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A MIDSUMMER MELODY.
'Twas a fright in the dog-days,
And all through the house
Night prowlers were stirring—
Roach, bed-bug and mouse.
The children, uneasy,
Squirmed this way and that—
The bed-bugs preferred them
Because they were fat.
But at dawn on each insect
Lyon's death powder fell:
And the rats and the mice, too,
Succumbed to the Pill.
LYON'S MAGNETIC POWDER is warranted to destroy all house and garden insects and vermin. Houses, ships, &c., cleared by contract. BARNES & PARK, General Medicine Depot, Nos. 13 and 15 Park-row, opposite the Astor House.

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A LECTURE BY BISHOP O'CONNOR.
A Correct Report in this week's NEW-YORK TABLET.

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POISONOUS.—Dr. Chilton, the famous Chemist, has just disposed of a libelous paragraph, classing CRISTADORO'S EXCELSIOR HAIR DYE with dyes alleged to be poisonous. The Doctor says that this incomparable article is totally innocuous. Read his certificate at CRISTADORO'S, No. 6 Astor House.

RICHARDS'S COD LIVER OIL JELLY.—"A thoroughly therapeutic and reliable article." Wholesale Agents, BURN, GALE & ROBINSON, No. 186 Greenwich-st., New-York.

RUN OVER.—A woman, name unknown, was run over last evening by a cart in New Bowery, and severely injured. She was taken to the Hospital in an insensible condition.

FIRE IN BLEECKER STREET.—A fire occurred yesterday in the boarding-house corner of Bleecker and Hamilton streets, damaging the furniture to the amount of $100. The origin of the fire did not transpire.

FALSE ALARM.—The alarm in the First District last evening was rung in consequence of help being required at a fire in Greenpoint.

New-York Daily Tribune.

THURSDAY, FEBRUARY 3, 1859.

TO CORRESPONDENTS.

No notice can be taken of Anonymous Communications. Whatever is intended for insertion must be authenticated by the name and address of the writer—not necessarily for publication, but as guaranty for his good faith.
We cannot undertake to return rejected Communications.
Business letters for THE TRIBUNE Office should in all cases be addressed to HORACE GREELEY & Co.

At 11 o'clock last night neither the Asia, which is supposed to have passed Cape Race on Sunday, nor the Kangaroo, now due at this port, had been heard from.

A dispatch from Albany states that Gov. Morgan yesterday nominated Mr. N. P. Benton for reappointment as Auditor of the Canal Board. We believe this is a most excellent nomination.

Further rumors from Hayti state that Soulouque and his army are in a very distressed condition, so much so that he had placed his family on board a vessel, with the probable intention of fleeing from the country.

After several days of most glorious weather, of a temperature more like the close of November than the 1st of February, we had last evening a drizzly and uncomfortable shower of rain, with some prospect of a change to snow, and a cold spell.

The House of Representatives, in Committee of the Whole yesterday, struck out the appropriation for the mileage of members of Congress. Very good. But they will vote it back, perhaps, when they come to consider the matter in the House, before the final passage of the bill.

Private advices from Salt Lake to the 7th of January, state that Judge Sinclair had been obliged to adjourn the Grand Jury of the United States Court, in consequence of public excitement, and that there is no possibility of getting an impartial jury in the city. It was probable that martial law would be declared.

The Legislature of New-Jersey emphatically declared that they would never consent to the establishment of the Quarantine on Sandy Hook. This would seem to settle that question. The new Commissioners will do well to devote their immediate attention to the erection of the proposed island at old Orchard Shoal.

A regular meeting of the Academy of Medicine was held last evening, at the University. A long and animated discussion arose in relation to the death of Mr. Whitney, in which Drs. Mott, Green, Beales, Reese and others participated. Dr. Mott expressed an opinion that the death was caused by the treatment received from Dr. Green. A resolution exonerating Drs. Green, Mott and Beales from any blame was passed.

The New-York State Medical Society, now in session at Albany, informs the public that the small-pox is now more generally prevalent throughout the State than ever before since the introduction of vaccination. They recommend an act empowering school trustees to exclude from the benefit of public instruction all who have not been vaccinated. They also support Mayor Tiemann in endeavoring to place the sanitary affairs of this city in the hands of medical men.

The Board of Councilmen last night got through with the Tax Levy for 1859. They struck out $12,000 from the Corporation Counsel's estimates, $130,000 for the Ward's Island purchase, and $50,000 for the Russ pavement, but added nearly half a million required by the Controller to square accounts of the City Treasury up to the first of the year. The Levy is still in considerable confusion, but, as near as we can come to it, it foots up nearly ten and a half millions; so that the prospect is, that the taxation for 1859, will be about two per cent upon the full valuation. The document now goes to the Board of Aldermen for concurrence. The statement made the other day, that the Ward's Island purchase was included in the Controller's schedule of judgments, was incorrect. The bargain is not yet completed, and may never be.

The Hon. Mr. Keitt of S. C. yesterday in debate set forth his solemn opinion that members of Congress ought to be paid more liberally. If we want the best talent in Congress, says Keitt, we must enhance the price we offer for it. Judging from the facts, he is right. There was a time, for instance, when members of Congress were paid $8 a day, and then South Carolina was represented by persons like John C. Calhoun, Langdon Cheves, George McDuffie, Hugh S. Legaré, Joel R. Poinsett, William C. Preston and Isaac E. Holmes. Now, that, as in the present session members are paid more than $30 a day, she is able to secure the services of a Keitt. What enormous intellectual giants she would send to Washington, if they could get $50 or $75 a day as the reward for their greatness and their labors.

In the SENATE, yesterday, a bill was introduced to establish a steamship line from San Francisco to Shanghae, China. The bill to punish counterfeiters of military land warrants was passed. The Agricultural College bill was recommitted, 28 to 26; after which the Indian Appropriation bill was taken up and debated, but without coming to a vote the Senate went into Executive Session.

In the HOUSE an interesting question arose upon the bill to issue land patents to the Shawnee Indians, and to naturalize them as citizens of the United States. After considerable debate the naturalizing clause was stricken out and the bill was rejected. In Committee of the Whole on the Executive Appropriation bill, there was a brisk debate upon the pay and mileage of Members of Congress, and finally the item of $200,000 for mileage was stricken out by nine majority. After the recess a long rambling debate was had, but no vote was taken.

A NEW IDEA.

The St. Louis Democrat has started a new project for opening up to travel, trade and settlement the interior of our far western territory, and especially the newly-discovered gold placers about Pike's Peak. There are a number of large streams which rise in the Rocky Mountains, and which unite to form the Platte, the Kansas and the Arkansas, three rivers which, if estimated by their length alone, ought to be reckoned in the first class. But at present they are of very little use for navigation, being too shallow, for a large portion of the year, even in their lower portions, to float even the lightest draft steamboats. It will be seen by inspecting the map that the several branches of these rivers run nearly parallel, and at no great distance one from another. Thus, the South Platte is separated by only a narrow divide (to borrow the phraseology of the plains) from the Republican, or Northern Fork of the Kansas, while the Arkansas is similarly situated with regard to the Smoky, or Southern Fork of that river. These divides are not only narrow, but of a formation easily worked, and nowhere of any great elevation, and form the general slope of the whole country. A channel running transeversely across these divides might in that way avoid, to a great extent, the necessity of deep cuttings. So swift are the currents that even a small cut would soon work out for itself a sufficient channel to effect a complete transfer of one stream into the other. It is upon these geographical facts that the scheme of *The Democrat* is based. It proposes to turn the waters of the South Platte into the North Fork of the Kansas, and those of the Arkansas into the South Fork of the same river, thus finally uniting the waters of the three rivers into one channel, and rendering the main Kansas, as far as Fort Riley, navigable all the year, and, for the greater part of it, the two branches almost to the Rocky Mountains.

There seems, however, to be one objection to this scheme which *The Democrat* has not taken into account. The shallowness of the Platte, Kansas and Arkansas is much more owing to the rapid descent of the channels of these streams, than to the want of a sufficiency of water to fill them at an ordinary level. Give to the Ohio or the Upper Mississippi the same rapidity of current, and the water would run off so fast as greatly to impair if not entirely to destroy their navigability. Suppose the new river made, we should greatly fear that its volume of water in the Spring and early Summer would produce a current too rapid for any steamboat to stem, while in the larger part of the year, even were the three rivers united, the waters would still run off too fast to have a navigable channel.

JUDGE DAVIES ON SHERMAN AND OTHERS.

We have hitherto given an account of the proceedings in the remarkable case of the Cumberland Coal Company against Allen M. Sherman and others. That account included a statement of the allegations contained in the plaintiff's bill, and also in certain affidavits put in by the defendants. The result of the first hearing was to dismiss the bill as to the Hoffman Coal Company, which had been made a party to it; that dismissal being based on the ground that, being an incorporation under the laws of Maryland, and not being shown to have any property in New-York, the Court had, as to that party, no jurisdiction. Leave, however, was given to amend, and to proceed against the other defendants. Thereupon, the plaintiffs filed a supplementary bill, in which they included as defendant one Postley, who, along with Sherman, Dean and two others, constituted the Hoffman Mining Company; all the 5,000 shares, at $100 each, of the stock of that company, except ten, being held by Sherman and Dean, and a majority of all the shares by Sherman himself.

The main allegation of the bill, it will be recollected, was, that Sherman, then the most active member of the Cumberland Company, and employing, as was alleged, Mehaffey, the then President of it, as his tool, had procured the conveyance to himself and Dean of a very valuable portion of the Company's coal lands for a nominal consideration of $140,000, none of which had been paid (though it had been falsely represented by the President, in his report to the stockholders, that the same had been paid in cash, and applied to take up outstanding bonds of the Company); and further, that, simultaneously with this conveyance of land, Sherman and Dean obtained from the Cumberland Company an agreement to transport the coal of the lands sold at rates which netted a loss to the Company for every tun of coal carried; and that, subsequently, Sherman and Dean, with three others, had organized themselves, under a general law of Maryland, as the Hoffman Coal Company; the lands and transportation contract being conveyed to this Company, and the stock of it distributed and held as above mentioned.

Upon the strength of these allegations, the bill prayed that the deed and contract above described might be declared fraudulent and void as to the Cumberland Coal Company, and that the same be delivered up to be canceled, and that, pending this suit, the defendants be enjoined from selling or assigning their stock in the Hoffman Company, or doing anything to prejudice the interests of the plaintiffs.

The supplemental bill alleged that the new defendant, Postley, was President of the Hoffman Company, and had the custody of the deed and contract; and further, that the defendant, Dean, was a clerk in an office with one William Pettit, who, along with Sherman and the late President of the Cumberland Company, had constituted the acting portion of the Committee upon whose recommendation the land had been sold; that he was a person of little or no pecuniary responsibility, and that he held his interest in the Hoffman Company in secret trust for some of the persons who were Directors of the Cumberland Company when the deed and contract were made.

In reply, the defendants, Sherman, Dean and Postley, put in affidavits denying generally all the allegations of fraud. Sherman and Dean denied having known anything of each other till they met to consummate the arrangement by executing the papers. There is no denial in the affidavits that the price at which the lands were sold was grossly inadequate, nor that the President represented in his report to the stockholders that the consideration had been paid in cash, and applied to liquidate the debts of the Company; nor was it alleged that this false representation was afterward corrected; but it was alleged that a meeting of the stockholders, held a year afterward, fully ratified the sale and the contract, except as to some provisions of the latter which were modified in accordance with suggestions then made. It was also alleged that Sherman was solicited by several of the stockholders to purchase the land, and that, but for his participation in the purchase, the lands could not have been sold. Sherman insists that he is pecuniarily responsible, but the affidavits say nothing in that respect about Dean.

Upon this state of facts, the question came up before Judge Davies whether the temporary injunction granted upon the filing of the complaint should be dissolved or should be continued pending the suit; and that, as Judge Davies stated in giving judgment, depended upon whether or not the plaintiffs had made out a *prima facie* case. The Judge held, in the first place, that, considering the relation of Sherman and Dean to the Hoffman Company, that Company, and the defendant Postley, as its President, must be considered privy to whatever Sherman and Dean knew, and as having no rights in the case which did not appertain to Sherman and Dean. He held, in the second place, that, considering the relations of Sherman and Dean, and the facts alleged respecting Dean and not denied, that, whether Dean acted for himself or others, he, or in the latter case his principals, must be considered as privy to the whole transaction, from beginning to end, if not indeed participators in bringing it about.

So much being established, it remained only to decide as to the conduct of Sherman. The rule that forbids a trustee or agent to become a purchaser from himself, of property held as agent or trustee, is perfectly well established. The law will not allow any man to unite in himself the two conflicting characters of buyer and seller, or to expose himself to the temptation of sacrificing the interests of those for whom he acts for the sake of promoting his own interest.

The law, therefore, holds all sales of this sort voidable at the option of the party for whose benefit the trust exists, and that without stopping to inquire into the adequacy of the price paid, or the reasonableness of the bargain. A trustee has no right even to entertain the idea of purchasing for his own benefit, property which he holds as trustee. This rule, so clear on general principle, is abundantly established by decided cases, both in this country and England, and there are the strongest reasons why, instead of being relaxed, it should be maintained in its utmost stringency as to directors in stock companies. Nor does it make any difference whether the trustee purchases for himself or for another. He is equally incapacitated to do either; nor does it better his case that he is only one of several trustees.

But, it is set up in this case that the purchase was ratified by the stockholders. It is true that where the party for whose benefit a trust exists is personally dealt with, some relaxation of the above-stated rule is allowed. But the trustee, in that case, is bound to show that he took no advantage whatever of his position; that the price was entirely adequate; that nothing was concealed, and that the whole transaction was above any suspicion. Assuming that, in consequence of the subsequent ratification, the case stood on the ground of a sale made by the stockholders directly, the Judge did not think that this sale had been brought within the rules above stated. Sherman does not show that he took no advantage of his position; that he gave all the information he possessed; that he advised with the stockholders as he would have done if another person had offered to buy. Neither does he show that he paid an adequate price. By his silence on that score, he admits the charge that the price was grossly inadequate. The alleged confirmation by the stockholders does appear to the Judge to have been made, as it must have been to be effectual, with a full knowledge of all the circumstances known to Sherman himself. The omission to communicate these facts, whether designed or not, was a suppression of the truth fatal to the ratification. Nor does it appear that, such as it was, a quorum of the stockholders participated in it. The proxies at that meeting were only for the choice of officers and the ordinary business. Those who held them had no right to act for the absent stockholders in the matter of confirming the sale to Sherman. But, even if the confirmation had been made by a legal majority of the stockholders, the ratification of such a majority would not bind the minority; and the confirmation, to be valid, must be concurred in by all. The whole of that procedure, whatever it was, appears to have gone on a mistaken idea, on the part of the stockholders, that they were bound to what had been already done; and even a complete ratification, made under such a misapprehension, would have no binding effect.

Upon the whole, the Judge arrives at the conclusion, entirely clear to his mind, that the deed and contract cannot be sustained, and that quite independent of the charge of fraudulent intent set forth in the complaint, which point he does not think it necessary to consider. Fraudulent intention or no fraudulent intention, Sherman is in possession of property which the plaintiffs have a right to reclaim, and the Judge therefore grants the motion for continuing the injunction until final judgment in the case.

PRESERVATION OF GAME.

A meeting was held not long since in this city, and duly reported in these columns, touching a certain municipal law in regard to game. It is not unlikely that the public sympathy went with the indignant gentlemen who called and composed that meeting, first, because there is a sort of democratic prejudice against the very name of a game law; and secondly, because the sovereigns think it quite unnecessary that the law-maker should put his finger in any way into the dish upon the royal table. Like some other notions, however, which have got into the popular head, this in regard to game laws is very irrational, however natural it may be to entertain it. A game-law in England once meant a law which prohibited the people from killing certain birds and animals, whether on their own land or on others'. Against such a prohibition, and the less restricted one of later years, there has always been, not merely the inevitable protest of hunger, but the quite as determined protest—of pluck. We have never, in this country, acknowledged any property in wild animals, but maintain that the right of hunting them belongs not to a class but to the whole people. We have inherited a feeling of dislike against the very name of a game law, and do not stop to consider whether legislation upon the subject may not sometimes be of imperative necessity.

The truth is, it is needed at this moment; but it is needed not to protect the interests or the pleasures of any particular class, but for the benefit of the whole people. We want game-laws to prevent the consumption of food which is unwholesome and sometimes poisonous, but more especially to provide for the protection of birds and beasts and fishes at a time when their work is the propagation of their species. Such a game-law, indeed, nature has already made for us in providing that flesh, at other times the most delicious, should, in the breeding season, be deleterious, if not distasteful. We only need to copy this divine law to protect the animal and to protect ourselves. If, to be sure, we all knew the law of nature and obeyed it reverently, that would be enough for us. But, having neither knowledge nor wisdom, we must go to the Legislature.

It is certainly a fact, and a sad and important one, that we are ruthlessly and recklessly killing off the game in this country; and not game merely, but every wild thing that runs or swims or flies. Groves, vocal with the music of singing birds, anywhere in the neighborhood of our great cities, especially in the neighborhood of this, are things which children know only as the song of the skylark—as beautiful in poetry. Our groves are silent; in our gardens we need no ear for the songs of birds, for the birds have flown. Or, if here and there a few follow the Summer hither, and bring forth a brood under the kind protection of some gentle and loving soul, no sooner does the sun shine on the 1st of September, than great, burly, bearded men come out and pursue to extermination the pretty creatures, blowing to atoms, with an exultation and delight which it is difficult to understand, a little bird hardly bigger than the great brute's thumb. So the song-birds have disappeared, and the game has fared no better.

The quail, the partridge and the grouse have in many places gone altogether, and where they are still to be found they are wild and scarce. This is true, also, of the deer, and no less so of the trout. But the deer and the birds found, till within a few years, a safe home on the prairies of the West. One could not, twenty years ago, cross a prairie of half a dozen miles in Illinois without starting a herd of deer, who would gallop off, with their white tails erect, like flags of truce, to a safe distance, and then turn to gaze, the leader shaking his antlered head at the intruder. No bit of timber then but was alive with the whir of the quail, and no corn-field that was not black with the prairie-hen or grouse. But railroads have changed all this. New-York wants venison and birds, and so, without regard to seasons, without regard to sportsmen's rules of killing, the demand is supplied. We eat grouse whose flesh is poisoned with the heat of sexual fever; bucks whose necks are swollen for the rutting season, and trout killed with the eggs of the young fish, which were to enliven the brooks of the coming Summer. So game is disappearing, and now that new markets are created by ease of transportation, and a new demand, by that very fact, created, it will take a few years only to exterpate everything that flies or runs or swims, except those noxious or venomous creatures which we are cultivating so rapidly, by destroying their natural enemies. The game laws of countries, and of States, are of little use, even in the few places where they exist, so long as the selling of game in the great markets is not a penal offense. The deer and the grouse will roam and fly at peace at the West for eight months of the year, as they should, if the sale of their flesh were prohibited by law in this city. Such an act, we understand, is about to be introduced to the Legislature of this State, and we trust it will become a law. We may rely upon the Sportsman's Club of this city to see to its execution.

But this is not enough. We should protect the game not only for the sake of those who eat it, and for the sake of the game itself, but we must protect the smaller birds also; the robbin which is such a perpetual rebuke to all cruel uncles; the thrush, whose delicious music, when the dawn first purples the East, sometimes tempts the laziest to verify the ancient tradition of a sun-rise; the cat-bird, so sly and so charming; the song-sparrow that dreams of music, and bursts into song in the night-time; and the scores of others of which we may make companions, if we will, at our door-steps; all these we should protect from hard-hearted boys, and from harder-hearted men, not merely for the pleasure of country homes, but for the profit also of farmers. The insect pest is growing yearly more serious, and the cultivation of certain fruits are already, in certain localities, abandoned, and one of the best farmers in this State proposes that, in a certain district of the country, wheat should no longer be cultivated till the midge is starved out. Who can tell how much the increase of all this pestiferous insect life is due to the ruthless war waged with shot-guns upon the little birds? And who would complain if thoughtless boys, or men who are only not thoughtless because they are cruel, were compelled to forego a pastime so destructive of some of the most beautiful of God's creatures, and which, we may be sure, have their place in creation, which it will not do for man to make empty.

The caucus of Democratic members of the House of Representatives on Tuesday night, was not a very numerous assemblage, but it exhibited a considerable variety of sentiment. Though intended to comprise only those opposed to specific duties, and protection in any form, one or two gentlemen were present, who declared themselves in favor of changing the tariff, in order to provide revenue for the wants of the Government. Two Southern members spoke boldly in behalf of direct taxation.

The greater number of the speakers, however, dwelt on the enormous expenditure of the Government as the great cause of evil. Mr. Stephens, of Georgia, thought the Democratic Administration, and Democratic majority in Congress, were squandering thirty-three millions of dollars a year in sheer extravagance. Other gentlemen expressed a similar view of the condition into which affairs have been brought by their own party.

When such men make such confessions the case must be bad indeed, and it is high time to put the administration of affairs into new hands.

A Committee of Five has been appointed under a resolution of this Caucus, to consider in what way the public expenditures may be retrenched. We trust we shall not be thought intrusive if we offer a few suggestions for the consideration of this Committee. In the first place, let the pay of members of Congress be put down at the rate of $8 for each day of actual service; let the mileage abuses be arrested; let the franking privilege be abolished; let the useless Ministers at all foreign Courts be recalled, and the sound democratic system of special agents for special cases be established as the mode of conducting our business with other Governments; and then let the army and navy be abolished, and have all the fighting we may absolutely need done by volunteers under regular officers, or else by special contract. With these reforms we may get on; but we presume this Democratic Committee won't dare to propose one of them.

We have heard of a certain Southern planter who, having settled on a piece of wild land, began to think that he, too, like his rich and aristocratic neighbors, ought to have a special name for his estate. He cogitated on the matter for some months, but, being a person of delicate ear, and fond of originality, had great difficulty in hitting on a name to suit him. At last, one morning, while breakfasting on hoe-cakes, of which he was very fond, an idea flashed into his head, and he resolved to call his place HOCAKO. The same ingenious gentleman, having sold Hocako at a bargain, bought a new plantation in a perfectly level country, which new plantation, not to be outdone by his neighbors of the uplands, he named MOUNT FLAT. Apparently, the majority of the Committee who are in search of a name for the new territory about Pike's Peak do not quite relish our suggestion, already made, to name it after Fremont or Benton, but incline to call it after a prominent Abolitionist named Thomas Jefferson. If this incendiary name should be rejected, as we dare say it will be, let the Committee take a hint from the ingenious Southern gentleman above alluded to. In naming the new territory they might express their own preferences and that of their party, while they might also do something toward making up a name for what may be wanting in reality. The new territory will be mainly a slice taken from Kansas, and, as the Sham Democracy did not succeed in making Kansas a Slave State, much as they wished it, and will not be likely to have much better luck with the new territory, suppose they comfort themselves and the South by calling the new territory SAMBO.

THE LATEST NEWS,

RECEIVED BY

MAGNETIC TELEGRAPH.

From Washington.

From Our Own Correspondent.

WASHINGTON, Wednesday, Feb. 2, 1859.

Mr. Morrill's Agricultural College bill was recommitted to-day by two majority, Messrs. Pearce, Durkee and Wilson, friends of the bill, being absent. At the present stage of the session this would be fatal, but Mr. Gwin has agreed to move a reconsideration to-morrow, and hopes are still entertained of success. Mr. Bates, heretofore friendly to the bill, has gone wholly over to its enemies.

The Judiciary Committee of the Senate this morning decides the Indiana case in favor of Bright and Fitch. Mr. Bayard presents the majority report to-morrow. It will simply assert that at the time of Lane and McCarthy's election no vacancies existed; consequently, they have no right to seats.

Mr. Collamer will present a minority report incorporating Messrs. Lane and McCarthy's brief. A motion will then be made to admit the contestants to the floor to argue their own case. This the majority will probably vote down, but the discussion cannot be stifled.

No intelligent judgment can be formed by the votes on the Civil Appropriation bill in Committee of the Whole concerning its success in the House with the amendments adopted to-day. Great inattention was exhibited among members on both sides. Some Democrats, however, exhibited a desire to put into practice the policy laid out by the caucus of saving at the spigot while losing at the bung.

The States says that free trade is of vital importance to the producing interests of the South and West, and that protection is another form of Abolitionism, and rather than be responsible for its imposition the representatives of the Slaveholding States would surrender the control of the Government. The Southern Democracy will yield nothing more to the interests of their allies in Pennsylvania. So says *The States*.

To the Associated Press.

WASHINGTON, Wednesday, Feb. 2, 1859.

A resolution will be offered next Monday similar to that which governed the House last Saturday, setting apart four succeeding Saturdays for the consideration of the private calendar, but allowing five minutes at the opening and closing for objections, and five minutes intermediate for explaining and defending bills.

Two hundred and fifty odd favorably reported cases are on the calendar. A fair application of such a rule would, it is thought, secure action upon and dispose of the entire number.

In pursuance of the resolution adopted at the Democratic caucus on the tariff last night, Messrs. Garnett, Vallandigham, Crawford, Burnett and Marshall of Illinois, were appointed a Committee to report, at the adjourned meeting on Saturday, some plan of retrenchment in the expenditures of the Government.

The Select Committee appointed to examine the accounts of Mr. Seaman, late Superintendent of Public Printing, expect to complete their labors next week.

The Select Committee to examine the alleged abuses in the Navy Department and Navy Yards, have already summoned, and continue summoning, more witnesses than they can conveniently examine during the present session.

The Senate, in executive session to-day, resumed the consideration of the nomination of Emory D. Potter as Collector of Toledo; but as no quorum was present, the question was not taken.

The Committee on Military Affairs are still engaged in the consideration of the Oregon and Washington Indian War debt. Ex-Govs. Lane and Stevens, the delegates from these Territories, last night had a hearing on the subject before the Committee.

XXXVth CONGRESS.... Second Session.

SENATE....WASHINGTON, Feb. 2.

A memorial was presented from the Indian Aid Association of New-York, asking Congress not to organize new Territories without consulting the Indians as to what portion of their territory they wish to be located on; also asking Congress to grant money for Indian aid.

The Secretary of the Navy transmitted, in accordance with Mr. Wilson's recent resolution, a statement of all the contracts made for live oak, which was ordered to be printed.

Messrs. SEWARD and KING presented numerous memorials from New-York and Long Island for works of defense.

Mr. BAYARD, from the Committee on Judiciary, introduced a resolution approving Minister Reed's decree of February, 1858, regulating the consulates in China, and declaring that no legislation is required to legalize it. Adopted.

Mr. BRODERICK introduced a bill to establish a line of steamships from San Francisco to Shanghae via the Sandwich Islands. Referred to the Post-Office Committee.

Mr. PUGH moved for any correspondence with Prussia relative to compulsory enlistment of persons claiming American protection in the Prussian army. Adopted.

The House bill for the punishment of counterfeiting of military land warrants was read and passed.

Mr. BAYARD, from the Judiciary Committee, said he would to-morrow report on the Indian election case, in response to the memorial of McCarthy and Lane, claiming to be Senators.

The Agricultural College bill was taken up, and on motion of Mr. PUGH, was recommitted.

YEAS—Messrs. Bayard, Benjamin, Bright, Chestnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Iverson, Johnson (Tenn.), Jones, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Toombs, Ward, Yulee—28.

NAYS—Messrs. Allen, Bell, Bigler, Broderick, Chandler, Clark, Collamer, Crittenden, Dixon, Doolittle, Douglas, Fessenden, Foot, Hale, Hamlin, Kennedy, King, Seward, Simmons, Stuart, Thompson (Ky.), Thomson (N. J.), Trumbull, Wade and Wright—26.

The Indian Appropriation bill was then taken up and further debated, but without taking a vote upon it the Senate went into Executive Session, and on the opening of the doors adjourned.

HOUSE OF REPRESENTATIVES.

Mr. GREENWOOD (Ark.), from the Committee on Indian Affairs, reported a bill providing for the issue of land patents to the Shawnee Indians, and the naturalizing of them as citizens of the United States.

Mr. HOUSTON (Ala.) suggested whether this could be done in this way, as the Constitution requires a uniform law of naturalization.

Mr. GREENWOOD replied, they were not on the same footing as foreigners. Some of them were able to take care of their own affairs, and as intelligent as many of the foreigners.

Mr. BLISS (Ohio) said it was inaugurating a new policy to make Indians citizens by special act of Congress, and suggested whether this matter was not left to the States alone.

Mr. GREENWOOD remarked that the bill was in accordance with the ninth article of the treaty with the Shawnees.

Mr. COLFAX (Ind.) said that many of the Shawnees were as intelligent as some of the gentlemen in the House, and fully competent to take care of their own affairs. The bill authorizes the Indians to alienate their lands, under such regulations as the Commissioner of Indian Affairs may prescribe. We should open their country to settlement, and encourage their advance in the pursuits of civilized life.

Mr. MONTGOMERY (Pa.) remarked that the citizens of Texas were nationalized by treaty, and so were others. At present these Indians have no redress for trespassers, as none but citizens of the United States can sue in the Federal Courts.

The Naturalization clause was stricken out, and the bill was then rejected by nine majority.

Mr. TAYLOR (La.) asked but failed to obtain leave to introduce a bill to provide for the acquisition of Cuba, by negotiation, and its incorporation into the Union.