

THE SCHOOLS OF THIS CITY.

In the year 1857 a Commission, consisting of five gentlemen of this City, was appointed by Gov. King, under an act of the Legislature, which required them to examine into the operation of the school system of this City, and report thereon previous to Jan. 1, 1858, and to annex to their report a draft of a bill making such changes and improvements in the laws relative thereto as they might deem advisable. The Commission made a report to the Governor, accordingly, and on it to annex a draft of a bill. This report makes a formidable document of 1,192 pages, of which 5,000 copies were printed at an expense to the people of this State of doubtless at least as many dollars. It contained some twenty pages of report proper, a few more pages of statistics collected by the Commission, while the remaining thousand and odd pages consisted of documents previously printed by the Board of Education, a large portion of which had already become lumber. Before this document in its full proportions had had an opportunity to make that impression on the Legislature which it has since left upon the minds of those who have seen it in its printed form—for we presume no one has ventured to peruse it—the Commission secured the passage of a law giving them another year to discharge the duty for which they were appointed, namely, to prepare and report a bill amending the School Laws. This bill they have now reported, and a printed copy of it is before us. Upon examination of it we are convinced that, if enacted into a law, the increased expenses which it will entail upon the City will exceed the cost to the State of printing the first report of the Commission as largely as a mountain does a molehill, unless, as is probable, the expenditure under the law would be so enormous as to secure its overthrow, if not the destruction of the School System. The following are some of the objections to the bill which we notice:

The Board of Education is to consist of one member from each Ward, instead of two as now. We do not consider it very important whether, if the Ward system is preserved, the representation be one or two, but we object decidedly to the basis. It is a flagrant wrong that the wards below Houston-street, which contain but very little more than a quarter of the population of the City, should elect half of the members. This evil has been corrected in the formation of the Common Council, and should be in the organization of the Board of Education. It is a further serious objection that only five or six Wards are to elect Commissioners in the same year. In this City, where there is much moving from Ward to Ward, a voter would be often in doubt, until the day of election, whether he was to vote for a Commissioner or not, and would, therefore, neglect to inform himself in respect to the merits of the candidates. The members of the Board of Education should be elected at regular periods, and the whole City should vote at the same time.

While no attempt is made to reform the material of which the Board is composed, and it is left constituted upon an unfair basis, patronage and power are given to it to an extent which would inevitably make it far more corrupt than it has ever yet been suspected to be. Unrestricted authority is in the first place granted to it to provide sites and buildings for general purposes, and then the purchase of sites and the contracting for new schoolhouses, which are now made by the local boards with the sanction of the Board of Education, are to be exclusively confided to the latter, without the least restriction whatever.

Another objection of controlling force is that the most unbounded power is given to the Board of Education to employ whatever officers and workmen it pleases, and at such salaries; and that this sweeping patronage is added the power to establish a School Police, to be called "truant officers," "so many as may be deemed necessary and proper," who are to have in relation to "idle and truant children," for "the safety and protection of teachers and scholars," and "for the purposes of the act," "the powers of police officers" and "such other powers as the Board of Education may prescribe." It is reasonable to assume that ten officers to a Ward would be deemed a "necessary and proper" number; and as they are to have greater powers than the Metropolitan Police, of course the same pay, \$800 a year, would be moderate; being an annual cost for 220 officers of \$176,000. No sane person will imagine that these would be anything else than sinecure places, except at election times, when the force would of course work hard for the reflection of their employers; but it may be refreshing to tax-payers to be reminded that the proposal to establish the force originates with a Commission appointed under an act, the title of which declared that they were "to secure the more perfect economy of Common Schools in the City of New-York."

One of the School Commission is also a Police Commissioner, but we hardly supposed that he would be willing to make such a decided hit at the efficiency of the present police force. The policemen we meet in the streets do not seem to be so overburdened with duties that they could not also lock after vagrant children, if such supervision is necessary.

While the Board of Education is thus loaded with dangerous patronage, its powers for usefulness are lessened. It now has comprehensive authority to control by "general rules and regulations" the action of the local Boards, and the Commission may have intended to continue this authority; but if so, they are not very explicit nor fortunate in the language they employ.

The present local organization by Wards is retained, whereby we have two Boards of Trustees, those for the Second and Third Wards without any schools to conduct; while, if the organization was by Aldermanic Districts, there would be no boards without duties. Besides, as these are the districts for the election of Aldermen and Assemblymen, it simplifies matters to have the same territorial limits for other purposes.

In relation to the duties of the Trustees, the proposed bill is very unsatisfactory in its language. What is said upon the subject is scattered along through the bill, and there is very little of a restrictive nature. Indeed, there seems to be a lurking intention throughout that these local Boards shall be shackled as slightly as possible, particularly in relation to the management of established schools.

the office of Inspector, the duties of which are now mainly to visit the schools, and to examine and audit the bills of the local Boards, is abolished. This removes the only check upon the latter, at the very moment when it would become necessary. Such a class of officers, however, composed of good men, to go round and inspect the schools, with a veto upon unnecessary expenses, will be more apt to strike those who pay taxes as an advantage rather than an incumbrance.

A singular power is also given to the local Boards, to establish in each of their Wards a "school library, for the use of all scholars, teachers and citizens residing in such Ward." We would like to see a good library for the people in every Ward, but we do not believe any rational man will be in favor of giving the School Trustees the power to establish and continue such libraries with the public moneys, until they discharge the duties they already have, in such manner as to secure a greater measure of public confidence than they now enjoy.

Another very singular feature is the admission of non-resident pupils to the schools upon the payment of a charge for the tuition. This would make two classes—free scholars and pay scholars. Our system of education professes to be free, and it may better be kept exclusively so. Distinctions between the scholars would be bad, and all the money realized in this manner, which we presume would be very little, would not equal the wrong character the practice would give to the system.

One of the most striking instances of the way in which this bill removes legislative restrictions upon the management of the schools, is the provision in relation to the length of the daily school sessions. By the existing law they are six hours a day. Hereafter, they are not to exceed six hours in the grammar, and five in the primary schools. It may be a question what length of daily session is best, but we are not in favor of giving the Board of Education, under the pressure of a peculiar influence, power to reduce them, perhaps, to three hours a day.

So, also, in respect to holidays. Evacuation Day, which is now unobserved by the great mass of the community, and the whole of the week which includes the 1st day of May, are added to those now allowed. It would probably puzzle any member of the Commission to say why, because a part of the City move on the 1st day of May, the schools should be closed for an entire week. The other holidays allowed are less injurious, because they are general holidays when children can be looked after by their home guardians; but these forced holidays are deleterious. And be it observed that this is to be the law, so that the schools cannot be opened on these days; and then, after reducing by law the number of school-days to 207 a year, the Board of Education have an unrestricted right to allow other holidays. Very soon, the inquiry would be on what day the schools were open, instead of what were holidays.

And, while the efficiency of the Public Schools is impaired and their cost increased, the Orphan Asylum, the House of Refuge, the Juvenile Asylum, the Home for the Friendless and the Five Points Missions, which now participate in a part of the school moneys, are shut out entirely. Even charity is pinched to swell the means to be wasted in other channels of expenditure.

We presume, from a perusal of the proposed bill, that it is intended to give the control of the Evening Schools to the Ward Boards, but it does not say so. They are now under the charge of the Board of Education, and it is a just illustration of the looseness of the bill, that it does not place the management of these schools anywhere!

However, justice cannot be done to the bill without an examination of its financial basis. This is to depend entirely upon the registered number of pupils in the several schools; and that, we may do it full justice, we copy the words of the bill: "The register number [of pupils] shall be computed by adding to the number of pupils actually belonging to the school on the first school-day of the year the number who enter during each month, and subtracting therefrom the number who have been discharged. The Register shall be made up monthly, and the average of the months shall be the average of the year. Every pupil shall be marked discharged on the Register upon the day when he shall leave the school; and any pupil who shall be absent from school for ten consecutive school-days shall be entered as discharged, and his name shall be returned on his return. The Register shall be verified by this and the last preceding section shall be verified by the oath or affirmation of the principal teacher."

We will not stop to inquire what difference is intended between marking and entering a pupil as discharged, but proceed at once to the substantial merits of the plan. Everything, it will be seen, is to depend upon the attendance on the "first school-day of the year;" and we may anticipate that every inducement, from candies up to dollars, will be held out to secure a large number on that day. Suppose that in a grammar school an attendance is so secured of four hundred, and that during the month of January one hundred of this number, being factitious, is lost, while five bona fide pupils are added, and we thus have an attendance of three hundred and five for January. But February, instead of beginning with this latter number, takes again the swollen attendance of the "first school-day of the year," and as the unsworn part was lost in January, of course it cannot be lost again; and, if we suppose five bona fide admissions and a loss of three, we have a net addition of two, making an aggregate of four hundred and two for the month, although the real attendance would be but three hundred and seven. Nothing further need be said on this point, except to remark that, although these meretricious returns are to be verified by oath, false swearing in the premises is not made perjury.

The sum of \$16 for each scholar, according to the register number, to be made out as above specified, is to form the limit of the amount which the Board of Education can exact from the City Treasury. In the year 1857, the last one for which we have the report of the Board, the whole number of pupils returned as taught was 150,591, and this number, at \$16 each, would give a total of \$2,409,456. But the number taught was swollen somewhat from the fact that pupils changing from one school to another were counted in both schools; and, although such double counting would not, probably, more than balance the false counting allowed by the Commissioners' plan, we will throw off the excess of \$409,456, and estimate the limit, upon the attendance of 1857, at two millions, to which must be added about a quarter of a million received from the State. The Board of Education is now drawing about a million and a quarter, and running close up to the limit at present fixed by law; so that this Commission, "to secure economy," accomplish the duty with which they were charged by providing that the Board of Education may go a million deeper into the City Treasury!

section 61 directs that the money received from the State, nearly a quarter of a million, shall also be placed to its credit. So the Board will have all of this latter amount for extra purposes, but whether as pin money for the female teachers or "expenses" of school officers, the bill does not specify.

Of course, it is entirely consistent with its general character, that the effect of the bill, if passed as reported, will be to remove from the annual estimate of the Board of Education, the examination of the Revisory Commissioners established by the City Charter.

While money is to be thus bountifully supplied, so much as may be appropriated to the local schools is to be apportioned among the several Wards, as a majority of the School Commissioners, one from each Ward, in their "discretion" may determine. To be sure, the bill provides that this shall be done "by a just, equitable and uniform standard;" but it is well known that such phrases are of little force to restrain the exercise of power. It cannot be doubted that a majority of the Wards would combine and carry an appointment to suit themselves. We should have a nice scene of scrambling and log-rolling.

Nearly half a century since, we believe, the people of this City applied and obtained permission to tax themselves one-twentieth of one per cent of the assessed value of their real and personal property, for the support of public education. This feature of our school system has stood to the present time unaltered, and has justly been regarded as an honor to our City household, highly creditable to the foresight and public spirit of our ancestors. It falls, however, by the bill before us—being lost in the general and enormous allowance of \$16 for each registered scholar. We part with a cherished institution without seeing a dollar to recompense us therefor.

The features of the bill we have noticed all originate with the Commission. There are other changes from the existing law proposed by their bill, but they are mostly those which had been previously presented for public consideration. It may be truly said of the bill that most that is good is old, while the new is principally bad.

In two or three instances, however, the Commission have suggested improvements. The principal one is in the following words: "Changes in the salaries of teachers and janitors shall not be retrospective, and they shall take effect only on the first day of January, or the first day of July; and no teacher, by reason of a change from one school to another, shall be entitled to any increase of salary." This provision is designed to restrain the competition among the schools to secure the best teachers, which leads to the offering of higher salaries to induce teachers to change their situations; and it is pointed, comprehensive and efficient. If there is no other school legislation the present session, we hope this restriction may be made law.

Taken as a whole, however, the bill is devoid of spirit, loose in its details, and very inaccurate in its provisions. Its general character is that of a measure to remove most of the existing restrictions upon the expenditures of the School moneys, and to permit the Board of Education to draw an additional million of money in each year. And yet it is reported by an appointed Commission, some of whose members enjoy largely and justly the respect and confidence of the people of this City. The result of their labors is but another proof of the frequency with which, in public matters, the best intentions fail to reach existing evils and accomplish real improvements. We do not believe that the bill can possibly be adopted by the Legislature.

THE NEW RESERVOIR.

A question has recently been raised as to the security of the new reservoir now in course of construction in the Central Park. The importance of the subject to the interests of the city and of property holders in the vicinity have induced us to take some pains to inform ourselves of the character of this work and of other similar structures. We visited the Park for the especial purpose of examining the ground, the barrier that is to inclose the artificial lake, and the materials employed in its construction.

In the northern portion of the Park, just above the Receiving Reservoir, which extends between the lines of Eighty-sixth and Seventy-ninth streets, and between those of Sixth and Seventh avenues, the new reservoir is laid out over a broad level, covering 106 acres of ground, the circumference of which is a little over a mile and a half. The primary object of a receiving reservoir requires it to be at a great elevation. Its embankments, therefore, are usually artificial, and in this case they are but occasionally protected by higher ground on the outside. The natural drainage is toward the Fifth and Eighth avenues, near which the reservoir reaches; and on these sides the most disastrous effects would be experienced in the event of the embankment ever giving way. The possibility of such an occurrence is always a serious consideration with engineers; and it may well be so when, even by the bursting of a beer vat in one of the great London breweries a few years ago, several houses, with their inhabitants, were swept into the River Thames. The principles upon which embankments for retaining water are constructed are established by long experience, and the practice is essentially the same in nearly all the great works in the different countries of Europe and in the United States. For diverting rivers from their natural course and confining them within artificial banks, the embankment "is almost always the mound, with a clay wall in the center, varying in width according to the depth of the different parts of the old bed of the river which it has to intersect. The materials for these banks are obtained from excavations for the new bed." This is a simple account, from a late English treatise on Embankments, giving the construction most appropriate to resist, not only the pressure of standing bodies of water, but, what is much more destructive, the wearing action of deep currents. It will be observed that no reference is made to the width or area of the water, but that the clay wall is to vary in width according to the depth which the current may reach. This is an important consideration, for the area of a pond is of no consequence in considering the strength of a barrier that is to retain its waters, except so far as it may, by an immense surface open to the winds, be liable to destructive waves. In this case, the effect, which is superficial, is guarded against by a slope wall of stone, reaching above the height they can rise. The danger is from the depth, or, in other words, from the height of the column of water; and, as strong a barrier is required to contain a pond of water, the surface of which is no larger around than a barrel, as one of equal head or depth that covers miles of area. The depth of water in the new reservoir is to be 34 feet, as a maximum, above

the foundation of the embankment. That of the distributing reservoir on Murray Hill is two feet more than this, and should, consequently, be provided with a more secure protection. We will compare the two, and also consider the barrier inclosing the original receiving reservoir in Central Park, in the course of this notice.

In the French school of Bridges and highways (*Ecole des Ponts et Chaussées*) three modes are recognized of constructing the embankments of reservoirs, viz: earth embankments alone, a wall alone, and an earth embankment within a wall. The great reservoir of Chantilly, constructed by the first plan, is 5,000 feet in length with a depth of over 72 feet of water, and so exposed that waves ten feet in height have been seen upon it. The width of the earth embankments at top is given at from 16.4 to 19.66 feet (5 to 6 meters) and the slope at from 1 1/2 to 3 base for 1 vertical often being determined by the slope which the materials employed are found to take after lying for some time piled up in a wet state. The slope on the water side is faced with stone, either laid in courses, or rough work, or sometimes on very flat slopes, with a covering of loose, broken stones. Slopes of 45° and from that to 1 1/2 to 1 have not stood well at the Canal du Centre when carried up about 40 feet vertical height, and have consequently been protected with a facing of masonry in steps of alternating grades. These slope walls are never intended as a support to the bank but merely to protect them from the wearing action of the water and of the waves. In constructing the embankments, special care is given to the selection of the material and the manner of using it. The earths selected are of a clayey nature, "terra grassa;" the best are at the same time argillaceous and sandy. When these are not sufficiently abundant, and lighter qualities are employed, a central dyke of clayey earth is built up in the center, and the directions are to embody this well with the solid material at the bottom. If the natural earths are too clayey, so as to crack in drying, they are to be mixed with sand to temper them. The material is to be laid in beds, each three to four inches thick, and every layer, by rolling with a heavy channeled rollers or by ramming, is to be thoroughly incorporated with the one beneath. Earth embankments thus made are considered preferable to walls, on account of their stability on almost any ground, while walls must be bedded on solid foundations. Considered in respect to impermeability, the walls are said to possess this property no better than embankments of the proportions thickness; and, as the latter are spread out to great width, they may be regarded as opposing a greater obstacle to the passage of water. If the effect of waves is feared, or injury from sudden drawing down of the water, the effect of which is to produce a tendency in the saturated layers next the slope to press in, walls are more secure. But in respect to the changes brought about by degradation in long periods, embankments require no repairs in their interior, the materials ever becoming more solid by setting, while in the walls of masonry, cavities are produced that cannot be reached without great difficulty, and are uncertain and costly to repair. The mixed system adopted at Saint Ferrol, and at Couzon, is not approved, on account of the additional expense it involves, without corresponding advantages.

The embankment at the new reservoir is constructed exactly according to the plans recommended by the French engineers and approved by the English authorities on this subject; and the only objection that can be brought against it is in questioning the quality of the materials used. The thickness of the dyke at top is 16 feet 8 inches, and its slope 1 1/2 base to 1 vertical, both on the inner and outer side. At water line the thickness of earth is 24 feet 9 inches, at 30 feet below it is 114 feet 9 inches, and next the water from the top to a solid foundation it is faced with a dry wall 18 inches thick, of stones set on edge and well wedged, backed with a layer of stone 8 inches in thickness, the pieces broken in size to pass through a 2-inch ring. This will prevent the penetration of the smallest water animals that can injure the embankment by their excavations. In the center of this embankment a puddle wall of clay is built up 16 feet in width, the upper portion, which reaches above the water line, tapering off to 4 feet in width. The material is selected from the great excavation, where sufficient clay of excellent quality for this purpose is found. Specimens are continually subjected to trial, and none is employed but what is found to have the proper tenacity. The foundation of this bank is a bed of concrete laid upon the solid rock, the surface of which is usually below the level of the base of the other portion of the embankment, and this central rib is thus stayed by the depth of natural earth excavated for it. Between the puddle bank and the water the material is also selected with care to avoid any quality of sand that may, when wet, be of the nature of quicksand, and even in the outer side none is admitted that is decidedly of this character. The banks which have been exposed to the recent heavy rains show no tendency to gully, as they certainly would do if quicksand were present. The layers are rolled and incorporated together as material is laid on enough to add 4 inches to the height, the roller used being a channeled cast iron machine of 3,000 pounds weight. The reservoir is divided into two nearly equal parts by a division wall constructed in similar manner to the outer embankment, except that it is faced on both slopes with stone, and its puddle wall is founded between two rows of sheet piling driven down to the rock or to hard clayey ground, the space between being 16 feet wide. This central embankment will serve to retain either half of the water independently of the other, or at least that portion of the water which is 4 feet below the usual water level, the top of the embankment reaching only so high.

The original receiving reservoir, situated by the side of this new one, is 20 feet deep below the top of the embankment in its southern half, and has a depth of 25 feet of water. Its embankment is 14 feet wide at top, with a slope wall next the water 15 inches thick and 1 1/2 base to 1 vertical. On the outer side, next the streets and avenues, the bank is protected by dry walls of stone, the outside only laid in lime mortar, and the joints pointed. In this embankment no central puddle bank of selected clay is constructed, but the whole filling is the material just as it came from the excavation. A cut recently made in it to the depth of 20 feet disclosed an indiscriminate mixture of sands and disintegrated rock, including a considerable proportion, such as is not admitted into any part of the new work, and yet it was so dry and compact that the vertical walls of the shaft sunk in it stood well without timbering. The outer wall of the embankment was built with no view to adding to its impermeability, but merely to hold up the earthy material at a steep slope against the streets. This structure has stood 18 years, and no fears have been expressed regarding its stability; and yet it is inferior in strength (even when allowance

is made for the 9 feet less head of water) to the embankment in progress around the new reservoir. The distributing reservoir on Murray Hill has two feet greater depth of water than the new reservoir around its edges. Standing upon the streets, it is built within an outer double shell of masonry, which serves to hold up the earthy wall that retains the water. An outer wall, with a batter of 1 in 6, is built up 4 feet thick. Twenty feet within this is an inner, vertical wall 6 feet thick, the two connected together with cross walls of 4 feet thickness, arched over with brick at the height of 35 feet, and 10 feet below the coping. The stone is laid in cement; but if with any expectation of preventing the filtering of water through the walls, the incapacity of the work for this purpose is shown by the rainwater that falls upon the coping finding its way through the outer wall and dripping continually, after rains, into the street. Even with the head of only 10 feet over the concrete laid upon the extrados of the brick arches and the masonry between them, it thus penetrates the stone wall. The embankment within is such earth as was found on the spot rolled or rammed in layers from the bottom up—and in this material clay was probably not a large ingredient, for it is believed to be scarce in that locality, and the accounts preserved of it speak of earth only without particular mention of clay. This extends from the bottom, rising 4 feet in 16 feet horizontal, and upon it is laid a course of concrete one foot thick. From this the principal slope of the embankment rises at the steep angle of 45°, or 1 base to 1 vertical. The whole thickness of the puddled earth, at 4 feet above the bottom, is 33 1/2 feet; at 20 feet below top-water line, 23 feet, and at 10 feet below 14 feet. At the water-line the stone pavement of 15 inches thick, laid in cement, with which the embankment is faced, meets the coping. From this account it appears that the distributing reservoir is not so well constructed to resist filtration of water, and the loosening effect to the embankment that would follow, as is the new reservoir; and yet it is exposed to greater pressure. We are not aware that any fears have ever been entertained of its stability; if so, its history must quiet them. It might be added that, beside the great thickness of the embankment, amounting to about 120 feet at base, of packed selected material, larger quantities of waste material are accumulated on the outside of the high banks, where, if ever a break could occur, its effects would be the most disastrous. The precaution appears to result from an excess of prudence; for, in the history of similar structures, we are not aware that a case has ever occurred of still water breaking through a barrier of this nature; though a case is on record of the "Dike Herthland" being cut down on its outer side by the force of the waves breaking over its top, and coming violently down upon the external edge. Such consequences are guarded against, as before observed, by the height of the inner slope wall.

Propositions have been made to introduce a material change in the structure in the form of a vertical wall of concrete in the place of the central puddle bank of clay. The French engineers, it is seen, do not esteem concrete any more imperious, and the thickness of the proposed wall is not sufficient to add materially to the weight and stability of the structure, while its position conceals it from examination, and places it out of reach of repair. No certain advantage is gained by its adoption, while a greatly increased cost is unquestionable. Enormous quantities of hydraulic cement would find a market, and the manufacturers of this article, we imagine, would be the principal parties benefited by its use in this way.

If additional protection be the real object of those who oppose the present plan of construction, these persons will be assured by experienced engineers that this will be attained more simply, cheaply, and certainly by flattening the slopes of the embankments, than by a concrete wall; but even this they would probably fail to recommend. It is to be considered that this embankment is not a structure that can be moved by lateral thrust of 34 feet head of water—that it is always under inspection—that injury to it from any ordinary cause can always be remedied at once, and that, should necessity require, the waters can be rapidly drawn down through the waste gates. We can imagine no cause of serious injury to the embankment without the concrete wall, to which that containing it would not also be exposed; an earthquake would prove equally disastrous to either, but, happily, this is a catastrophe which our engineers are not expected to plan against in their works.

FROM WASHINGTON.

THE CUBA QUESTION.

From Our Own Correspondent.

WASHINGTON, Monday, Jan. 24, 1859. After Mr. Seward had finished his speech to-day, Mr. Bayard of Delaware arose and delivered a Jack Bunby opinion, to the effect that many things which the Senator from New-York may consider unattainable might yet be attained, and many things which that Senator may consider attainable might yet be without his reach. For once the Senator from Delaware was tolerably brief in his remarks. He occupied only a third of a column in expressing three ideas, whereas ordinarily he expands that amount of thought into three columns or more. He has, above all the Senators, the happiest faculty of saying the least in the most words. His ideas travel only in circles, and he usually goes round and round, without ever coming to an end, till sheer exhaustion compels him to "dry up."

Mr. Toombs began his reply to Mr. Seward with a pretty sharp hit. Referring to Mr. Seward's objection to the cost of negotiating for Cuba, he congratulated that gentleman on having arrived at last at the conclusion that economy is an element in national policy "which heretofore he seems generally to have ignored."

The next remark of Mr. Toombs upon Mr. Seward's speech was well founded: "It comes to no conclusion upon the main question. He throws out a number of objections to the proposed mode of action; but he declines, or he fails to express, any opinion upon the merits of this great question of national policy. He takes ground neither for it nor against it as a question of national policy, but confines himself simply to objections to the mode now proposed for the acquisition of Cuba."

Mr. Toombs expresses in these sentences the expectations, the disappointed expectations, of the Democratic leaders, of whom he is, perhaps, the ablest, as he is certainly the boldest, and most honest and honorable. It was their hope and expectation that when the project of Cuban acquisition was broached, the Republicans would fly into a violent passion, and commit themselves against Cuba in any shape or under any circumstances. The contempt and ridicule with which the Republicans have treated the affair thus far, evidently both Mr. Toombs and his associates. They were prepared to demonstrate that Cuba is a very fine island, very valuable, with an extensive and profitable commerce, and all that. In short, they were prepared to prove what no one denies. But when Mr. Seward, without saying a word against the desirableness of Cuba, per se, coolly says, "Well, how are you going to get it?—your plan, so far as you have disclosed it, is an empty one—'an idle one, a ludicrous, even a ridiculous one!"

the Cuba-stealers are clearly at a loss for an answer.

With regard to the economical aspect of the question, Mr. Toombs intimated that he would not be alarmed by even so high a figure as \$250,000,000 for the island.

Of the Slavry side of the question, he said that, though representing the weaker portion of the Republic—a significant admission from a Slave-State Senator—he was content to leave it to the wisdom and patriotism of his countrymen to settle fair and just principles what shall be the status of the bond and the free in the island of Cuba after it was acquired. He was not afraid to meet the issue. When we acquire Cuba, he was content that his own countrymen should settle the status of all the people there according to the Constitution of the United States.

In the next place, however, Mr. Toombs declared that he considered the question of Slavry in Cuba as already settled by the Dred Scott decision and the principle of Popular Sovereignty. He was willing, therefore, to accept Cuba, and to accept Canada as readily, if Canada could be got fairly and honorably. Also, Central America. Also, Mexico, or at least so much of it as would be advantageous to the Republic.

The objection which has been urged to the acquisition of Cuba, that it would bring foreign and hostile population into the Union, Mr. Toombs attempted to answer by saying that we had diversified our population and race when we acquired Louisiana, Florida, Texas, California. What has become of the Spanish race in Florida? What has become of them in Louisiana? What has become of them in Texas? Where are they in California? We got free negroes, we got slaves, we got Spaniards, and we got Frenchmen, when we acquired Louisiana. We shall get Spaniards, free negroes, slaves and coolies, when we acquire Cuba. We shall Americanize them in this case as well as in the others.

Evidently, Mr. Toombs overlooks the great difference made in these cases by disparity of numbers. Louisiana, Florida, Texas and California had each of them but a few thousand people, occupying a few points here and there in a vast territory, almost the whole of which was unoccupied, and open to settlement. There were not 10,000 people in Florida nor more than 50,000 in Louisiana at the time of their occupation by the United States. In Texas and California the number of the native population was still considerable in proportion to the area of territory. Cuba, on the contrary is small, and for an American country is thickly populated. Four of our States each approach it nearly in size—Maine, Kentucky, Indiana and Ohio. Maine is almost exactly the same size with Cuba, and yet Cuba has twice or three times as many inhabitants. Cuba, in 1850, had half a million more inhabitants than Kentucky, half a million more than Indiana. Each of these States contains a much greater area of cultivable land than Cuba, because the interior of the island is occupied from one end to the other by a rugged chain of mountains, while every part of Kentucky and Indiana is accessible to the plow. The project of Americanizing Cuba—that is, of supplanting the Spanish language, race, religion, manners and ideas by our language, race, manners and ideas—is as chimerical as would be the attempt to Germanize Indiana or Kentucky by an influx of Teutonic emigrants.

Toward France and England, Mr. Toombs, who had just been scolding at "Spanish blarney," assumed a high, heroic strain. He rather liked the idea of a war with them. He said, "I defy France and England to interfere. I would rather they would than not. I want to know whether we are independent or not. I want to know whether we are sovereign or not." As if there were any doubt about the independence of this country! An American Senator ought surely to be aware that without questioning the independence of the United States, it may be wise and prudent to consider the consequences of adopting a foreign policy that may involve us in a war with these powerful nations—two of them the foremost military and naval powers of the world. It is easy to bluster and talk big in the Senate Chamber. But an English and French fleet off the coast of Georgia, with a few black regiments on board, and with arms and equipment enough to put all the negroes in Georgia in the field against their masters, would probably bring Mr. Toombs to a realizing sense of what war with France and England means. He would then appreciate the error of his own remark, that he represents the weaker portion of the Republic.

The debate terminated for the present by a short speech from Mr. Hale, ridiculing the notion that political economy now demanded that we should have Cuba. Formerly, he said, they were "manifest destiny," "manifest destiny" was "identical to death," and now comes "political necessity." He was opposed to them both. They both aken up with the Southern aspect that they forgot the Northern, and allowed one Administration to trade off a part of Maine, and another to part with the territory between 49° and 45° 40', to which our title had been pronounced "clear and unquestionable" by a Democratic President.

THE INDIANA SENATOR QUESTION.

THE STATE OF INDIANA AGT. GRAHAM S. FITCH AND JESSE D. BRIGIT, Brief of W. M. McCarty and Henry S. Linn, submitted to the Judiciary Committee of the Senate.

The State is entitled to the office. The Legislature is her organ, and she is to be represented by the power to elect Senators. It is the creature of the Constitution, which is the chart of its power, vested only in two coordinate branches: a quorum of two-thirds of the members is requisite to give either a legal entity; each is equivalent in power, with an absolute veto on the power of the other.

The Legislature is a corporation aggregate, with only such power as its creator has seen fit to endow it with; to be exercised in conformity to the laws of its birth. To the joint wisdom and counsel of these colleagues is the Legislative power entrusted. It is not possible to vest in an amalgamated body of the two. The one is erected as a barrier to the other. The ordinal of both must be passed. This guaranty against abuse cannot be broken down without destroying one of the safeguards of our Government. The sovereign voice is an unit. The power that sits in an entirety—as invisible, intangible, artificial power. The power is in the organism called "the General Assembly" and not in the individual members. It is not the rights or powers of the members, but the delegated trust powers of the State that are wielded in Senatorial elections or quorum sessions. The power that sits in an entirety—either, the Legislature did not exist, and without a Legislature, no election would be had.