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LETTER FROM JUDGE CULLOM.

The Issues and Struggles of the Past—A Policy and Its True Objects.

The following letter was addressed by Judge Cullom to a personal and formerly political friend, and was not probably intended by the writer for publication; yet, upon being urged thereto by several gentlemen who have read it in manuscript, he has consented to have it made public:

NEW ORLEANS, March 12, 1872.

DEAR SIR—Your favor of the sixth instant came to hand this morning, and afforded me much pleasure. Your allusion to the issues and political struggles which engaged our attention in years gone by brings very vividly to my mind the patriotic aversions you and I entertained against the tenets of the Democratic party of that day. I remember very distinctly how zealously, and with what honesty of purpose, we warned our countrymen that the ark of Democracy would prove a Pandora's box, from which would one day come forth all the calamities with which we have since been overwhelmed, leaving not even hope behind to cheer our hearts and point us to a brighter future. It claims to be the same party now, in all its theories of the fundamental powers of the government, that it was then, except only as regards "the peculiar institution." Its madness resulted as we foretold, and, strange to say, you find reasons for supporting the party now with as much zeal as you then displayed in your opposition to it. I find more reasons for opposing it now; for what was then but conjecture as to the tendency of its tenets, has been sadly verified by experience and crystalized into history. It might be argued with much logical force that if its theories of government were wrong then, they may be so now; but I will not stop to discuss this proposition, since you have made it incumbent on me to vindicate my own course rather than to arraign you for yours. I will remark, however, that all history is strewn with the debris and wrecks of democracies, and that it affords not one single instance of a permanent government reared upon the principles of a genuine democracy. It was this fact alone, patent to the statesmen of Europe, at the time of the declaration of our independence and the adoption of the constitution of the United States, which induced them to speak of our government as the "great experiment," and to predict its instability. This prediction was based upon the fact that democracy and anarchy are so closely assimilated that, to make the former pure, you inevitably trench upon the characteristics of the latter. We know there is a distinction, and so there is in sunshine and shade, between the colors of the rainbow; nevertheless, we would find it extremely difficult, if not impossible, to establish the precise point where one begins and the other ends. The same may be predicated of liberty and licentiousness, the latter being identical with the former whenever the social and legal restraints are laid aside. But I must return to the vindication of myself. I do not entirely concur with you in your analysis of the points of convergence and divergence of the old parties, but think the number of the latter greater than you have admitted. I need not stop to discuss this difference, as it is not essential to the correctness of my position. The abolition movement to which you refer was inaugurated more than twenty-five years ago. The Whig party did not entirely disband until after the death of Henry Clay, and when it did you remember very well that it did not surrender to its old enemy. Far from it. It rallied under the banner of opposition and continued to fight the Democratic party and its favorite theory of universal suffrage, some as Republicans, others as native Americans. The Southern people have been "overborne and crushed," as you very truthfully remark, but had Whig ideas and principles triumphed in the administration of our State and national governments; had the doctrine of the "Union, the constitution and the enforcement of the laws" prevailed instead of the Democratic dogma of immediate secession, might we not have had a very different state of affairs now? Like yourself, Vallandigham, Long, and others of the Democratic school of politicians continued after the war to exert themselves in the vain effort to vitalize the ante-bellum theories of a defunct party; but the fact was finally revealed to them that its soul (if it ever had one) had left it. Whereupon they undertook the duty (to them a sad one no doubt) of decently burying it. This necessity you denounce as a departure "more dreadful to you than the rush of hostile armies upon our shores." Now, my dear sir, we may love to linger about the graves of cherished dead ones, and certainly it indicates a redeeming trait in our erring hearts, but we can not live on the simple contemplation of their attributed virtues, be they real or not. The "fire bell" (new departure) of which you speak, did not kill the Democratic party any more than it kindles the fire it calls the brave and noble firemen to extinguish. It simply announced and heralded a fact which was that the party was dead, at least, in all that related to its old war cries. It had been shut out from all access to the public granaries, and had actually died of starvation. The nation had moved on to new ideas and more liberal principles. The pabulum of office was all that had ever invigorated it, and you are very much mistaken and deceived if you think for a moment it owed its vitality to any abstract or inherent love of public policy, which did not, in the opinion of its leaders, infallibly serve as a means of securing office. The old Whig party, of glorious memory, perished from the same kind of physical exhaustion, and all others will pass away in the same manner, after a time, and from the same cause. A post mortem held over any of them will lead to result in the same verdict. "We the jury of inquest, etc., find that the deceased lost the conesive power of public plunder, and consequently died of physical exhaustion." Sad experience, coroner! So you need not complain of the new departure, for it was necessitated by gaunt famine, first in the household of the Ohio Democracy, and afterward in that of the other States. I heartily agree with you that "misrule, extortion and oppression have distinguished the Radical rule in all the Southern States," so far as it concerns those that have failed to espouse the principles of a liberal Republicanism since the war. I regret that such has been the case as much as any man living—would do as much to prevent a recurrence of it as any patriot in the land, so far as an honest purpose and a manly effort might enable me to do so. But until modern spiritualism reveals more than it ever yet has as to the powers of those who have "shuffled off this mortal coil," I must be permitted to look to some other succor than the fading ghost of the Democratic party. I observe that, in your denunciations of the Republican party, your mind seems to have been contemplating the measures of some of its members while in office, rather than calmly considering its fundamental principles. If you will examine the platform of the party, you will discover very little in it which you may not find in those of other parties and embryos. (I admit, of course, that in that of the Democratic party of the last Presidential campaign, the fossil ideas of a past era were prominently paraded and held up for admiration, while they more appropriately belonged to the museum of history. That these curiosities of political campaign literature can not be found in any collection or platform of living Republican principles.) Look, if you will, at the official conduct of the generality of Democrats, and you will perceive that they have done no better than an equal number of those who call themselves Republicans. I take it, then, that party names amount to nothing as influencing and determining the official conduct of those in authority over us. In other words, the party name will not necessarily make an official able nor honest, nor save the people from an abuse of power once delegated to him. Genuine Republicanism never made a rascal, nor would Democracy make such a man a political exemplar any more than it has many of those of its faith who have made themselves notorious in office since the war. Now, whenever it can be clearly demonstrated that the principles of Republicanism require that a member of the party should be a rascal, or that those of Democracy make it indispensable that he should be intelligent and honest, then I will become a supporter of the present Democratic party. But I know that you will confess that this would involve the imperative necessity of another new departure, and one, too, which the Democracy is not apt to undertake. It has never yet been denied that policy (which you so strongly denounce) in state matters is absolutely indispensable. It is universally acknowledged to be the great secret of successful statesmanship. Pitt illustrated it in England, Richelieu exemplified it in France, and our own Clay was distinguished as the founder of the American policy. Now, I do not understand that to be policy which is not wisdom applied to the necessities of a case.

A true policy may keep the great object sought to be accomplished in the background, and by such means enable the enlightened and prescient statesman to work out his problem of public advancement. It never does ignore principles, for that instant this is done, policy ceases. Policy is defined to be "that system of measures which the sovereign (the people) of a country adopts and pursues as best adapted to the interests of a nation." I think you have attributed to it an imaginary signification, superinduced, probably, by your recollection of the characteristic strategems of the Democratic party, which it erroneously called policy, and hence your deprecations. Whenever I use the term I endeavor to do so in that sense in which it will serve to lead us by the shortest route, and the safest too, to the goal of the patriot's ambition, to wit: the peace, prosperity and welfare of all. I am a little surprised that you should so greatly differ from me in the conclusions I arrived at in computing the relative strength of the Republican party. But in this you only discover your old Whig idiosyncrasy. You know that that party could never be brought to believe but what virtue and intelligence would dominate mere numbers. It cost it millions of dollars quadrennially to learn that it was all a fond and idle delusion, and that in republics we do not weigh but count votes. You seem not to have yet made the discovery.

Have you forgotten the impressive lessons taught us in 1844, 1852 and in 1856? Let me entreat you not to have to go back to your stool of repentance to learn these lessons over again.

Denunciation of a party is not argument, you will admit; but if it were, its application would more properly be to those whom the party has favored with its confidence, and who, in their indecent scramble for official preferment, and to secure pecuniary emoluments, have adopted measures to accomplish their nefarious purposes rather than adhered to principles for the interest of the country and the honor of the party.

Now a word as to Hampden and his patriotic course and I will close.

You admire his career, and exultingly point me to its eventuation in the death of Charles I. I too admire his character, both as a man and as a patriot and statesman. There is one view of his attitude as such which you seem to have overlooked, and it is one which I deem absolutely sacramental to any public good you or I may propose to consummate. It is that, during the time of his courageous opposition to the payment of ship money, he was a leading member of the House of Commons. Here, his courage, his firmness and his conspicuous moderation were exerted to some effect, which, in the obscurity of a private life, would not have been brought to the public notice. I want our village Hampdens to use such policy as will serve to place them in the House of Commons—our Legislature—where, like his, "their stern republican virtues" may become watchwords, and sources of pride and exultation to those who may aid in their promotion. Hampden, we are told, was a Republican, but he was by no means a rascal. Clarendon says of him: "He was a man of the most discerning spirit, and of the greatest address and insinuation to bring anything to pass which he desired of any man of that time, and who laid the design deepest." * * * "He made so great a show of civility and modesty and humility, and always of mistrusting his own judgment, and of esteeming him with whom he conferred for the present, that he seemed to have no opinions or resolutions but such as he contracted from the information and instruction he received upon the discourses of others, whom he had a wonderful art of governing and leading into his principles and inclinations, while they believed that he wholly depended upon their counsel and advice. No man had ever a greater power over himself, or was less the man that he seemed to be, which shortly after appeared to everybody when he cared less to keep on the mask." Now, sir, here is my model of a man of policy, and I thank you for calling him to my mind. How do you like Clarendon's likeness of him? No doubt it is life-like. If it were not for imposing too much upon your time, I would give you short sketches of Sir John Eliot, Thomas Wentworth, the Earl of Strafford, John Pym and a few others of the same school of policy, and all of whom are enshrined among the most glorious and successful patriots of whom mention is made in the annals of history. All of them were men of inflexible principles and inexhaustible policy. Like them, I would never sacrifice principle to policy, but having my mind thoroughly imbued with a sense of responsibility and of public duty, and my ideas of the proper functions of government deep-rooted in a patriotic desire to promote the best interests of all, I would adopt such a policy as, in my own opinion, would result in the practical solution of my theory.

I hope to hear from you again, remaining as ever,

Yours very respectfully,
E. NORTH CULLOM.

Pennsylvania Election.

We copy the following special to the Louisville *Courier-Journal*, to show the speculations of its correspondent:

WASHINGTON, September 25.—Reliable advices received to-day from Harrisburg, Pennsylvania, state that there is not a doubt in the minds of Democratic leaders about the October election. Buckalew's majority, outside of Philadelphia, will be at least 23,000; and there is no fear entertained of a Radical majority in Philadelphia that can reduce this below 15,000. It is believed that the arrangements made by the Liberals for detecting and preventing frauds will cut down Hartranft's majority in Philadelphia to 5000. Senator Cameron admitted yesterday, in conversation, that the fight was going to be very close, and that the disaffection in their party was very considerable. He did not count on a majority for Hartranft in Lancaster county, which is conceding a 3000 greater loss than the Liberals have counted on. The Curtin letter is already exerting a powerful influence. Bets are offered by Democrats on Buckalew's election, and there are no takers by the ring men. The Cameron men are very despondent, and are astonished and bewildered at the effects of Governor Curtin's letter. In order to counteract its influence, there is a plan for Governor Geary to pardon out Yorkes, now in the penitentiary, on condition that he will exhonorate Hartranft from complicity in the frauds, and swear that the affidavit lately published is a forgery, and that Hartranft's letters to him are forgeries. Yorkes is made to believe that this is his only hope to escape, and none but Hartranft and the ring partisans are allowed access to him. Governor Geary has gone to Philadelphia, and if possible the bargain with Yorkes will be made. Among the estimated Liberal gains for Buckalew over the Governor's vote of 1869 are 300 in Adams, 600 in Berks, a large gain in Center county (Governor Curtin's home), 500 in Clarion, 300 in Clearfield, 600 in Columbia, 300 in Fayette, 700 in Greene, 600 in Lehigh, 2500 in Luzerne, 400 in Lycoming, 1000 in Monroe, 1000 in Schuylkill, 600 in Washington, 500 in Wayne, 500 in Westmoreland, 2000 in Allegheny, 800 in Beaver, 1400 in Bradford, 1000 in Chester, 1350 in Crawford, 3000 in Lancaster, 1000 in Potter, 500 in Susquehanna, and 1500 in Tioga, with proportionate gains in other counties. The fight between Meyers (Democrat) and Charpening Cessna is waxing warm, with chances strongly in favor of Meyers. The conferences from the counties of Franklin and Adams refuse to agree to Cessna. He has only the nomination of three of the smaller counties in the district.

George Woodruff, a San Francisco dishwasher, has inherited $6,000,000 by the opportune death of a New York uncle, and wants to borrow $3 until he can see Bill Brown.

From St. Louis to the Sea—The Proposed New Water Path to the Atlantic.

We copy the following article from the St. Louis *Democrat* of Wednesday, the subject discussed possessing some public interest, even though the scheme is chimerical:

A year or more since the *Democrat* contained a series of articles in relation to the proposition of Colonel P. H. Rainford, of Texas, to open a continuous water path from New Orleans eastward, through a chain of estuaries, bayous, lakes, lagoons, sounds and rivers, to the St. Johns or the St. Mary's rivers to the Atlantic. It was shown that our river vessels might follow this water way clear through its entire length, and communicate directly with large ocean vessels in the harbor of St. Johns, or such other harbor as might be fixed upon as the terminus of the route, and in addition to the large through trade now done with Europe, St. Louis would increase her Southern order trade immensely were such an extensive and cheap thoroughfare opened up to her. Although the *Democrat* has not had occasion to allude to this enterprise very recently, we state the matter has not been lost sight of nor abandoned.

Some gentleman traveling in England, noticing, probably, that the London *Times* was devoting some time and space to the material interests of the Mississippi valley, has addressed that journal a letter upon the importance of this proposed new water way. We find it contained in the *Times* of August 22, as follows:

To the Editor of the Times:

SIR—There is a project being discussed among the people of the cotton and food producing States of the American Union which, if carried out—and it is claimed to be eminently practicable—will greatly alter the centres, the usages and the routes of commerce between them and the countries of Europe, and will also put the cereals of America in successful competition with those of Central and Eastern Europe, and especially so in England.

The great maize, wheat and meat region of this country lies west of the Mississippi river, and from which they are now carried, according to a statement of Commodore Maury, either round the tortuous and dangerous Florida passage or over a railroad portage of 1200 to 1500 miles to New York and Baltimore, at a cost fully equal to that of the production. To avoid these difficulties and greatly lessen the cost of delivery at Atlantic ports, a plan is proposed, which, to the general reader, will at first seem to be a huge and impracticable undertaking, and yet, when investigated, is found not only to be feasible and of cheap accomplishment, but one which promises the highest benefits, not only to the food producers of the Western States, but to European consumers as well.

This plan is to create a new branch of the Mississippi river, a commercial prolongation of that stream eastward, traversing the Gulf tier of the States through a chain of estuaries which fringes the Gulf from that river to the head of the Florida peninsula, and then by rivers (the Suwannee and the St. Mary) which virtually bisect that peninsula, pass out to two or more of the best harbors on the Atlantic. The channel is to be made sufficiently large to admit the quick and easy passage of the huge flat-bottomed freight carriers of the Mississippi, the largest of which, with cargoes of a hundred thousand bushels each, do not draw over six feet of water.

It is estimated the entire work will cost less than $12,000,000, and that by such an outlet an immense saving can be made on the transportation to Atlantic ports of the heavy and bulky commodities of the Western States, and that through this route wheat can be put in Liverpool from that section at half the cost now required to take it to New York by rail and by the Northern States.

At home or abroad there is no work now projected in which the people of Western Europe can take greater interest, as it involves the question of cheaper food for themselves and a more direct commerce with the sections producing it.

I am, sir, etc., W. M.

We are glad to know that the affairs of the West are coming under discussion in the English papers, and are equally pleased that Colonel Rainford's proposition has not been abandoned by its friends.

The city of Fernandina, Florida, seems to be specially inclined to move forward in the enterprise of procuring the opening of this new water path, and her board of trade have recently adopted a preamble and resolution reciting the great benefit which will accrue to the West and South from the establishment of this thoroughfare, and resolving that it would be a wise and proper thing for cities and towns most interested to select delegates to attend a convention which should have the consideration of this enterprise for its object. This preamble and resolution have been printed in circular form, and directed to the various boards of trade, chambers of commerce, councils and other authorities of the cities and towns deemed to be vitally interested in the establishment of the proposed new route. We presume the board of directors of our Merchants' Exchange and Board of Trade have received copies of this circular, and we presume they will promptly communicate to Mr. F. Livingstone, president of the Fernandina Board of Trade, their willingness to select delegates to the proposed convention.

St. Louis, and every other city situated upon any of the navigable streams of the Mississippi basin, ought to be warmly in favor of every proposed new water path which will extend the area of their navigable waters, and give them new outlets to the sea. The proposed Coosa canal is a good thing and should have our aid. The Florida ship canal is another important enterprise, and merits our support. The Fort St. Philip canal, below New Orleans, also, bespeaks our active sympathies. The Lake Borgne canal scheme, now nearly completed, offers increased facilities to our Southern trade, and should command our patronage, while this enterprise of Colonel Rainford's strikes us as offering superior trade advantages over all the others, and deserves our earnest and constant support.

We think the plan of a convention at which this grand enterprise shall come exclusively under discussion an admirable one and suggest that it should be held in this city as soon as proper arrangements can be made. At all events, let it be in time to make up its influence felt upon the coming Congress. St. Louis is rather the most central position on this route, is easy of access, and can accommodate the convention better than any contiguous town. There should be delegates from Minneapolis, St. Paul, Hastings, Winona, La Crosse, Dubuque, Burlington, Davenport, Keokuk and Quincy, on the upper Mississippi; from La Salle, Peoria, Pekin, Naples, Henry and Beardstown, on the Illinois river; Sioux City, Omaha, St. Joseph, Atchison, Leavenworth and Kansas City, on the Missouri, as well as well as from all of the important points upon the lower rivers. Thus it will be seen that St. Louis is centrally situated in reference to the delegations likely to attend such a convention, and is undoubtedly the proper place for holding it. We presume the trade organizations or municipal authorities of the above named towns have all received one of the circulars alluded to, and hope they will attend to the request it contains at once. But lest some of them may have mislaid their copy, we print the preamble and resolution, as follows:

WHEREAS, The attention of the public and and this Board of Trade having been called, more than two years ago, by Colonel P. H. Rainford, to the feasibility of prolonging inland steamboat navigation from the Mississippi and other rivers flowing into the Gulf of Mexico to the Atlantic ocean, by uniting the tide basins along the gulf shore, and connecting the navigation of the Suwannee river with that of the St. Marys or the St. Johns, which flow into the harbors of the Atlantic; and,

Whereas, Engineers and other intelligent persons of Florida and Southern Georgia, who have a local knowledge of the route of the proposed work, and whose subsequent investigations have fully confirmed the practicability of the plan; and

Whereas, Such an improvement would immensely increase the utilities of the great natural thoroughfares of the western, central and southern portions of the United States, and give to each a cheaper, safer and shorter approach to the markets of the Atlantic States and of Europe, and create facilities which do not now exist for domestic exchange, by continuous inland water communication between the States of the Mississippi valley and those of the Gulf slope, west and east of them, from the Rio Grande to the Atlantic, and to those also on this ocean, to which the already existing channel, behind the islands, extends; and

Whereas, However obvious the practicability of the plan may be, and however advantageous to the commerce of the whole country it may appear to the few who have given the subject thoughtful attention, yet, to have the proposition properly and intelligently presented to the minds of the great mass of the people who would be benefited by the work, and who would, with the proper lights before them, give it undivided support, it is necessary that there should be, as has always been required in the beginning of important schemes, some organized and active exertion by leading interests of the country, and with this end in view, and to bring about joint and concurrent action of the localities immediately on the line of the proposed work, it is therefore

Resolved, That the Boards of Trade, Chambers of Commerce, Councils, or other organizations and authorities of the cities and towns on or near the route of the proposed channel, or on or near navigable rivers which would be placed in connection with it, be respectfully requested to signify to this Board of Trade whether they approve of the plan, hereby recommended, of holding a convention of the representatives of the Boards of Trade, Councils and organizations of the places indicated, to consider and determine as to the most proper and effective plan of giving vitality to the proposition, and of impressing the subject upon the national government, to the end of having an early and thorough investigation of its merits determined, and if found practicable, to its early completion as a national work; and to signify, also, whether they will send a delegate or delegates to represent their boards or cities in the proposed convention. The time and place for holding said convention will be made known by this board, through the press, when a sufficient number have been heard from to determine what point will be most convenient for the greatest number.

F. LIVINGSTON, President.

Refusal of Certified Checks.

We reproduce this special to the St. Louis *Republican*:

NEW YORK, September 21.—The action of the banks which refused last week to pay checks that had not passed through the clearing house is being sharply discussed by the press and public. The recusant banks quickly receded from their position, but the city banks are now certifying the checks of their dealers as good through the clearing house. They claim there is no other course left to them for settling the enormous daily transactions of the brokers, running from $100,000,000 to $125,000,000 per day. The settlements could not otherwise be made on a basis of only $40,000,000 in greenbacks and greenback certificates in all the banks. The *Times* claims this is all right and proper, but the *World* and *Journal of Commerce* assailed it very sharply. The *World* says: "For a bank to certify that it will pay within twenty-four hours a check legally and properly payable on demand, is not merely to violate both the statutes of New York and the national banking act; it is to sequestrate the value of the check thus postponed to the profit of the bank sequestrating it for a period of twenty-four hours. This is, in the nature of a financial operation, known in Spanish American countries as a forced loan. This can only be regarded as a fresh and startling indication of the extent to which the peculiar financial theory and practice of Mr. Boutwell and his friends have debauched the financial conscience of the country, and as a new ground for alarm in the calm judgment of practical men as to the financial prospects of the immediate future."

Breach of Promise Suit.

This is a special to the St. Louis *Republican*:

NEW YORK, September 21.—It is not probable that the great breach of promise suit of a young widow named Mary Frances Wade, against ex-Mayor Kalbfleich, of Brooklyn, will be tried before February, though the papers in the case have broken out in print. The widow demands $150,000. She met Mr. Kalbfleich—a fine old Hollander—at Rockaway about eighteen months ago. An acquaintance sprang up between them, which early ripened, as she alleges, into a matrimonial engagement. The marriage was to have taken place in December last, but the ex-mayor procrastinated, and finally broke off, giving as his private reason for doing so that he was in receipt of information reflecting upon the fair fame of the lady. Mr. Kalbfleich, who has for upward of thirty years past been engaged in the wholesale manufacture of chemicals, has amassed a fortune of several millions. He refuses to be interviewed by the reporters; beyond declaring the widow is "a hard nut," that his introduction to her was a put up job, and that he is perfectly willing and able to defend his case in court.

The Reserves of the City Banks.

Speaking of the fact that the reserves of the New York city banks are now below the legal reserve, the *Herald* says: "This is the second time in their history that the legal line has been encroached upon, the other having been during the crisis of last October, pending the panic following the fire at Chicago. It is true the deficit is not large, but the fact that there is a deficit at all is something that a well regulated financial mind would have been shocked at a few years, or even a year, ago. But, a precedent having been made last October, when the enormous expansion of the banks rendered them readily susceptible to the dangers of a panic, and the impairment of the legal reserve on that occasion having been allowed to pass without rebuke from the Secretary of the Treasury, the banks glided into a similar condition on Saturday without exciting so much sensation in Wall street as would be made by the playing of a hand organ before the door of the Stock Exchange."

Accident on the Jackson Railroad.

We copy the following report from the Summit *Times*, of a recent accident on the Jackson railroad:

On Saturday morning last, the twenty-first, the down mail train met with a fearful smash-up at Magnolia. We interviewed the officer in charge of the train, and learned the following particulars: The switch rail, from some unknown cause, was jarred from its proper place by the passage of the engine and baggage car over it, and thereby throwing two passenger coaches from the track, upsetting and dragging them on their sides some distance. Conductor McShane, in charge, informed us that men, women, children, baggage, and splinters from the size of a tooth-pick to a fence rail, were drawn from the windows of the wreck, and, strange to say, not a passenger was injured.

We give these particulars in order to correct a false rumor gone abroad that the rail had been misplaced by some evil person, as was the case near that town some time since. It was one of those unavoidable accidents that will now and then occur to the best managed railroads, and no blame whatever can be attached to the railroad company.

A special of the twenty-fourth from New York to the Cincinnati *Gazette* says:

The *Tribune* will publish to-morrow its exposure of the treatment of emigrants crossing the Atlantic. The account furnished by the reporter, who took passage in the steerage, fills five columns, and gives minute details of the treatment of passengers. It says that the managers of the steamship lines, from culpable carelessness, render life in the steerage far more miserable than there is any need it should be. Abuses justly complained of are, of themselves, trivial, but, aggregated and daily repeated for weeks, become almost unendurable. The steerage cabins are as large as circumstances will permit. The appointments might well be better for the money, but the food, supplied in plentiful abundance, is dirtily prepared, and disgustingly served. The *Tribune* says, editorially: "We do not expect an enlargement of steerage holds, for that is practically impossible, nor a reduction in the number of passengers admitted, but there are conveniences and concessions which can be, and ought to be granted, as a right to emigrants, and a benefit to the company."

A Scotchman asked an Irishman why farthings were coined! "To let Scotchmen subscribe for charitable institutions."

Burned Cotton—The St. Louis Decision.

We copy the following from the St. Louis *Republican*:

The long pending law suit of Henning & Woodruff vs. the United States Insurance Company, which has been before the different courts, State and federal, for a period of about eight years, was finally decided yesterday in the United States Circuit Court, the jury giving a verdict for plaintiffs for the sum of $178,280. The Supreme Court, after the case had gone through the lower courts, rendered a decision in favor of the defendant. A new suit was then instituted in the United States Circuit Court, and was argued on demurrer before Judge Treat, whose decision was favorable to the defendant. On a review by Judge Dillon this decision was reversed, on the first of May last, and the case came up regularly for trial in that court several days ago, Justice Miller and Judge Treat occupying the bench. It was submitted to the jury yesterday, and a verdict rendered as above stated.

The facts of the case may be briefly stated. On the ninth of June, 1864, a large lot of cotton was shipped from a Southern port, on the steamer Progress, consigned to Butler & Co., at Cairo. Immediately upon the signing of the bills of lading for the cotton on board the steamer, a memorandum was entered on said bills, which stated that the same was insured in Henning & Woodruff's open policy of insurance in the United States Insurance Company. The vessel was destroyed by fire before reaching Cairo, and the cotton lost. The insurance company refused to pay the loss, on the ground, chiefly, that the charter of the company required all contracts to be in writing, and consequently a verbal or parol contract was not binding on it. This defense was considered good in all the courts until the case came up in May last in the United States Circuit Court.

JUDGE DILLON'S DECISION.

The decision of Judge Dillon on that occasion was on the demurrer, and laid down the law upon which the instructions to the jury yesterday were based. The judge noted three propositions, as follows:

1. That the first count of the declaration sets forth a verbal contract by the defendant to insure this specific cotton; that in the absence of any restraining provisions in the charter of the defendant, or in the laws of the State applicable to the defendant, a parol contract of insurance is valid; that the laws of the State respecting corporations so far from prohibiting, allow parol contracts to be made, and recognizes the validity of implied contracts by corporations (stat. 1845, p. 232, sec. 8); that the charter of the defendant, construed in the light of the general law, does not disable it from making a binding contract of insurance without writing. The charter directs that "all the conditions of policies issued by the company shall be printed or written on the face thereof," and that certain named officers "shall sign the policies or contracts made by order of the board of directors;" but these provisions, especially when viewed in connection with the general law of the State, can not be held to prevent the company from making oral contracts of insurance, nor from being held liable upon implied contracts of insurance in accordance with the general and established principles of law.

2. If the decision of the Supreme Court of Missouri, when this cause was before it (47 Mo. R., 425), is to be considered as holding an opposite view, it is not conclusive upon this court, although entitled to great respect and consideration.

The contract alleged is one relating to general commercial law, and in such cases the federal courts, when their power is judicially invoked, must determine for themselves, both as to the power to make the contract and its true construction. Butz vs. Muscatine, 8 Wallace, 584; Bank vs. Kelly, 1 Black, 436, 443; Gelpcke vs. Dubuque, 1 Wallace, 175, 205; Leffingwell vs. Warren, 2 Black, 599; King vs. Wilson, 1 Dillon, 555.

In this view as to the effect of the decision of the State court, Krekel, J., concurs, but Treat, J., differs, he holding that it is conclusive upon the Federal court as to the power of the corporation to make the contract.

The demurrer to the first count is therefore overruled.

3. The second count alleges the contract to insure this specific cotton to be in writing, and if (as the demurrer admits) the averments thereof are true, the plaintiffs have a cause of action. We do not now determine whether the entries appearing on the books annexed to the open policy establish the truth of the averments that there was such a contract in writing as this count sets forth.

The statements in this count as to the legal effect of the written policy of June 1, 1855, as to termini of shipments, are, in our opinion, erroneous, for the reasons stated in the ruling upon the third count of the declaration.

4. In substance, the third count is one upon the original policy of June 1, 1855, which, it is alleged, covered by its own terms and effect (as understood, construed, and intended to be understood and construed," by the parties) this shipment of cotton in 1864, by Butler & Co. to themselves, from the mouth of Red river to Cairo. The allegation is that the original policy, when properly construed as intended, extended to and covers by its own force, effect and operation all shipments made by said Henning & Woodruff, or by any other parties, in which said Henning & Woodruff had an interest, at and from all ports and places upon the Mississippi river, irrespective of the place of shipment or the port of destination."

To this construction of the policy of June 1, 1855, we can not give our sanction. It can not mean one thing in 1867 and another in 1868. Where terms of policy are not clear, we may resort to usage, and the course of dealing under it the better enable us to ascertain what the parties meant by the use of such terms, but no further.

By its terms we think it plain that St. Louis was to be one of termini of all risks which it was intended to embrace, and that it can not be held of its own unaided force and effect to extend to a shipment of cotton in the name of other parties from a place on the Mississippi river to the port of Cairo, although Henning & Woodruff may have been interested in such shipment.

In this view of the third count, the demurrer thereto is well taken, and must be sustained.

Of course, it is not intended to deny that a written contract may be modified, and either enlarged or restricted by a subsequent valid parol agreement. But if any such parol agreement was subsequently made whereby a risk was insured which was not embraced in the original contract, the rights of the plaintiff arise under such subsequent parol contract, and must be determined by it. It is in this event a new contract, and it is a parol contract, although it may refer for part of its terms to another contract in writing of a similar character existing between the parties; but such reference does not make the new contract a written contract, nor does it alter the meaning, force or operation of the written contract.

Judgment accordingly.

The Liberal Committee and Mr. Greeley.

We reproduce the following special from the Cincinnati *Gazette*:

The Greeley managers here have news of a very lively time in the New York committee, when Mr. Greeley gave the members to understand he was going West. It now appears that the question was debated with much bitterness, and that nearly all of Mr. Greeley's personal friends, who are attempting to manage the campaign for him, were earnest and most decided in opposition to the Western trip. On the other hand, it was a matter of comment among this class of opponents to the scheme that those who made themselves most prominent in urging Greeley to make the journey were men who, of late, have been suspected of secretly desiring his defeat. To this latter class Greeley listened, and, in spite of all the others could do, he declared that he would go, and intimated that he knew as much about what was good policy and proper management in the campaign as any one could tell him. His idea of the trip seemed to be that he would, through the medium of the Associated Press, which would, of course, be open to him, explain, not only to his audiences, but to the entire country, some matters that, as they are now before the country, were an injury to his prospects. The two principal matters, in his mind, to be smoothed over were his early secession ideas and his views in regard to currency and specie payment, which were doing him much damage among the business men. His attack on the soldiers in Pittsburg is regarded among his chief managers in New York as, thus far, the greatest misfortune of the campaign, and the attempt at Cincinnati to explain his views about secession as little better. One of Mr. Greeley's reasons for ignoring the advice of the committee and his friends, who insisted that he should not go West, was that he followed their commands, and came out of Maine and out of New England much sooner than he desired, and he now feels that if he had been permitted to go over that State more thoroughly the result would have been much more favorable to his cause. The great problem among his shrewdest friends in New York is, how to get him home in the quickest manner, and to keep him there. It is understood that there was only one majority in the New York committee in favor of Mr. Greeley's trip.

A Good Talker.

The "Monthly Gossip" in the October number of *Lippincott's Magazine* contains this capital story:

Perhaps the most brilliant conversationist that Virginia or the United States ever produced was the late Lyttleton Waller Tazewell. Unfortunately for his reputation as to consistency and firmness of opinion, his mind was so capacious and well stored that it was impossible for him not to see all sides of any subject on which he conversed, and hence it was not always easy—indeed, it was often extremely difficult—for his hearers to ascertain what his real opinion was. In illustration of this peculiarity of Governor Tazewell, the following anecdote is told:

When the nullification trouble was at its height, Mr. Calhoun sent William C. Preston to Richmond to sound the first Governor Floyd, father to John B. Floyd, Secretary of War under Buchanan, as to what might be expected of Virginia in case South Carolina became involved in a conflict with the federal government. The question being one of great importance, and Governor Floyd having the utmost confidence in Governor Tazewell's judgment, the latter was summoned to the State capital, and the conference took place in the executive mansion at night soon after supper.

Mr. Tazwell being called upon for his opinion, began. A stream of brilliant and forcible words poured from his fluent lips, enchaining and delighting his two auditors. At the expiration of an hour Governor Floyd ventured to interrupt him: "Your opinion, then is—"

"Wait a moment," said Tazwell. Diverging from the line of his previous remarks, he corruscated for another hour as forcibly as before.

It was then Preston's turn to intercept—and if possible arrest—the flow of talk:

"We may conclude, then, Mr. Tazewell, that you hold—"

"No, not at all. You quite misapprehend me." Taking another point of departure, he went on from hour to hour, zigzagging and worm-fencing at each interruption, until at last broad daylight flooded the room.

"Bless my soul!" said he, looking up surprised, "it is morning. Floyd, if you will give me a bowl of water to wash my face, and a julep, I will lie down for an hour or two to rest myself, and to-night, if you choose, we will resume our conversation. I am afraid I have not made myself quite clear to either of you gentlemen."

The water and the julep were duly brought and the fluent talker went up to his chamber.

Floyd and Preston remained staring at each other for a long time in profound silence. At length Mr. Preston said, "Have you any idea what Mr. Tazwell's real opinion is?"

"None whatever. Have you?"

"Not the remotest conception. Do you think he has any opinion?"

"Most certainly. He has every opinion that any man ever had or could have on this subject, and a great many more beside. But what his final opinion will be, no living man, not even Tazewell himself, will ever discern."

The "conversation," as Mr. Tazewell was pleased to call it, was never resumed.

Quarantine Absurdity.

[From the Galveston Bulletin.]

The New Orleans REPUBLICAN says: "We learn from a gentleman connected with Morgan's steamship line that an effort is being made by the New York ring in Galveston to procure a declaration of quarantine at that port against New Orleans. The application is based upon the yellow fever case reported in our city papers some ten days ago. No other ground can or does exist. A more wicked and contemptible outrage never was conceived, and it is time the people of Texas themselves protested against acts so injurious to their interests and so unfriendly to us."

The statement is simply ridiculous, and the gentleman connected with Morgan's steamship is an ass. There is no New York ring in Galveston. Many of our principal merchants are North now purchasing goods, and to quarantine them from returning home would never be attempted unless yellow fever was so bad in New Orleans that it threatened to become an epidemic. As there is no yellow fever in New Orleans, we cannot see why the New Orleans REPUBLICAN places any reliance upon so stupid a statement.

Galveston depends largely upon New Orleans for her stocks. Trade has been so brisk all stocks are needing continual replenishing, and it is no benefit to Galveston to declare quarantine unnecessarily. On the other hand, if Galveston were to declare quarantine against New Orleans, it would frighten off all country buyers from Galveston and check our present trade at once. We can not see why so unjust and scandalous a libel upon the good sense and integrity of Galveston should be credited by the REPUBLICAN. The informant is nothing but a busybody, ignorant of fact and regardless of truth.

Partly Prepaid Letters.

This is a special dispatch to the St. Louis *Republican*:

WASHINGTON, D. C., September 22.—The merchants of the various large cities have complained against a recent decision of the Postmaster General, which required double postage to be paid upon all mail matter which had not been fully prepaid in the first instance. An agent representing the commercial interest of New York came here yesterday for the purpose of urging the Postoffice Department to reverse this ruling. It was held that the collection of double postage was clearly illegal under the act of Congress, which requires the collection only of the unpaid rate, and also that it was not in conformity with the prepaid system established by the Postoffice Department. Mr. Creswell, however, adhered to the original decision, stating that to hold otherwise would entail an annual loss of $5,000,000 upon the treasury. It is now in contemplation to carry this ruling into the courts for a judicial opinion. The section under which the ruling is made reads as follows:

SEC. 152. That if any mail matter on which by law the postage is required to be prepaid at the mailing office, shall by inadvertence reach its destination without such payment, double the prepaid rates shall be charged and collected on delivery.

That under which the suit will be brought says:

SEC. 151. That all mail matter deposited for mailing on which at least one full rate of postage has been paid as required by law, shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery.

Ol Forrester as a criminal lawyer, a New York special of the twenty-first to the St. Louis *Democrat* says:

The prosecution of the case of Forrester, the alleged murderer of Nathan, attempted to-day to identify Forrester by a new witness. Captain Hedden, of the fifteenth precinct, requested that Forrester should leave his cell for the purpose of enabling this witness to identify him. Forrester emphatically protested. He claimed that it was proper and just he should be sandwiched between seven and eight other men. This was done, and the witness failed to identify him.

A Maine alderman, invited to attend a centennial jubilee, replied, "I can't attend this one, but I'll go next time."

OFFICIAL.

Laws of the United States Passed at the Second Session of the Forty-First Congress.

[GENERAL NATURE