

providing for going into the election. He believed the Constitution, which all were sworn to support, made it imperative on this Legislature to elect a Senator.

Mr. Stapp said, he had pledged himself to his constituents to vote for a Whig United States Senator, and he intended to do so if he had the opportunity. He had made the expression, some time since, that he believed the Democrats would go into an election; but, since that time, he had been to doubt, whether such would be the case.

Mr. Gregory was in favor of adopting the resolution. He would be willing to see the election put off, if the Democrats would take the responsibility.

Mr. Wright of Switzerland remarked, that he saw nothing in the movements in this House, that should be calculated to frighten gentlemen out of their senses. The House had, recently, adopted a resolution for going into the election, which was a dissenting vote from the Senate.

Mr. Tague remarked, that as the hour for dinner had arrived, and the day had been called, he might be disposed to act out of temper in giving his vote. For the purpose of reflection, and in order to be in a better humor for the vote, he moved an adjournment; which carried; and the House adjourned.

Mr. Simonson modified his motion, in relation to the resolution providing for going into the election of U. S. Senator, so as to provide for a recess of ten days. A call of the House was moved, and in a short time all the members appeared but Mr. Sullivan of Jefferson, with the exception of those excused on account of sickness.

Mr. Wright moved to suspend the call; which motion did not prevail. It was now determined, on all hands, that a song should be sung; but before the singing commenced, Mr. Handy moved to suspend the call, remarking, that sufficient time had already been wasted on this occasion.

Mr. Rich (temporarily in the chair) answered, that a wheel was locked. Mr. Simonson then moved to suspend the call; which motion prevailed; when he again modified his motion so as to move to lay the resolution on the table; which motion did not prevail.

Mr. Robinson of Carroll raised a point of order, setting out with the fact, that the House had already adopted a resolution, in nearly the identical words, and sent it to the Senate, which had been laid upon the table; and that it was the intention of the House to pass a similar resolution, until a message had been received from the Senate on the subject.

Mr. Clapcook said, he moved to lay that thing called a point of order on the table. The Speaker (Mr. Rich) having left the chair decided, that the point of order was one of those delicate questions which it is not the province of the Speaker to decide. The vote on the adoption of the House had passed by a majority of 43, and consequently it was in order to adopt another resolution.

Mr. Wright offered a resolution, that the House will commence its sessions at half past eight in the morning and half past one in the afternoon. Mr. Hazelrigg moved to amend so that the sittings shall continue until half past twelve and until seven o'clock in the evening.

By Mr. Wright, to prevent an unnecessary waste of the people's money; that all persons making charges of public defalcation against members shall pay the expense unless the charges are sustained.

Thomas H. Benton. An impudent little pug-nose puppy once walked into the spacious den of the King of Loasias, and was not content with making itself quite at home there, but on the master's return undertook to deny his right there, and to growl and snarl at the lordly majesty and might of the old Lion to the utmost of its little powers of ferocity.

The attempts that have been undertaken by some papers which have recently honored the Democratic party with their kind favor and patronage, to read Col. Benton out of it, reminded us of nothing so aptly as the above piece of zoological impudence. Even to condescend to defend BENTON against the barks and bites of these little things at his heels, would be an insult to him and the Democracy of the Union, who have tried him too well and too long to be effected for or against him, either by our praise or their abuse.

After the expiration of the said term of eight years, the company and State to have equal interest according to the length of road completed by each. No alteration to be made in the charter for fifteen years from the completion of the road to Indianapolis—the State to have the privilege of purchasing the interest of the company for twenty years. All matters of difference between the State and Company to be settled by the Courts—the act to take effect as soon as accepted by the company and filed in the office of the Secretary of State.

The Company have confidence that with these amendments, means can be obtained to complete the road to Indianapolis. Indeed, as will be perceived, they make said completion to Indianapolis, in three years, a part of the consideration for said amendments. The advantages asked, for the term of eight years, from the State, which are the only amendments of a pecuniary nature provided for, are insignificant, when contrasted with the general advantages to the State of the completion of the road; particularly in a revenue point of view, for all will acknowledge, that the aggregate valuation of the property of some fifteen or twenty counties will be greatly enhanced by the completion of the road.

The attack made on Mr. Shanks of Washington, on Tuesday last for introducing a resolution to facilitate business, providing that the House will at two o'clock on each day proceed to the orders of the day, demands a passing notice at our hands. At the time of the introduction of the resolution, the orders of the day had not been reached for several days, and about one hundred and fifty bills were on the files. The Senate had adjourned one or two days at an early hour for the want of business. Under these circumstances Mr. Shanks introduced his resolution, which laid over one day, according to the rules of the House.

Col. Benton has relations as well as other public men, but none of them have received offers or contracts at the hands of the federal government. He has nephews, and a son; but none of them have been quartered upon the government, either in the Army or Navy, or in any other public employment. His son is now receiving his education in this state, upon Gravois creek, in this county, and growing up in the state in which he is to live.

These are facts which silence calumny, and prove that Col. Benton is one of the most disinterested public men which the times have produced; and that instead of refusing to be elected, he cannot be induced by all the honors and emoluments of embassies and Cabinet appointments—nor by the attractions of European Courts—nor by all the attractions of Washington City—to live anywhere else but in Missouri.

Jefferson and Liberty. The gloomy night before us is o'er— Its rays, and gleams, and glows, are bright— Its heralds harpies are no more.

On Thursday evening, we attended the exhibition of the Pupils of the Deaf and Dumb Asylum—(no thanks to Mr. Tingley, by the way, who endeavored to exclude every body but such greenhorns as himself)—and we were much gratified at the proficiency manifested by such as actively participated in it.

Gov. Dorr.—We believe the case of Gov. Dorr now stands thus: Judge Story decides that a writ of Habeas Corpus is granted except upon petition signed by Gov. Dorr, and that his counsel are not authorized to do it in his behalf. Dorr's counsel have applied to the authorities of Algierne Rhode Island for admittance to him to procure his signature. The application has been refused on the pretensed ground that Dorr is civilly dead, and therefore cannot do an act to be recognized in the civil courts of the land.

Gov. Dorr.—We believe the case of Gov. Dorr now stands thus: Judge Story decides that a writ of Habeas Corpus is granted except upon petition signed by Gov. Dorr, and that his counsel are not authorized to do it in his behalf.

Doctors will differ.

The courteous, polite, gentlemanly and Christian Whig Editor of the Brookville American, in describing the manner in which the Governor of Indiana delivered his message to the Legislature at the beginning of the present session, says:

"He arose to deliver the message, in the most careless, disgusting posture, his mouth distorted with an ungainly large quantity of tobacco—obstructing his utterance—disfiguring his face—insulting to decent men—and disgraceful to a civilized people. At every breath he was compelled to stop and roll the monstrous, nauseating lump of filth in his mouth—the saliva running from the corners of his mouth, like the overflowing of a pot of tobacco-stems, when preparing the pipe to kill \*\*\* upon calves. Eighty-two times, during the delivery of the message, was he compelled to stop and discharge the filth and saliva from his mouth. The scene would have been a disgrace to the back room of a doggerly."

The word used by the editor, in the above extract, and for which we have substituted four stars, we have left out, for fear that some might think it a Locofoco forgery of our own; Whig editors, you know, never use naughty words. Besides, a man who would insert such a description in a "family" newspaper, must have more politeness, gentlemanly carriage, and religious profession, than we can pretend to, to back him in such a licence. By the by, the Mr. C. F. Clarkson, who wrote that editorial, cannot of course, be the Mr. C. F. Clarkson, who while he was formerly the editor of that paper, not only brought a suit of defamation against a person, and had judgment against him, but was also sued himself for defamation and had judgment against him, again, for above \$1,000 damages!

But while from Mr. Clarkson's description, one would suppose the Governor himself is, in his appearance, one of those he calls "rabble," the last gentleman represents him as a superior dandy. This, although a wide, must be an honest difference of opinion, for of course Whig Editors have all the politeness, all the learning and all the decency. They have no hatred, no prejudices—not a bit. That is all for those they call the "rabble."

The conductors of the Journal permit one of its anonymous writers of editorials, to speak sneeringly of us as the "more second hand paragraphs of the Sentinel." We would just observe, that, whether the sneer be applicable or not, we have certainly been able to keep the old *ed pot* of the Journal in very unassuming common ever since we began to stir it up; and its own party has felt the necessity of some improvement on its part, if we may judge by the numerous changes which have been made in its editors within two or three years past.

As we look at things, those changes are no bad compliment to us, and outweigh indefinitely the anonymous sneer now made. If the insinuation of the Journal were true, its managers, if it has in any fact, should be the last to suffer it to be made; for it is known to every intelligent person here, as well as to themselves, that most of its own original matter of any merit has been prepared by other hands than those of its ostensible conductors; while, on the other hand, it is very seldom that an original article has appeared in our paper as editorial, which was not prepared and written entirely by ourselves.

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Supreme Court of Indiana.

CASES DETERMINED AT THE NOVEMBER TERM 1844. Reported for the Indiana State Sentinel. BY L. M. KILPATRICK, ESQ.

Pickens v. Clayton. Appeal from the Orange Probate Court. Opinion by SULLIVAN J. The Probate Court has no power to remove a guardian, except in cases relating to the faithful performance of his trust, or to the sufficiency of the security given by him. The decision in Morgan v. Anderson et al. 5 Blackf. p. 503 re-affirmed. Wallace et al. v. Jones. Error to the Lagrange P. C. Opinion by SULLIVAN J. In an action on a promissory note, the plaintiff, giving a promissory note to the defendant, the plaintiff must, under the general issue, prove the marriage of the defendant. Judgment reversed.

State v. Ross. Error to the Vanderburgh C. C. Opinion by SULLIVAN J. It is no objection to an indictment for gaming, that the name of the game played is not stated in the indictment. Judgment reversed. Sulgrave v. Lashley et al. Chancery. Marion county. Decree for complainant. Copeland v. The State. Error to the Hendricks C. C. Judgment affirmed. Stewart v. Harrison et al. Error to the Carroll C. C. Judgment affirmed.

Thomas W. Dorr. The Providence papers state that Gen. Fessenden, of Portland, is in that city trying to get Gov. Dorr released from prison on a writ of error and habeas corpus. Gen. Fessenden, says the Bangor Democrat, has returned to Maine, and reports that he applied to Judge Story in the first place to ascertain what steps were requisite to carry Gov. Dorr's case into the U. S. Court by writ of error, and was informed that an application must be made by the "prisoner" to which his signature was necessary. To obtain this Mr. Fessenden proceeded to Providence, and requested admittance to the prison where Mr. Dorr is confined. His whig oppressors took Mr. Fessenden's request into consideration, and after mature deliberation, decided not to grant it, affirming that Gov. Dorr was civilly dead. He is not permitted to consult with legal advisers, is forcibly prevented from making an appeal to the highest tribunal of the land, is shut up within the walls of a prison, and treated like a felon, not being permitted to even see his personal friends. There is much injustice and oppression in this "happy land," and much foul wrong and tyranny where the Whigs hold the reins of power. Rhode island is "whig all over," and Thomas W. Dorr is held in worse than Russian bondage for asserting a fundamental principle of American Liberty.

EMANCIPATING A SLAVE IN BEYOND OF THE OWNER.—Robert T. Lucas, the slave of Edward Fitzgerald, purser on board the U. S. frigate *Albatross*, was taken from the master on writ of habeas corpus, while the ship was lying at Boston. The case was tried before the supreme court, chief justice Shaw presiding. The slave had been received and entered as a landsman by written consent of secretary Upshur, deceased. There were two points raised. First, the claim of the commander of the frigate to the services of the slave: second, whether his having been brought involuntarily within the limits of Massachusetts without the master's consent, who was about returning to Virginia, the court could interfere to set him free.

Judge Shaw decided that although Lucas was lawfully entered and employed as a landsman on board the frigate, the right of the commander to his services as a slave could not extend beyond the territorial limit of slavery, and were at an end whenever the services to be performed took him out of these limits. In relation to the second point, that the master having voluntarily placed his slave in a situation in which he would be liable to be taken within the limits of a free state, he could not compel him to return again to a slave state without his consent. Lucas was accordingly discharged from custody, and being of full age, was left to return to Virginia or remain as he might elect. This decision greatly enlarged all the previous decisions in similar cases, and may be regarded as limiting the claim of the master strictly to the case of a fugitive.

THE LAW IN RELATION TO MOB.—Chief Justice Gilchrist of the Supreme Court of Pennsylvania, in his charge to the Jury in Philadelphia, in the case of Donahoe against the county, declared that the firing upon a mob was perfectly justifiable, when that mob was assailing a man's house. He said, in reference to that particular case, "If the assailants had been shot down, it would have been a case of justifiable homicide," and added, "Any attempt to commit arson justifies homicide in defence, especially in the night time. A man has a right to keep whatever arms he pleases in his house, and to introduce men to use them. And he can take them when he pleases, whether he apprehends danger or not. This is a freeman's privilege. Any man who cannot arrest another in the perpetration of a felony, has a right to take his life, as a measure of necessity." The Chief Justice was particularly severe in his animadversions upon mobs, and observed that if it were "treason to oppose a mob," as he had heard it said lately, "he had lived quite long enough, and did not care to prolong his life another day."

LAW OF LIBEL.—The Massachusetts Courts seem disposed to make a new and more reasonable construction of the law of libel. The editor of the Lowell *Vox Populi* was recently sued for a libel, and the jury gave a verdict for the plaintiff of one cent damages, and one fourth of a cent for cost. In the case the plaintiff sued defendant, and claimed \$2,000 for damage to his "good name and fame," by the publication of a certain article. Defendant claimed the right to put in testimony showing the general reputation and character of the plaintiff in the community—contending that if a man's character was notoriously bad, he would sustain less damage in strictures thereupon, than if his character was fair and good, and that, therefore, should the libel be proved, defendant should receive a verdict corresponding to testimony of character. This was the ground taken by defendant, and it has been fully sustained by the Court. So that, hereafter, it will be a well established principle of law in the Courts of Massachusetts, that in actions for libel, the defendant may put in the general reputation of the plaintiff.

TEXAS AND MEXICO.—The Texas Vindicator, semi-official organ of the Government, in reference to the present crisis, remarks: "There are three alternatives now presented to Texas, one of which will shortly have to be chosen, and in future to pursue. The first is annexation to the United States. The second is an adjustment of our difficulties with Mexico by the effective mediation of a friendly power, based upon a pledge to maintain our national independence and individuality, and upon the formation of commercial treaties extending reciprocal advantages to the parties. The third and last is the one presented in the despatch of the 10th of June, 1843, addressed from the State Department through our Minister abroad to foreign friendly Governments, announcing to them that if peace or a satisfactory Armistice was not concluded with Mexico within a reasonable period, Texas would assume a new attitude," and that relying upon her own strength and resources, she would cross the Rio Grande, and raising the standard of conquest, offer to the chivalry and enterprise which might come to join her standard, that portion of the enemy's country lying north of the Sierra Madre Mountains, and extending from the Gulf of Mexico to the Pacific Ocean.

Annexation may fail—Mediation may fail, as they have both already done. Nothing in that event will be left us but War. The only question which can then arise will be—shall it be defensive or offensive in its character?—This will be the sole issue, before the country."

Reuben M. Whitney has been appointed Recorder of the Land Office at Washington, in place of Mr. Williamson, removed.

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Congress.

The Senate, on the 15th, passed a resolution at the instance of Mr. Benton, instructing the Committee on Foreign Relations to inquire whether any provisions are necessary, in providing for the annexation of Texas, to protect the United States from speculating operations in Texas lands or scrip, and whether any persons employed by the government were connected with such speculations; and also empowering the committee to send for persons and papers, to answer in connection with this and other matters embraced in the resolution, or any others that may be necessary to promote, in the language of Mr. Benton, "the safe, speedy, peaceable, and honorable annexation of Texas to the United States." A resolution was also passed, at the instance of Mr. Niles, calling upon the Treasury Department to report as to the management of the public funds. Mr. N. made some remarks, showing the necessity of the call, and the importance of Congress legislating upon the subject, to lessen the discretion of the executive over the public funds. As it was, the whole revenues of the country were left to the control of the secretary—a state of things brought about by the legislation of the Whig party, who, in 1834, and subsequently, uttered such loud complaints against executive discretion over the public funds. They should, he maintained, be subjected to the control of law and not left solely to the discretion of the Secretary of the Treasury.

In the House, the first business taken up was the bill to provide for the re-issuance of the duty on railroad iron in certain cases; when Mr. Foster of Pennsylvania had the floor from yesterday, addressed the House in opposition to it. Mr. Payne of Alabama then addressed the House on the subject of the tariff of 1842, and in favor of a revenue tariff; after which the bill was laid on the table.—Globe.

From the Hartford Times. The Last Procession. Methought at eventide I paused, One cold November day, Where dry and grim an "ash-pole" stood, Like ghost beside the wall, When on mine ear a wail arose, And slowly o'er mine ears came, With solemn tread a lengthened train, In funeral gyre swept by.

First with a face whose depth of gloom Ambition's bright had cast aside, The "Mill-bird of the slates" moved The chief mourner past; And then to soothe his rising grief, With yelp and howl, the "Widow Bright" came, With solemn air, his meek and good, Walked Freightrisen near.

With "braiding-iron" in each hand, Ambition's bright had cast aside, The "Mill-bird of the slates" moved The chief mourner past; And then to soothe his rising grief, With yelp and howl, the "Widow Bright" came, With solemn air, his meek and good, Walked Freightrisen near.

Then "General Edwards and his son," The "estimable" pair, Matched 'midst a troop of "juveniles," And dandies with long hair; While dolorous upon the breeze, All shivering and wailing, Like his old windy bellows, the "Poughkeepsie blacksmith" sighed.

And then that "rosch expressly built," And decked with silk and gold, The "embroidered" pair, With sulken notion rolled; And as along the dusky way, He dandied contentedly, Beside it, with his Clay "Tribune," Poor Greeley walked and wept.

Then thronged a long and dismal host, A thousand more or more, And each upon a frowzy rag A shabby motto bore; And "colporteurs," with "Jainus" tracts, A croaking, weary howl, Best down with wearied and woe, In sad procession trod.

And so they passed in long array, At evening's sombre hour, And grief was heavy on each heart, With its o'ermastering power; For "busted," "gone to pot," Exploded, vanished, fled, The "rosch" whig party was no more—"The same old con" was dead!

MISSOURI.—Governor Edwards of Missouri, delivered his Inaugural Address, on the 20th ult. His Excellency sets down \$800,000 as the amount paid annually by the people of Missouri to the General Government. Through the effect of the Tariff, the expense of collecting it, at \$200,000 more; the amount paid for home fabrics, over imported manufactures, at \$800,000 more; the loss sustained in prices by a glutted market, at \$800,000 more. Thus he argues against the power wielded by the United States in employing a protective system of taxation.

The Governor is opposed to the indiscriminate use of incorporation powers, and recommends the introduction of individual responsibility clause in the laws. He contends also that the power of regulating the currency is no where professed to the States, and that, consequently, it is constitutionally theirs. He recommends a limitation in the issue of bank notes, so as to prohibit the emission of any note under ten dollars.

He recommends the adoption of a plan for preparing and qualifying teachers for the Common Schools, of whom but few regularly qualified are to be found. The disposition and more equal distribution of the Common School Fund, he says, should occupy somewhat the attention of the Legislature, so that the poor as well as the rich may be benefited by it, and the Primary Schools be as well supplied with instructors as the higher ones.

IRISH WHIGS.—The following paragraph, from the Lowell Courier of Tuesday (12th inst.) shows clearly, not only that the Whig warmth about foreigners is all theatrical, but that they love and laud even Catholic Irishmen daily, whenever they prove recalcitrant to Democratic principles: The Courier says:—"What can be thought of the Democratic Loco leaders in this city, who brought McGee, the editor of the Pilot, to Lowell, on Saturday night, for the purpose of haranguing the Irishmen of Lowell over to the Loco side. Thank fortune, his efforts and their efforts have been in vain. The Irish Whigs of Lowell are not to be caught by fools or demagogues. They acted nobly. At the Whig meeting in the Reading Room last evening, three cheers were given for the Whig Irishmen of Lowell. How does this *blarney* over Whig Irishmen contrast with the bitterness of a portion of the Whig press; who are abusing Irishmen, and the Abolitionists, for defeating their pet, Henry Clay, and adding to elect, as they say, James K. Polk.

Native Americanism.

The Boston Atlas, in speaking of the Wards that have done well, says: "So, too, has Ward six; thanks to our colored brethren in that Ward, who contended most manfully for the whig cause, and voted almost to a man, the whig ticket."

Here we have a specimen of whig consistency or Native Americanism?—The whig cause for the sable African; but curses for the white European.

The New Orleans Tropic, heretofore a whig paper, has raised the "American Republican" flag. In its leader of the 6th inst. it remarks: "From this day we shall wage war upon the present naturalization laws, and urge, with what power we may possess, such a modification as will exempt foreigner who lands upon our shores, to remain twenty-one years, and then receive his evidence of citizenship from the United States Court only!"

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