The Oregon Treaty.

In the United States House of Representatives on the 6th inst., the bill for the establishment of a territorial government in Oregon being under consideration, a somewhat interesting debate occurred, involving the merits and demerits of the Oregon Treaty. As some points were touched upon which are more or less unsettled, growing out of the indefinite language of the treaty, we extract such portions of the debate as applies to them:

Mr. Adams addressed the committee, but in a voice so feeble that it was nearly impossible to hear him in any portion of the hall. Members crowded around him, filling up the area in front of the Speaker, insomuch that in the course of his remarks they were once or twice called to order, and it was insisted by the chairman (in behalf of those few gentlemen who remained in their seats) that the area should be cleared in accordance with the rule. Under these circumstances the reporter regrets that but very little of what he said reached his desk.

He was understood to refer to a printed bill he held in his hand, reported some time since from the Committee on Territories, which fixed the boundary north at the line of 54° 40′, and to enquire of the chairman of the Committee on Territories why the boundaries were not also specified in this bill?

Mr. Douglass (Mr. A yielding) said he supposed the boundaries were definitely fixed by the bill. The bill said that all that part of the territory of the United States which lies west of the summit of the Rocky mountains be, and the same is hereby organized into a Territory, to be called the Territory of Oregon. The southern boundary is fixed definitely by treaty with Mexico; the northern boundary is fixed definitely, as we are informed by the President, by treaty with Great Britain; the western boundary, of course, is the Pacific ocean; and the eastern boundary is set out in the bill. I suppose, therefore, of course, there can be no question as to the boundary.

Mr. Adams said he was reading from the printed bill before him, in which the boundaries were expressly laid down, being on the south and by the 42d degree of latitude, on the east by the summit of the Rocky mountains, on the north by the line of 54° 40′, and on the west by the Pacific ocean. These boundaries were defined with great precision. He should have been happy if they had been so settled that the chairman could have now repeated the same boundaries.

Mr. Douglass would have been equally happy if he could have reported the same boundaries now under the treaty stipulations.

Mr. Adams insisted that the boundaries should be defined by the bill, and that if they were left to the construction of treaties by the government of Oregon, it would lead to confusion, and perhaps to conflict with foreign governments.

Mr. Douglass remarked that the present bill stood in regard to boundaries precisely the same as a bill which this House had passed during the present session, and sent to the Senate.

Mr. Pettit was understood to say that the President had sent in the treaty which had been lately ratified, this morning.

Mr. Adams further contended that the describing it as all the territory of the United States west of the Rocky mountains was not saying what the boundaries were, and it appeared to him that it was not safe for them to enact anything so indefinite. The boundaries should be described. A reference to existing treaties was no authority whatsoever to the governor or government of the Territory of Oregon now established. When we constituted government over a territory we defined the boundaries of that territory, so that the government established there might know how far they might claim jurisdiction, and how far they might not, so as to avoid all cause of quarrel. He hoped therefore that the bill would be so amended as to describe the boundaries. For, after all, there might be a question what the boundary is under the treaty. We have not seen the treaty. The gentleman [Mr. Pettit] says it has been communicated to the House this morning, but it has not been printed, and we know nothing of what are the boundaries established by it except by rumor.

He understood it was not clear what the real obligations of the treaty were. For instance: at the time the treaty was ratified here it was stated in the newspapers that the navigation of the Columbia river was granted to the British Hudson Bay Company, and British subjects trading therewith, only during the existence of the present charter of that company. It is stated in the British papers that this is erroneous, and that the grant is permanent. There is a great difference. And I confess (continued Mr. A) it was some consolation to me for that present which we have made of six degrees of latitude to Great Britain that—[the remainder of the sentence was lost to the reporter.] Now, a permanent right to the navigation of the Columbia river on the part of Great Britain is one of the things to which I would never have assented. I hope it is not so. I hope at least that the treaty is such as that we can hereafter maintain—yes, maintain to the last moment, that the navigation of the Columbia by Great Britain shall be temporary. If I should live to that time—and God knows I shall not—I would go to war with Great Britain rather than agree to the permanent navigation by her of the Columbia river. Sir, at a very early period of the session I declared my firm belief of the right of the United States to the boundary on the line of 54° 40′ north. It was not a new idea to me; for years and years I had entertained that opinion; and in the 27th Congress—a Whig Congress—I had the honor of being a member of a committee of which Mr. William Cost Johnson was chairman, and in a report made to this House that position was distinctly taken by the nine members of that committee.

Great Britain, in my opinion, had no claim to one inch of the territory she has now received. We have given to her as a present the navigation of the Columbia river, together with Quadra's island, (that is the right name, though some call it Vancouver's.) We have not even adhered to the line which was the fighting line of the forty-nines—we have given her a part of the territory south of 49°.

But this course of remark was, perhaps, not entirely pertinent to the bill under consideration. His objection to that bill was that it did not precisely define the boundaries of the Territory.

Mr. Pettit interposed, and wished the gentleman from Massachusetts to give his opinion whether the grant of the navigation of the Columbia river to Great Britain was a permanent or merely a temporary grant?

Mr. Adams. I would answer the gentleman from Indiana with great pleasure if I had seen the treaty, but I have not. I know the representation made of it in the newspapers here—among others, in the organ of the administration, the Union—in which it is said to be temporary—during the existence of the Hudson Bay Company's present charter, which terminates in 1858—and not permanent. But I have observed in the newspapers that Sir Robert Peel, in giving an account of that treaty, says that it grants to them the positive right of navigation of the Columbia perpetually. Therefore I am unable to answer the gentleman from Indiana which I would do with great pleasure, especially if the true state of the case was according to the representation of it made here—that is to say, temporary, and only during the existence of the present charter of the Hudson Bay Company.

As I said before, I hope that the phraseology is such as will at least allow us to put in claim as in a chancery suit. I hope that the chairman of the Committee on Territories, or some other gentleman, will move an amendment to define the boundary of that Territory. If there is a question as to what the boundaries are, I hope this bill will lay them down distinctly. But the gentleman from Illinois, the chairman of the Committee on Territories, if we judge by the indefinite expressions of the bill, leaving it to be inferred only how far north the territory extends, seems to be ashamed of the boundary which by treaty we have obtained. That boundary cuts us off from the harbors of Puget sound; those harbors which are described as so valuable and essential to our commerce on the Pacific by a gentleman from Indiana, whom I see near me, [Mr. Owen.] In his speech on the Oregon question he spoke in strong terms on this subject.

Mr. Owen (Mr. A. yielding) said, it is true that I spoke in the strongest terms of the safety, and of the value to us, as the future owners of Oregon, of the waters of Puget sound. But it is also true that the parallels of 49°, run out to the sea, at what I believe is called the Gulf of Georgia, and continued thence down the centre of the straits of Fuca to the Pacific, leaves to us, south of that line, the whole of Puget sound, and of Admiralty inlet. Great Britain, by the treaty, relinquishes these to us.

Mr. Adams. I think, if the gentleman will examine the map, he will find that the line in question cuts us off from Puget sound.

Mr. Owen. I have examined the matter carefully, and am certain of the statement I make.

Mr. Adams. Well, be it as it may, Great Britain has secured the free navigation of that sound and the adjoining straits. I repeat that we have made a present to Great Britain of six degrees of latitude; and some of the fifty-four forties seem ashamed enough of their position.

Mr. Douglass would state to the gentleman from Massachusetts, that he was ashamed of the boundary of 49°, and instead of making mention of it, preferred to report a bill defining the boundary in precisely such a manner as was done in a bill which the gentleman from Massachusetts himself had once voted for this year. And he had thought he might follow the gentleman, as a 54° 40′ man, with safety.

Mr. Adams. Did I vote for such a bill? Has there a bill on the subject of Oregon passed the House at this session?

Mr. Douglass. Yes; there has been an Oregon bill which passed this House establishing a Territorial government over all the territory of the United States west of the Rocky mountains, without defining boundaries, and you and I voted for it.

Mr. Adams. I recollect now. That was when the question of boundary was in controversy between us and Great Britain. It left the question open, to be settled as it has been settled, against us.

Mr. A. recurred to the bill which he held in his hand, and to the fact that the advocates of 54° 40′ were entirely ready at an earlier stage of the session to define precisely the boundary of the territory upon that line; but now, he said, we had a bill mentioning no boundaries. He repeated that we could have no definite rights unless we had the boundaries defined. He hoped, therefore, the first section would be amended by declaring precisely the boundaries of the territory.

Mr. Douglass explained, that he thought the boundaries designated by the bill sufficiently clear and explicit, insomuch that there could be no doubt upon the subject. Another reason why he was unwilling to define them more specifically was, if there was doubt about the terms of the treaty, he would like as the gentleman from Massachusetts had mentioned, that enough ground should be left to found a chancery suit upon it. And he did not want anything in an act of Congress making it more humiliating than it now is. Therefore, he had thought it unnecessary at this early day to give a legislative exposition of the treaty which would yield more than we have yielded by treaty. Inasmuch as we had concluded a treaty, and as they had passed one bill in this way, he thought it best not to define the limits. For that reason, concurring with the gentleman from Massachusetts as to the humiliation of the position, he declined writing down the boundary of 49°. He never could do so.

Mr. Douglass then gave way for a brief explanation to

Mr. Owen, who said: I have sought the floor for a few minutes to offer a correction in regard to a statement made (if I heard aright) by the gentleman from Massachusetts [Mr. Adams.] I am aware of the great importance attached to every word which falls from a gentleman of his experience and high public character; and it is therefore the more necessary to correct an inaccuracy proceeding from such a source. I understood the gentleman from Massachusetts to say, that, by the late treaty, the waters of Puget Sound were made free to British subjects. Now, I see it stated, that the copy of the treaty as published in a Philadelphia paper corresponds accurately with that published in the English newspapers since its ratification. But if that copy may be trusted, there is not a word there about granting to Great Britain the free navigation of Puget Sound, or its entrance, Admiralty Inlet. There is not a word in it about free navigation at all, except in regard to the Columbia river and the straits of Fuca; nor any free harbors named, except in our favor, and these are the harbors on the point or cape of Vancouver's island, south of 49°. In connexion with a matter which so excites some portions of the country as this, it is important that it should be distinctly known, that, according to the late treaty, Great Britain has no rights whatever in Puget Sound waters, nor free access to a single one of the many harbors contained in that sound, or in the inlet which forms its entrance from Fuca's straits.

Mr. Perry. I desire to ask the gentleman from Indiana, whether he is in favor of the treaty lately ratified?

Mr. Owen. I say, frankly, so far from being ashamed, (to use the language of the gentleman from Massachusetts, (Mr. Adams,) of the boundary we have obtained, I should be glad to have the terms of that boundary incorporated in the very words of the treaty, in the first section of this bill. I say, further, in regard to the treaty itself, that, calling to mind the facts, that President Monroe, in 1818, voluntarily, and as a first offer, proposed to Great Britain the line of 49°, expressly adding the free navigation of the Columbia; that the same President, in 1823, after the acquisition of the Spanish title, caused a similar offer to be renewed, intimating, indeed, that it would be desirable to obtain 51 degrees, but if Great Britain earnestly insisted upon it, we would consent to the parallel of 49 degrees to the sea; considering, further, that the gentleman from Massachusetts himself, [Mr. Adams,] in 1826, caused his Secretary of State, (Mr. Clay) a third time to propose the extension of the line of 49 degrees to the Pacific, and again to offer, in conjunction with that line the free navigation of the Columbia to British subjects, without a single restriction either as to time or to the commerce of the Hudson Bay Company; considering, yet once more, that a proposal of the same parallel was renewed in 1843, and finally, that it was made even last year by our present Chief Magistrate; in view of these various offers of compromise, I say, that men who have looked calmly and dispassionately over the whole ground, must have come long since to the conclusion, if Great Britain, departing from pretensions to the Columbia river as a boundary—pretensions stoutly maintained for a quarter of a century—did, at last, offer to us the very line we had five times offered to her; that the public opinion of the world would not permit us to reject it.

Mr. Chipman. Will the gentleman allow me to ask him a question?

Mr. Owen. Certainly.

M. Chipman. Then I wish to inquire of him, whether he so construes the wording of the late treaty as to give to all British subjects, in perpetuity, the free navigation of the Columbia.

Mr. Owen. I am not a lawyer, sir, and besides, have had no opportunity to examine this question with sufficient care, to offer a matured opinion. My present decided impression is, however, that a grant of this right to a particular corporation, and that grant specially restricted to the term of their charter, cannot, in any fairness, be construed into a renunciation of the right to British subjects generally, or in perpetuity even to the company named.

A Scene in the French Chamber of Peers.—The grave decorum of this Senatorial body was furiously broken, a short time since, by an unlucky reminiscence of its president, Duke Pasquier. On the trial of Lecompte, for shooting at the King, the question was raised whether his sentence ought to contain a specific a decree of degradation; on which the president observed that degradation was implied in the sentence, as there was precedent to show in the case of Marshal Ney. The Duke unluckily forgot that the son of Marshal Ney was before him, as one of the Chamber. The "precedent" made an instantaneous sensation, as well on this account as by reason of the military and Napoleonic recollections still cherished by so many Frechmen. The Prince de la Moskowa—Ney's son—immediately rose and left the chamber, but on a subsequent day he brought the matter up, and then the scene occurred, as follows:

He yielded, either to his own impulses of filial love and pride, or to the clamors of the press, and on the 19th instant passionately and at some length called the president to account for his reminiscence, and invoked the condign reprobation of the chamber. In the course of his speech he cried: "Does any one here avow participation in an act (the condemnation of his father) which the upright of all countries now stigmatize? If there be one sponsor, let him venture to rise, and I will yield him due credit, just notoriety, for the extraordinary proof of courage." Instantly, General Count de Castellane, a Peer of military and political consequence, stood up; he had already claimed the tribune after the Prince; a pause—much commotion—among the Peers. The Prince only observed that he did not know the trials which might await him in the chamber, and he then continued his main remonstrance. When he had finished, de Castellane, whose father, a general, had voted Ney guilty, entered the tribune, and attempted to speak. The National's account of what passed at this stage is thus translated.

"M. de Castellane had not ascended the steps of the tribune before there arose cries from all sides of the chamber of 'No, no!' 'The order of the day!' The president declared that M. de Castellane had received permission to speak, but numerous voices exclaimed 'He shall not have it.' He, however, though pale, was intrepid enough to speak. The storm increased, and raged on every bench. He opened his mouth, but the tumult extinguished his words. He made gestures, showing that he was determined to maintain the responsibility he had assumed in bravado. He was seen, but not heard. Nothing could be distinguished but a confused noise, such as the septuagenary vaults had never before given out.

"Amidst the rappings made with the paper knives upon the desks, the stamping of feet on the floor, and the vociferation of 'The order of the day,' three or four generals rose, and cried out in indignant terms, 'It is infamous!' One said, 'It is abominable!' 'Come down from the tribune!' 'Enough, enough!' 'Too much!' General Roguet, who was below us, could not resist his feelings; his eye flamed as if he were in battle; his old blood was up, and his voice as if in the midst of conflicting armies. We more than once thought he would rush forward as if mounting to the assault, and make a breach in the dress of his colleague.

"This extraordinary scene lasted more than ten minutes; all the dignity of the chamber was lost. During this time M. Pasquier stood behind M. de Castellane, now addressing himself to him, now appearing to be struck dumb by the tremendous explosion. He endeavored to obtain silence, but all his authority was gone; the chamber would not allow any one of its members to exhibit the scandalous attempt to show its adhesion, however remote, to the infamous deed of which it had been reminded."

The general published the next day all that he intended to express; he asserted the patriotic spirit and sense of duty which actuated *his* father, and his own readiness to abide all responsibility.

The Board of Naval Officers.—It is now unquestioned, say the Washington letter writers, that a majority of the Board of Naval Officers, recently convened at Washington, have coincided with the views of Mr. Bancroft in changing the system of promotion in the service from the established mode of seniority to one of 'merit,' to be determined by the Secretary of the Navy. There are now several vacancies in the grade of Post Captain, the highest known to our service, which it is supposed will be filled by the new principle of promotion. The views of the Secretary, it is stated, were resisted by Commodore Stewart, the President of the Board, Commodore Jones, Com. Kearney, and others. It is said that Com. Stewart has drawn up a protest, on his own behalf.

The Board, before adjourning, recommended for promotion to the grade of Commanders, Gauntt, Ogden and Conover. Commanders Henry, Ramsay, and Downing were overslaughed. Lieuts. Glendy, Henry, Pinkney and Upsher were recommended for Commanders, Lieut. John H. Little being overslaughed. Lieut. Blake was also recommended for the next vacancy. Passed Midshipmen Pearce, Robertson, Izard, Worded and Blanton have, we learn, also been nominated to the rank of Lieutenant.

First Effects of the Tariff of 1846.—The day after the receipt of the news at Boston of the passage of the Tariff, the manufacturers put down the price of their goods from five to ten per cent. At the time this reduction was made, the agent of the Lowell companies stated that they did not fear foreign competition under the new law.

On the 30th ult. there were 400 *mules* in Louisville Ky., ready for shipment to the army. They are all selected animals, and were purchased at a high price. Each one is branded on the shoulder, with the initials of Uncle Sam. The Gen. Taylor takes out 117; the rest will be shipped immediately.

SUPREME COURT OF INDIANA.

Cases determined at the July Term, 1846.

REPORTED FOR THE SENTINEL BY A. M. CARNAHAN.

Monday, July 20, 1846.

John B. Niles v. Board of Sinking Fund Com. of Indiana. Error to Marion C. C. Opinion by Perkins, J.

The Commissioners of the Sinking Fund cannot charge compound interest when there is no agreement to that effect

As a general rule, compound interest is not allowed unless there is an agreement to pay it on or after the simple interest become due and in consideration of its forbearance. *Reversed.* Bradley, Niles and Osborn for plaintiff; Morrison and Major for defendant.

Franklin v. Thurston and others. Appeal from the Floyd C. C. Opinion by Dewey, J.

A decree of foreclosure and for a sale of the mortgaged premises, should order the sale to be made in conformity with the statute in force when the mortgage was executed. *Reversed.* Crawford for the plaintiff.

Kent v. the State. Error to the Shelby C. C. Opinion by Perkins, J.

Under the law requiring the filing of marriage certificates in three months and annexing a penalty of five dollars a month for delay afterwards, no fine can be assessed till the expiration of a full month after the three months. *Reversed.* Morrison and Major for plaintiff; Hammond and Bradley for the State.

Gray v. Baldwin. Error to the Steuben C. C. Opinion by Perkins, J.

A mortgage may have an injunction against a mortgagor to stay waste before the mortgage is due.

On a motion to dissolve an injunction improperly granted, the bill should not be dismissed on account of improper granting of the injunction. *Reversed.* Howe for plaintiff; Coombs for defendant.

Marshall et al. v. the State. Appeal from the Perry C. C. Opinion by Blackford, J.

A county officer appointed by the Board of County Commissioners, and who gives bond to the State for the performance of his duties instead of to the board of County Commissioners as required by statute, such bond is unauthorized and void. *Reversed.* Morrison and Major for plaintiff. Hammond and Lockhart for the State.

Haller et al. v. Pine. Error to the Martin C. C. Opinion by Dewey, J.

When an action has been brought for the disturbance of a certain right, and a verdict obtained for the plaintiff, under the general issue, and another action, between the same parties for a subsequent disturbance of the same right is commenced, and the general issue pleaded, the first recovery, though strong evidence to sustain the plaintiff's right, in the second cause, is not conclusive upon the defendant, but may be rebutted by other evidence.

If a person's mill is injured by the obstruction of the stream on which it stands, suit is brought for the injury, that the plaintiff's mill dam is a public nuisance, is no defence to the action. *Reversed.* Watts for the plaintiff; G. G. Dunn and Livingston for the defendants.

Dormice and others v. Cogly. Error to the Union C. C. Opinion by Blackford, J.

Plea in bar of a writ of error that A, one of the plaintiffs in error exhibited his petition for the benefit of the bankrupt law and was discharged from his previously contracted debts, *Held*, That the plea was bad for this reason if no other, that the judgment removed by the writ of error was rendered after A was declared a bankrupt. *Affirmed.* Sleeth and Test for plaintiff; Newman for defendant.

Taylor and others v. Sinford and others. Error to the Elkhart C. C. Opinion by Dewey, J.

An entry of replevin bail, after a judgment has ceased to be repleviable by the statute has not the effect of a judgment and cannot be the foundation of an execution. *Affirmed.* Jarnegan for the plaintiff; Wick and Barbour for the defendant.

Young v. Coffin. Error to the Washington Probate Court. Opinion by Perkins, J.

An administrator *de bonis non* cannot sue at law or in equity, the executor or administrator of the deceased executor or administrator for a *devastavit* of such decedent. The remedy in such case is by the creditors, distributees, &c. under the statute. *Reversed.* J. H. Thompson for plaintiff.

Shaw et al. v. Hoadley. Error to the Tippecanoe C. C. Opinion by Perkins, J.

Where a mortgagor has sold and conveyed his equity of redemption in the mortgaged premises to a third person, who assumes payment of the mortgage debt, such mortgagor need not be made defendant to a bill to foreclose.

The proceeds of the sale of an equity of redemption goes to heirs and not to administrators. *Reversed* in part. *Affirmed* in part. Pettit and Huff for plaintiff; Mace for defendant.

Herald v. Harper et al. (two cases.) Error to the Knox C. C. Opinion by Dewey, J.

One of several joint administrators is competent to perform the duties of administrator.

A B and C are the administrators of D E and D who were partners in trade at the death of D. A and B as two of the administrators on one side, and C in his individual capacity, on the other, settle the partnership accounts, and find due to the estate of D a certain sum for which C executes his note to A and B as administrators. *Held*, That the note was founded on a good consideration. *Reversed.* Whitcomb and Law for plaintiff; Judah for defendants.

Stephenson v. Herrod. Error to the Daviess C. C. Opinion by Dewey, J.

If an action of assumpsit with one count on a promissory note for a sum not exceeding fifty dollars, and one count on an *insinue computasset* for the same amount be commenced in the Circuit Court, and after interlocutory judgment by default against the defendant, the plaintiff non pros. the second count, the judgment should be for the plaintiff for the amount of the note and for the defendant for costs. *Reversed.* Watts for plaintiff; Terry for defendant.

Robbins v. Robbins. Error to the Parke C. C. Opinion by Dewey, J.

The widow of a man against whom judgments existed at the time of marriage, is entitled to dower, subject to the liens of the judgment. *Reversed.* Wright and Maxwell for plaintiff; Bryant and Roache for defendant.

The State v. Taylor. Error to the Fayette C. C. Opinion by Perkins J.

An unnaturalized foreigner may be a competent juror in this State. *Reversed.* Julian for the State.

The State v. Whitson. Error to the Parke C. C. Opinion by Perkins J.

W. was recognized to appear in the Circuit Court to answer to an indictment, and not to depart without leave, and to abide the judgment of the Court. He appeared; was tried, fined, and judgment was passed against him. He did not appear to pay or replevy the judgment. *Held*, his recognizance was forfeited. *Reversed.* Wright and Maxwell for plaintiff, Bryant and Roache for defendants.

Goodtitle ex dem of Cook v. Cummins. Error to the Noble C. C. Opinion by Blackford J.

Parol evidence to correct a mistake in a sheriff's return of an execution, as to the day of the sale, is admissible.

A purchase for a valuable consideration is not affected by the notice of his grantor. *Reversed.* Howe for plaintiff, Colesick and Coombs for defendant.

Markle and others v. Rap's heirs. Error to the Vigo C. C. Opinion by Blackford J.

The defendants in error plead the statute of limitations in bar of the writ of error. Replication, that the plaintiffs in error ought not to be barred, &c., because at the time of the rendition of the decree, certain of the heirs were infants.

Held, that under the statute of limitations of 1838, which governs this case, the replication is bad, because it does not show that all the plaintiffs were authorized to sue out the writ of error.

Judgment, that the plaintiffs in error are barred of their writs of error. Kinny, Bryant, Fletcher and Butler, for plaintiffs, O. H. Smith and Farrington, for defendants.

Brush et al. v. Babbett. Error to the Franklin C. C. Opinion by Blackford J.

Same as in the case above. Johnson for plaintiffs, Holland for defendants.

Shannon and others v. Dunn and others. Error to the Jefferson C. C. Opinion by Blackford J.

Same as above. Stevens and Bright for plaintiff, Marshall for defendants.

Coquillard et al. v. Suydam. Perkins J. absent.

Per Curiam. Motion to tax docket fee. The motion must be granted. The statute of 1846 revives the law of 1841, giving docket fees in certain cases.

In the ninth judicial circuit, except the counties of Elkhart, Kosciusko and Marshall, half of the docket fee goes to the use of common schools. Laws of 1846, 64.

Linseed and Flaxseed.— Mr. Webster, in his speech in the Senate, attempts to throw ridicule on the Secretary of the Treasury because linseed is placed in the 10 per cent. schedule, and flaxseed in the 20 per cent. The misfortune is, that the charge rests on no better foundation than the other statements made in the speech, none of which will bear examination. The facts are these: while the bill was under discussion in committee of the whole in the House of Representatives, one of its enemies, a protectionist, moved that flaxseed be taken from the 10 per cent. schedule, where the Secretary's bill placed it, and be transferred to 20; before Mr. McKay could explain, the vote was taken and carried, and the bill so sent to the Senate. These facts are said to be notorious at Washington, and it is rather surprising that it should not have been heard by Mr. Webster.—*N. Y. Evening Post.*

A Legal Duel occurred in Prussia last June, under the following circumstances:—Lieutenant Dukaus insulted Lieutenant Bonnart, and the latter challenged him. The tribunal of honor for their division of the army having interfered to procure a settlement, according to the regulations of the Prussian service, without success, ordered them to fight it out with cavalry swords, before judges. A large plain was selected for the fight, and thousands of the populace attended from all quarters. After a combat of a few hours, Bonnart was seriously wounded, and a reconciliation took place immediately, amid the plaudits of the spectators. It is the first time the tribunal ever authorized a duel, all former disputes having been amicably adjusted.

Mr. Dallas.—A meeting is about to be held in New York by the democrats of that city, for the purpose of appointing a committee of two hundred, who will proceed to Philadelphia and meet the Hon. Vice President after the adjournment of Congress.

Circumstances.—The proprietor of Swaim's Panacea, who made a large fortune by the sale of his medicine, was a poor bookbinder, and found the recipe on the fly-leaf of an old book.

Oh, Boatman, Haste.

BY GEO. P. MORRIS.

Tune—"Dance, Boatman, Dance."

TWILIGHT.

Oh, boatman, haste!—the twilight hour
Is closing gently o'er the lea!
The sun whose setting shuts the flower,
Has looked his last upon the sea!
Row, then, boatman, row!
Row, then, boatman, row!
Row!—aha!—we've moon and star!
And our skiff with the tide is flowing.
Heigh-ho!—ah!—heigh-ho!
Echo responds to my sad heigh-ho!

MIDNIGHT.

Oh, boatman, haste!—the sentinel calls
The midnight hour on yonder shore!
And silvery sweet the echo falls
As music dripping from the oar!
Row, then, boatman, row,
Row, then, boatman, row!
Row!—afar!—shine moon and star,
While our skiff with the stream is flowing.
Heigh-ho!—ah!—heigh-ho!—
Echo responds to my sad heigh-ho!

DAWN.

Oh, boatman haste!—the morning beam
Glides through the fleecy clouds above!
So breaks on life's dark murmuring stream
The rosy dawn of woman's love.
Row, then, boatman, row!
Row, then, boatman, row!
Row!—'tis day!—away!—away!
To the land with the stream we are flowing.
Heigh-ho!—dear one—ho!
Beauty responds to my glad heigh-ho!

A Sprinkle of Irish.

A Hibernian, with a poll as red as the Red Lion at Brentford, and rendered still more red by a copious discharge of blood, which oozed through a dirty rag tied over a recent wound on his scalp, applied at Bowstreet at the beginning of the week for a warrant, when the following dialogue stook place:

Magistrate—"Well, Pat," (for his countenance operated as a sort of finger post, pointing to the road from whence he came,) "what do you want!"

"I'd be wanting a warrant, plase yer Honor."

"Against whom!"

"Agin Barney O'Leary, plase yer Reverance."

"For what!"

"For murther, yer Grace."

"Whom did he murder!"

"Divil a creature but myself, yer Honor."

"And has he murdered you!"

"By my soul he has, bad luck to him! He cut a hole in my head big enough to bury his cat."

"He has n't killed you outright, I see."

"It's not his fault that he has n't, yer honor, for he intended it, and nothing surer."

"I suppose an assault warrant will suit your purpose!"

"Yer Honor knows what's best, and I'll take what I can git."

"When did he assault you!"

"Last night that ever was, your Reverance."

"Did he hit you with a stick!"

"'Fore God he didn't, yer Honor, but wid a poker."

"A poker! That's a dangerous weapon."

"Divil a doubt of it."

"Where were you!"

"Where was I!—why, in bed, to be sure."

"Asleep or awake!"

"As sound as a roach, yer Honor."

"And what provocation had you given him!"

"Divil a provocation at all, yer Honor; how could I when I was sound asleep!"

"What! do you mean to say he came to your bed side and struck you in this dreadful manner without the slightest provocation!"

"It's truth what you say, yer Honor, barring he came to his own bedside instead of mine."

"His own bed side—were you in his bed!"

"Faith, you just guessed it, yer honor."

"And what brought you there!"

"That's more than I can tell, yer Honor; barring the liquor that was in me."

"And was this all you did to provoke his anger!"

"Divil a thing else."

"Was there any other person present!"

"Not a creature, indipindint of his wife."

"His wife!"

"Of coorse!"

"Of coorse! and don't you think you deserved what you got?"

"Is it me!"

"Yes, you."

"Sure it was all a mistake, yer Honor. I thought 'twas my own wife, and devil a hair of her head I touched."

"That may be; but you must be more careful in future; and I think under these circumstances you must be content with what you have got, for I cannot grant a warrant."

"Tank yer Honor; but when he hits me agin, it wont be for nothing."

[Exit Pat, shrugging his shoulders, and evidently disappointed.]

It turned out that the fellow went drunk to the bed, and was unconcious where he was, till Barney gave him a gentle hint with the iron persuader, and fortunately his skull was thick enough to resist the intended finisher. Barney's wife, who was awoke by the shock, lent her assistance in whacking him out of the room. She expressed her utter unconsciousness of his presence, till her lawful lord arrived and discovered the intruder.

The Old Church and the Wind.—"For the night wind has a dismal trick of wandering round and round a building of that sort, and moaning as it goes; and of trying, with its unseen hand, the windows and the doors, and seeking out some crevice by which to enter. And, when it has got in, as one not finding what it seeks, whatever that may be, it wails and howls to issue forth again, and not content with stalking through the aisles, and gliding round and round the pillars, and tempting the deep organ, soars up to the roof and strives to rend the rafters; then flings itself despairingly upon the stones below, and passes, muttering, into the vaults. Anon, it comes up, stealthily, and creeps along the walls, seeming to read, in whispers, the inscriptions sacred to the dead. At some of these it breaks out shrilly, as with laughter; and, at others, moans and cries as if it were lamenting. It has a ghostly sound, too, lingering within the altar, where it seems to chaunt, in its wild way, of wrong and murder done, and false gods worshipped, in defiance of the tables of the law, which look so fair and smooth, but are so flawed and broken. Ugh! Heaven preserve us, sitting snugly round the fire. It has an awful voice, that wind at midnight, singing in a church.

"But high up in the steeple! There the foul blast roars and whistles! High up in the steeple, where it is free to come and go through many an airy arch and loophole, and to twist and twine itself about the giddy stair, and twirl the groaning weathercock, and make the very tower shake and shiver! High up in the steeple, where the bell'fry is; and iron rails are ragged with rust; and sheets of lead and copper, shrivelled by the changing weather, crackle and heave beneath the unaccustomed tread; and birds stuff shabby nests into corners of old oaken joints and beams; and dust grows old and gray; and speckled spiders, indolent and fat with long security, swing idly to and fro in the vibration of the bells, and never loose their hold upon their threadspun castles in the air, or climb up, sailor like, in quick alarm, or drop upon the floor and ply a score of nimble legs to save life! High up, in the steeple of an old church, far above the light and murmur of the town, and far below the flying clouds that shadow it, is the wild and dreary place at night; and high up in the steeple of an old church dwelt the chimes I tell of.—*Dickens's Chimes.*

Concluded not to die yet.—A letter from the new manufacturing village in Andover, Mass., called Essex City, to the Boston Transcript, under date of 3d instant, says,—"Some apprehensions are felt as to the influence of the new Tariff Bill; but though it may damp the zeal of many for purchasing land, &c., at present, it is not thought that the general progress of the city will be at all retarded."

We dare say it will not. The fact is, (unless we are greatly mistaken) that without any protection at all, almost, if not all of the cotton manufactures would yield a more liberal profit to the parties concerned, than agriculture now does to the farmers. But instead of this, they retain a *protection*, or whatever it may be called, under the new Tariff, of 25 per cent., in addition to freight and other charges connected with the importation of the foreign article, making an actual protection of 35 or 40 per cent. If there is any reason why this rate should be changed, it is because it is too high.—*N. Y. Journal of Commerce.*

☞ Somebody in Boston advertises a room for a *phisition!*

"I want my mother"—*Angelo La Hiver, the little White Mice Boy*, died at the Massachusetts General Hospital, Boston, on the 25th ult. He was an Italian, only 15 years old, and "had travelled"—his box and white mice being as well known in London as in Boston. Separated from home and kindred, his patience and gentleness won the regard of strangers. The sympathy of the officers and inmates of the Institution, showed itself in various attentions and acts of kindness. One of the trustees gave him a number of a recent English publication, which contained a representation of himself exhibiting his white mouse. He contemplated it with as much gratified ambition, as Napoleon would have felt on viewing an engraving of the Battle of Austerlitz. The day before he died a beautiful young white mouse was found in the garden of the Hospital, and brought to Angelo. He was delighted. The bitterness of death, was for the moment, forgotton. The night which followed was solemn and melancholy to all his fellow sufferers, as they listened to his touching ejaculations, "I cannot die, I am afraid to die! I want my mother!"

A Western Boy's Idea of Manhood.—An Indianapolis correspondent of the New York Tribune, relates the following dialogue held with a Hoosier boy:

"I met a boy, apparently about twelve years old, and hailed him with, 'My little man, wouldn't you like to go to Texas?' 'I am going,' said he. 'Why, what are you going to do?' 'I am going to be pivot boy, and wait upon the officers and help cook.' 'Are you going to carry a gun?' 'No, but I shall carry a pistol, and want to kill one Mexican, and if I get a chance, I will.' 'Does your mother know you are going?' 'Yes, sir; and she told me to go. She wanted me to see the world, and it might make a man of me; and after one year I shall carry a musket, and if I can only kill fifteen Mexicans, I shall come back a man."

Whose boy is he!

Winter in Oregon.—One of the late party arrived from Oregon states, says the St. Louis *Reveille*, that the winter rains in that country, which frequently continue for two or three months, are not such as we have this side of the mountains. Here it descends in torrents—there it falls in gentle mists. Here we can scarcely find shelter from the pelting storm—there the husbandman ploughs and sows throughout the rainy season." All kinds of stock are still at rather high prices, Cows are worth $25 to 30; oxen $75 to 80; American horses of good quality, $150 to 200; pork, 10 cts.; bacon, 15cts.; and beef 5 cents per pound.

The Hunters of Kentucky.—A cavalry regiment of Col. Humphrey Marshall, mustering 1000 strong, are represented as a body of martial men. They are generally athletic young men, riding splendid horses, and their picturesque dress imparts to them a romantic appearance. The hat particularly is very fanciful. It is a drab beaver with a broad brim, ornamented with several gold stars, and looped up with gold lace in the three cornered fashion of the Revolution. They all wear their beards unshorn with boots over the legs of their trousers, reaching above the knee, armed with huge spurs on the heel and faced with red morocco.

Terrible Hurricane.—A terrific hurricane occurred at the Island of Rarotoga, on the 16th of March. The sea overflowed its banks and the rain descended in torrents. Two hundred and twenty dwelling houses were swept away. Thousands of cocanut, breadfruit and other trees ripped up by the roots, and the work of twenty years of civilization entirely destroyed. No lives were lost, but a severe famine was anticipated.

The Panic.—A writer in the Troy Budget denies the statement that some 200, or that any hands had been discharged in the Troy Vulcan Works. He adds, that several large concerns in that city, who employ more men than any of the Iron Works, and some of them as many persons as any of the Cotton or Woollen factories, will not discharge a single person in consequence of the passage of McKay's tariff bill.

The Scripture Argument.—Fletcher Webster, Esq., in his Fourth of July Oration, says—'The Scriptures no where denounce war in terms, they attack no classes, no professions, no occupations of men.' This argument is worthy of Jonathan Wild, who justified himself in drinking punch, on the ground that 'it was a liquor no where spoken evil of in the Scriptures.'

Another Hanging.—A slave *boy* named *George* has been found guilty of murder in Charleston, and sentenced to be hanged on the 1st Friday in October next.

Death.—Ex-Governor George Howard, of Maryland, died recently at his residence in Anne Arundel county, Md. of apoplexy.

N. P. Rogers says (and truly, in the Providence *Sentinel*,) that a tariff on goods to support the people, is like bleeding one from the jugular to get food for him.

We should always entertain the strongest apprehension of friends that we have injured—the faithful dog that becomes mad, turns first upon his master.

ST. MARY'S SEMINARY.

The Principal and Trustees of this Institution have the pleasure of announcing to the public that they have employed the accomplished vocalist and piano forte player, Mrs. Irwing, as teacher of Vocal and Instrumental Music in this Institution. Mrs. Irwing is a stranger in this community, but brings with her the most satisfactory testimonials as to her qualifications as a Teacher of Music, and her performance upon the piano speaks for itself. She has brought with her two excellent instruments, one of which will be kept at the school rooms, and the other at her residence on Meridian street, just north of Dr. Mears's. We trust that all parents who wish to give their daughters a good musical education, will bestow upon Mrs. Irwing that patronage which she so highly deserves.

Pupils not connected with the school will receive instruction either at the seminary or at the residence of Mrs. Irwing, as may be most convenient to themselves.

Terms, per quarter, - - - - - - - - - $10.00
Use of the Instrument, - - - - - - - - - 3.00

Mrs. Irwing will also give lessons in French during the session of the Institution, at reasonable charges. Session commences August 27, 1846.
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