? Will the illustrious example of our gallant and patriotic forefathers, who so nobly achieved our independence, be lost upon their descendants, and arouse no kindred feeling that *will impel them to maintain it?* No, it cannot be. We have evidence conclusive that there is one, at least, (I have not the honor to know him personally,) in the public councils of the nation who dares *to speak* and *to act* like a genuine American. The late signal effort in the Senate of the talented and fearless Hannegan, will endear him, more than ever, to the hearts of his grateful and admiring countrymen.

PHOCION.

WASHINGTON CITY, Jan. 1, 1845.

If the editors of the Union will publish the above, I will furnish two or three others—with the facts as much condensed as possible—having been intimately acquainted with all the details pertaining thereto for more than a quarter of a century.

POSTSCRIPT.

Pass in the Rocky mountains.

The great South Pass, or Frémont's Pass as it is now called, was *not discovered* by that gentleman, as many seem to infer, but by Major Henry, some thirty years ago or more, and subsequently a partner with the late Gen. Wm. H. Ashley, in the Missouri Fur Company. Ever from the time of its discovery, as above mentioned, it was known to be used by *some* of the hunters in that *vast wilderness*, though its latitude was not located and published to the world, until a short time previously to the publication of Lieut. Frémont, in 1842-3, giving an account of its astronomical determination by him at latitude 42 degrees 28 minutes north. Heaven forbid that I should undertake to depreciate the merits, or in any wise detract from the character of that gallant, adventurous, and most deserving officer. I would not, if I could, abstract one sprig of laurel that justly adorns his brow. His public services, as I appreciate them, are above all praise. But the credit of *discovering* that now celebrated pass, does not of right belong him; and he has quite merit enough to satisfy any human ambition *exclusively his own*. It can be shown that Baron Humboldt greatly mistook when he stated, as he did in his work on "New Spain," that there were *nine points* of practicable communication through the range of mountains that pervades this continent from one end to the other. He had been grossly misinformed. The *three* which were known to that distinguished and philosophical traveller by personal observation, (having himself carefully surveyed some twenty degrees north, and about the same distance south of the equator,)—namely, the isthmus of Darien, or Panama, 8° 49'; the lake of Nicaragua, 11°; and the bay and port of Tehuantepec, 16° north latitue—were the only ones which present anything like a favorable aspect in regard to the great object of opening a communication between the two oceans. *To these* the attention of several nations has been drawn for many years past; and various surveys of them have been made under their direction, by the most skilful and scientific engineers. The publication of their labors exhibits the discouraging result that the most formidable, if not entirely insurmountable, obstacles exist, (some of the most prominent ones will be noticed in another number,) to prevent the construction of a ship canal, or a railroad, through any of these points, that would realize their long-sought and much-desired object. The great work, as they represent, if it could be accomplished at all, would be attended with a vast expense and outlay—not less than forty to fifty millions of dollars. But of what use or advantage would it be to us, if such a gigantic work were undertaken and completed? It would be under a *foreign* jurisdiction; and we should be compelled to pay high duties—perhaps exorbitant and extortionate—for the transit through it of our great and increasing commerce on the Pacific; so much so, possibly, that we might still find it our interest to continue it round to our eastern seaports, in a circuitous and dangerous navigation, by doubling Cape Horn in 56 degrees south latitude. But "why quit our own to stand on foreign ground?" We have in our own borders, within the territorial limits of the United States, a work already nearly complete, which will, if it be finished, as it should be without delay, supersede the necessity or use by us (perhaps, also, by European nations having commerce on the Pacific) of any one that may be projected or contemplated at Tehuantepec, lake Nicaragua, or Panama; and which, if embraced speedily by our government, and improved as it can be, will prove to be worth in time many thousand millions to the people of this country. The work I refer to is the *Great Valley*, alias the south, or Frémont's pass, which bisects the Rocky mountains in lat. 42° 28' north, extending quite through them in a distance of *eighty miles*, and varying in width from *five to twenty miles, and almost a perfect level throughout*, with mountains shooting up on either side *from ten to thirteen thousand feet*, and covered with perennial snow! It is a geographical phenomenon. Whether the mighty mountain was sundered, and thrown apart to such a distance, by some violent throe of nature or volcanic convulsion, I shall not undertake to speculate. The cause lies buried too deep in the arcana of things inscrutable for me to attempt to penetrate and describe it. There notwithstanding is the majestic and fixed fact, palpably perceptible to all. The interest inspired by it, however, as a wonderful curiosity, and the speculations in regard to its origin wanes almost to nothing when we contemplate the immense moral and political power it is destined to wield in future. *It will control and give direction to the commerce of the world.* There is nothing like it in either hemisphere. The reader has but to turn to his geography and maps, and examine the configuration of the globe, to be impelled irresistibly to the same conclusion. He will find on this continent a continuous range of mountains, which pervades it from one end to the other, known in South America by the name of the Andes, at the equator the Cordilleras, and in the northwest the Rocky mountains. The only opening through this extensive range which presents a practicable communication between the Atlantic and Pacific oceans, is the one just mentioned—situated where it would be most desirable to have it, at the southern extremity of our Territory of Oregon, and the whole of it within our line of separation from Mexico. I have ever appreciated the *discovery of this great pass* as second only in importance, to the people of this country, to the *discovery* of the continent itself by Columbus. It appears as if divine Providence had designed to confer a more signal blessing on the United States, in this respect at least, than any other country had ever enjoyed, or could possibly embrace; having given them local facilities for the accumulation of wealth, and the advancement of their general prosperity, which existed nowhere else on the earth; and which, if improved to the extent it might be, would insure them an immense commerce, and *greater by far* than any other nation has ever possessed. All that has been necessary to realize to us the full fruition of such a blessing was appropriate and adequate action on the part of our government, by extending our national jurisdiction and laws over the Oregon Territory twenty-seven years ago, when possession thereof was formally restored to it by Great Britain, under a provision of the treaty of Ghent; and thereby acknowledging our positive, and exclusive right thereto. Yet nothing has been done by our government with a view to secure that momentous object in the long lapse of time that has intervened. Strange and unaccountable apathy and blindness! Present indications, however, favor the belief that something more worthy of approbation is now about to be done; and the people must console themselves with the old adage—"better late than never." The 29th Congress appear to take hold of the subject as if they were in earnest, and like patriots and statesmen; and we shall, in all probability, be soon in possession of our own just rights, so long kept in abeyance.

FRIDAY, Jan. 2, 1846.

I have set down this morning to write a brief postscript to my article of last evening, and have made it much longer than the article itself. It contains facts and views growing out of their combination, which I hope may possess some interest for the reader. I have some others in connexion with this great subject, deemed still more important, which I should be glad to present herein; but am constrained to desist by a desire to send it to you as early as possible, and by absolute weariness or physical exhaustion. I could show that New York and China, by the route I propose, could be brought within 8,000 miles, and less than that, of one another; that a line from New York to connect with Columbus, Ohio, and St. Louis, Missouri; thence to the mouth of Kansas, in the Missouri river, *thirteen hundred miles below where Mr Whitney proposes to strike it*, and three hundred miles below the mouth of the Platte; thence through the valley of the Kansas, and the Pawnee country in that direction, and a prairie region throughout to the South Pass; the whole route from New York, almost on a direct line due west thereto, and no obstacles intervene to prevent the construction of a railroad thereon; that such facilities exist along that line; that such a road could be made cheaper than any considerable length of railroad ever has been in the United States; that the route by the mouth of Kansas is altogether preferable, even to that by the Platte, being throughout in a delightful climate and over a level country and fertile soil, and would save a distance of several hundred miles; that, applying the steamboat speed that is made between Liverpool and New York to the distance of navigable waters that intervene between New York and China, and the railroad speed of our eastern railroads to the distance a railroad would be necessary to complete the line, a trip could be made from New York to China in twenty-five to twenty-seven days; that the distance from New York to China, round Cape Horn and by the mouth of the Columbia, is 25,500; miles; much of which, especially in and near the latitude of Cape Horn, is a dangerous navigation; that the article of tea, of which we consume nearly $4,000,000 annually, would be reduced in price to the consumer in this country more than 75 per cent. and all our other trade in the Pacific in the same ratio; and that foreign nations, instead of taking theirs from the East Indies, China, Japan, &c., round Cape Horn or the Cape of Good Hope, would negotiate with our government, and secure the privilege, by paying duties on debenture, of transporting their trade home to Europe through *that great thoroughfare of nations.* I can show that in the last twenty years together, we have paid more than $40,000,000 more than we need to have done had the above line of communication been in operation. I wish to show the whole amount of our trade upon the Pacific—tonnage, capital, returns, seamen, &c. I have only thrown out some rough hints of what I can and wish to do in some future number or numbers.

Yours, most respectfully,

PHOCION.

NEW ORLEANS, December 29, 1845.

To the Editor of the Union:

SIR: I have noticed, with regret, that an effort is being made by certain correspondents at Washington of certain oracular presses in divers parts of the country, to force our government back, in the Oregon controversy, on the old proposition *of the free navigation of the Columbia to England.* Before the publication of the correspondence on the subject, I would cheerfully have acquiesced in *such* a settlement of the controversy; but now that I am acquainted with its merits, and the *character* and *extent* of the privilege we would give, I cannot for a moment entertain the proposition. Under no consideration can the claim and jurisdiction of the United States be relinquished at all south of the celebrated 49th degree, except for harbor and coast privileges, as contained in the last proposition of the Secretary of State; nor can the claim of the United States to the exclusive navigation of the Columbia up to the 49th degree be for a moment abandoned. I do not wish to appear arrogant, or presumptuous, or forward in a matter of so much moment; but I cannot withhold freely expressing myself on the subject, when I hear so many fuglemen pipe to the same tune for peace *on any terms!* When honorable senators are disposed to relinquish what they are pleased to term the navigation of a worthless river, or one navigable for but one hundred and fifty miles, to *purchase peace* with a grasping and powerful nation, and their echoes repeat all over the country *a worthless, barren country, and river navigable for only one hundred and fifty miles!* it appears to me to be high time for the people to speak out, to say what estimate they put on the matters in dispute. The Columbia is altogether within the 49th degree, except a small bend of one of its branches. Its mouth is down as low as the 46th degree; and its arteries and veins ramify through the whole valley down to the 42d degree. *In short, the Columbia is the only river of the American Oregon territory*, and is to it what the Mississippi river is to the valley which bears its name. Suppose, for instance, we were to give Great Britain the right of navigating the Mississippi, in like manner as it is now proposed to allow her to navigate the Columbia, and to what would it lead? In a word, she would pierce and penetrate into every valley between the Alleghany and Rocky mountains. Her steam vessels would visit all the States to which its waters are tributary; and we would have before us the humiliating spectacle of a foreign *espionage* in the heart of the nation. And shall this ever be said of any part of the territory within the jurisdiction of the United States—of the valley of the Columbia, for instance? *Not with my consent!* But if the navigation of the Columbia is so worthless, why is England so pertinacious in her claims? If she wants *harbors*, she has them at Vancouver's island, comparatively only a few miles further north. It is not for *that*, therefore, that she contends—it is for *principle*, *we are told*, and for *principle* she will go to war; or if not for *principle*, for *pride of character.* Well, it is for principle *we* contend. The *titles* are clearly *ours;* and if *she* can go to war for *principle* without *title*, *we* can afford to go into it *with* both *title* and *principle*. If she can afford it under the state of the case, we can also.

But I am transcending the limits which I had proposed to myself in this letter, and will merely repeat that the government of the United States *cannot*, *with the approbation of the people*, renew the proposition for the navigation of the Columbia by the English. IT WOULD NEVER BE RATIFIED. For some *opinions* of the real character of the bearing and attitude of Great Britain towards the United States, I would refer to the Union of the 19th June, 1845, for their exposition.

Mon dieu, mon pays et mon droit!

DEMOCRITUS JUNIOR.

For the Union.

To the Hon. LEWIS CASS:

It is not the high rank which you hold in the Senate—not the reputation which you have gained as a diplomatist—your varied acquirements as a scholar, or acknowledged arbilities as a statesman, which induces me to address this communication to you; but because in times past as well as the present moment, at home and abroad, in peace and in war, in every and all public emergencies, you have shown a zeal and devotion in the service of the republic which can only emanate from a patriot's bosom. Certain am I, then, that at this momentous crisis in the affairs of the nation, whatever relates to the condition of the country, its state of preparation for war and ultimate means of defence, will not only claim your attention, but, if supported by facts and the analogies of past experience, will meet with your most cordial support. Whatever may be the issue of the great question which now agitates the public—whether we are still to enjoy the blessings of peace, or whether war and all its dire calamities is to ensue—the response which has come back with every refluent wave of public opinion, as well as the unanimous vote of the Senate, attests the wisdom of the resolutions lately submitted by you, calling for information as to the state of our national defences. It was, indeed, time to arouse, when the din of preparation came to us on every breeze which swept across the Atlantic. The public press—the debates in Parliament—the confident, not to say arrogant tone of the ministry—all show that England is preparing for a great struggle, and displaying more than her wonted energy in the enlargement of her military and naval establishments, the arming of her fortifications, the creating of new depots, providing munitions, and perfecting every arm, engine, and implement of war.

The intelligent correspondent of the New York Courier and Enquirer, writing from London, under date of the 17th November, says, "never since the time of Napoleon have such immense, such extraordinary military and naval preparations been making in this country as at the present time, and for many months past. Fully six months ago was my attention first attracted to this subject. The activity prevailing at Deptford, Woolwich, (particularly for guns and steamers at this vast establishment,) Sheerness, Chatham, Portsmouth, Plymouth, and Pembroke, is really wonderful. Not only in the government dock-yards are ships and steamers being prepared with the utmost expedition, but also in private ship-building yards are *iron war steamers* being constructed, not only on the Thames, but also at Liverpool and Glasgow. From my inquiries, I have every reason to believe these extraordinary warlike preparations are made in reference to our country." "The war steamers now preparing with such energy and promptitude will make a *dash* upon Portland, Portsmouth, Boston, New York, Philadelphia, Baltimore, Charleston, &c., &c., simultaneously, without giving us time to prepare and resist this sudden incursion."

The attentive correspondent of the Boston Atlas, under a later date from London, states, that "the attention of the British government has recently been directed to the importance of fitting war steamers with extra strengthening pieces and mortar-beds for the reception of mortars. Several experiments have been made on board the war-steamer Scourge, and they have proven that steam vessels are capable of bearing the discharge of mortars of the heaviest calibre, without injury to the vessel or her machinery. Last week twelve consecutive 13-inch shells, with the 20-pound charge of powder, were fired from the Scourge in twenty-three minutes, and while the vessel was under full steam. The shocks were considerable, but the machinery of the steamer was not injured. The 16-feet fifty-six pounder pivot gun of 87 hundred weight was then tried; 14 pounds of powder were used each time, and forty shots were fired. The recoil was very slight. The mortar is placed on the deck, as the concussion has a much less effect. The Scourge is upwards of eleven hundred tons."

The London Morning Herald remarks, that "the introduction of mortars into steamers will form an era in the science of offensive naval warfare, as against towns and fortifications situated on an enemy's coast, or on the margin of navigable rivers, their effect would be most destructive. *Eight or ten vessels armed like the Scourge, would be more effective than a fleet of twenty sail of the line.* It is said that since the recent experiments were made, government intend to order a number of steam bomb-vessels."

In the London Times, under date of the 4th December, it is also stated that, "within the last few days, a survey has been going on under the direction of a naval officer high in rank, of the large mercantile steamers in the mail-service of her Majesty, with a view to the ascertaining of their capabilities for carrying guns of the largest calibre. An arrangement has also been entered into, in virtue of which these steamers are to be placed at the command of government in the event of their being required as vessels of war."

Many more extracts of a similar character might be given from other leading papers, to show the efforts which England is making to concentrate her power in Canada, Nova Scotia, Bermuda, and every other point from which she can act with effect on the frontiers, as well as seaboard of the United States. Not the least, though the most covert and insidious of these efforts, are being made through her agents and servants of the Hudson Bay Company, to bring all the northwestern Indians under the protectorate of this empire-incorporation, invested by acts of Parliament with civil, judicial, and military power, and made the instrument by whose piratical and rapacious acts, like those of the East India Company, England acquires territory, amasses wealth, and increases her power, while she denies the moral and international government responsibility of those very acts. It has at all times been the policy of Great Britain—a policy little in keeping with her ostentatious humanity in regard to the black race—to keep the red men under subsidy to her, so as to have them always ready to bring into the field against the United States. In the declaration of independence, the King of Great Britain was reproached with exciting domestic insurrection among us, and bringing on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is undistinguished destruction of all ages, sexes, and conditions. During the revolution, we proposed that the Indians should be suffered to remain neutral, but England refused. She has kept them under arms, or in a semi-hostile state against us, from that day to this. Our commissioners at Ghent proposed an agreement for the perpetual neutrality of the Indians, but again England refused it. The perseverance of Great Britain in this unchristian policy has been deplorably injurious to us, and its effects are written with the scalping-knife and the brand of the Indian, in letters of blood and fire, in the history of every one of the disasters of the western and southern States, from the massacres of Wyoming and Cherry Valley, and the defeats of Harmar and St. Clair, to the late wars of Tecumseh, the Prophet, Black Hawk, and Osceola. Ever since the charm of her naval invincibility was broken by our brave tars, in equal contest of ship to ship, and fleet to fleet, and her veteran and before unconquered legions were defeated by our undisciplined militia, England has brooded over the mortifying events; and now, rivalled in manufactures, exceeded in commercial enterprise, and thwarted and exposed in her insidious attempts to recover her ocean-supremacy, by being made high-constable of the seas, she regards the United States at once, with hatred, fear, and jealousy. Her hostile efforts, though unseen, have yet never ceased—at one time by pretended crusades of philanthropy, at another by diplomatic intrigue, and at all times by fomenting jealousies and creating discontent through secret agents and hired emissaries. In the coming war, *for come it must*, Indians and slaves are again to be the instruments used for our annoyance; for all history, as well as our own experience, has proven that that power which boasts to be the bulwark of Christendom—which, with great pretence of philanthropy, covers the ocean with fleets to emancipate the African, and devastates whole regions to convert the heathen, never yet stopped at any cruelty or barbarity which offered means to satiate her vengeance, or gratify her inordinate passion for enlarged dominion. With these dangers impending, and forewarned as we have been, it is worse then folly to cry peace, peace, at the very moment when a hostile fleet may be hovering on our coast; or to rely on the friendly forbearance—the magnanimous justice of a nation whose practice it is to declare war with the roar of her artillery, and never yet failed to throw her sword into the scale when she adjusted the rights of a surprised, weakened, or vanquished enemy. It is thus England has acquired a foothold in every part of the habitable globe; thus that she possessed herself of Gibraltar, Malta, the Isle of France, St. Helena, the Cape of Good Hope—overran the Burmese empire—planted her standard in every part of the Indian ocean and southern Pacific—and now unfurls with impunity the flag of St. George in the Celestial Empire. She now exercises sovereignty over the Sandwich islands, and in order to enable her to encompass the earth, she lays claim, under a forced cession from Spain, and other equally slight pretensions, to a valuable portion of Oregon, ours by discovery, ours by prior occupancy, ours by contiguity, and ours by the fair extinguishment of every possible legitimate adversary right.

In another communication I will endeavor to show the condition of our fortifications and our state of preparation for war.

LOWNDES.

To the Editor of the Union:

A friend of Col. Tibbatts sends the accompanying notice of that gentleman, with the request that you would republish it in the "Union," from the "New York Morning News."

THE HON. JOHN W. TIBBATTS.

We here present to our readers a portrait of the Hon. John W. Tibbatts, who now represents in Congress the 10th district of Kentucky—his constituents having re-elected him to the seat which he occupied during the 28th Congress, with so much efficiency. The position Mr. Tibbatts has taken in the councils of the nation and the affections of the people, more particularly of the western States, is indicated by the spontaneous nomination which he received through the public journals of the West, for the distinguished position to which another worthy western representative has been elected—the Speakership of the House of Representatives. He is one of those men whose names will be perpetuated in our legislative annals. He has already attained honorable distinction in the halls of legislation of his State and of the nation.

Mr. John W. Tibbatts was born in the city of Lexington, in the State of Kentucky, on the 28th day of November, 1801; hence he is now in the 45th year of his age. Lexington has been the residence of his parents for more than half a century. His father, a very worthy mechanic, a man of unquestioned probity, was an Englishman, of Norman descent, and of the republican school of politics, whose free principles he came to this western world to enjoy. His mother—whose maiden name was O'Naan—is a Virginian, of Irish parentage. Thus on both sides he is descended from stock of the purest breed; his training has been calculated to improve it. He was educated at Transylvania University, of which he was a graduate in 1822, of the second class which graduated under the administration of that distinguished president, Dr. Horace Holly, of New York. As a freshman, Mr. Tibbatts took the first honors; he was then promoted to the junior (and consequently did not enter the sophomore) where he also took the first honors. In the senior, the first and second honors were divided—the first between himself and another, the valedictory being assigned to the subject of this notice; the second between Messrs. Peers and Bibb, a son of the Hon. George M. Bibb, late Secretary of the Treasury. The late John White, Speaker of the House of Representatives in the 27th Congress, was a member of this class; likewise the eldest son of the Hon. Henry Clay—in short, it was a class of the most talented young men Kentucky ever graduated. But, alas! the painful reflection is forced on the mind that gifted intellect, and human acquirements, and distinctive honors, are no exemptions from the common lot of man, and the afflictions incident to our nature. Mr. Tibbatts, with one exception, is the sole survivor of that class of so much promise—the only one, indeed, that is left to benefit the world, for the other (the eldest son of the Hon. Henry Clay) is an inmate of the lunatic asylum at Lexington.

Having finished his academical course, Mr. Tibbatts studied law under the tuition of the Hon. Jesse Bledsoe and the Hon. Wm. T. Barry, a familiar name on the roll of diplomatic representatives of the United States.

He graduated, and took the degree of bachelor of laws in the law school of Transylvania in 1823, and commenced the practice of the law in Lexington in the same year. Subsequently he entered into a partnership with Mr. Barry, which continued until the month of December, 1824, at which time he married the daughter of General James Taylor, of Newport, Ky., on the Ohio river, opposite the city of Cincinnati, to which place he removed and continues to reside there to the present period.

In the year 1828 Mr. Tibbatts was called to another sphere of honorable duty, he having been elected to the legislature of Kentucky, defeating the Hon. W. W. Southgate, since deceased. In 1829 he was re-elected, defeating Mr. Taliaferro, Mr. Southgate's brother-in-law, and cousin of Mr. Tibbatts's wife. And he again represented the county of Campbell in the legislature of his native State in 1842. Whilst a member of that body, Mr. Tibbatts was assiduous in his devotion to his legislative duties; but a mind cultivated as his had been, knowing so well, as he did, the advantages and pleasures of education, and its necessity to the preservation of our free institutions, with an enthusiasm which quailed not at any obstacle, he sought to establish a system of education through the State for the rising generation.

In 1829 he introduced into the House of which he was a member a bill to establish a general system of free schools. By his indomitable energy he succeeded in getting it through all the forms of legislation; and he thus is entitled to the honor of having caused to be passed the first measure of the kind in the State of Kentucky. As the friend of education of the people, he has won a distinction honorable and enduring, and his name will be held in perpetual and grateful remembrance.

In 1843, Mr. Tibbatts was sent to another sphere of honor and usefulness, higher and more extensive. His popularity in his congressional district is shown by the election returns; for he defeated W. K. Wall, esq., a talented and estimable man, by a majority of 343 votes, in a district which had given to General Harrison over 1,700 majority, and was considered at any time to have a whig majority of 1,000. Even Judge French, with all his popularity, was defeated in the same district when he was a candidate for the governorship, by from 800 to 900 votes. At the last election, Mr. Tibbatts was again returned to Congress. His opponent was J. P. Gaines, esq., the most talented "stumper" and electioneerer in Kentucky; and yet Mr. Tibbatts succeeded by a majority of 232. In this contest, he got a better vote in every county in the district than he got on the previous election; but the district, roused probably by the eloquence of his opponent, gave 1,500 more votes than it did in the preceding election. One additional fact will serve to show the unbounded popularity of Mr. Tibbatts: it is, that in the same district in which he was so triumphantly elected, Mr. Clay headed Mr. Polk by a majority of 315.

In Congress, the course of Mr. Tibbatts has been all that becomes a statesman and a patriot. His active energy in forwarding the great measure of annexation of Texas was deeply felt. His joint resolutions, which he offered as the means to accomplish that great object, struck the public mind with some surprise, and attracted to Mr. Tibbatts the attention of the Union. His plan surmounted difficulties which had staggered many of the friends of annexation, and pointed him out, modest and unpretending as he has ever been, as one of the men whose enlightened and vigorous minds are to exert a salutary influence in those counsels which shall guide this country to the accomplishment of its high destiny.

If we mistake not—and we write this notice with a knowledge which a daily observance of his conduct in Congress has given us, and facts gathered from those who have some acquaintance with his history—Mr. Tibbatts was an influential instrument in mitigating the afflictions of the unfortunate by limiting the power of the creditor to treat misfortune as a crime. The law regulating imprisonment for debt in the District of Columbia was modified by his unfaltering exertions. Of all the measures for the development of the resources of the great West, Mr. Tibbatts is a prompt, energetic, never-failing advocate. Western rivers and harbors during the last Congress had his peculiar care; and those who witnessed the scene will never forget the anxious attention and fearful energy with which he struggled to pass through the House of Representatives his bill for the improvement of the western waters.

But we must pause, for our notice is exceeding its prescribed limit. We will only add, then, that in his department Mr. Tibbatts is ever gentleman'y and courteous—never, even in the most exciting debate (and he is a ready debater) losing his self-respect by deviating into personal altercation. His business habits are worthy of the imitation of all his compeers. His correspondence appears to be singularly great, and he applies himself to it with considerable industry. He is rarely absent from his seat. Before the hour of assembling he may be found at the departments, transacting the business of his constituents; during the sittings of the House, even when its attention is occupied with local and, to him, comparatively unimportant measures, he conducts his correspondence at his seat, so as to be ready to vote on national questions as they arise—while, at the same time, he attends to the communications of those whom he represents. Such is a brief and imperfect sketch of the Hon. John W. Tibbatts, of the House of Representatives, from the State of Kentcky.

For the Union.

MISTAKE CORRECTED.

MR. EDITOR: I have just received a newspaper from Michigan, in which I find the following:

"*Resolved,* That it is expedient that Congress notify, forthwith, the government of Great Britain of the termination of the joint occupancy of Oregon, and that, at the end of one year, they will take formal possession of the whole territory."

This was to be discussed. I wish to inform the people of Michigan, and the people of the whole United States, that we are in possession of the whole territory of Oregon, and always have been since the treaty with Spain in 1819, and the ratification and delivery in 1821. General Jackson formerly received possession of the Floridas, and all the northwest coast of America was ceded to the United States, which had been secured to us by the treaty negotiated by John Quincy Adams.

We were previously in possession, by discovery and settlement, of the Columbia river—which settlement was captured by the British during the last war and restored to the United States.

There is a country called North Oregon, north of 54° 40', which is in possession of the British, and there is the mistake. North Oregon is in possession of the British, and South Oregon is in possession of the United States; and it is very important that every editor, who is desirous of stating the truth, should so state it.

The joint occupancy is another error, which has recently been ably refuted by the venerable John Quincy Adams. The commercial convention between Great Britain and the United States says, that any country on the northwest coast of America which may be claimed by either party, shall be free and open to the vessels, citizens, and subjects to both powers. So that every part of the northwest coast, from the south part of California to Behring's straits, is by this convention free and open to both parties the moment it is claimed by either, (recollect, the treaty says, may claim;) so if Great Britain should claim all the Russian possessions in America during the continuance of this convention, this whole country must be free and open to the vessels and citizens of the United States.

This commercial convention seems not yet to be understood by the people of the United States. It was made before the treaties for title and possession, and continued afterwards. It may restrict both parties from selling any lands during its continuance, because the whole country is to be "free and open;" but possession and sovereignty are as complete now as they can possibly be. Undoubtedly the United States could arrest and punish any person, whether citizen or foreigner, except a British subject, who should commit any offence against their laws south of 54° 40'; and undoubtedly Great Britain could arrest and punish any person, whether a subject or foreigner, except an American citizen, who should commit any offence against its laws north of 54° 40'.

Respectfully, your most obedient servant,

AMICUS.

NEW YORK.

To the Editor of the Union:

As it was designed that the following resolutions should be published in the "Union," it may be considered a useless intrusion on my part to say anything; yet, feeling a deep interest in the welfare of that section of our republic, I hope to be pardoned for venturing a remark.

You will perceive from the tenor of the resolutions, that although western New York is suffering under the blight and deleterious effects of whig influence, her democracy stand firm and undaunted. Their guns are ever in order for action, and whenever comes the tug of war, none fight more bravely or disinterestedly; nor will it be their fault if that stronghold of anti-masonic-whigery does not, ere long, meet with a New Orleans-like rout. Already have the enemy commenced a retreat. Old Genesee, (now Wyoming and Genesee,) in 1840, and for years before, presented an impregnable front, with a whig majority of over 3,000. By the watchful diligence and untiring efforts of her democracy, that majority has constantly and steadily decreased to less than 2,000. This has been done in the face of the most unscrupulous efforts on the part of the whigs, (in whose hands have been every item of the influence and power growing out of political patronage,) and attended with the most lavish use of money, intrigue, and bullying. The secret of this success consists in the unity of the democratic party in that section of the State; their steady support of those great cardinal principles shadowed forth by our illustrious forefathers, of man's capacity for self-government; their firm opposition to those "entangling alliances" which have too long continued in the existing unnatural joint occupancy of the Territory of Oregon; and their readiness under all just circumstances to lend a helping hand in the enlargement of the "area of freedom," and the extension of the blessings of human liberty. Such being the spirit that animates the breasts of democrats of Genesee, is it a wonder that the god of battles is inclining thitherwards?

H.

DEMOCRATIC COUNTY CONVENTION.

At a meeting of the delegates from the several towns of the county of Genesee, convened pursuant to a call from the central committee, at the hotel of John Chatfield in the village of Batavia, on Friday, the 26th of December, 1845, John Lent, of Le Roy was appointed chairman, and A. J. Abbott, of Pavilion, secretary.

F. Follett, Wm. H. Sheldon, Dr. Chambers, Guy B. Shepard, and Wm. R. Huggins, were appointed to draught resolutions expressive of the sense of the convention.

The committee through their chairman, (Frederick Follet) presented the following, which were unanimously adopted:

Resolved, That the message of President POLK calls forth our enthusiastic plaudits; that we approve the manner in which the grievances and insults of the Mexican government are exposed and rebuked—a manner firm and convincing, without being heated or offensive; that we respond to the whole tenor of his remarks upon the rights and duties of the American government—our DUTY to abstain from intermeddling with the affairs of European States, and our RIGHT to insist upon their non-interference with the policy and people of the independent governments of the American continent; and especially to resist, by force if necessary, the establishment by European monarchies of a "balance of power" to check and overawe the progress of our free institutions.

Resolved, That we regard the views and statements of the President upon the Oregon question, as sound, just, and unanswerable; that that important matter is now presented to the country in its true light; and that, entrenched upon the unassailable facts and arguments of this admirable state paper, our country exhibits to the world the spectacle of a nation of freemen who claim and prove, in the language of courtesy and moderation, a "clear and unquestionable title" to a territory which has accrued to them by treaty, by discovery, by occupation, and by natural right—a title which we fervently trust may be conceded to us in the same spirit of kindness and conciliation with which it has been asserted, but which in the bold and honest hands of our national administration will never be surrendered to the wiles and arts of European diplomacy, nor wrested from us by the sword.

Resolved, That the doctrines of the message upon the TARIFF (fortified in detail by the able report of Secretary Walker) meets our warmest approval; that the whole country is indebted to the President for explaining with such simplicity and force the unequal and iniquitous operations of a tariff for "protection" merely, and the justice and expediency of a tariff for revenue purposes alone—discriminating in favor of the great interests of the FARMER and MECHANIC, to the extent that it "protects" the capital of the eastern manufacturers; and that the suggestion of the President to tax lightly the necessaries of life, and cheap articles and commodities used by the poor, and to impose higher duties upon luxuries and articles of fancy and extravagance, is alike wise, humane, and democratic.

Resolved, That the great achievement of the annexation of Texas, and the manner of its accomplishment, so peaceful, reciprocal, and magnanimous, fills us with delight; that we welcome the "lone star" to our glorious constellation in the name of human progress and advancement, and by the strong ties of friendship and consanguinity; we hail