tled to that priority which the government claims, he, under the advice of the department, instituted proceedings to test that question. This bill proposes to pay him, as Congress has already paid Purser Wilson; and inasmuch as a suit was instituted by the advice of the department at Washington to pay his costs in that case, it appears to me to be a very simple question, and a very meritorious case.

Mr. HUNTER. I desire to ask the senator if it appears from any proof in the papers in this case that this man deposited the funds under the direction of the Secretary of the Navy?

Mr. FISH. It appears clearly that he deposited them on the faith of the letter written by the Secretary to Purser Wilson. They were both at the same station, and both suffering from the same difficulty. Wilson writes a letter to the department, and obtains Secretary Upshur's directions to make these deposites. He accordingly made them, and Mr. Taylor acted under the same authority.

The bill was reported to the Senate without amendment, engrossed, read a third time, and passed.

FRANCIS B. STOCKTON.

The Senate proceeded, as in committee of the whole, to consider Senate bill No. 31—being "A bill for the relief of Purser F. B. Stockton," reported from the same committee.

This bill is of the same character as the preceding one, the amount involved being $67 57.

It was reported to the Senate without amendment, engrossed, read a third time, and passed.

MRS. MARY E. D. BLANEY.

The Senate then took up Senate bill No. 52, reported from the Committee of Claims—being "A bill for the relief of Mrs. Mary E. D. Blaney;" which was read the second time and considered in committee of the whole. The bill provides that the proper accounting officers of the treasury pay to Mrs. Mary E. D. Blaney the sum of $1,156 68, being interest upon a sum belonging to her at the death of her husband, as commissions due him for acting as disbursing agent of the government while superintending the erection of fortifications at Oak island, Cape Fear river, in the State of North Carolina, which commissions were withheld by the United States government for a period of twelve years.

Mr. BRODHEAD called for the reading of the report, and it was read accordingly.

No amendment being offered, the bill was then reported to the Senate and ordered to be engrossed for its third reading. By unanimous consent, the bill was then read the third time and passed.

SURETIES OF DANIEL WINSLOW.

The Senate then took up Senate bill No. 53, reported from the Committee of Claims—being "a bill for the relief of the sureties of Daniel Winslow;" which was read the second time and considered in committee of the whole. The bill provides that Daniel Winslow and James N. Winslow and their sureties, and the real and personal property of each, be released from any liens for judgments obtained by the United States against Daniel Winslow for breach of contract, on the payments of the costs of said suits by the said Winslows.

Mr. WALKER called for the reading of the report, and it was accordingly read.

The report sets forth that in 1846 Daniel Winslow as principal, and David Winslow and James N. Winslow as sureties, entered into a contract with the United States government to deliver, on or before a certain day, 1,800 barrels of navy beef at $7 87½ per barrel. Shortly after the contract was made, the price of beef advanced to $12 and $14 per barrel, on account of the Mexican war and the famine in Ireland; Daniel Winslow, however, for the purpose of fulfilling his contract, continued to purchase beef until it reached the price of $12 per barrel, prime cost; at which time he became insolvent, having furnished 300 barrels to the government, at a loss of over $4 per barrel. The government purchased beef to fill the remainder of the contract at prices averaging about $14 per barrel, and instituted suits against the contractor—Winslow—and his surities, for the amount over the contract price, obtained judgment, and effected liens upon the real and personal property of the sureties, the contractor having become insolvent. The committee are of opinion, that as the failure to fulfil the contract was from no fault of the contractor, being caused by circumstances which could not have been foreseen at the time of making the contract, and from other circumstances which the committee deem good grounds for lenity and forbearance, it would not be inexpedient to forgive the judgments obtained upon payment of costs, the United States having paid no more than a fair market price for the quantity of beef they purchased to fill up the contract. The committee accordingly report a bill for that purpose.

Mr. WALKER. I am tempted in this case to offer an amendment to this bill, not intending to interfere with the bill itself, as I deem it a case where relief should be granted. The amendment is as follows:

And be it further enacted, That the provisions of this act shall also apply to the benefit of Sylvester Pettibone, of Wisconsin.

The case designed to be provided for by this amendment is as follows: This old gentleman, Mr. Pettibone, is a resident of Milwaukie, Wisconsin. Some time since, a nephew of this Mr. Pettibone was arrested for passing counterfeit coin of the United States. The facts of the case, within my own knowledge, in relation to the passage of this counterfeit money are these: Certain counterfeit quarter-eagles had got into circulation; suspicion fell upon his nephew; he was arrested, and it was proved that he did pass one quarter-eagle piece. While in the state of alarm into which this young man was thrown, he called upon his uncle to become his bail, which he consented to do without any hesitation, and really without much consideration. Now comes something serious. This nephew disappeared, went to some place unknown to the old gentleman, and has not been heard of since, from that day to this, by any one in that part of the country, so far as I have any knowledge. Every inquiry has been made, every exertion has been resorted to to produce this nephew, but all has failed. The old gentleman, at the present moment, knows not where his nephew is. The bail-bond given by this old man has been sued by the United States, and judgment obtained against him to the amount of three thousand and odd dollars. He lives in the immediate vicinity of Milwaukie, and has about seventeen acres of land upon which his dwelling is situated, which is all the property he has. From its contiguity to the city, this property is pretty valuable, and at the sale under execution upon the judgment obtained by the United States, it was bid off for the amount of judgment and costs. The time for redemption under our statutes has expired, thus leaving this old man, of nearly seventy years of age, without any means for the support of himself and a numerous family. He has made application to the Treasury Department for a stay of proceedings in the matter, asking indulgence for a little time longer, in order to bring his case to the attention of Congress, to ascertain whether they will grant him any relief. The Treasury Department have accordingly postponed taking a deed for the property, with a view of seeing what action Congress may be disposed to take in the matter. They have also, as I am informed, directed that the property shall not be disposed of in the mean time by the United States district attorney or any other authority.

So the matter stands now, awaiting the action of Congress upon the subject. This amendment I have offered proposes to do more than this old gentleman himself asks for. He has told me, as one of his representatives, that if Congress and the government will let him off upon his paying costs and $500 besides, he will ask no more. The old gentleman has derived no benefit from this; all the loss the government, so far as proved, has sustained, is the passage of this one piece of $2 50. This old gentleman is an estimable and worthy man, but somewhat incapable of attending to his own rights. And while listening to the report in the case now pending before the Senate, I concluded to ask the indulgence of the Senate to consider this proposition. The amendment which I offer, as it at present stands, proposes to release this old man upon the payment of costs in the suit, which amount to something more than $300. If, however, the Senate desire to inflict some punishment upon this old man, they can accept his own proposition, which is, to release him upon his paying $500 besides the costs. I will, however, hear what senators may have to say before I change my amendment.

Mr. HAMLIN. I would ask if this amendment is in order, not being germane to the subject?

The PRESIDING OFFICER, (Mr. STUART in the chair.) When the proposition was first made, the Chair thought it was not in order, and turned to the rules of the Senate to ascertain concerning that matter. As the Senate is well aware, the experience of the present incumbent of the chair is but little: he is, however, under the impression that the amendment is not in order at this time.

The amendment was accordingly ruled out of order. The bill was then reported to the Senate from the committee of the whole without amendment, and ordered to be engrossed for its third reading. By unanimous consent, it was then read a third time and passed.

HODGES AND LANSDALE ET AL.

The Senate then took up Senate bill No. 61, reported from the Committee of Claims—being "A bill for the relief of Hodges and Lansdale, and the legal representatives of Rinaldo Johnson and Ann E. Johnson, deceased;" which was read a second time, and considered in committee of the whole. The bill directs the proper accounting officers of the treasury to audit the claims of Hodges and Lansdale, and the legal representatives of Rinaldo Johnson and Ann E. Johnson, deceased, for indemnity for tobacco destroyed by the British in 1814 at their warehouses, at Nottingham's and Magruder's Ferry, in the State of Maryland, and pay to the above the amount ascertained to be due.

Mr. BRIGHT. There are several bills of this class that are advocated by the senator from Maryland, [Mr. PEARCE,] and opposed by the senator from Delaware, [Mr. BAYARD.] As both of these senators are absent to-day, at the instance of the latter, I move that the further consideration of this bill be postponed until Friday next.

The question being then taken, the motion was agreed to, and the further consideration of the bill postponed until Friday next.

[TO BE CONTINUED.]

HOUSE OF REPRESENTATIVES.

The House met at 12 o'clock, m.

Prayer by the chaplain of the Senate.

The journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from the Treasury Department, transmitting details of the registration of the treasury and other acts in relation to treaties with the Chickasaw Indians for the year 1853, as required by law; which was referred to the Committee on Indian Affairs.

Also, a communication from the Department of the Interior, transmitting an estimate for deficiencies in the appropriation for salaries and incidental expenses of the commissioners for settling land claims in California; which was referred to the Committee of Ways and Means, and ordered to be printed.

Also, a communication from the Commissioner of Public Buildings, giving an account of all the contracts made in his office during the past year; which was referred to the Committee on Public Buildings and Grounds.

PRIVATE BILLS.

The following private bills of the Senate were read twice, and referred to standing committees:

A bill for the relief of the heirs and legal representatives of Wm. Weeks.

A bill for the relief of the legal representatives of Daniel Loomis, deceased.

A bill for the relief of the captors of the frigate Philadelphia.

The House then went into Committee of the Whole, and proceeded (Mr. HIBBARD in the chair) to the consideration of the bills on the private calendar. After some time spent therein, during which objections were made to sundry private bills, the committee rose; and

Mr. HIBBARD reported to the House the following private bills, with amendments, with a recommendation from the Committee of the Whole that they be passed:

A bill for the relief of Madison Parton.

A bill for the relief of Benjamin Rowe.

Also, the following bills, without amendment:

A bill for the relief of Henry N. Halstead.

A bill for the relief of Benjamin Hammond, of the State of New York.

A bill for the relief of Henry & Snow, of Rome, in the State of New York.

A bill for the relief of Lemuel Hudson.

A bill for the relief of George S. Claflin.

A bill for the relief of James F. Green.

A bill for the relief of Thomas Frazer.

A bill for the relief of Cornelius H Latham.

A bill for the relief of Samuel W. Brady.

A bill for the relief of Fayette Mauzy and Robert G. Ward.

A bill for the relief of the legal representatives of the late John E. Bispham.

A bill for the relief of John O. Mears.

A bill for the relief of Lyman N. Cook.

A bill for the relief of Emilie Hooe, widow of Captain Hooe.

A bill for the relief of John Hamilton.

A bill for the relief of the Utica Steam Woollen Company.

A bill for the relief of Gray, McMurdo, & Co.

A bill for the relief of George W. Gibson.

A bill for the relief of Parmelia Slavin, widow of John Blue, deceased.

A bill to provide a pension for Silas Champion.

A bill to confirm to Hercules L. Dousman his title to farm lot No. 32, adjoining the town of Prairie Du Chien, in the State of Wisconsin.

A bill for the relief of Aaron Stafford.

A bill for the relief of Hezekiah Johnson, of the town of Bridgewater, in the State of Vermont

Mr. EWING moved that when the House adjourn it adjourn to meet on Monday next.

Mr. JONES, of Tennessee, demanded the yeas and nays on the question; which the House refused to second.

The motion was put and agreed to.

The House then proceeded to the consideration of the private bills reported from the Committee of the Whole, on which debate of no public interest occurred. After which, the House adjourned, at half-past three o'clock, till Monday next.

PETITIONS, ETC., UNDER THE RULE.

By Mr. CUTTING: The memorial of John W. Griffith and William Norris, jr., praying for an amendment of the law in relation to the admeasurement of tonnage of ships: referred to the Committee on Commerce.

By Mr. McMULLEN: The petition of Coale and Barr, asking that they may be paid for public printing: referred to the Committee of Claims. Also, the petition of Reuben Apperson for a pension: referred to the Committee on Invalid Pensions.

By Mr. VANSANT: The petition of Samuel S. Taylor, praying that the "Act of 1847, approved February 11, being an 'act to raise for a limited time an additional force, and for other purposes,'" may be so amended as to extend the benefits of said act to the relatives of deceased officers.

NEW Lace Goods and Embroideries.—The subscribers have just received from New York an invoice of entirely new styles of the following desirable goods, viz:
15 flounced lace dresses, last Parisian style
12 sets Maltese lace chimezetts and sleeves
10 Honiton lace berthes
15 berthe lace capes
25 sets French embroidered lace trimmed chimezetts and sleeves
50 new style French worked collars
10 pieces colored illusions for evening dresses
10 do colored tarletans do
50 black lace veils
25 French embroidered handkerchiefs
Together with many other seasonable and desirable articles, to which we respectfully invite the attention of the ladies.
Jan 28—3taw2wif HOOE, BRO. & CO.

JOHN A. LINTON, Attorney-at-Law, has removed his office on the north side of Louisiana avenue, between 6th and 7th streets.
Jan 20—2aw2w

A CARD.
COPARTNERSHIP.—I have associated with me in business, to take effect from the 1st inst., my brother, H. BURNS. The business will be known and carried on in the future under the name of GEO. BURNS & BROTHER. I would ask for a continuance of the liberal patronage which has been bestowed upon me for the last seven years, as there will be no efforts spared by the new firm to meet the wants of the public in our line.
All persons indebted to me will please make early settlement by cash or notes, as it is necessary that my business should be speedily settled. GEO. BURNS.

BOOTS AND SHOES.—We would call the attention of the public to our large and well-selected stock of boots and shoes, embracing every variety usually kept in a well-ordered shoe store, which we are determined to sell low for cash or to known punctual customers. GEO. BURNS & BRO.,
Penn. av., between 9th and 10th sts. and 4½ and 6th sts.
Jan 14—eo2w

SHIRTS MADE TO ORDER.—STEVENS, Brown's Hotel, is prepared to measure and fit shirts in every variety. Gentlemen that are troubled with bad-fitting shirts can be suited at STEVENS'S
Jan 26—3tifeod Salesroom, Brown's Hotel.

CITY of Pittsburg and County of Alleghany, Pennsylvania.—We offer for investment the guarantied coupon bonds of the city of Pittsburg and county of Alleghany, Pennsylvania.
These bonds are issued to the Pittsburg and Connellsville Railroad Company, by which they are guarantied.
We confidently recommend them to capitalists as a secure and desirable investment.
The bonds, together with the exhibit, and other statistical information, may be obtained upon application personally, or by letter, to JOHNSTON BROTHERS, & Co., Bankers and Fiscal Agents.
Agents for the Pittsburg and Connellsville Railroad Company.
Jan 18—d&eptf

FOR CALIFORNIA.—The new, splendid, and unrivalled steamship Yankee Blade will sail for the Pacific on Tuesday, 31st January, via Rio de Janeiro, Valparaiso, and Panama, affording an excellent opportunity for passengers at the intermediate ports. The Yankee Blade is to take her place in the Independence line, to run in connexion with Commodore Vanderbilt's celebrated steam yacht North Star, and the justly celebrated steamship Uncle Sam, forming a monthly line to California, via Panama. For freight or passage apply to E. MILLS,
Jan 19—d10t No. 51 Courtlandt street.

BELLS! BELLS! BELLS!—The subscribers manufacture and keep constantly on hand all sizes of church, factory, steamboat, ferry, locomotive, school-house, and plantation bells. These bells are hung with the patent iron yokes with moveable arms. They can be turned around so that the clapper will strike in a new place, which is desirable after a bell has been rung a few years. Springs are affixed in a new way to prevent the clapper from resting on the bell, thereby prolonging the sound. These bells are manufactured from the best stock, and are cast in iron castings. At this foundry these were first used, and are found to be a great improvement. We give a written warranty that if church bells break within one year from date of purchase, with fair usage, we will recast without charge. The tone of all bells is warranted. Nearly 9,000 bells have been cast and sold from this foundry, which is the best evidence of their superiority. We have fifteen gold and silver medals, awarded from the various fairs, "for the best bells for sonorousness and purity of tone." We pay particular attention to getting up peals or chimes, and can refer to those furnished by us. Our foundry is within a few rods of the Hudson river, Erie canal, and railroads running in every direction. As this is the largest establishment of the kind in the United States, and has the largest assortment of bells, orders can be filled with great despatch. We can refer to bells in any of the States. Old bells taken in exchange for new ones. Levels, compasses, &c., constantly on hand. Address A. MENEELY'S SONS,
May 21—1y1&eo West Troy, N. Y.

O. K. CHAMBERLIN'S Commercial College, located No. 127 Baltimore street, Baltimore, Maryland. The ostensible object of this institution is to place in the reach of individuals proper facilities for obtaining a thorough and practical mercantile education. A young man can here obtain a more correct knowledge of general business matters in a few weeks than can be acquired in as many years in any one counting-house.
The course of study embraces double-entry book-keeping, and its adaptation to various departments of commerce and trade. Mercantile calculations taught according to the most approved methods. Practical penmanship, combining rapidity of execution with beauty of construction. Lectures on mercantile law, upon various important mercantile subjects, beside many other points necessary for a book-keeper or business man to understand. The time necessary for a student to complete the course varies from five to eight weeks. There being no vacation, applicants can enter at any time and attend both day and evening. Examinations are held at stated periods, and diplomas awarded to those who graduate. For terms, &c., write and have a circular forwarded by mail.
Nov 13—1yd&ep

CITY OF WASHINGTON.

SATURDAY MORNING, JAN. 28, 1854.

Congress—Friday.

SENATE.—A message was received from the President of the United States, transmitting a report from the Secretary of State, together with the correspondence which has taken place with the government of the Papal States touching a mission to the United States.

The private calendar was taken up, and the remainder of the day was occupied in its consideration; when the Senate adjourned until Monday.

HOUSE OF REPRESENTATIVES.—The Speaker laid before the House communications from the Treasury Department in relation to the Chickasaw Indians; from the Department of the Interior, with estimates for deficiencies for salaries and incidental expenses connected with the commissioners for settling land claims for California; and from the Commissioner of Public Buildings, giving an account of the contracts made in his office during the past year; which were referred to appropriate committees. Three private Senate bills were then committed. The House resolved itself into Committee of the Whole on the private calendar, and afterwards reported twenty-five bills to the House. A debate arose on an amendment to one of the private bills; and, without doing any business of a public interest, the House adjourned until Monday next.

OFFICIAL.

Appointment by the President,

By and with the advice and consent of the Senate.

Heman J. Redfield, collector of the customs for the district of New York.

Nebraska.—Report of Senator Douglas.

This report commends itself to the people of the United States, chiefly because of the importance given to the great question of slavery, which has been made a subject of political controversy throughout the Union between the advocates of moral action, and they who have contended for the lawfulness of that institution and its present expediency; questions so balanced in certain sections, between such moral estimate, blended with more or less of fanaticism on one side, and on the other entertaining a strong sense of justice as to its protection; a species of property which is thought to be adapted to the region or climate where it was found to exist, recognised by the constitution at the time of its adoption, but the various opinions of it now most difficult to be recognised in such manner as to permit either view of the subject to be prominently grafted into the constitution of any new-formed State, or which can be entirely dismissed from any arena of public discussion. It has been found rather to be a convenient means of distracting and dividing party, a kind of stalking horse to serve the purposes of factious leaders, and thus to have become more subtle in its operations.

By their report it will be so presented to the country as to put the question in a great degree, if not altogether, at rest, provided the bill framed in conformity to it should be passed. It trenches in no manner on constitutional privilege, while it defers to that sovereign right existing in the people of the State to enact laws for their own government respecting slavery therein.

The great principle which has been contended for is, that slavery is forever prohibited by the Missouri-Compromise act of 1820, and that such prohibition cannot now be altered; and it is to quiet the vexed discussion of this matter as it has reference to the act establishing Nebraska Territory, that a modification of the bill has been attempted. It should be regarded as a new compromise, or rather a carrying out the principle and spirit of the Compromise of 1850, between interest and feeling—between right of property and right of conscience—which can never otherwise be accommodated but by placing the power of legislation at its rightful source. This view of the question would appear to be consistent with the spirit of the constitution, with its appropriateness to a new Territory, and the future welfare of the whole country.

The right of Congress "to dispose of, and make all needful rules and regulations respecting, the territory, or other property belonging to the United States," derived from the constitution, is necessarily a term of limitation in its phraseology, giving but a temporary power, which is dissolved as soon as the Territory is formed into a State, which in one sense is *sovereign*, with an investment of power to make its own laws, as soon as it becomes a member of the Union, the word "State" being recognised by decisions of our federal Supreme Court as having a peculiar and distinctive meaning which excludes the enlarged signification given to it by writers on the law of nations, (Hepburn vs Ellzey, 2 Cranch, 422.) It cannot, therefore, be conceived, with any propriety, that it intended that Congress should legislate for all time to come, because by the eight section of the Missouri Compromise it was declared that beyond the limits assigned in it "slavery and involuntary servitude should be excluded *forever*." This legislation for futurity can hardly be assumed from the interpretation of the last word in the sentence, which, however indeterminate in its usual meaning, in its legal acceptation, when applied to property, as in this instance to territory, is limited to a certain period; nor is it to be conceded that any form of words can perpetuate, as to one State, a system of any kind that is not imperatively required to be imposed on *all* the States of the Union.

The circumstances which gave rise to our constitution should prompt us to approach it as an oracle; and we are not to presume that there can be any subject whatever, much less one with regard to legislation, that has been left to be acted on without clear and explicit direction, or that contains any word without its import. From the plain language, therefore, of that clause, "the right to make needful rules and regulations respecting the territory or other property *belonging to the United States,*" the moment it becomes "a State" with the distinctive meaning given to that word, as in contradistinction to "territory"—an independent State, no longer *belonging to the United States*, but as a member of the Union—the lawgiving character of Congress no longer exists, and consequently it cannot make a law to be of any force when its authority thereafter shall cease.

It is not necessary to make a forced construction of the last clause of the paragrah, that nothing shall be so construed as to prejudice "*any claims*," of "*any particular State*," assuming that privilege for the State newly organized from a Territory. We take higher ground.

The right of a territorial State to legislate, free from any previously-imposed restrictions, would appear evident from the early history of the States, and the settlement of those difficulties which took place at the time of the confederation with respect to the boundaries of some of the States, which claimed to have exclusive title to all the lands within those boundaries, in opposition to several States which insisted upon the then Western Territory being recognised as the property of the Union; and we are told that the title to Territories was a cause of the first great division of popular opinion in the United States after the declaration of independence, the Territories of several States extending indefinitely westward; and when, after protracted debate, New York, in 1781, surrendered a part of her Western Territory, and other States followed, it was upon the representation and assurance of Congress that "the ceded territory should be disposed of for the common benefit of the Union, and formed into republican States with *the same rights of sovereignty, freedom, and independence as the other States.*" (Secret journals of Congress, 6th September, 1780; 6 Journal of Congress, 10th October, 1780; Land Laws of United States, introductory chapter; 1 United States Laws, page 452; Duane & Bioren's edition; 2 Pitkin's History, chapter 11; pages 34, 35, 36.)

This great and compromising measure was afterwards made a subject of the ordinance of 1787, under which the territory of Louisiana was peopled in 1803, and became the basis of the political organization of the Territories northwest of the Ohio, and which, as a learned jurist observes, "has ever constituted, in most respects, the model of all our territorial governments, and is remarkable for its display of the fundamental principles of civil and religious liberty." The fourth fundamental article of that ordinance provides "that the Territory and States formed shall forever remain a part of the confederacy, subject to the constitutional authority of Congress"—evidently meaning that such States should have the same rights as others of the confederacy. The fifth article, after providing for the admission of the States, has this language: "Such State shall be admitted by its delegates into Congress *on an equal footing with the original States in all respects whatever.*" Now, when we know the fact to be that the "original States" have been and are at liberty to establish laws with respect to slavery and involuntary servitude, can it be said with any propriety, with any sense of justice, that *a State*, when formed out of a territory which has such a perpetual injunction set upon it, can be admitted on "an equal footing with the original States in all respects whatever?" And if the ordinance of '87 shall have expressly provided that there shall be "neither slavery nor involuntary servitude" in that *territory*, the 5th article of that document and the action of Congress in 1780 may guide us in a true construction of the 4th article of the present constitution, that it is for making "all rules and regulations for *Territories*;" in other words, it is applicable to Territories only, and not to States organized from them, in the government of which Congress cannot interfere, the word "States," as before observed, having a peculiar signification as one of the Union.

We are confirmed in this view of the subject by a decision of Chief Justice Marshall, in the case of the American Insurance Company *vs.* Cantor, 1 Pet., 542, where, in speaking of the provisions in the treaty of cession by Spain to the United States of the Floridas, (by which the *inhabitants* of those territories are to be incorporated in the Union of the United States, and admitted to the rights and immunities as citizens as soon as consistent with the principles of the constitution,) he observes: "They (the inhabitants) do not share in the government till Florida shall become 'a State;' in the mean time, Florida continues to be a *Territory* of the United States, governed by virtue of that clause of the constitution which empowers Congress to make all needful rules and regulations respecting the territory or other property belonging to the United States." This decision has been questioned by some distinguished jurists as to the propriety of extending the power of Congress over the "inhabitants" and not *the territory or land only*, to which, they say, it should be confined; but, however this may be determined, that decision does not favor the power of Congress to be continued binding, either as to territory or inhabitants, for a longer time than it shall remain *a Territory*.

It is not necessary to contend for the sovereignty of the States created from a Territory, as having authority thereby to legislate for itself on this subject, for it is not so much a paramount right as that the constitution does not give such power to Congress for a greater period than while it shall exist as a Territory, and so, by virtue alone of being "on an equal footing with the *original States*," it has the privilege to pass similar laws. If, indeed, Congress can, by color of passing "needful rules and regulations" respecting a Territory of the United States, make absolute laws, to continue in force when they shall be admitted into the Union, to what extent may not that power be exercised?

But objections are made in some of our popular prints to the provision in the modified bill, similar to that which is contained in the first section of the territorial bills of Utah and New Mexico—"That all questions pertaining to slavery in the Territory and the new State to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives;" and it is gravely stated that there is a design here improperly to limit the action of Congress. This is the very evil to be complained of as designed against the State eventually to be organized from this Territory—predestinating it either for slavery or for free labor, and leaving no discretion to those who can best understand the physical and moral state of their own section when they are prepared to enter the Union, and binding legislation in that quarter where it should be freely exercised. If Congress shall bind itself by a territorial compact, it has right so to do, and without any privilege of making further enactments, unless by some special reservation contained in it. This complaint, however, does not touch the question.

We may well submit, upon other grounds, the propriety (in the language of the report) "of withdrawing the question of slavery from the halls of Congress and the political arena, and committing it to the arbitrament of those who are immediately interested in, and responsible for, its consequences." The wide-spread territory of the United States, diversified with its animal life and natural productions of soil and climate—a country extending through many degrees of latitude and longitude, with its strongly-marked features of rivers and mountains, and the richness of its mineral resources—will invite men of every temperament and clime to become its inhabitants. Our new western Territories are no sooner organized than there is an influx of immigrants, and these chiefly from those portions of the older States which have a similarity of temperature and of institutions, and who will have a desire to be governed by such laws, with respect to property, as may be best adapted to their habits and the new country they occupy. Under such circumstances, there will be a strong feeling of resistance to what may be deemed an arbitrarily-imposed law, or one whose authority may be in any wise doubtful, which will serve to keep alive a root of bitterness among men of all parties—a jealousy of superior rights in other States—which it will be most difficult to exterminate. The spirit and desire to govern ourselves is one of those great principles which, among other causes, produced the revolution. We may, then, reasonably conceive the expediency of leaving open the question finally to be settled by those who are better qualified for disposing of the subject it relates to.

This point received great attention in the debates of the California convention of 1849 to form a State constitution, wherein there was a large proportion of members from slaveholding States, who eventually united with others in giving the character of free labor to the then new home; but it was, nevertheless, a matter of animated discussion as to the propriety of extending the boundary of that State beyond the limits where by possibility another policy might exist different from that which they established.

Again: there has been one great sacrifice made by two contending parties—by considerate men of all parties—which eventuated in the Compromise of 1850, now recognised by all as the conciliatory measure between those who were excited by the views which political ingenuity on both sides had given to the subject—a reconciliation which united men of both parties in the late presidential election, with the confidence of adhering to the final settlement of the slavery question.

The fact that not only the democratic party laid down these measures as the platform of their faith, and pledge of future action, but that they, as well as a great portion of all parties, had resolved to adhere to them as an adjustment of all difficulties affecting the nation at large, and securing its peace and quietness, is a tacit admission that laws of this nature, to be passed by Congress for Territories, should be temporary, and that there could have been no presumption that laws of this nature would extend to bind a territorial State. This is the spirit that breathes through this report, and which, if made the prevailing feature of the amended bill, may prove a blessing not only to those who may be the early settlers of that Territory, but to the country at large; for, let it be considered, that it is this great field of population west of the Alleghany which is to concentrate the strength, the intelligence, and the wealth of this hemisphere, and which is tending every hour in that direction. The Atlantic States will prove in half a century to be but the skirts of a vast empire, whose trade, commerce, and refinement will be spread over that mighty area of our country's present boast and grandeur, when the girdle of its common security will be unanimity of thought, and action, and devotedness to the cause of civil liberty, which can never exist where laws are imposed that have not the original sanction of those who are the subjects of them, or who can have no voice in their repeal—a principle that lies deep in the heart of every American.

It is said that by the provisions of this amended bill the native Indians of the Territory have their slave property made secure to them. If by this remark is meant the proviso of the first section, as not impairing "the rights of person or property, now pertaining to the Indians of the Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians," there is an act of justice in this clause towards the original occupants of the soil which it has ever been the policy of our government to maintain, as far as should be consistent with our own settled institutions; and if it should be so construed, it by no means gives a slaveholding feature to the Territory, but one which cannot be of any great duration, and which, according to circumstances, may readily be modified or altered as future legislation may deem conformable to uniform rights of property. So it was in New Mexico; so in Utah; and so it is in California.

The events which have occurred in the history of the last-named Territory show conclusively the reasonableness and the true natural result of permitting the legislation of a State for itself. By their memorial, when applying for admission into the Union, they say, "The relation of master and slave has *never existed* in the country, and is there generally believed to be prohibited by Mexican law; *consequently*, the original California population is utterly opposed to it." If it had been otherwise, the *consequence* would probably have been different. We may see, then, the respect which is due to vested rights, political and natural, and the influence they have in determining the future policy of a State. It is this same regard for the protection of property which calls for the reclamation of slaves and fugitives—a right which is prominently set forth in our constitution and laws, and cannot be too sedulously guarded, as one which naturally springs from the others we have mentioned.

Before closing this article, we cannot forbear giving in this place an extract from a speech delivered in Congress at the time of considering the territorial bill of California, by a distinguished member (Hon. W. B. Preston) of that House, and which covers the chief ground of controversy: "A people," said he, "kept in territorial bonds are under oppression. Our fathers intended to bring every American into the Union. It was a broad, wide platform. Popular sovereignty resides with the people. The principle is, that the trust with us (Congress) must be surrendered at the first moment of time. It is to be left to the people—the source of legitimate power; let the people themselves determine the character of their local institutions. Let them forget party spirit and sectional differences. At the North and the South there are extremes; but there is a middle ground—a great republican party, a republican highway—in which we may all walk in peace. The clause in the constitution which guaranties to every State a republican form of government does not authorize Congress to interfere with the formation of a State government. To say that Congress has the power to prescribe is to declare that the people shall not enact for themselves. The very proposition which they would prescribe subverts the first principles of the constitution."

It may be well to inquire the cause of the excitement on the subject at this time. There is reason to apprehend that no argument can be found to satisfy spirits determined at all hazards, in defiance of reason, to make capital from every measure presented to Congress by raising popular clamor. The report affords an excellent opportunity to light up the war-fire in our great cities, where there is always to be found fuel enough for faction; hence is to be seen a call in New York, as usual, "by men without distinction of party, *to preserve inviolate the Missouri Compromise*." This movement is undoubtedly an emanation from a body of certain men hitherto having no congeniality, who, burying their mutual animosities in their common enmity to a new administration, may now be often found to fraternize; but they are doomed to disappointment and defeat. Every great truth will find its anchorage, even in the turbulent sea of wildest passion and discontent. An intelligent people require only to have a subject rightly set before them in order that it may receive their approval.

NEW JERSEY.

Miss Reynolds, the Charming Vocalist, Violinist, and Flutist.

This accomplished young lady is winning golden opinions and eliciting the most enthusiastic encomiums in the South. Wherever she has given concerts, the sentiment of admiration, excited by her vocal and instrumental powers, is universal, if we may judge from the tone of the public press.

Miss Reynolds is a native of western New York, and is now making her first professional tour. We learn from the Charleston Courier that she will shortly proceed to Montgomery, Alabama, for the purpose of giving a grand concert, the proceeds of which are to be applied to a fund for the erection of a statue to the memory of the late Vice President, Wm. R. King. This delicate token of admiration and patriotism from the young artist will be deeply appreciated by every one, and more especially the high-toned citizens of Alabama.

Whenever she may visit Washington, we are sure that she will be welcomed by all lovers of the divine art, of which she is so worthy a devotee.

A LIVE ELECTRICAL EEL.—Capt. Nathaniel E. Atwood, of Provincetown, recently sent Professor Agassiz an electrical eel weighing thirty pounds, which he succeeded in capturing and placing alive in the well of the schooner Golden Eagle, whence it was taken on arriving at Boston and conveyed to Cambridge, living several hours to perform his experiments, the first of the kind ever given in that college.

Mr. Patrick O'Donohoe, one of the Irish exiles, who made his escape from Van Dieman's Land, and arrived in this country a few months since, died on Sunday last at his lodgings in Brooklyn.

Lieutenant-General Bill.

Where are we going?

The Senate of the United States have passed a bill intended to confer upon Gen. Scott the "*title of lieutenant-general.*" That body passed a resolution to the same effect last session, but the House failed to give its sanction to the measure. Gen. Scott has already received a resolution of thanks from Congress, and a gold medal, for his services in the Mexican war, *while not an officer who served under him in that campaign has ever been noticed.*

For his services in the war of 1812, he received a resolution of thanks and a sword, and the commission of brigadier general.

He has already received out of the treasury of the United States over *two hundred thousand dollars*, and holds his present high command and lucrative office for life. These national acknowledgments of his services are as high *testimonials* as have ever been conferred upon any American citizen by the *government* of the United States, and they are as high as can be conferred consistently with the spirit of our constitution and the usages of republican governments. They should satisfy the ambition of any patriot. The constitution prohibits "*titles of nobility.*"

What, then, is the title of lieutenant-general, and where is it to be found?

It is not the title of any office, military rank or command, known to the constitution, laws, or usages of the United States. Where, then, and in what sort of government, do we find it? We find it alone in those governments where, for distinguished *civic* services, the titles of earl, marquis, duke, &c., and for similar military services, the titles of field-marshal, captain-general, lieutenant-general, &c., are conferred; and we find it nowhere else—that is, among the monarchies of Europe.

It does not belong to the republican vocabulary. It had its origin in, and has been confined in its use to, imperial armies.

Recently the government of Mexico has passed from its republican form to that of acknowledged monarchy, and among its first acts, while in a state of transition, as it were, it has conferred upon Santa Anna dictatorial powers for life, with that of appointing his successor. At the same time it has conferred upon its absolute ruler the "*titles of captain-general*" and *his* "*serene highness.*" In that government and people this is consistent. Having made up their minds to surrender their republican form of government, it is proper enough to give up those titles of republican usage, such as general, president, &c., and assume those peculiar to monarchy—that is, captain-general, as indicating his military rank, and "*his serene highness,*" indicating his position and title as civil chief ruler. The two titles are equivalent to the title of emperor, and concede the power exercised alone by a monarch. This conduct is, I say, consistent in Mexico; and if the people of this nation had determined upon following this recent example of their sister republic, the proposition for the government to confer upon General Scott the "title of lieutenant-general" would be proper enough. But, then, we should first abolish the constitution.

It being a title nowhere to be found among the usages of nations, except in monarchies, and emanating, as it always must do, in such governments from the monarch, it is as much a "*title of nobility*" as is that of field marshal, or those of earl, marquis, duke, or count—titles conferred usually for civic services by monarchs, and constituting the very *essence of nobility*. These latter titles are sometimes conferred for distinguished military services; but in such cases they entitle the *recipient* to the *substantial* honors of a lord—such as a seat in the House of Lords, and the privileges due alone to *peerage* and *noble birth*.

The title of lieutenant-general carries with it no such civil privileges or honors, but is one of strict *military nobility and command*. Hence, when that title is conferred in monarchies—being an emanation of royalty—it confers *military nobility*, and entitles its *recipient* to high military command, as do those of earl, marquis, or duke entitle those peerages to the general title of "*lord*," and a seat in the House of Peers.

Such being the origin, history, and purposes of conferring this and similar titles of nobility, and such the honors and substantial benefits arising from and incident to those titles of nobility, whether civic or military, we would ask whether General Scott's friends, by conferring the title of lieutenant-general, expect to give him actual command over the *constitutional commander-in-chief* of our armies? The President of the United States is styled in the constitution the commander-in-chief. Gen. Scott is now next in military rank and command to the President.

If they do not intend to give him actual command, as the title imports he must have, do they expect to create within his veins *noble blood?*—entitling him to a seat in the Senate or House of Lords, and to other privileges of peerage—such as exemption from attainder for high treason.

If none of these substantial benefits are to follow this military-title of *nobility*, then they ask the government not only to depart from its republican usages and violate the spirit of the constitution, but to do a very foolish thing—that is, to *ape royalty*. And for what but to gratify his vanity?

But it is said that this title was conferred upon Gen. Washington, and, therefore, should be conferred upon Gen. Scott.

I answer this, *first*, by saying that no such "*title*" was conferred upon Washington. Secondly, that if the facts were that way, it would be no precedent for conferring it upon General Scott, unless he can be shown to be such as was *Washington*.

In 1798, when we were in expectation of a war with France and other European powers, Congress, in order to place Washington at the head of our army, (he being then a private citizen,) passed a law making Washington lieutenant-general, and gave him command of the army. This was neither creating nor conferring a "*title*." It was creating an *office*—a new rank—a higher command in the army; and it was done to place a *private citizen* in command of the army, and over the head of the then commanding general of the army. The title in this case was the name of the new rank, and the *actual command* distinguished it from the case of Scott, and avoided the conflict with the constitution, palpably prohibiting the government from conferring titles of nobility, either *civic* or *military*.

The case of Washington went to the verge of conflict with the constitution. It created military command, and called it by the name used in monarchies for conferring titles of military nobility. The act—the creation of a new rank and command—was not improper, but the *name* or *title* of that rank *savored* of monarchy, and was therefore a *misnomer*.

I am not aware of any historical evidence, however, that Washington accepted this command or the rank. He certainly sought no "*titles*." He sought not the *crown itself*; for, after having conducted our armies through a seven years' struggle, he possessed an influence over that army which would have enabled him to have seized the *sceptre*, and with it all the powers, prerogatives, and title of emperor; but his virtues and patriotism induced him to lay aside his sword and to exert all his influence to establish a republican government, thus consecrating his memory in all time to come, and justly entitling himself to the endearing "title" conferred upon him by the spontaneous voice of his countrymen—that of Father of his Country.