A JUST TRIBUTE TO MR. FREMONT.

Returning from his third expedition, and being no longer in the public service, Mr. Fremont has undertaken a fourth one, at his own expense. Attended by the devoted men who had been with him so long, and unwilling to leave incomplete a work in which he had been engaged for seven years, he has now gone, as far south as the head of the Rio Grande del Norte, to explore the passes at the head of that river, and the approximation of the waters of the Colorado of the West. Though without government assistance, yet, with the aid of his old comrades, he will complete the examination of the mountain passes, and of all the country between the Mississippi and Pacific, and thus fulfil the original purpose for which he sought and obtained this distant and perilous work, in preference to being employed about the cities and frontiers.

It is appropriate to say, Mr. President, that it seems to have been a Providence that a man with a head and a heart for this work should, upon his own application, have undertaken it seven years ago; that it should have attached to his person thirty men, the children of the mountains, who were able to show him everything, and who did show him everything; who still adhere to him, and by their joint exertions, they have, at the very moment of need, at the very instant when the public mind has ripened up to the point of commencing the work, we have all the information upon our hands which the occasion requires.

Without disparagement to any one, I may be allowed to say that a young man, who solicits this work, who takes these hardships and dangers in preference to the work of the frontier or the city—who goes into it as a matter of love, of choice, and not of duty and obligation, who carried with him a spirit of exploration much greater than could be found in the mere execution of an order, with thirty such men with him—would give to his explorations a thoroughness of examination which is not to be expected from any detailed officer with his detail of soldiers.

The great point upon which I now rest, Mr. President, is, that there is nothing more to be learned or known; that, by a kind of Providence, there has been brought to our knowledge everything that is necessary to be known to enable us to act, and that the great idea which has possessed every power which has ever been dominant in North America, that of an inland communication across the continent, is now ripe to be realized. It is in view of the fact that we are now ripe for action, that I ask leave to bring in a bill for action.—*Mr. Benton's Speech, Feb. 7th.*

Discoveries in the Arctic Ocean.

Some discoveries have recently been made by the captain of a Sag Harbor whaler, that possesses no little interest to the geographer.

Capt. Royce, for a long time, has believed that a new and more profitable whaling ground existed to the north of Bhering's Straits, an opinion he formed from reading the voyages of Capts. Cook, Clarke, Beechy and others. The principal reason which induced him to put away for that ocean was a remark which he recollected to have read in Beechy's Voyages, viz:—"Off here we saw a great many black whales, more than I remember ever to have seen, even in Baffin's Bay."

The Captain, describing his voyage, says: "I entered the Arctic Ocean about the middle of July, and cruised from continent to continent, going as high as lat. 70, and saw whales wherever I went, cutting in my last whale on the 22d of August, and returning through Bhering's Straits on the 28th of the same month. On account of powerful currents, thick fogs, and near vicinity of land and ice, combined, with the imperfection of charts and want of information respecting this religion, I found it both difficult and dangerous to get oil, although there are a plenty of whales. Hereafter, doubtless, many ships will go there, and I think some provision ought to be made to save the lives of those who go there, should they be cast away—they should not be left to perish among the Indians who inhabit these regions."

During the entire period of his cruise there, no ice was seen, the weather was ordinarily pleasant, so that the men could work in light clothing. In most parts of the ocean there was good anchorage from 14 to 35 fathoms. During a part of the time that the vessel was there, she lay at anchor. The first whale was taken at 12 o'clock at night! It was not difficult "to whale" the whole 24 hours; so light was it, that at midnight it was easy to read in the cabin. The whales were quite tame, but entirely different from any which Capt. Royce had ever before taken. He took three different species, one of the largest yielding 200 barrels of oil.—The first species much resembled the Greenland whale, yielding about 160 or 170 barrels; the second was a species called Polar whale, a few of which have been taken on the N. W. coast; and the third small whale peculiar to that ocean. The last three whales which were taken yielded over 600 barrels.

The American coast has been explored, surveyed, and found to be inhabited. Capt. Royce discovered that the Asiatic coast was also peopled by numerous Indian tribes, and he expresses the opinion that they are well supplied with valuable furs, that could be easily purchased. There are no good charts of the Asiatic coast, unless they are in the possession of the Russians.

On entering the straits, seven canoes, containing forty men each, were seen crossing from the American to the Asiatic coast. There are three small islands situated in the passage, hence rendering it extremely easy for the dwellers on the American and Asiatic continents to pass and repass. Capt. Royce did not hold any communication with the Indians, as his vessel was but partially armed, and in one instance the Indians showed that they were disposed to make him a hostile visit when becalmed, but a favorable breeze springing up soon carried the vessel beyond the region of danger.

NEW CRUZING GROUND FOR WHALE SHIPS.—The success which has attended the Superior's cruise to the Artic ocean will undoubtedly stimulate others to follow her adventurous track. By referring to the charts, it will appear, that at favorable seasons, ships may cruise over 10 degrees of longitude, and a far north as the 70th degree.—As the attention of the whaling community will now be directed to this part of the ocean as yet but very partially explored, especially on the Asiatic coast, it will be necessary for cruisers to exercise great watchfulness and precaution. The charts of that ocean are extremely imperfect. Attached to Beechy's voyages, published in London, 1831, there is a well executed chart of the American coast from Behring's strait to Point Barrow, the most extreme point of land as yet explored, lying in latitude 71 deg. 20 min. In the opinion of Capt. Royce, this chart of Beechy's is the most accurate which can be obtained. This ocean doubtless varies very much during different seasons; Some seasons it is much more clear of ice than others. Ships would not probably be much endangered by floating icebergs, from the fact that almost any part of the ocean can be easily sounded.

The experience of Captain Beechy, whose success encouraged Capt. Royce to make his exploration, singularly coincides with the reports of Capt. Royce.

THE PROTOCOL.

THE PRESIDENT'S MESSAGE

To the House of Representatives of the United States:

In reply to the resolutions of the House of Representatives of the fifth instant, I communicate herewith a report from the Secretary of State, accompanied with all the documents and correspondence relating to the treaty of peace concluded between the United States and Mexico at Guadalupe Hidalgo, on the second of February, 1848, and to the amendments of the Senate thereto, as requested by the House in the said resolutions.

Amongst the documents transmitted will be found a copy of the instructions given to the commissioners of the United States who took to Mexico the treaty as amended by the Senate, and ratified by the President of the United States. In my message to the House of Representatives of the twenty ninth of July, 1848, I gave as my reason for declining to furnish these instructions, in compliance with a resolution of the House, that "in my opinion it would be inconsistent with the public interests to give publicity to them at the present time." Although it may still be doubted, whether giving them publicity in our own country, and, as a necessary consequence, in Mexico, may not have a prejudicial influence on our public interests, yet, as they have again been called for by the House, and called for in connection with other documents, to the correct understanding of which they are indispensable, I have deemed it my duty to transmit them.

I still entertain the opinion, expressed in the message referred to, "that, as a general rule, applicable 'to all our important negotiations with foreign Powers, it could not fail to be prejudicial to the public 'interests to publish the instructions to our ministers, 'until some time had elapsed after the conclusion of 'such negotiations."

In these instructions of the 19th of March, 1848, it will be perceived "that the task was assigned to 'the commissioners of the United States of consummating the treaty of peace, which was signed at Gua'dalupe Hidalgo, on the second day of February last, 'between the United States and the Mexican Republic; and which, on the tenth of March last, was rat'ified by the Senate, with amendments."

They were informed "that this brief statement will 'indicate to you clearly the line of your duty. You 'are not sent to Mexico for the purpose of negotiating any new treaty, or of changing in any particular 'the ratified treaty which you will bear with you. 'None of the amendments adopted by the Senate can 'be rejected or modified, except by the authority of 'that body. Your whole duty will, then, consist in 'using every honorable effort to obtain from the 'Mexican Government a ratification of the treaty in 'the form in which it has been ratified by the Senate, 'and this with the least practicable delay." "For 'this purpose it may, and most probably will, become 'necessary that you should explain to the Mexican 'Minister for Foreign Affairs, or to the authorized 'agents of the Mexican Government, the reasons 'which have influenced the Senate in adopting those 'several amendments to the treaty. This duty you 'will perform, as much as possible, by personal conferences. Diplomatic notes are to be avoided, unless 'in case of necessity. These might lead to endless 'discussions and indefinite delay. Besides, they 'could not have any practical result, as your mission 'is confined to procuring a ratification from the Mexican Government of the treaty as it came from the 'Senate, and does not extend to the slightest modification in any of its provisions."

The commissioners were sent to Mexico to procure the ratification of the treaty as *amended* by the *Senate*. Their instructions confined them to this point. It was proper that the amendments to the treaty adopted by the United States should be explained to the Mexican Government, and explanations were made by the Secretary of State, in his letter of the 18th of March, 1848, to the Mexican Minister of Foreign Affairs, under my direction. This despatch was communicated to Congress with my message of the 6th of July last, communicating the treaty of peace, and published by their order. This despatch was transmitted by our commissioners from the city of Mexico to the Mexican Government, then at Queretaro, on the 17th of April, 1848, and its receipt ackowledged on the 19th of the same month. During the whole time that the treaty, as amended, was before the Congress of Mexico, these explanations of the Secretary of State, and these alone, were before them.

The President of Mexico, on these explanations, on the 8th day of May, 1848, submitted the amended treaty to the Mexican Congress, and on the 25th of May that Congress approved the treaty as amended without modification or alteration. The final action of the Mexican Congress had taken place before the commissioners of the United States had been officially received by the Mexican authorities, or held any conference with them, or had any other communication on the subject of the treaty, except to transmit the letter of the Secretary of State.

In their despatch transmitted to Congress with my message of the 6th of July last, communicating the treaty of peace, dated "City of Queretaro, May, 25, 1848, nine o'clock, p. m." the commissioners say: "We have the satisfaction to inform you that 'we reached this city this afternoon at about five 'o'clock, and that the treaty, as amended by the Sen'ate of the United States, passed the Mexican Sen'ate about the hour of our arrival by a vote of 33 to '5. It having previously passed the House of Deputies, nothing now remains but to exchange the 'ratifications of the treaty."

On the next day, (the 26th of May,) the commissioners were for the first time presented to the President of the Republic, and their credentials placed in his hands. On this occasion the commissioners delivered an address to the President of Mexico, and he replied. In their despatch of the 30th of May, the commissioners say: "We enclose a copy of our address to the President, and also a copy of his reply. Several conferences afterwards took place between Messrs. Rosa, Cuevas, Couto, and ourselves, 'which it is not thought necessary to recapitulate, as 'we enclose a copy of the protocol, which contains 'the substance of the conversations. We have now 'the satisfaction to announce that the exchange of 'ratifications was effected to-day." This despatch was communicated with my message of the 6th of July last, and published by order of Congress.

The treaty, as amended by the Senate of the U. States, with the accompanying papers, and the evidence that in that form it had been ratified by Mexico, was received at Washington on the 4th day of July, 1848, and immediately proclaimed as the supreme law of the land. On the 6th of July I communicated to Congress the ratified treaty, with such accompanying documents as were deemed material to a full understanding of the subject, to the end that Congress might adopt the legislation necessary and proper to carry the treaty into effect. Neither the address of the Commissioners, nor the reply of the President of Mexico on the occasion of their presentation, nor the memorandum of conversations embraced in a paper called the Protocol, nor the correspondence now sent, were communicated, because they were not regarded as in any way material; and in this I conformed to the practice of our Government. It rarely, if ever, happens that all the correspondence, and especially the instructions to our ministers, is communicated. Copies of these papers are now transmitted as being within the resolutions of the House, calling for all such "correspondence as appertains to said treaty."

When these papers were received at Washington, peace had been restored, the first instalment of three millions paid to Mexico, the blockades were raised, the city of Mexico evacuated, and our troops on their return home. The war was at an end, and the treaty as ratified by the United States was binding on both parties, and already executed in a great degree. In this condition of things, it was not competent for the President alone, or for the President and Senate, and House of Representatives combined, to abrogate the treaty, to annul the peace, and restore a state of war, except by a solemn declaration of war.

Had the protocol varied the treaty as amended by the Senate of the United States, it would have had no binding effect.

It was obvious that the commissioners of the United States did not regard the protocol as in any degree a part of the treaty, nor as modifying or altering the treaty as amended by the Senate. They communicated it as the substance of conversations held after the Mexican Congress had ratified the treaty, and they knew that the approval of the Mexican Congress was as essential to the validity of a treaty in all its parts, as the advice and consent of the Senate of the United States. They knew, too, that they had no authority to alter or modify the treaty in the form in which it had been ratified by the United States, but that if failing to procure the ratification of the Mexican Government, otherwise than with amendments, their duty, imposed by express instructions, was to ask of Mexico to send without delay a commissioner to Washington to exchange ratifications here, if the amendments of the treaty proposed by Mexico, on being submitted, should be adopted by the Senate of the United States.

I was equally well satisfied that the Government of Mexico had agreed to the treaty as amended by the Senate of the United States, and did not regard the protocol as modifying, enlarging, or diminishing its terms or effect.

The President of that Republic, in submitting the amended treaty to the Mexican Congress, in his message on the 8th day of May, 1848, said: "If the 'treaty could have been submitted to your deliberation precisely as it came from the hands of the plen'ipotentiaries, my satisfaction at seeing the war at 'last brought to an end would not have been 'lessened, as it this day is, in consequence of the 'modifications introduced into it by the Senate of 'the United States, and which have received the 'sanction of the President." "At present it is sufficient for us to say to you, that if, in the opinion of 'the Government, justice had not been evinced on 'the part of the Senate and Government of the United States, in introducing such modifications, it is 'presumed, on the other hand, that they are not of 'such importance that they should set aside the 'treaty. I believe, on the contrary, that it ought to 'be ratified upon the same terms in which it has already received the sanction of the American Government. My opinion is also greatly strengthened 'by the fact that a new negotiation is neither expected nor considered possible; much less could 'another be brought forward upon a basis more favorable for the Republic."

The deliberations of the Mexican Congress, with no explanation before that body from the United States except the letter of the Secretary of State, resulted in the ratification of the treaty as recommended by the President of that Republic, in the form in which it had been amended and ratified by the United States. The conversations embodied in the paper called a protocol took place after the action of the Mexican Congress was complete; and there is no reason to suppose that the Government of Mexico ever submitted the protocol to the Congress, or ever treated it or regarded it as in any sense a new negotiation, or as operating any modification or change of the amended treaty. If such had been its effect, it was a nullity until approved by the Mexican Congress; and such approval was never made or intimated to the United States. In the final consummation of the ratification of the treaty by the President of Mexico, no reference is made to it. On the contrary, this ratification, which was delivered to the commissioners of the United States, and is now in the State Department, contains a full and explicit recognition of the amendments of the Senate just as they had been communicated to that Government by the Secretary of State, and been afterwards approved by the Mexican Congress. It declares, that "having seen and examined the said treaty, 'and the modifications made by the Senate of the 'United States of America, and having given an account thereof to the general Congress, conformably 'to the requirement in the 14th paragraph of the '110th article of the Federal Constitution of these 'United States, that body has thought proper to approve of the said treaty with the modifications therein, in all their parts; and in consequence thereof, 'exerting the power granted to me by the Constitution, I accept, ratify, and confirm the said treaty 'with its modifications, and promise, in the name 'of the Mexican Republic, to fulfill and observe it, 'and cause it to be fulfilled and observed."

Upon examination of this protocol, when it was received with the ratified treaty, I did not regard it as material, or as in any way attempting to modify or change the treaty, as it had been amended by the Senate of the United States.

The first explanation which it contains is, "that 'the American Government, by suppressing the ninth 'article of the treaty of Guadalupe, and substituting 'the third article of the treaty of Louisiana, did not 'intend to diminish, in any way, what was agreed 'upon by the aforesaid article (ninth) in favor of the 'inhabitants of the territories ceded by Mexico. Its 'understanding is, that all of that agreement is contained in the third article of the treaty of Louisiana. 'In consequence all the privileges and guarantees, 'civil, political, and religious, which would have been 'possessed by the inhabitants of the ceded territories, 'if the ninth article of the treaty had been retained, 'will be enjoyed by them without any difference under the article which has been substituted."

The ninth article of the original treaty stipulated for the incorporation of the Mexican inhabitants of the ceded territories, and their admission into the Union, "as soon as possible, according to the principles of the Federal Constitution, to the enjoyment 'of all the rights of citizens of the United States." It provided, also, that in the mean time they should be maintained "in the enjoyment of their liberty, 'their property, and the civil rights now vested in 'them, according to the Mexican laws." It secured to them similar political rights within the inhabitants of the other territories of the United States, and at least equal to the inhabitants of Louisiana and Florida, when they were in a territorial condition. It then proceeded to guaranty that ecclesiastics and religious corporations should be protected in the discharge of the offices of their ministry, and the enjoyment of their property of every kind, whether individual or corporate; and finally, that there should be a free communication between the Catholics of the ceded territories and their ecclesiastical authorities, "even although such authorities should reside within the limits of the Mexican Republic, as defined by 'this treaty."

The ninth article of the treaty as adopted by the Senate is much more comprehensive in its terms, and explicit in its meaning, and it clearly embraces, in comparatively few words, all the guarantees inserted in the original article. It is as follows: "Mexicans who, in the territories aforesaid, shall not 'preserve the character of citizens of the Mexican 'Republic, conformably with what is stipulated in 'the preceding article, shall be incorporated into the 'Union of the United States, and be admitted, at the 'proper time, (to be judged of by the Congress of the 'United States,) to the enjoyment of all the rights of 'citizens of the United States, according to the principles of the Constitution, and in the mean time 'shall be maintained and protected in the free enjoyment of their liberty and property, and secured in 'the free exercise of their religion without restriction.' This article, which was substantially copied from the Louisiana treaty, provides equally with the original article for the admission of these inhabitants into the Union; and, in the mean time, whilst they shall remain in a territorial state, by one sweeping provision declares that they "shall be maintained 'and protected in the free enjoyment of their liberty 'and property, and secured in the free exercise of 'their religion without restriction."

This guarantee embraces every kind of property, whether held by ecclesiastics or laymen, whether belonging to corporations or individuals. It secures to these inhabitants the free exercise of their religion without restriction, whether they choose to place themselves under the spiritual authority of pastors resident within the Mexican Republic or the ceded territories. It was, it is presumed, to place this construction beyond all question, that the Senate superadded the words, "without restriction" to the religious guarantee contained in the corresponding article of the Louisiana treaty. Congress itself does not possess the power, under the Constitution, to make any law prohibiting the free exercise of religion. If the ninth article of the treaty, whether in its original or amended form, had been entirely omitted in the treaty, all the rights and privileges which either of them confers would have been secured to the inhabitants of the ceded territories by the Constitution and laws of the United States.

The protocol asserts that "the American Government, by suppressing the tenth article of the treaty 'of Gaudalupe, did not, in any way, intend to annul 'the grants of land made by Mexico in the ceded territories;" that "these grants, notwithstanding the 'suppression of the article of the treaty, preserve the 'legal value which they may possess; and the grantees may cause their legitimate titles to be acknowledged before the American tribunals;" and then 'proceeds to state, that "conformably to the law of 'the United States, legitimate titles to every description of property, personal and real, existing in the 'ceded territories, are those which were legitimate 'titles under the Mexican law in California and New 'Mexico up to the thirteenth of May, 1846; and in 'Texas, up to the second of March, 1836." The former was the date of the declaration of war against Mexico, and the latter that of the declaration of independence by Texas.

The objection to the tenth article of the original treaty was, not that it protected legitimate titles which our laws would have equally protected without it, but that it most unjustly attempted to resuscitate grants which had become a mere nullity, by allowing the grantees the same period after the exchange of the ratifications of the treaty to which they had been originally entitled after the date of their grants, for the purpose of performing the conditions on which they had been made. In submitting the treaty to the Senate, I had recommended the rejection of this article. That portion of it in regard to lands in Texas did not receive a single vote in the Senate. This information was communicated by the letter of the Secretary of State to the Minister for Foreign Affairs of Mexico, and was in possession of the Mexican Government during the whole period the treaty was before the Mexican Congress, and the article itself was reprobated in that letter in the strongest terms. Besides, our commissioners to Mexico had been instructed that "neither the President nor the Senate of the United 'States can ever consent to ratify any treaty containing the 10th article of the treaty of Gaudalupe 'Hidalgo in favor of grantees of land in Texas or 'elsewhere." And again: "Should the Mexican 'Government persist in retaining this article, then all 'prospect of immediate peace is ended; and of this 'you may give them an absolute assurance."

On this point the language of the protocol is free from ambiguity; but if it were otherwise, is there any individual, American or Mexican, who would place such a construction on it as to convert it into a vain attempt to revive this article which had been so often and so solemnly condemned? Surely no person could for one moment suppose that either the commissioners of the United States, or the Mexican Minister of Foreign Affairs, ever entertained the purpose of thus setting at naught the deliberate decision of the President and Senate, which had been communicated to the Mexican Government with the assurance that their abandonment of this obnoxious article was essential to the restoration of peace.

But the meaning of the protocol is plain. It is simply that the nullification of this article was not intended to destroy valid legitimate titles to land which existed and were in full force independently of the provisions and without the aid of this article. Notwithstanding it has been expunged from the treaty, these grants were to "preserve the legal value which they may possess." The refusal to revive grants which had become extinct was not to invalidate those which were in full force and vigor. That such was the clear understanding of the Senate of the United States, and this in perfect accordance with the protocol, is manifest from the fact, that whilst they struck from the treaty this unjust article, they at the same time sanctioned and ratified the last paragraph of the eighth article of the treaty, which declares that, "In the said territories, property 'of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The 'present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by 'contract, shall enjoy with respect to it guarantees 'equally ample as if the same belonged to citizens 'of the United States."

Without any stipulation in the treaty to this effect, all such valid titles under the Mexican Government would have been protected under the Constitution and laws of the United States.

The third and last explanation contained in the protocol is, that "the Government of the United 'States, by suppressing the concluding paragraph of 'article twelfth of the treaty, did not intend to de'prive the Mexican Republic of the free and unre'strained faculty of ceding, conveying, or transfer'ring, at any time, (as it may judge best,) the sum of 'twelve millions of dollars, which the same Govern'ment of the United States is to deliver in the places 'designated by the amended article."

The concluding paragraph, or rather sentence, of the original twelfth article thus suppressed by the Senate, is in the following language: "Certificates, 'in proper form, for the said instalments respectively, 'in such sums as shall be desired by the Mexican 'Government, and transferable by it, shall be deliv'ered to the said Government by that of the United 'States."

From this bare statement of facts, the meaning of the protocol is obvious. Although the Senate had declined to create a Government stock for the twelve millions of dollars, and issue transferable certificates for the amount, in such sums as the Mexican Government might desire, yet they could not have intended thereby to deprive that Government of the faculty which every creditor possesses of transferring for his own benefit the obligation of his debtor, whatever this may be worth, according to his will and pleasure.

It cannot be doubted that the twelfth article of the treaty, as it now stands, contains a positive obligation, "in consideration of the extension acquired by the boundaries of the United States," to pay to the Mexican Republic twelve millions of dollars, in four equal annual instalments of three millions each—This obligation may be assigned by the Mexican Government to any person whatever; but the assignee, in such case, would stand in no better condition than that Government. The amendment of the Senate, prohibiting the issue of a government transferable stock for the amount, produces this effect, and no more.

The protocol contains nothing from which it can be inferred that the assignee could rightfully demand the payment of the money in case the consideration should fail which is stated on the face of the obligation.

With this view of the whole protocol, and considering that the explanations which it contained, were in accordance with the treaty, I did not deem it necessary to take any action upon the subject.—Had it varied from the terms of the treaty as amended by the Senate, although it would even then have been a nullity in itself, yet duty might have required that I should make this fact known to the Mexican Government. This not being the case, I treated it in the same manner I would have done had these explanations been made verbally by the commissioners to the Mexican Minister for Foreign Affairs, and communicated in a despatch to the State Department.

JAMES K. POLK.

WASHINGTON, Feb. 8, 1849.

Awful and Afflicting Event.

The business of the House of Delegates was yesterday brought to a close about half past one o'clock, by an awful dispensation of Providence, which overwhelmed the members with grief.

Col. John W. Thompson of Botetourt was on the floor, advocating a bill for the establishment of a Branch Bank at Fincastle. Having filled the blanks in the bill, he was asked by Mr. Cook of Roanoke to let it lie on the table until the next day, but Mr. T. declined to accede to the proposition, prefering to make his statement at that time.

Suddenly, after speaking a few minutes, he sunk in his chair, with his head on his desk, and called for water. This was instantly brought, but he could not swallow it—and, after an ineffectual effort by Dr. Yerby to bleed him, his spirit took its flight.

Flood in the Mississippi—The Weather—Health of the City—Decline in Cotton Business, &c.

NEW ORLEANS, Feb. 7, P. M.

Within the past few days there has been a great rise in the waters of the Mississippi river. It is now nearly level with the banks in some places, and in others overflowing them. The oldest inhabitants say they have never known the waters to be so high. We are momentarily expecting an overflow, which must prove most disastrous in its consequences.—Precautionary measures are now being taken by all.

Our city continues very healthy and the weather cool and pleasant. No cholera, except some lingering cases.

Business is active and prosperous, only retarded by the apprehensions of a freshet and overflowing of the wharves and lower parts of the city.

The news of the steamer Canada has been received and pretty well digested, since which there have been sales of 5,000 bales Cotton at one quarter of a cent per lb. decline, and the market closing heavy.—*Baltimore Patriot.*

Arrest of Hyer.

PHILADELPHIA, Feb. 9—8 A. M.

Hyer, the pugilist, who fought Sullivan in your State, has been arrested here on a bench warrant, issued by Judges King and Parsons, at the instance of the Attorney General of Maryland. He will therefore be sent back to try his powers in a contest with the violated laws of Maryland.—*Baltimore Patriot.*

Yankee Sullivan, the pugilist, left Philadelphia yesterday morning in charge of his friends, for New York.

DAILY NATIONAL WHIG.

WASHINGTON, D. C.

SATURDAY MORNING, FEBRUARY 10, 1849.

Had I consulted my own wishes, I should have much preferred to retain the office I am now about to vacate, and have remained among you: but the people have, without my solicitation, seen fit to elevate me to another, and although I fear I am not qualified to discharge the great and important duties imposed upon me, yet be assured, fellow-citizens, I shall endeavor to fulfil them *without regard to fear, favor, or affection for any one.*—*President Taylor's Farewell to the People of Baton Rouge, January 23, 1849.*

It appears that Gen. Cass has been re-elected to the United States Senate, where he will have an opportunity to repeat his forted slanders against Gen. Taylor.—*Raleigh Star.*

Is not the Star in error as to Gen. Cass' slandering Gen. Taylor? We have no recollection of any such conduct on the part of Gen. Cass at any time.

The Federal Treasury.

The following advertisement from the Treasury Department, will be interesting intelligence to the bidders of the loan of 1848, and will, we hope, also put an end to the movements of those who are just now urging the necessity of an extra session to provide for deficiencies in the public purse.

TREASURY DEPARTMENT,
February 7, 1849.

The means of the Government being ample to liquidate all claims against it up to the 1st of April next, without calling in, before that date, any further payments on account of the loan of 1848, and desiring to save all unnecessary interest, notice is hereby given to all the successful bidders for that loan, by whom any balance is still due, that they are permitted to postpone any further payments until the 1st of April next.

R. J. WALKER,
Feb. 10. Secretary of the Treasury.

Mobile and its Foreign Connections.

We are gratified to learn from the Mobile Register, that the British steamship *Dee*, 1,900 tons burthen, and drawing 17 feet water, anchored in Mobile bay on the 31st ult. She is one of the Southhampton and West India line of mail steamships. She found 24 feet of water on the bar of Mobile bay. The steamers of this line will hereafter regularly enter that bay and communicate with Mobile. The Mobilean authorities visited the Dee, and had a jovial time on board, in exchanging civilities, &c.

☞ We are indebted to Adams & Co's Express for late northern papers in advance of the mail.

CONGRESS.

SENATE.

FRIDAY, February 9, 1849.

The resolution, heretofore offered by Mr. Benton, to repeal the rule setting apart a time for the election of officers of the Senate, was adopted.

A report was made from the Committee on Military Affairs, granting pensions to the widows of officers and soldiers, who served in Mexico, on certain conditions.

Mr. Jones presented the credentials of Augustus C. Dodge, re-elected a Senator from the State of Iowa for six years, from the 4th of March next.

Mr. Benton presented the credentials of David R. Atchinson, re-elected a Senator from the State of Missouri for six years from the 4th of March next.

After an Executive session,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

The House resolved itself into a Committee of the Whole on the state of the Union.

Various efforts were made to take up several bills.

The Chairman (Mr. Burt) decided that the bill to establish a board of Commissioners to settle claims against the United States was in order.

Dull and dry proceedings ensued, such as offering amendments.

When the Committee rose, Mr. Kaufman moved to lay the whole subject on the table; but the motion was disagreed to.

Yeas 64, nays 103.

The House, after ordering the bill to be engrossed for a third reading, adjourned.

SUPREME COURT UNITED STATES.

FRIDAY, February 9, 1849.

Charles Mason, Esq., of Iowa, was admitted an Attorney and Counsellor of this Court.

No. 175. F. J. Barnard et al. vs. J. Gibson. In Error to the Circuit Court United States for New York. Mr. Justice McLean delivered the opinion of the Court, dismissing this case for the want of jurisdiction.

No. 177. The United States, appellent, vs. L. Boisdore's heirs. Mr. Justice McLean delivered the opinion of the Court, overruling the motion to dismiss this appeal.

No. 149. P. Hogg, et al., plaintiffs in error, vs. John B. Emerson. The motion to enter judgment in this case was argued by Mr. Coxe in support of, and by Messrs. Sargent and Reverdy Johnson in opposition to the same.

Adjourned till Monday, 11 o'clock.

Appointments by the President.

By and with the advice and consent of the Senate.

NAVY.

Thomas A. Conover, to be a captain in the navy, from the 2nd of October, 1848, at which time he was promoted to fill the vacancy occasioned by the death of Commodore James Biddle.

Charles H. Jackson, to be a commander in the navy, from the 14th of September, 1848, at which time he was promoted to fill the vacancy occasioned by the death of Commander A. S. Mackenzie.

Andrew A. Harwood, to be a commander in the navy, from the 2d of October, 1848, at which time he was promoted to fill the vacancy occasioned by the promotion of Commander Conover.

Wilmer Shields, to be a lieutenant in the navy, from the 14th of September, 1848, at which time he was promoted to fill the vacancy occasioned by the promotion of Lieutenant Charles H. Jackson.

Charles E. Fleming, to be a lieutenant in the navy, from the 2d of October, 1848, at which time he was promoted to fill the vacancy created by the promotion of Lieutenant Andrew A. Harwood.

James S. Ridgely, to be a lieutenant in the navy, from the 31st of October, 1848, at which time he was promoted to fill the vacancy occasioned by the dismission of Lieutenant Zach. Holland, under sentence of court martial.

William M. Caldwell, to be a lieutenant in the navy, from the 25th of July, 1848, at which time he was promoted to fill the vacancy occasioned by the death of Lieutenant John B. Dale.

S. Wilson Kellogg, to be a surgeon in the navy, from the 26th of August, 1848, at which time he was promoted to fill the vacancy occasioned by the death of Surgeon J. Vaughan Smith.

Charles Martin, to be an assistant Surgeon in the navy, from the 5th of September, 1848, at which time he was appointed to fill the vacancy created by the promotion of S. Wilson Kellogg.

John Rutledge, now a master in the navy, to be a lieutenant in the navy, from the 7th of January, 1849, to fill a vacancy occasioned by the death of Lieutenant Francis Huger.

Algernon Sidney Taylor, first lieutenant of marines, to be captain by brevet, from 27th March, 1847, for gallant and meritorious conduct at the bombardment and capture of Vera Cruz on the 27th March last, and at the capture of Tuspan on the 18th day of April, 1847.

Henry B. Watson, first lieutenant of marines, to be captain by brevet, from the 20th of November, 1847, for gallant and meritorious conduct in the battles of the 8th and 9th of January, 1847, on the banks of the Rio San Gabriel, and on the plains of Mesa, in California, and for the defence of Guaymas from the 20th of October to the 20th of November, 1847.

Benjamin D. Heriot, to be navy agent for the port of Charleston, in the State of South Carolina, for four years from the 4th day of October, 1848, at which time he was re-appointed, his former commission having expired.

William B. Scott, to be navy agent for the navy-yard at the city of Washington, D. C., and for the Navy Department, for four years from the 8th day of October, 1848, at which time he was re-appointed, his former commission having expired.

Octavius Cohen, to be navy agent for the port of Savannah, in the State of Georgia, for four years from the 11th day of October, 1848, at which time he was re-appointed, his former commission having expired.

The Washington Whig has an article on reporting in which the well-known fact is stated that in England and France the reporters never pretend to give the *words* but the *ideas* of the speakers. To effect this, the verbiage is discarded, and the spoken speech greatly improved. This custom has undoubtedly arisen from the fact, that those employed in this duty are among the most intellectual men in these countries.—*Albany Evening Journal.*

From the New York Observer.

THE SLAVERY QUESTION.

We devote a large space in our columns this week to the addresses of the southern convention on the slavery question. This subject has now become deeply interesting, and, in the view of some, threatens the stability of our happy Union. It is time, therefore, that all who love their country should reflect seriously and prayerfully upon it, and speak and act as become christian patriots. Our own views on the general subject have been frequently given; but we regard this as a proper moment for referring again to those considerations which should induce the North to avoid all action and language in reference to slavery, which will unnecessarily irritate the South. Among these considerations are the following:—

1. *Our southern brethren are not responsible for the origin of the evil.*

Slavery was forced upon the American people by Britain, to gratify her vile lust of gold, in opposition to the entreaties and remonstrances of the wise and good in every part of the land, and in every period of its colonial history.

2. *It is not easy now to get rid of the evil, suddenly.*

Slavery is the fundamental law upon which all the political institutions of the South have been based from the beginning. That law was established by Britain at the very commencement of the political existence of those communities. It gave to the white man despotic power over the negro. It constituted the whites a privileged class—the aristocracy of the land. The abolition of slavery in the South would be, in other words, a voluntary surrender by this aristocracy of the power and privileges which they held under the ancient law of their country. Ought we to be greatly surprised if this surrender should not be made suddenly, even though demanded by public sentiment in the North, and in every other civilized country on the globe? Where, in history, is there an example of the surrender by an aristocracy of their ancient powers and privileges, however exorbitant and oppressive these powers, and however earnest the demand for their surrender, when that demand was not backed by a competent physical force? No one wishes to see slavery abolished in the South by physical force, and without physical force it would be a moral miracle if it were abolished suddenly. We must not be too impatient.

3. *Our southern brethren have done more to get rid of the evil than could have been reasonably anticipated.*

When we reflect upon the demoralizing character of slavery, and the obstructions it opposes to all improvement, physical, intellectual, and moral, we are prone to think at the North that there can be nothing good in a community where such an institution exists. The census of 1840, however, shows that there are, as the result of voluntary emancipation, in little Delaware, 14,000 free blacks, or more than five-sixths of the whole negro population of that State; in Maryland, 62,000 free blacks, or nearly one-half of the negro population of that State; in Virginia, 50,000 free blacks; in Louisiana, 25,000, and in all the slave-holding States, 215,000 free blacks, whose value as slaves, at the moderate estimate of $500 each, would be more than $100,000,000—more than the boasted £20,000,000 which Britain paid for the emancipation of her West India negroes—more than the aggregate of the State debts of the whole slave-holding section of the Union! This vast sum is the voluntary sacrifice made by southern slave-holders on the altar of anti-slavery feeling and principle! In making it, thousands of noble minded men have reduced themselves from affluence to poverty. One would think that such men could be safely trusted with the management of the anti-slavery cause in their own States.

4. *Christ and his apostles did not denounce or irritate the slaveholder.*

They lived and preached in countries where the law gave man despotic power over his fellows, but they did not denounce the law or the men who held power under it. They did not require the despot to abdicate, or the slaveholder to emancipate his slaves, without regard to consequences. Paul did not aid and abet Onesimus in his escape from his master; nor did he threaten to cut his connexion with the master, if he continued to employ the labor of the slave. He used no harsh epithets. He called Philemon, slaveholder as he was, his "dearly beloved fellow-laborer" in the gospel, and thanked God for his "love and faith," and all his noble Christian graces. He sent back the penitent runaway slave to his master, with a courteous, conciliatory, and affectionate letter, calculated to soften the feelings, and render all the future intercourse of the parties pleasant and profitable.

5. *The Bible method of dealing with slavery and slaveholders is the best method.*

The Bible is the source of all the rational liberty we enjoy. Wherever its principles are heartily embraced, slavery, or at least the evil of slavery is sure to die. But how does it effect this? By denouncing the law, and stigmatising all who hold power under it? No. It does not seek to change the law as the first and great thing. It seeks first to change the heart of the master. It goes to him, and, in the accents of Christian love and kindness, tells him "that his slave is his brother; made in the image of God his father; an object of his Saviour's most tender love; endowed like himself with an immortal soul; possessed of powers which will expand forever; capable of being fitted here, in this momentary life, to enjoy ineffable glory with God in heaven, through endless ages, and that such a being should be treated with all the consideration due to his near relationship, his vast capacities, and his lofty destiny." It addresses not the fears, not the pride of the master, not the noblest feelings of his nature; and when it has thus gained the master, it trusts to him in due time to change the law, and, until the law is changed, to deprive it of its power to harm. This is the Bible way of dealing with slavery, and it is the true way.

The policy of the North is a "masterly inactivity," a "let-alone," "do-nothing" policy.

The only paragraph bearing upon our possessions on the West Coast of America, relates to the arrival of the U. S. ship-of-the-line Ohio, Commodore Jones, at Monterey, having on board 350 Mexican emigrants. Several launches had arrived at San Francisco from Monterey, filled with emigrants, all bound for the gold mines. The weather has been very cold in California, ice having formed of the thickness of a quarter of an inch. Large quantities of gold had been discovered in the neighborhood of the North Fork, one man having gathered $12,000 worth in six days, and three others have obtained, in a single dy, thirty six pounds of pure metal.—*N. O. Bee.*

Attempted Suicide.

Last evening, about six o'clock, a man representing himself to be from Galena, Illinois, but who, when questioned, refused to give his name, attempted self-destruction, in the apothecary store of Dr. Laroque, at