Double Sheet Crescent.

NEW ORLEANS:

MONDAY MORNING, MARCH 31, 1856.

Steamships to Nicaragua.

The difficulties between the Rivas-Walker Government and the New York Vanderbilt Company, are not destined to work a suspension of steamship communication between New Orleans and the El Dorado of the South but for a very short period, and will cause but little material inconvenience. In fact, we think the future will demonstrate that the Company has lost largely by their withdrawal of the line, and that it would have been better for parties therein concerned if the interruption had never taken place.

We understand that steamships will soon be put, even if they are not already, on the Pacific and Atlantic lines, and that ample accommodations will be provided for the conveyance and transit of passengers. Indeed we should not be at all surprised if steamships were now regularly plying between San Francisco and San Juan del Sur, and other ports on the Pacific coast. Before the late troubles, it is understood arrangements were perfected whereby Mr. C. K. Garrison, of San Francisco, had engaged to supply a sufficient number of steamships to meet the requirements of the Pacific side, in case the Transit Company's boats were, or were not, withdrawn. We have good reason to believe this contract is already being carried out in good faith.

On Saturday we received information from an unquestionable source that a steamship from New York, to be despatched by Mr. Charles Morgan, would arrive here on or about the 10th of April, and would start for San Juan de Nicaragua as speedily thereafter as might be deemed advisable. We were also told that this steamship would remain permanently in the trade; and another, we presume, will be added, if necessary. Mr. Morgan never does things by halves.

So it will be seen that the stoppage of steam navigation between the two Republics is destined to be brief, and that no great harm can have resulted from the difficulties to which we have alluded.

SPRING AND SUMMER CLOTHING.—N. C. Folger, Nos. 6 and 10 Levee street, corner of Customhouse, has a supply of spring and summer clothing, which for completeness, elegance and durability, compares favorably with any in the city, and will be sold as low as the same qualities at similar establishments. This stock, which is very well described in the advertisement, contains, besides the usual extensive and varied assortment of gentlemen's wear, a full and complete quantity of plantation clothing, manufactured from planters' linen, fancy cottonade, drill and other durable materials.

In addition to this general stock, Mr. Folger has very nearly all the minor accessories of either use or ornament, hosiery and furnishing goods, shirts, undershirts, drawers, handkerchiefs, trunks, valises and carpet bags—making a stock as entire in all its departments as to be complete in the general outline. The supply of boys' clothing is very large and comprises all sizes needed. The furnishing department is so arranged as to leave nothing to be wished for, and of such a style and at such cost as will satisfy the purchaser.

STANDARD WORKS, NEW PUBLICATIONS, ETC.—By reference to our advertising columns it will be seen that our friend White, No. 105 Canal street, is supplied with a complete stock of school books, embracing all the text books used in colleges and academies throughout the United States. His stock of standard works and recent publications embraces all that is desirable in every department of literature. Merchants and dealers will find it to their advantage to examine his stock before completing their purchases.

SELLING AT COST.—The entire stock of Joseph Harty, No. 21 Camp street, under the City Hotel, consisting of gold and silver watches, jewelry, silver and plated ware, and fine fancy articles is being disposed of by his agent, at the lowest cost of importation. City dealers and country merchants will find the opportunity a good one for making such purchases as they need.

SOUTHERN FURNITURE WAREROOMS.—Charles A. Stewart, Nos. 171 & 173 Canal street, has lately received from his manufactory a beautiful stock of mahogany armoirs and bedsteads, which will be afforded at very low rates. The reputation of the establishment, both for the excellence of the articles sold by it and reasonable prices which always prevail, are such as must be familiar to all purchasers here and require no comment.

NEW BOOKS.—Thomas L. White, No. 105 Canal street, has received and for sale Longfellow's new poem, entitled Hiawatha, Prescott's Phillip the Second, Fanny Fern's Rose Clark, and numerous other recent publications of use and interest. His stock is as complete as any in the South, and merchants and individuals should call upon him.

BOOTS, SHOES AND HATS.—Reed & Field, No. 66 Gravier street, has received and offer for sale one of the best assorted stock of boots, shoes and hats ever offered in this city; embracing a great variety of descriptions, all recent fashions and the finest fabrics. Merchants, planters and others making purchases should call upon them and examine their supply.

NEW ORLEANS STATIONER'S WAREHOUSE.—J. B. Steel, law publisher, bookseller and stationer, No. 60 Camp street, has a very complete supply of Architectural works of great utility to those who are building in city or country; and of agricultural works without which the farmer's occupation is unenlightened and blind. A variety of works and treatises upon the growth and management of animals and poultry, may also be found at Steel's; which, in this time of rivalry in that department, will ensure success to the best, student and most able pupil.

SCHOOL BOOKS.—W. Flemming, Magazine street, corner of St. Andrew, Fourth District, has received a large assortment of school books, including geographies, arithmetics, readers and spelling books of various kinds. He has a very good supply of miscellaneous reading, and such treatises as are generally sought for, and his prices are quite as reasonable as those of others in the trade. Those who have to purchase should call on him.

MOODY'S SPRING AND SUMMER STOCK.—Among the many large establishments that pay particular attention to gentlemen's furnishing goods, that of S. M. Moody, corner of Canal street and Exchange Place, deserves notice. The supply of shirts compares favorably, both in quality and quantity, with that of any other establishment, and the stock of furnishing goods is as complete, as varied and as reasonable in cost as can be desired. Higher praise need not be bestowed, and that the present commendation is legitimate and deserved, can be easily demonstrated by calling. See his advertisement.

BEAUTIFUL SPRING GOODS.—Leighton & Barbot, corner of St. Charles and Canal streets, are receiving fresh invoices of fashionable spring clothing, making their stock as large and as desirable as any in the city. Inasmuch as the articles come from their own manufactory, there is a sort of insurance that they are well made and of good material—an insurance which will be found to be true upon close inspection.

The old reputation of the celebrated Leighton shirt, has rather grown by age than diminished. Competition has served to point out its many merits and demonstrate those excellencies of which it is possessed. Gentlemen will find the supply undiminished in excellence and extent, at the old stand, where all who have occasion to make purchases should call.

WOODMAN'S CHERRY EXPECTORANT.—The Cherry Expectorant, composed of the pure juice and medical qualities of the wild cherry bark, and many other valuable ingredients, that render it a very superior cough medicine, can be obtained of the proprietor, O. O. Woodman, corner of Common and Magazine streets, and of the principal druggists. Its high medical properties are certified to by the card of Dr. Maitland, which is included in the advertisement, and also by the recommendation of the sellers, who consider it superior to any cherry pectoral, cod-liver oil or other extract with which they are conversant. As it is peculiarly a Southern remedy, all Southerners should provide themselves with it.

UNIVERSAL REMEDIES.—J. Wright & Co., Nos. 21 and 151 Chartres street, in the list of their valuable medicines and remedial agents, include Winers' Canadian vermifuge, Dr. Bull's extract of sarsaparilla, and Sherman's patent tooth paste, all of which are well and widely known, not only through our own region, but wherever medicine is used. Their various merits are sufficiently specified in the advertisements, and all that is requisite to secure a large sale for them is that they should be generally known.

VARIETIES THEATER FOR RENT.—The new and beautiful theater of the Varieties Association, known as the "Gaiety," with its stock of scenery, wardrobe, properties and music, is now offered for rent. Possession can be had at the close of the present theatrical season or at the commencement of the ensuing one, which commences on the first of October.

COOPER'S WELL.—This noted watering place, in Hind's county, Miss., only forty miles from Vicksburg, with which it has railway connection, is now opened for the cure of a number of diseases of a chronic character, which are mentioned in the advertisement. Cooper's Well ranks with the foremost of our fashionable resorts, and although the yellow fever paid it a visit last year, being carried by persons from an infected district, such means have been since taken as it is believed will renew its olden sanitary reputation and make it one of the healthiest resorts in the South-West.

☞ All who desire to look through the blanket that separates the present from the future are refered to Madame Blanche's advertisement, published in another column of to-day's paper.

GENTLEMEN'S CLOTHING AND FURNISHING GOODS.—R. Pitkin & Co., No. 37 Camp street, are continually receiving fresh supplies of spring and summer clothing, cut in the latest style and made up in the best manner. The stock is not only as large and as elegant as can be found in the city, but it is as durable and well made as the homespuns with which life was commenced. Gentlemen who are making purchases should not fail to call at Pitkin's and examine his supply.

CHAMPAGNE.—F. W. Cooler, No. 110 Common street, has a very large and desirable supply of approved champagne wines, comprising those brands which have been most generally accepted and approved. Those who are filling their cellars, or laying in private supplies, will find they can do so as advantageously and reasonably by calling at Mr. Cooler's, as at any other place in the city.

THE CENTRAL AMERICAN WAR.

In another part of to-day's paper we give a concise, but comprehensive account, of the war news from Central America, brought by the Daniel Webster on Saturday. It appears that the government of Costa Rica has declared war against the government of Nicaragua, and that both States were marching troops for purposes of hostile conflict.

From all accounts it is clear that Costa Rica is in the wrong, and that Nicaragua is in the right—is only taking steps to defend her territory from the unjust and uncalled-for invasion. The war has been forced on Nicaragua, while she was holding out the olive branch of peace and tendering pledges of the most pacific and honorable character to Costa Rica. Peace was not only proffered, but a special minister was sent to arrange and negotiate all matters of difference. But these peaceful overtures were all rejected, and hardly had the minister returned to his government before, without cause or notice, war was declared in a proclamation from the President of Costa Rica, couched in the most offensive and vindictive terms, in which *extermination*, by force of arms, is denounced against the Americans in Nicaragua!

This proclamation was promptly met by a declaration of war on the part of Nicaragua, the army was at once put under marching orders, and troops were despatched towards the frontiers. From this exhibition of Anglo-Saxon energy, we augur a short, sharp and victorious struggle, resulting in the complete triumph of the arms of the Rivas-Walker government.

The reasons assigned in the war proclamation of the President of Costa Rica, are utterly insufficient to justify the sanguinary measures resolved upon—The document will not bear the slightest test of honest, or patriotic, or humane criticism. No legitimate causes for war are set forth. The assistance of Costa Rica has not been invoked by the people of Nicaragua. The rights of Costa Rica have not been infringed or threatened by the Nicaraguan authorities, nor has offence been given in any shape, manner or form. Yet Nicaragua is to be invaded, blood is to be shed, the government is to be overthrown, and a great and noble experiment of regeneration and progress is to be blasted, simply because Americans—*our* countrymen, *our* brethren—have been instrumental in infusing life, vigor, enterprise and higher aspirations, into every department of a country gloriously blessed by nature, but impoverished and ruined by civil wars, anarchy, confusion, insecurity and corrupt and incompetent rulers! This is the gist of the war manifesto. Hatred for Americans lies at the bottom of the whole proceedings; and there is little doubt they would be "exterminated" to "*the last man*," should the ruthless invaders succeed.

Here is a picture of savage vindictiveness for the great American nation to ponder over. Three or four thousand of their countrymen are in Nicaragua, and a mongrel President of a mongrel people coolly invokes, in an official document, their extermination.

If no interference, on the part of any foreign government takes place—and none should be allowed—there is no sort or shadow of doubt of Gen. Walker's ability to defeat all the forces combined Central America could bring against him. Indeed, we deem it more than probable that the Costa Ricans have been overthrown ere this, and that they are now humble suppliants at the feet of those they threatened to destroy. At least, we hope so, as strongly as it is possible for human nature to hope. And, when peace is granted them, it ought to be on terms that guarantee indemnity for the past and security for the future. They should be taught a lesson they could never forget.

The next advices from Central America will be awaited with intense anxiety; and, in the meantime, the principle of non-intervention, so long preached and so little practiced, should be enforced in regard to the Central American war. Let England, France and the United States keep clear of the difficulty; and if any European governments do interfere, or attempt to interfere, let President Pierce boldly avow to "all the world, and the rest of mankind," that the Monroe doctrine must and shall be enforced, let the consequences be what they may. He could not make a move which would be more acceptable to the people, or which would do so much to strengthen his chances for re-nomination and election.

Besides, this is a domestic war in which foreign nations have no right to interfere. The States of Central America have been fighting each other for the last twenty years, at different times, without let or hindrance from abroad. It would be a scandalous outrage to allow interference now because a few thousand Americans have got mixed up in the matter.

GROCERIES.—Cooper & Neibert, No. 35 Common street, offer a very complete and desirable stock of groceries to the public, comprising every article that is named in the long catalogue of such things requisite for human sustenance and support.

The stock is so large and complete, and so fully covers the whole territory occupied by a house of its character—at such prices, too, as must be satisfactory to all purchasers—that we cannot do other than recommend purchasers to call on them before completing their supplies. The store is in a convenient and central portion of the city, and its reputation anticipates the character of the articles sold by it.

In addition to the supply of groceries, etc., a very fine supply of wines, whiskies and brandies, may be obtained at the store of Cooper & Neibert. The stock embraces all the favorite brands in their highest purity and greatest excellence. As all are interested in the fact, so all should pay attention to its publication.

DRESS GOODS AND SPRING MILLINERY.—J. Levois & Co., corner of Canal and Bourbon streets, have lately received an addition to their stock of muslins, silks, calicoes and dress goods, making the collection, in all respects, as complete as the most particular could desire. Ladies who are in quest of the most elegant and seasonable spring styles should not consider their search complete without examining the stock of Levois & Co.; than which, there is not, we are assured, any larger, handsomer or more desirable in the city. Every kind of fine goods, of all colors and patterns, may be found there, besides a large assortment of those more common articles which, without being ornamental, are indispensable to daily use. The advertisement sets the record more fully forth.

HARNEY'S TONSORIAL SALOON.—The tonsorial establishment of K. Harney, No. 65 Common street, has won a very high reputation among all who visit it, for the neatness, comfort and excellence of all operations performed at it. The best barbers the city affords are enlisted in its ranks, and shaving and hair cutting are scientifically performed. A new hair dye is made use of that surpasses all others in merit and high excellence. Gentlemen should call and verify the statement by their experience.

ATTENTION, LADIES.—S. B. Churchill, corner of Dryades and Terpsichore streets, opens to-day a great variety of new goods, which will be sold at great bargains to every purchaser. Muslins of many kinds, jaconets, Swiss, bareges, calicoes, ginghams, lace and embroideries, form a part of his stock, which as well deserves the patronage of the ladies as any to be found in the city. See his advertisement.

☞ We would call the special attention of our readers to the card of our old friend and fellow-townsman, Thos. B. Winston, Esq., who has become a resident of St. Paul, Min., and will leave for that city about the 15th of April. All persons having business with him previous to his departure, will find him at 82 Camp street; after above date, direct to St. Paul, Minnesota.

NEW SPRING AND SUMMER CLOTHING.—Messrs. Pierson, Harrison & Co., No. 1 Magazine street, corner of Canal, are receiving and selling a very large and fine assortment of spring and summer clothing, which comprises all the latest fashions, and all of the most desirable fabrics. The general character of the stock may be gleaned from the advertisements, which enumerate every variety of wearing apparel, and every article requisite for personal use or ornament.

FAMILY GROCERY STORE.—R. B. Sykes will sell at half-past 10 o'clock, this morning, the contents of a well assorted family grocery, on the corner of St. Louis and Burgundy streets, consisting of the stock usually had on hand at such establishments. Those desirous of purchasing, would do well to examine the advertisement.

DRUGS AND CHEMICALS.—E. B. Wheelock, No. 43 Magazine street, has in store and is receiving a full supply of drugs, chemicals, patent medicines, and other articles appertaining to his line of business. Country merchants will not find any better opportunity for making their purchases, and so making them, that the greatest economy shall be combined with the greatest excellence, than by calling at his establishment and examining the different goods he has on hand. A general idea of the nature of the stock may be gathered from the advertisement.

FASHIONABLE SPRING AND SUMMER CLOTHING.—F. Stringer & Co., No. 35 Camp street, are now receiving a very superior and large stock of fashionable spring clothing, comprising coats, pants and vests, of all styles and fabrics; together with furnishing goods and shirts, of different materials and prices. Gentlemen who are seeking to render their wardrobes more complete and entire, and in their completion to unite elegance with economy, should call and examine the stock of Stringer & Co., than which there is none more complete in the city.

BARGAINS IN DRY GOODS.—Horace Harby, No. 185 Camp street, has lately opened a very large and desirable assortment of barege robes, organdies, cambrics, jaconets and other dresses, together with the latest styles of guipure, valenciennes and other laces and edgings. The stock is so large and complete that every lady should be sure to call and examine it before purchasing; as, in addition to the reasonable prices, many novelties and attractions not to be seen elsewhere may be met with at Harby's.

DOLBEAR'S COMMERCIAL COLLEGE, No. 106 CANAL STREET.—Penmanship, Book-keeping, English, French, Spanish, German, Arithmetic, Algebra, Geometry, Surveying, Navigation and Phonography, are taught by able and experienced Professors. There are nine apartments.

[COMMUNICATED.]

JURISDICTION OF STATE COURTS.

Naturalization Laws.

This subject has been suggested several times and in various ways—but has never received the attention from the legal profession which its importance demands as a legal proposition. Nor is its magnitude any less as a political question affecting the rights and powers of the States. We propose to consider the subject in two points of view, for the purpose of eliciting the opinions of those learned jurists who are capable of throwing strong light upon the question. We propose to treat the subject in a purely argumentative style, relying upon our own resources to maintain the argument advanced, and this is occasioned by the fact that we are unadvised of any judicial authority on the points under consideration. There may be such, however, and their weight may be against us; but we advance to the argument with full confidence in the soundness of the positions which we propose to assume, hoping that our views will be met and controverted, if they are founded in error, either as to law or as to the great and vital adjustment of the powers of State and Federal Governments.

First, we hold that the power to naturalize aliens is confined exclusively to the Federal Courts, and cannot be extended to or conferred upon the judicial department of any of the several States.

The Government of the United States and the State Governments are separate and distinct in their organic structure, and in all matters, the subjects of legislation, which have been conceded to one or reserved to the other by the Federal Constitution.—The object of the framers of the National Constitution was, to organize a power, supreme, in its sphere of action, totally disconnected from and uninfluenced by the reserved powers of the several States. They intended also that the sovereignty of the States should be equally as exempt from interference by the Federal power. These two classes of American sovereignty are as totally separate and distinct from each other in the distribution of their respective powers, and in their organic structure, as if they existed on separate divisions of the globe, or as if there was no national unity existing among them.

For the purposes of general government, the States of America are a legal and political unit; for the purposes of State government, they are as independent of each other and of the general government as if there was no national league between them. The respective sovereignties of Great Britain and France are not more distinct and independent of each other, than are the State and Federal governments for all purposes, and in all powers, rights, etc., as embraced in their respective constitutions.

To the general government certain powers have been entrusted. Over certain subjects the right of the federal power to legislate, is sovereign and exclusive. It has not only the power, but a duty is imposed upon it, both to exercise those powers by and of itself—and to prevent them from being usurped or exercised by any other sovereignty than its own. The great objects for which this exclusive and independent sovereignty was organized are too well understood to require further detail; every enlightened mind fully appreciates the important functions of this great agent of American unity, prosperity and power; and every truly patriotic heart is fully determined to maintain it in the full scope and effect of its jurisdiction. To carry out and execute the several important mandates committed to its exclusive care and authority, it has its organized governmental machinery; its three great departments of power, adequate to the fulfillment of every duty, and to the successful achievement of every object confided to its hands; and we may assert without fear, that the execution of every power bestowed upon it must fall exclusively within one of the three departments of the Federal government. We assert further, that so exclusive is this grant of authority to the general government, over certain enumerated subjects, that it cannot be exercised by the States, even with the consent of Congress, except in those cases specially permitted by the Constitution. The reasons for this are too obvious to require any further comment, unless the proposition we have advanced should be seriously denied. The departments of the Federal government are Executive, Legislative and Judiciary. The powers confided to it are various; among them are, power "To lay and collect taxes, duties, imposts and excises, to pay debts and provide for the common defence and general welfare of the United States. To borrow money on the national credit. To establish an uniform rule of naturalization, etc." The legislative power of Congress over all the subjects enumerated is exclusive—no State can exercise any authority over these subjects, even with the consent of Congress. There is no question in law more firmly settled, or sustained by the weight of more eminent authority, than the exclusive jurisdiction of the Federal government over all the enumerated subjects confided to it; and nothing is more clearly established than the proposition, that Congress cannot delegate its exclusive legislative power over any of these subjects to the State governments.

The offices of the three great departments of the Federal government are clearly defined. The Executive and the Legislative, with its sub-division into Senate and House of Representatives, are, in the first instance, the functions of the government, by the combined action of which laws are enacted upon all subjects of federal legislation. The Executive is the department which presides over and enforces the entire legal economy of the government. The officer presiding, as his name implies, is the great Executive agent of the federal power, and in this capacity is subordinate to both the Legislative and Judiciary departments. He is the head of the entire Executive system of the law, whose duty it is to see all legislative enactments and all decrees of the Federal courts executed by the various subordinates to whose hands their execution is immediately entrusted.

Neither the Executive nor the Legislative departments of the General Government can enter the limits of State authority, nor employ State machinery to execute the national functions; nor can they delegate by mutual consent, to the States, the various powers which are confided to their hands. The office of the Federal Judiciary is to expound all questions arising under the laws of Congress; to construe those laws by the Constitution; to confine State and Federal Governments within the limits prescribed by the National Constitution. The judicial power extends to treaties made or to be made; to all ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to all cases in which the United States may be a party; to controversies between two or more States; between a State and the citizens thereof; between citizens of different States, and between citizens of the same State claiming lands under grants from different States. "The judicial power shall extend to all cases in law or equity arising under the laws and Constitution of the United States." Const., art. 3d, sec. 2d. §. This department of government is as exclusive in its sphere as either the legislative or executive; it is the sole and exclusive judicial power in the land which can, by virtue of its primary and original intendment, expound, construe and enforce the laws of the Federal Government. It is the constitutional agent, and the only one which, in the economy of the General Government, can occupy the place and exercise the powers which a judiciary occupies, and must exercise in every independent and sovereign form of government.

State courts may review Federal legislation collaterally, may interpret and expound it in reference to State and National Constitutions, may enforce its observance and execution when connected with questions arising under their legitimate jurisdiction; but there is no judicial power in the land, upon which Congress either directly or by intendment can confer the judicial execution of Federal legislation, except that which has been created by the Constitution for the exercise of that power and the exclusive jurisdiction of which as a Federal agent, shuts out the legal machinery of the States. Congress may pass laws upon all subjects enumerated in the Constitution, and when this has been done, the office of the judiciary begins, and for all judicial purposes, such as registry, proof, trial, etc., the office of the Federal Judiciary, is as supreme and exclusive as the power of Congress itself, and cannot be delegated either by law or consent. Congress has no power to create judicial agents outside of the Federal structure itself; nor to bestow the judicial power of the Federal Government upon any other tribunals than those which belong to its own separate and distinct form of government. We hold, then, that whatever Congress requires or permits to be done and which, in the performance, demands the intervention of courts of law to decide upon the manner of execution, and to decree that the law has or has not been observed, must be done before a court of the United States, and belonging purely and simply to the Judiciary Department of the United States. "Judicial power is authority vested in the Judges;" the power over all subjects enumerated in the Constitution is not to be vested in the Federal Judges by the action of Congress; it is fixed there by the Constitution itself; it is as comprehensive and permanent as the power of Congress, and extends to every act which Congress may do within the scope of its action, whether constitutional or not. If Congress may pass uniform rules of naturalization, the authority of the Federal Judiciary is co-extensive with the power of Congress, and must fulfill all the purposes required of the judiciary system in the execution of that law—its authority and jurisdiction are fixed by the Constitution over all acts of national legislation, and that exclusive power cannot be delegated to the judicial tribunal of any other system of government. The powers of the several departments of governmentare fixed and determined by the governments within which they are to operate; they are the great vehicles of public power and of national action; their authority cannot be enlarged or abridged by the action of any foreign or extraneous power. If the powers of the State can be enlarged by the action of the Federal Government, what is to prevent that government from bestowing enlarged powers upon the State Legislatures also? The one could be done with as much propriety as the other.

"The judicial power of the United States shall be vested in one Supreme Court, and such other inferior courts as Congress may from time to time ordain and establish." Const., art. 3, sec. 1. This section of the Constitution defines the mode in which the third department of the government shall be organized.

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Const., art. 1. sec. 1.

"The executive power shall be vested in a President of the United States of America." Const., art. 2, sec. 1.

We have before us, in these articles, the constitutional synopsis of the Federal structure. The anotomy of this great moral and political leviathan of the western world is too boldly defined to be mistaken, even by the most bangling use of the political scalpel. We have before us the outline and filling up of that great and unrivalled system of popular government, which, by the distribution of its immense material and the constitutional direction of its gigantic forces, brings the blessings of a rational and enlightened freedom to millions of human beings.

The sound and practical jurist will always be governed by the plain letter of the law, when its language is free from ambiguity. Words have a legal as well as a common acceptation, and serve as unerring guides to those who are seeking the plain intent of the law. The Constitution, in defining the third great department of the Federal Government, prescribes, in clear and explicit language, the tribunal in which the powers of that department shall be lodged. It provides that there shall be one Supreme Court, and although it leaves the organization of the inferior courts within the sound discretion of Congress, yet it devolves upon Congress the duty of organizing such inferior courts; and in these tribunals, when so organized, it proceeds to vest the entire judicial power of the United States. Congress may define and organize, or, in other words, "ordain and establish," inferior courts, but no act of Congress can confer judicial power upon them, since that power is vested in them by the paramount law of the land. The moment an inferior court is established by an act of Congress, the Constitution at once clothes it with judicial powers, leaving the Federal Legislature to say how much of the judicial authority such inferior court may exercise, and in what manner it shall be exercised.

From the clear intendment of the article cited, Congress is required so to organize the inferior tribunals as to meet all the exigencies of the National Government, and to render that Government complete and efficient in its several departments. The proposition is clearly established that the judicial power of the Federal Government is vested in the United States courts—that these courts consist of one Supreme court and such other inferior courts as Congress may from time to time ordain and establish. Now, what is the legal meaning of the words "ordain and establish?" They must be construed with reference to the powers which Congress may properly and legally exercise; and we think it clear that the legislative powers of Congress must be exercised with reference to the objects and purposes of the National Government, and within the pale of the Constitution itself. They are to be employed for no other purpose than to render the distribution of the great powers of the Government complete, and to insure the efficient and harmonious co-operation of the three great departments of the national system. In other words, to give the federal sovereignty that legal entirety which it was designed to have. Beyond those purposes and objects Congress cannot go; and in establishing inferior tribunals it can only establish them as the sole and essential agents for carrying into successful operation the various powers which the Constitution confers on Congress itself. To "ordain and establish," in the Constitutional sense, means to create. The power to create can only be exercised within the scope and jurisdiction of the creating sovereignty—hence these words must mean that Congress has power to create inferior tribunals within the limits of the federal sovereignty, and in those inferior tribunals established within that sphere the judicial power of the United States shall be vested.

One sovereignty cannot create, "ordain and establish" tribunals within the Constitutional or territorial limits of another. Congress cannot establish a Federal judicature within the legitimate sphere of State action, any more than Louisiana could organize courts to wield the judicial power of Great Britain. The power to ordain and establish implies the power to govern, to control, to fix the jurisdiction and regulate generally all the details appertaining to the thing created. This is inseparable from the idea of sovereignty; hence, the Constitution must mean, that the judicial power of the United States is to be vested exclusively in courts created within and controlled by the national sovereignty. This argument is rendered conclusive by the language of the Constitution, Article 3d, Section 1st: "The judges of the Supreme Court and of the inferior courts shall hold their offices during good behavior, and shall receive for their services a compensation which shall not be diminished during their continuance in office." This language clearly contemplates the essential elements of an entire and exclusive sovereignty. The power to fix and control the tenure of office and to regulate the emoluments of judicial offices is inseparable from the power to create. This can only be done by a government acting strictly within its own territorial or constitutional limits. The entire argument seems to us to be decisive, that the judicial power of the United States is and must be confined to one Supreme Court and to such inferior courts as Congress may, from time to time, establish, and which courts are and must be exclusively Federal courts.

If such be the just conclusion from the premises stated, by what authority can Congress confer any portion of the judicial power of the federal government upon the State courts? The first difficulty to be encountered is, that to confer such power on the State courts is a clear infraction of the plain letter of the Constitution. The State courts were not "ordained and established" by Congress in any sense of the words: they are tribunals belonging to a separate and distinct form of government. They originate under the organic law, and derive their authority from and are controlled by the legislation of that separate government. They are functions solely and exclusively of State power, and in no sense agents or functionaries of the Federal government; nor can they be made such under any provision of State or Federal Constitutions. They originate under and within sovereignties which are jealously guarded against any interference or encroachment by federal powers, and there is besides a constitutional impossibility that these courts could be "ordained and established" by Congress. Then the judicial power of the United States could not be vested in them, since that power can only be vested in such courts as Congress may from time to time "ordain and establish." The power to confer judicial authority implies a degree of sovereignty which the States would regard with extreme jealousy, and which, if carried to its legitimate results, would end in the destruction and obliteration of the separate and sovereign existence of the States themselves.

The Constitution, however, gives the Congress *no* power to vest or confer the judicial power of the United States any where. It vests that entire power, by its own terms, in the Federal courts and leaves Congress to manage and arrange the details of the judiciary department. If the framers of the Constitution had intended that Congress should employ the State judiciary as a judicial agent of the Federal Government, the language of that instrument would have conveyed that purpose in explicit terms. It would have said that Congress may, from time to time, confer a portion of the judicial power of the United States upon the State courts; but this, so far from being the intention of that body, has been expressly excluded by vesting the judicial power in the Federal courts alone. "*In clusio unius est exclusio alterius*" is a maxim in law as well as in logic, and applied to the language of the Constitution, cuts off the argument that the State courts can be clothed with any portion of the judicial power of the Federal Government.

We are met with the argument that, by conferring judicial power on the State courts, Congress does "ordain and establish" them inferior courts of the United States for all the purposes for which that power is conferred. This is fallacy for two reasons:

1st. It is an invasion of the province of a separate and distinct sovereignty, and therefore null. No power, State or Federal, can exercise any authority beyond its limits as a government, and the attempt by one sovereign to exercise political or judicial powers within the exclusive limits of another sovereignty, as a maxim of law apart from its political bearing, is in itself a nullity. 2d. Because it is a total perversion of the words "ordain and establish."

A State Court exists only within State jurisdiction, and is entirely beyond the authority of the Federal Government. It exists in a sphere within which the General Government can neither create nor control; and, therefore, cannot be "ordained and established" by Congress. Beside this, the Constitution contemplates that the Courts created by Congress shall be presided over by Federal judges, in whom the judicial power of the United States shall be vested. This excludes the idea that the judicial officers of the State can be clothed with the judicial power of the United States.

The question now arises, whether the naturalization of an alien is an act or case arising under the laws of the United States, and of necessity belonging to the judicial department of the Federal Government. We have already advanced the proposition that the judicial power was commensurate and co-extensive with the legislative power of the Federal Government. If this position be correct, it must follow that all subjects which constitute the proper field for the exclusive legislative power of the Government must also belong to the federal judiciary in all questions of legal interpretation and judicial enforcement of the Congressional enactments.

These two departments are inseparable in their connection—the one to make laws, the other to expound them. There can be no act of Congress, the judicial authority over which does not belong exclusively to the Federal courts. The principle has been well settled by the highest legal as well as political authority, that Congress has exclusive power over all legislation upon the subject of naturalization. It has the sole and exclusive power to prescribe the mode and manner in which naturalization may be effected, and the character and proof upon which an alien shall become a citizen of the United States. This done, the function of the legislative department is fulfilled and the office of another department commences. The exclusive right and province of the Federal judiciary is to supervise the execution of the statutory provision—to exact proof of residence—of good moral character—of good citizenship—to be satisfied that the applicant is well-disposed toward the institutions of the country—to demand an absolute abjudication of his allegiance to every other prince, potentate or power, and finally, to pronounce the judgment by which the alien is transformed into the citizen of the United States.—Really, then, the application of an alien to become a citizen of the United States, is a case arising under the laws of Congress requiring examination, proof and judgment, and to this case the judicial power of the Federal Government extends. The government, seen in this point of view, is a harmonious whole, embracing all the powers of an entire and separate sovereignty, and competent, by its own tribunals, to dispose of every subject which may arise in the administration of its various powers, without any legal necessity for resorting to the tribunals of government, which are totally independent of it in their organic structure and arrangement of their governmental powers.

That there are cases arising under the laws of Congress and confided to the judiciary for their interpretation, is evidenced by the fact that every act on the subject from the earliest date of the Government, has placed it in the hands of the District and Circuit Courts of the United States. The act of 1802 concedes the leading fact contended for, by leaving the enforcement of its provisions in the hands of the judiciary; thereby recognizing the principle, that when the functions of the legislative department are fulfilled, the execution of the laws belongs to a coordinate department of the same Government to which Congress itself belongs. The act of 1802 provides "that the alien shall declare on oath or affirmation before the Supreme, Superior, District or Circuit Court of one of the States, or before a Circuit or District Court of the United States, his intention to become a citizen." In this act, Congress has not only complied with the two principles of Federal sovereignty, but has gone beyond them, and united State and Federal judiciaries to exercise those powers concurrently, which are vested exclusively in *one Supreme Court and such other inferior courts as Congress may from time to time ordain and establish.*" Doubts seem to have arisen as to what courts were intended by former acts, and to remove those doubts and to define the precise meaning of Congress, the act of 1802 provides "that every Court of Record in any individual State having common law jurisdiction and a seal and clerk or prothonotary, shall be considered a District Court within the meaning of this act." Here then we have Congress clearly recognizing the fact that these courts are State courts; not capable of being created or controlled by the Federal Government, and yet clothing those courts with a judicial power which the Constitution says, "*shall be vested in such courts as Congress may create, and which shall be presided over by Federal judges.*

From these reflections we conclude that so much of the act of 1802, as confers judicial power on the State courts, is unconstitutional and therefore void. We are met again with the argument that a sovereignty may delegate its powers at will. This, of despotism or of absolute sovereignty, would be true, and the effect of the power delegated would be entirely governed and controlled by the sovereignty to whose tribunals the power was delegated, and their force would depend upon the fact whether it would permit her tribunals to exercise such powers; but of a limited or constitutional government, the proposition is untrue. The whole theory of the American government forbids such a construction of the Constitution, as its inevitable tendency would be to impair the vigor of the general government and to render it the strongest instrument for defeating the very purposes for which it was organized. The legislative powers of the Federal government are conceded to be exclusive, and can neither be delegated to, nor exercised by, the State Legislatures except when specially permitted by the Constitution itself. The judicial power of the Federal government is equally exclusive, and must be exercised by the Federal judiciary alone, since Congress has no power to lodge it elsewhere.

There can be no question then, that an application for naturalization is a case arising under the laws and Constitution of the United States; that as a question of law it belongs to the department of the Federal judiciary; that the judicial powers extends to all such cases and is vested in such courts alone, and hence, cannot be constitutionally vested in the courts of the State.

We have thus in a very desultory manner, passed in review some of the prominent points of the proposition with which we started, and entrust the result of our humble thoughts to the public in the hope that a discussion of the subject may be elicited, both interesting and instructive. We are not troubled with the pride of opinion, and will cheerfully yield to an argument which shall overthrow our position.

The political branch of this subject respecting the questions of States Rights, will be presented in another article.

P.

COPPER, TIN AND SHEET IRON WORKERS.—Brewster, Van Benthuysen & Co., copper, tin and sheet iron workers, brass finishers and workers in galvanized iron, Nos. 35 and 37 Front, 36 and 38 Fulton and corner of Notre Dame and Front streets, are prepared to do all kinds of plantation, steamboat mill and refining brass, copper and sheet iron work. They keep constantly on hand wrought-iron pipe, gas valves, steam whistles, tin ware, lightning rods, steam gauges, etc. Merchants, planters, steamboat men, and all who have such purchases to make, will find the opportunity as advantageous and desirable as any they can meet with, and the prices as reasonable as those in other parts of the city.

FISHING SEINES.—McCutchen, Howell & Co., No. 58 Camp street, have a choice assortment of seines from five to fifty fathoms in length; also, a lot of choice bamboo rods, in store and to arrive. Those who have purchases to make should call and examine the supply.

TRUNKS.—H. W. Reynolds & Co., No. 67 Canal street, have a very large stock of trunks and carpet bags, packing trunks, oil cloth flooring, India rubber clothing, etc., which those who are making purchases will do well to examine. A finer or completer assortment cannot be found in the city.

LETTER FROM CLAIRE.

"Lord, lord, how this world is given to lying!"—

Are the words merrie Will Shakspeare hath put into the mouth of fat John Falstaff. Shakspeare was well acquaint with human nature and its manifold foibles, and, did he live in the present age, would most certainly find ample employment for his wit and pen.

That our present manner of life is but a living lie, is easily demonstrated—it needs but casting our eyes o'er the varied scenes daily transacting round us to convince one.

Human nature has been more or less a matter of study and amusement to me since I can recollect. When but young, in traveling I would draw apart from my companions to read life as it passed before me, and, as my eyes scanned the various pages of that mighty book, what have they shown me? All fair and pure, or all false, yet glittering? Neither the one nor yet the other; for I have found no "cloud without its fringe of gold;" no character so debased but what, upon search, we might find some redeeming point. Yet, still we find that the false, though fair, predominates. In friendship, in love, in business, in religion, there is much that, like our made-up ball-room belles, will not bear close inspection.

How often, in friendship, do we find self interest, the real tie that binds, it is the base chain washed o'er with gold, whose truth will be tested when the aqua-fortis, adversity is applied. Then beaming faces lose their smiles; warm words grow cold, and we can plainly see that 'tis our fortune, not ourself, that has drawn the shallow crowd around us. How our self-esteem is pruned down by the test. Vanity, well trimmed, not to grow again.

In love, how often we have heard vows and protestations of pure and undying affection; that our eyes are brighter, our smile more cheering, and ourself more pleasing and beautiful than aught else on earth; but let small pox pit us with its loathsome traces, or accident deform our graceful form, and how soon, our worshippers fly from us to a newer and brighter idol, and we are left alone to mourn our desolation and sprinkle ashes on our head, while despair trains her funeral vines in our hearts, and which we water with our tears.

We daily renounce the vanities of life, and promise reverence and submission to Divine Providence, and yet eagerly seek after the world's goods, as though life was promised us for centuries, and we had not to die shortly and leave all behind us, to be spent by a hand as squandering as ours was grasping. Who will drive so hard a bargain as he who professes to follow the footsteps of the lowly Saviour of man? and whose express command to his followers is to "take no thought of to-morrow, for to-morrow ye may die"—who says keep neither house nor land, silver nor gold. Yet methinks we will find money changers even in the temple.

In our social relations we will bow and smile, and offer the hand of friendship, when it is to our interest to smother true feeling, while we are cherishing in our heart hatred to the death. We marry old age and decrepitude to youth and beauty, simply because it is backed by money bags. These little peccadilloes are but trifles, mayhap; but think you God looks on them as such? When we live with one we loath and detest, are we not guilty of deep crime before Him whose searching eye reads our every thought? It is nothing perhaps for a gossiping woman to enter your house and spy out its nakedness and desolation, and then out into the world to whisper and shrug her shoulder, and, by her betrayal of your confidence, make known your sorrow; it is nothing to be a woman's bosom friend and yet traduce her character; and 'tis nothing to tell your friend's faults to others.

I fear we are great hypocrites in one thing, and that is, in our *strong* democracy, while we rear our children to look down upon a mechanic as something low, while being educated for professional characters themselves. We teach them too often to think it a condescension to take the laborer or mechanic by the hand, and treat as an equal. *They* are not men of education; *they* are not men of refinement, sensitive in their feelings and high-toned in their principles! Oh no. They are simply those who earn their bread by the sweat of their brow, as their Maker commanded them, and why should gentlemen notice them save as inferiors?

And is it nothing to act harshly and unkindly at home, making it a place of torment instead of a place of peace and rest? While before our acquaintance none would think butter would melt in our mouths—as the old saying goes—we are so pliable and mild. Is it nothing to forget old friends who have befriended us time and again, for new acquaintances who are perhaps more grand? Is it nothing to grind the face of the poor, defrauding the poor man or woman who labors for our comfort, of their hard earned money and of their time? for how many of us can lay our hands upon our hearts and say we are not guilty of making the char woman, the mechanic and the seamstress, to call again and again for the money due them for work? We rob them of their time by doing so, and time with them is valuable.

Is it nothing to teach our children, as I have known it done, to take what is *best* among a quantity of things, when perhaps we have some faded thing of little value which we leave for the owner of the article we appropriate, to take? It is nothing perhaps to say to our children, now if you are good, you shall have everything you want, and if you are naughty, Grim Bloody Bones will carry you off—a sure way, perhaps, to inculcate truth in your children's minds, for they are likely to find either or both promises true.

Now I don't pretend to say these things are at all common in life; (in fact I feel assured we will find many families where truth and love are constant house gods.) Yet I must say, we will find them if we *search*.

I inflict you this week with this long letter, Crescent, because I seemed last week to find some favor in your sight, though you did not herald my advent with *many* compliments. However, as I am a plain woman, I did not take offence, but write you, hoping I have not bored you by my dullness, and now close, wishing you

Well an' a good day. CLAIRE.

LETTER FROM CRESCENTA.

Dear Crescent, I feel to-day in a humor for a chit chat letter, not continuous but roving from subject to subject, as the bee from flower to flower, would I dare continue the comparison.

In reading, I am frequently amused by the absurdities into which authors suffer their redundant fancies to betray them, so completely out of all idea of possibility that one would naturally suppose their native good sense, if they really did posses the article, would have saved them from the exposure of such egregious ignorance. Especially do our transatlantic neighbors indulge in fancies about American life that are decidedly cool to say the least of them.

A short while since I was reading an English tale, entitled "The Priest and the People or a story of American life," in which was exhibited as a specimen of Kentucky aristocracy, a young lady who rode horse-back a la man fashion—utterly discarding the lady's saddle—shot a rifle while at full gallop, the ball entering the center of a flag placed upon the head of a favorite horse, which said horse she had just leaped clear over a large wagon full of negroes who were being conveyed to their work on a distant part of the farm. She cut up various other antics somewhat similar to the celebrated Crockett adventures, and, according to her story, was very small potatoes when brought into comparison with some of her young female friends. A very delicate and refined set of young ladies must Old Kentuck produce, if we give credence to that English writer.

And another English magazine, in which was a somewhat vived description of negro life, and a slave driver, as they termed our overseers, was said to wear to the field a pair of revolvers, a rifle, bowie-knife and a whip, whose thong was seven feet long, which whip cut clothes and flesh at one blow from the backs of the slaves who loitered at their work; he also had the company of a couple or more blood-hounds wherewith to pull down the "black cattle" when necessary.

As a specimen of what our own country folks North can do, 'tis but a few days since I read a tale of Quadroon life, in which was very strikingly depicted their great nobility of heart and high-toned principle, while it also asserted that they would never unite with the white race, deeming it peculiarly unfortunate for them to do so; that they, as a race, rested under a curse which invariably befel them did they mingle their blood with the fairer denizens of earth. Yet the tale finished with the marriage of a Quadroon girl to the eldest son of an aristocratic Southern family.

If persons are all afflicted with *lacoethes scribendi*, let them at least give us truth while striving to enlighten by their mighty knowledge; give us truth—stern, unmitigated truth—without exaggeration. We read Munchausen, or Gulliver, feeling from their very absurdity their intention; and Cummin's celebrated hunting scenes, where he "bagged elephants and lions," as other sportsmen bag quails, bear their *truthfulness* on their face; but thousands have been misled by reading the various abolition tales put out in this country, as well as in England, which, though equally *false* with the above stories, when intended to portray true slave life, are at the same time malicious and evil in their results; for, bearing some resemblance to what is the general idea of slavery where it does not exist, (in *name*, though it does in *deed*,) it has been the means of casting ridicule upon us as a nation. But people who live in glass houses should not cast even pebbles, lest the rocks thrown in return should crush their windows. England, with her mock piety for our well-fed, well-clothed slaves, need only cast her eyes over starving Ireland and pagan India, to hide her head and blush carnation deep, if indeed it be in her power to show an honest blush once more.

And our Northern friends need only look at their bound children, with their cropped hair and bleeding chilblained feet, and striped backs, where the cowhide plays its torturing dance for offences that would not be noticed in a slave here; it need but look at its starving thousands, who are driven to crime and misery, for a little bread wherewith to sustain life—at its haunts of vice and corruption, for which no parallel can be found here.

But I am running away from my first subjects and will return. I would say to the Northern lady, who wrote that Quadroon tale, that our laws forbid amalgamation, and that it would rather puzzle her to point out the "sunny spot near Mobile," where her heroine, surmounting the doom attached to her race, and the hero, who over-stepped the prejudices of his race and aristocratic family, are now dwelling.

It is well to be blessed with a vivid imagination, but sometimes a little pruning is needed, and I would here say to your new correspondent, that her imagination is somewhat lively; I never said I intended living and dying an old maid, nor yet did I say that I was certain of marriage—only told you to look out for a "bid;" let her take care I find no flaw in her discourse, for if I do, I'll ——, never mind what I'll do; sufficient for the time will be the deed.

I expect you will be apt to think from this letter that I have not entirely recovered from my neuralgic attack; well, 'tis true, and therefore I must conclude this with a promise of trying to do better when I write again, and in the meantime will resort to that beverage which cheers yet not inebriates, for I am a close follower in Dr. Johnson's footsteps in love of the sparkling cup of strong old fashioned tea.

As your new correspondent seems to object to my enshrining you, I will drink to your health and possession of all of earth's pleasures.

CRESCENTA.

To the Public.

With no disposition to obtrude ourselves on the public notice, we feel imperatively called upon, in our own justification, to lay before the public, as well as the stockholders of the New Orleans, Jackson and Great Northern Railroad Company, a condensed statement of its condition when we, constituting a portion of the Board of Directors, entered upon the discharge of our duties as such in May last, and at the same time to give them a just idea of what has since been done towards the completion of the road, etc.

Without useless verbiage, we begin with the statement that the present Board commenced its session about the 1st of May ult.; that it inherited from its preceding directions a very large debt amounting in the aggregate to near one million of dollars. The assets of the Company were composed mainly of city and State bonds: say of city $1,216,000, and of State, $326,000. The State bonds were all pledged and out of our possession, and we may say the same with respect to the city bonds, excepting $266,000 in hand. That the city bonds were depreciated in value, from 25 to 30 per cent., is well known to all; debts due, maturing and pressing had to be provided for to a large amount, and our creditors were clamorous for pay with but little disposition to indulge. Funds, of course, could only be raised to meet the emergencies at rates of interest ruinous to the Company, seldom lower than 12 per cent., and often as high as 15 per cent., including commissions. The credit of the Company being of course much impaired, no money of consequence was obtained at bank rates, but only at ruinous figures on the streets through the medium of brokers, who cut deep in proportion as the necessities of the case were urgent.

In this state of embarrassment it may readily be conceived how difficult it was for us to move a step. What, or whose mismanagement brought about this deplorable state of things, it is not for us to inquire or to explain. That is the affair of our predecessors, with which we have nothing to do. Mr. James Robb, who claims the paternity of the road, and who, from its inception, had it, in all its departments, under his own eye and guidance, can, doubtless, enlighten the public on that subject. All that appertains to our present duty is to show the true state of affairs, when we took our seats in the Board, and in what way the business of the Company has been conducted since. *Now*, what has been done?

We have finished five miles of road beyond Osyka, and twenty four miles from Jackson to Canton, connecting these two points—together twenty-nine miles—all of which is, or will be, by the first of April, ready for the cars.

We have graded near forty miles of the track between Osyka and Jackson, and the same is nearly ready for the rails.

We have paid Mr. James Robb the last dollar of a large debt due him by the Company, for the use of which he claimed, and received, the very moderate rate of fourteen per cent. discount, which, in interest, would be equal to sixteen per cent., and we have the pleasure of informing you that he is now no longer a creditor of the Company.

Many of these important facts are fully supported by the official report recently made by Mr. John Calhoun, President of the Company, to the Legislature of Louisiana. In proof thereof, we beg to call your careful attention to the following extract. He says:

"The road between the city of New Orleans and the southern boundary of Mississippi, a distance of eighty-seven and one third miles, has been much improved since the date of last report, and the greater portion of it is in excellent running order.

Immediately above the State line the graduation on five miles has been completed, and the iron laid; the graduation on the next nineteen miles finished and ready to be ironed, and on the seventeen miles next above the nineteen the graduation is progressing satisfactorily, and will be ready for the rails in June next.

From thence to Jackson, Miss., a distance of fifty-five miles, little has been done, but the work on thirty-five miles of it will be commenced in February or March next, with a strong force, and carried vigorously forward; arrangements which are highly favorable to the Company having been made for the payment of contractors. This will leave twenty miles immediately south of Jackson, uncontracted for; but the Board have before them proposals for the execution of the work, on terms of payment so easy to the Company that nothing is risked in saying that the whole line from Jackson south will be in the hands of contractors within the next sixty days.

From Jackson to Canton, a distance of twenty-four miles, the graduation is entirely finished, and the iron laid on eighteen miles. It is confidently expected that the track-laying on the remaining six miles of that portion of the road will be completed within the next forty days, the rails, chains, spikes, etc., having been on the spot for months, and as large a gang of track layers as can be advantageously employed being constantly at work.

The condition of monetary affairs, at home and abroad, has been such during the past year as to make the negotiations of the Company's securities impossible without enormous sacrifices, and the means for the payment of work done and materials purchased have been chiefly obtained in New Orleans by loans of money, generally on a pledge of New Orleans city bonds as security. Yet the Board are far from being discouraged. On the contrary, considering the favorable bids which have been made by contractors for the work, they are more sanguine than ever that the entire road from New Orleans to Canton will be finished as soon as those with which it is to connect, and in all probability sooner."

Can the Boards which preceded us say as much?

We have not run the concern in debt and wasted its means. On the contrary we have made every dollar laid out pay something to the advantage of the stockholder. Good work, all things considered, has been done, and no improvident contracts made or wasteful expenditures incurred. We had neither money or credit to waste, and consequently had to be provident of both. We do not presume to say that others may not have done better, but think we have done well under the circumstances, and ask for an honest and impartial hearing. If those who may follow us can procure better things, we will most cheerfully give them our places. Such was the crippled state of its finances when we took our seats, there were so many hard contracts and needy contractors on the line to foot and deal with, that being quite as destitute of credit as money, it is a marvel to us how we were enabled to work the concern through the year without suspension of payment. But it has been done, and through our personal influence with the banks and others have, in an eminent degree, contributed to the restoration of its credit.

If the affairs of the Company continue to be managed as prudently hereafter, we are justified in telling you that the whole line between Osyka and Jackson not finished, can be put under contract at an early period, with ample means provided to pay the cash down as the work progresses. Two of the undersigned, with Mr. Calhoun, had this assurance last summer in New York from the most reliable quarters.

These assurances have been recently repeated by the same parties in a form altogether flattering to the present Board. At their suggestions, and with that view, we made applications to the Legislatures of Louisiana and Mississippi for an amendment of our charter in an important particular, and we believe the amendment has been granted by both.

In all our exertions in behalf of the road, we have never had an eye to the further taxation of the real estate of the city as a means of building it. We are well satisfied that it can be done as well without laying any more burdens on the people of this overtaxed city, and, so far as we are concerned, we shall oppose, to the utmost of our power, any such policy. It might be well for those who favor it to show that the money heretofore raised by tax for that purpose has been judiciously and economically applied. But we will not press that point, as it might be a question troublesome to answer.

We have thus stated fairly, and, we trust, intelligibly, all that it concerns the public to know what has been done since Mr. James Robb withdrew from active participation in the affairs of the Company.

What we have said has been said in our own vindication, and we hope we have done so without just cause of offence to any.—In laying these matters before the public we have only acted in obedience to the public wish, mainly stimulated by a series of letters with which his Excellency the Governor of the State of Louisiana has recently been honored by a very distinguished gentleman of New Orleans, as well as by the character of his response, under date of the 13th inst., to a public call made on him to resume his former position at the Board of Directors.—The charge intended to be made in that letter, that we have attempted to make the road subservient of local and individual interests, is wholly unfounded and gratuitous, and entitled to no sort of respect or credence. We have not wished to tread upon the toes of others, but if in this exposition we have inadvertently done so, let it be remembered that we have not cast the first stone.

J. P. HARRISON,
JOHN R. SHAW,
JOSIAH COLE,
A. BROTHER,
JOHN KEMP,
A. W. SMITH.

New Orleans, March 25, 1856. mh31 1t