DAILY APPEAL.

MEMPHIS.

WEDNESDAY......FEBRUARY 11, 1857.

MEMPHIS AND LITTLE ROCK RAILROAD.

JOHN COLEMAN, Esq., of this city, has been appointed by the Board of Directors of this Company to solicit subscriptions of stock from our citizens, on the following terms and conditions: One third of the amount subscribed to be paid when the first section of the Road from Memphis to the St. Francis, shall be completed, equipped and placed in running order: one third to be paid when the second section, from the St. Francis to White river, shall be completed and placed in a like condition; and the balance to be paid when the whole Road shall be finished for the cars to Little Rock. The terms are certainly as liberal as can be desired by any person who really feels interested in the success of the work. They require no payment to be made, until the stockholder is furnished with a full guaranty of the success of the work, and until the Road begins to pay a profit on the investment.

There is no risk whatever required of the stockholder, because, it is a unanimous opinion among thinking men, that the road will pay a profit as soon as it is placed in running order to the St. Francis river. We have even believed that it would return a better profit on the investment than any road terminating at Memphis. We believe that it will begin to be profitable as soon as the first section shall be completed. Some may think this an opinion otn based on sound reason. But it must be recollected that the annually increasing emigration to the two great States of Arkansas and Texas will pass over this road, and before many years the emigration to all our Southern Territories, and to Oregon, Washington Territory and California. It must also be recollected that this railway will be in the nature of an immense bridge, spanning the Mississippi swamp, as soon as it shall be completed to the St. Francis, and that the facilities it will afford for crossing the bottom without interruption, will attract hither an immense additional emigration going west and southwest, which will enable the Company to safely and profitably charge a higher tariff than any other Road in the United States.

These considerations, added to the fact, that the construction of this road will develop one of the richest districts of cotton land in the whole south with astonishing rapidity, justify us in the opinion that there is no risk whatever in taking stock on the terms proposed by Mr. COLEMAN, as agent of the company.

We are glad to learn that Mr. COLEMAN has already been met by a most liberal spirit on the part of many of our citizens, and that a subscription of $25,000 in addition to what was previously subscribed, has been obtained from some of our most solvent men, without much trouble and with about one week's canvassing.

We trust that the same spirit will prevail until Mr. COLEMAN obtains enough to insure the guaranty of the Company's bonds by the city of Memphis.

☞ The following extract from the charge of Hon. B. F. MCKIERNAN to the Grand Jury, at the organization of the Criminal Court, on Monday, we are enabled to present to our readers, through the courtesy, and at the request, of several gentlemen of the Bar, who were present at its delivery:

Gentlemen, your position, for good or evil, in society is one of commanding influence. It asks no higher reward than that, which must be the sweetest consolation to every good man in life: the consciousness of duty performed, and his obedience to law. The code of morals, which teaches a different doctrine, should find no favor with him, who demands, at the public hands, the protection of *his* life, reputation, liberty, and his property. Those who are visited justly with the penalties given for an infraction of the rules of a well ordered society, not unfrequently condemn that in others, which themselves would be amongst the first to execute, were *they* the ministers of law. Bad philosophy this! it bids us take, but never give. No less reprehensible is the arbitrary exercise of "a little brief authority," when uncalled for, by the exigency of the occasion; it is even the offspring of the illiberal, and prejudiced mind, and will surely be avenged, in the ceaseless upbraidings of a violated conscience, if in no other way.

The ministerial officer need not invariably expect, for his acts, the unanimous approval of those whom he serves; it would be a too heavy draft upon the imperfections of human nature. Still, to attain that end, if consistent with duty, is certainly a most pleasant thing to every sensitive bosom. Public condemnation, for a time, has no terrors for him, who knows the right; pursues it, and loves it, and looks to the "sober second thought" of the impartial.

Whilst acting with a firm hand and for the public good, it may, occasionally, occur to you, that the transgressions of men, which are here and there classed under our acts, and punishable, as infamous crimes, are not always conclusive proof of a truly bad heart, but sometimes of the want of reflection and early education. How potent were the mildest penalty with such persons! it checks them; gives them time for thought; shows the fatal tendencies of evil association; supplies the defects of youthful training, and thus forces them to respect the conventional proprieties of life, and to adopt for themselves the virtues of a good example.

But against those who are innately vicious; who are grown grey in crime, the only security, for the public, is to be found in the severest exactions of the law.

☞ HON. THOMAS J. CONNELL, Probate Judge of Dyer county, died near Dyersburg, on Monday, the 26th ult.

☞ By a census just completed, the population of Missouri is 926,044. In 1851, it was, 681,704.

THE LATE STORM.—Lieut. MAURY, of the National Observatory, desires information from observers as to the late great storm, from all parts of the country. He wishes to study its rise and progress as it passed over the country.

GREAT TELEGRAPHIC FEAT.—A telegraphic message was received in Washington, on the 27th ultimo, by the agent of the Atlantic Telegraph Company, from St. Johns, Newfoundland, which was dated St. Johns, 11 o'clock, A. M., 27th January, and was received in Washington at 10 o'clock, A. M. This is the greatest feat yet in telegraphing.

☞ The Trenton *Journal* says:

The old directory of the Branch Bank of Tennessee at Trenton, were re-appointed by the Mother Board, with the exception of Mr. Pettigrew, of Decatvr, and Mr. Gardner, of Weakly, who were appointed to fill the vacancy occasioned by the death of the former Directors, Messrs. Nixon and Terril, of those counties. A vacancy in the new Board is caused by the death of Thos. J. Connell, Esq., of Dyer.

☞ We copy the following from the Purdy *Argus*, of the 7th inst.:

"FIRE—THE TOWN OF MONTEZUMA IN RUINS.—We are pained to learn that the town of Montezuma, in this county, was visited with a great conflagration, yesterday morning about 3 three o'clock, burning W. E. Stewart & Bro.'s store, and everything in it including books, papers and goods. Also the post office, and justice office, all in the same building. Dr. J. W. Perkins' drug store then took fire, and all the drugs, &c., were burned;he, however, saved his books. Then the saddler shop of Mr. J. G. Rodgers took fire, and burned to the ground. Some think it to be the work of an incendiary. Loss thought not to come under $10,000 or $15,000.

LATEST NEWS.

ADDITIONAL BY THE BALTIC.

NEW YORK, February 5—The steamship *Baltic*, from Liverpool, arrived this morning, bringing dates to the evening of Wednesday, the 21st ult.

The steamship *Europa* arrived at Liverpool on the 18th

The political news is unimportant.

The Neufchatel prisoners have been liberated, and the difficulty is considered settled.

Verges, who assassinated the Archbishop of Paris, has been condemned.

Lord Napier will probably leave for Washington in the course of three weeks.

"Lord Palmerston has issued a circular to the House of Commons, stating that business of great importance would be laid before them, during the coming session of Parliament, and expressing an earnest hope that all the members will be in their places at the opening.

Lord Napier had arrived at London to make preparations for his departure for America.

There had been a mutiny on boad the ship *J. L. Bogart*, in the river Mersey, by the negroes. The chief mate was injured, and the second mate was arrested for shooting three of the crew. The alleged cause of the mutiny is that the negroes shipped under articles for New York, but subsequently learned that the ship was to proceed to Mobile, where, as they are colored men, they would be retained in slavery.

A dispatch from Berne, dated the 18th, states that the Neufchatel prisoners were, on the preceding night, escorted by a detatchment of Swiss troops to the French frontier.

The Federal Council had given orders for the immediate disbanding of the troops.

Private advices from Shanghai to the 19th November, say there is a prospect that specie shipments from that port may prove excessive, owing to the scarcity in the provencia.

The English, at Canton, are strengthening their positions, but showed a disposition to remain on the defensive until they receive advices from England. Meanwhile reinforcements are understood to have been sent for.

[Correspondence of the Baltimore Sun.]

WASHINGTON, Jan. 30.—It was supposed that the Senate would take up the Dallas and Clarendon convention for consideration this week. They were, for a while, in executive session to-day. The friends of the Walker movement, if any there are in the Senate, will resist the treaty, and its ratification would complete the overthrow of that adventurer, though it would not, by any means, tend to obstruct the ultimate Americanization of the Nicaraguan isthmus.

The late accounts concerning the condition of Walker, are so contradictory and so partial that they cannot be trusted. The friends of Walker in New York, have unabated confidence in his success, and from all quarters of the country volunteers are ready to join him, with the provision of a free passage and free land. The next advices will probably be that the "allies" are distracted by faction and dissention, and that a large portion of them will declare for Walker. This would not be at all inconsistent with the factions and public character of the Central Americans, who exist only in civil broils and wars, and need nothing so much as a master.

In the ample discussion of the international submarine telegraph bill in the Senate, nothing was said, I believe, in relation to the terms of the charter of the company, either in the British provinces or in the States. How the Legislature of Massachusetts can give them a charter that will secure to them exclusive privileges in this continent is more than can well be imagined. [It of course cannot, but it can give exclusive privileges, so far as that State is concerned, for the extension of the line through its territory.] But it would, I agree with you, be well to look at their charter, if any they have obtained.

While this enterprise is prosecuted with promised success, it has been already proposed in London to establish another line of submarine telegraph to a point in the United States. This will avoid the British coast, and make the western terminus at New York or some other point on the coast of the United States. If the scheme of submarine telegraph be justifiable at all, there will soon be more than one line between the United States and Europe; for it is not probable that either the United States or Great Britain will give a perpetual monopoly to one line.

The tariff will be the chief subject of consideration in the House next week, though there is no certainty that a word will be said, in the discussion with regard to anything but stale and by-gone politics. The project offered by Mr. Campbell is to be favored by the interests connected with iron, woolen and cotton manufacture, and these are powerful interests. The duties on these articles are not touched. The ten per cent. schedule will be a subject of much contention.

The Hon. W. Cost Johnson, of Maryland, has authorized a contradiction of the statement made in several papers that he had been summoned and had appeared as a witness before the investigation committee. We hear of no new developments by the committee, and it is now stated they will make a report next week. ION.

WASHINGTON, January 31, 1857.—Two new States were made to-day, so far as the action of the House is concerned, to wit: Oregon and Minnesota. Both bills might have passed without opposition, but for the reason that the Minnesota bill was supposed by the K. N.'s to recognize some anti-American principle. A point was suggested by Mr. Phelps, of Mo., which deserves some consideration on the part of the sticklers for the letter of the ordinance of 1787.

Minnesota includes Territory on the eastern side of the Mississippi, and is subject, therefore, to the provision that not more than five States shall be created out of the northwest territory, as well as the slavery restriction. If the latter provision was not superseded by the constitution, so neither was the former. The boundary fixed in the bill for the new State of Minnesota, leaves a large portion of its western territory for another State.

The nomination of Mr. Harrison as judge in the territory of Kansas, in the place of Judge Lecompte, meets with warm opposition in the Senate. Judge Lecompte has not been removed as was reported, but is still performing his judicial functions. If the Senate reject the nomination of Mr. Harrison he will probably remain. In that case Gov. Geary, if his character be properly understood here, will promptly resign his office.

The bill from the House committee on territories, abolishing the territorial laws of Kansas, has not yet been passed, and is not likely to be.

The Senate bill "to expedite telegraphic communication for the uses of the government in its foreign intercourse," is still before the committee of ways and means, and the American directors of the International Submarine Telegraph Company are here to meet any objections to it, which may arise. The allegation of monopoly, so far as it is based on their application to the Legislature of Massachusetts, for protection from the monopoly in that State, will be easily met. They ask for nothing but the use of a line of their own independently of the present line, which claims the monopoly of the business of the submarine company, on their own terms. The chief objections to the bill are, however, those which have already been urged and overcome in the Senate. Eastward of Massachusetts the company has the control of existing lines of telegraph, but, still, they propose to establish another line, with a view to secure certainty and dispatch.

There appears to be no disposition on the part of the Senate to take up at present, for consideration, the Dallas and Clarendon treaty. That task will, no doubt, be thrown upon the Senate in special session by which time Walker's fate will be determined.

It appears that both Great Britain and the United States are at war with China. The Chinese make no discrimination between English and American heads, and our naval force—would it were larger—is now employed in resenting the wanton atrocity of the Celestials. Negotiation is to be resorted to by England, and if that fail, she will wage a great war against China. England will seize the opportunity to secure important commercial privileges, and the United States will, no doubt, follow her example. ION.

☞ The U. S. House of Representatives, on the 4th inst., declared Mr. HALL, Democrat of Iowa entitled to his seat in that body.

DEATH OF THE HON. ANDREW STEVENSON. We mentioned yesterday that the Hon. Andrew Stevenson, of Virginia, was lying ill at his residence in Albemarle county. We have to-day to announce his decease, which occurred on the 18th inst. Mr. Stevenson was formerly Speaker of the House of Representatives, and Minister to the Court of St. James, and previously filled many offices of trust with ability in his own State. He distinguished himself while a very young man, by his talents as a pleader at the bar, and was considered one of the first criminal lawyers of his day. He soon entered political life, and was sent to the House of Delegates in 1804. He remained a member of that body for a number of years, for several of which he filled the office of Speaker. In that capacity he became celebrated for the dignity and ability with which he presided. From the Legislature he was sent to Congress, where he soon took a prominent and leading position. He was 74 years of age at the time of his death.—*Baltimore Sun.*

SPEECH OF HON. GEORGE W. JONES,

OF TENNESSEE,

DELIVERED IN THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1856.

The House having under consideration the question of referring the President's Message to the Committee of the Whole on the State of the Union, and the printing of ten thousand copies thereof—

Mr. JONES, of Tennessee, said:

The question in issue between the Democratic party of the country and the abolitionized wing of the Know-Nothing party, under the name of Black Republicans, in the late presidential contest, was as to the power of this Government, and its exercise over the Territories of the United States. This has been the question between the northern anti-slavery portion of the Confederacy and the Democratic party from the organization of this Government down to the present time. And, sir, while this question has frequently been before Congress, it has never been here but it has caused agitation and excitement throughout the country.

There have been what are called compromises; the two most memorable of which were passed in 1820 and 1850. But, Mr. Speaker, there has never been a compromise between the Democratic party and your party—the anti-slavery men of the North. Whatever of compromise and concession has been had upon this question has been on the part of the Democratic party, to get on to some ground upon which we, the constitutional party, could agree to administer the Government. The two parties in the late canvass were at direct issue upon this question. The Republican party laid it down as their fundamental creed on this subject, that "the Constitution confers upon Congress sovereign power over the Territories of the United States for their government; and that, in the exercise of this power, it is both the right and the duty of Congress to prohibit, in the Territories, those twin relics of barbarism, polygamy and slavery." Where, sir, I would ask, is the sovereign power to be found in the Constitution of the United States? I deny its existence. It cannot be found in that clause which provides that—

"Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

It is unnecessary to go into an argument to show that in this connection territory is but a synonymous term for land; that this clause confers on Congress the power to make all needful rules and regulations concerning the public land of the Government. I hold that under that clause Congress has the same power to dispose of and make all needful rules and regulations respecting the public land within a State that it has within a Territory. And whether in a State or in a Territory, when the Government sells land and vests the title in the purchaser, Congress executes all the power it has under that clause of the Constitution. It has no more power to make rules and regulations respecting that land. Where, then, does Congress get the power to erect territorial governments? I, for one, believe that there is no express power delegated to Congress to form territorial governments; but the Government owning a Territory—a large extent of country—with no government organized over it, and owning the public land as property, Congress prescribes the rules under which that country may be settled, and afterwards provides for the sale of the lands. Then, sir, in accordance, I think, with the great principles of our Government, preserved and carried out in all our constitutions, this law of Congress, called the organic law of the Territory, derives its vitality from the implied assent of the freemen who settled the Territory. The people who settle the Territory, under the rules and regulations of Congress, are the source of its vitality. Suppose, when the organic law of the Territory is passed, no one goes there to settle because of the repugnance of its provisions: what then becomes of your power?

I hold, Mr. Speaker, that in our Government, taken in all its ramifications of State and Federal relation, power is originally in the people; that the people of a State can do everything through their Legislature which is not prohibited by its constitution or the Constitution of the United States. I hold, further, that this Government, formed by the people of sovereign States, can do nothing rightfully or legitimately except what is expressly delegated, or necessary to execute a delegated power. And that the people of a Territory, under the clearly expressed provisions of the Kansas-Nebraska act, can do everything not violative of the Constitution of the United States nor of that act. I call on the Republican party—as they call themselves—to point out where they find the sovereign power which they claim for Congress over the Territories. What kind of doctrine is it? It is pure and unadulterated despotism. It is a power identical with that claimed by the British Government over these colonies prior to the declaration of independence. The Republican party hold that Congress has sovereign power for the government of the Territories. The British Government claimed sovereign power to bind these colonies in all things and respects whatsoever. That claim of Great Britain called our fathers to assert their rights in 1776; and when the struggle was over, they framed this Government, the blessings of which we now enjoy. Such is the claim of the Republican party. I think the position of the Democratic party is equally clear and much more consistent with the great principles of freedom and republicanism, than the despotic doctrines of the self-styled Republican party. What is a republic? It is, as I understand it, that government which embodies the public sentiment, and executes the public will. Yet the Republican party, under the false cry of liberty and freedom, claim the right for Congress to govern the citizens of the Territories in all respects whatever, without their consent.

But the power to govern the people residing in the Territories is vested somewhere. The power to form and regulate the domestic institutions in a Territory is not suspended, nor in abeyance. To solve the question let us appeal to the Constitution, where we will find that—

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

This provision of the Constitution disposes of all the powers necessary to be exercised under our forms of government, including that to form and regulate the domestic institutions of the territorial governments, slavery included. My friends of the South will agree with me, without an exception, that the power is not in Congress, and cannot be legitimately exercised by the legislative branch of the General Government. All will agree that it is not in the States, nor any one of them. No State can rightfully exercise power or authority beyond its defined limits. If not in the General or State Government, it must either be in the people of the Territory or it is in abeyance. The clause of the Constitution which I have read forbids the latter conclusion, and consequently I conclude that this power is in the people of the Territory, because it is nowhere delegated to the United States by the Constitution, nor prohibited by it to the people.

But, sir, I said that I believed the position of the Democratic party in the late contest, and at the present time, was equally clear with that of your own. And I will not go to the Cincinnati platform, but to the Kansas-Nebraska act itself, to see what those principles are, and wherein those of us, who belong to the Democratic party, disagree. The nineteenth section of the act organizing the Territory of Kansas, after having prescribed the boundaries of what is to be Territory of the Kansas, provides as follows:

"When admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission."

Now, is there any doubt, is there any uncertainty, or any vagueness whatever, in that provision of the Kansas bill? It is clear and explicit; and, I take it for granted, and so state upon this floor, that there is not a member of the Democratic party here, nor one here who has acted with that party in the late contest, who does not unequivocally subscribe to that provision in the Kansas act, and who does not stand ready, whether he be from the North or the South, to vote for the admission of Kansas as a State into the Union, with her constitution as the people there, the *bona fide* residents and voters of that Territory, shall make it, whether it tolerates or prohibits slavery. Then, if I am right in that position, there is no discordancy in jarring in the Democratic party, in reference to that great first principle of the Kansas act.

How is it with you, Mr. Speaker, and your party, calling yourselves Republicans? Will you, or is there a man of your party in this Hall, who will vote to admit Kansas as a State into this Union if she comes here and asks admission with a constitution fairly made, reflecting and embodying the will of the people of that Territory, if it should tolerate and sanction the institution of African slavery? I take it there is not one. You would trample under foot every principle of Republicanism and the Constitution itself, and reject her because her people had embodied their will and wishes into the constitution of the State.

You are for arbitrarily and despotically governing the people of the Territories, and forming their domestic institutions without their consent. To strengthen you in this position, you erroneously charge the Democratic party as being the advocates of slavery extension. The Democracy of the country, as a party, neither advocate the extension of the institution, nor its prohibition; but have planted themselves upon the principles of non-intervention by Congress, and of the right of the people to govern themselves, and that each separate political community should determine the question for itself. For one, slaveholder as I am, with all my sympathies and interests with that section where slavery exists, I do not desire to see the institution established in any section or country against the wishes of the people residing therein.

Well, sir, let us look at another provision of that Kansas act. In the twenty-fourth section it is provided that—

"The legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents."

Here you have a recognition of the legislative power of the people of that Territory. To what does it extend? To all rightful acts of legislation. You recognize it when you say that Congress has the power to legislate upon it, and should prohibit it. It is an act of legislation, we all admit, at some time or other, by the people of that Territory; for the making of a constitution itself is but another mode of enacting laws, and is therefore legislation.

Then, under this clause of the Kansas bill, what limitations are there upon the Legislature of the Territory of Kansas?—for you must bear in mind that what the Legislature does, it is by the authority of the people who elected them. What are the limitations? The Constitution of the United States and the provisions of the Kansas bill.

Mr. H. MARSHALL. I wish to ascertain if I understand the gentleman's position. Am I to understand him as taking the ground that, under the twenty-fourth section just read, Congress has the right to delegate to the people of the Territory the right to exclude slavery?

Mr. JONES, of Tennessee. I am not here to answer questions.

Mr. H. MARSHALL. But I want to know if that is the gentleman's position.

Mr. JONES, of Tennessee. I will say that I do not believe that Congress has any power to delegate. As I said before, the territorial laws, in my opinion, receive their vitality from the assent, implied or expressed, of the people under them.

Mr. H. MARSHALL. And not from Congress.

Mr. JONES, of Tennessee. Here, then, is this provision of the bill in reference to the legislative power of that Territory. It is a copy, word for word, and letter for letter, from the Utah and New Mexico bills of 1850—a part of the compromise measures of that year. And that very clause superseded the necessity of touching the Missouri compromise, in my opinion, in the Kansas bill. The Constitution of the United United States does not prohibit the people of the Territory of Kansas from introducing slavery; nor did the Kansas bill prohibit them. Then, if neither the Constitution, nor this act organizing the Territory—and which would become vital when the people should give their assent to it by organizing a government under it—prohibited its introduction by the people of Kansas through territorial action, your Missouri compromise was not in the way, in my opinion, because the probation is not to be found either in the Constitution or in the Kansas act.

Mr. H. MARSHALL. Will the gentleman allow me to make one remark?

Mr. JONES, of Tennessee. I hope the gentleman from Kentucky will not interrupt me. I said nothing to him during the delivery of his speech, and I do not wish to be catechized on this occasion.

Mr. H. MARSHALL. I did not propose to catechize the gentleman. The gentleman did me injustice, and I merely wished to make a remark to set the matter right.

Mr. JONES, of Tennessee. It was not my intention to do the gentleman injustice, and if I have I yield for correction.

Mr. H. MARSHALL. I stated in my remarks the other day, and I now state, this proposition. I said that the Utah and New Mexico bills gave vitality to the Legislatures of those Territories upon the express ratification of Congress, but that the Kansas and Nebraska bill fails to do that in this particular. In the sixteenth section, I think it is, it interpolates, instead of the will of Congress to give the territorial legislation vitality, the doctrine of squatter sovereignty, which I denounce.

Mr. JONES, of Tennessee. I ask the gentleman whether he does not endorse the Utah and New Mexico bills?

Mr. H. MARSHALL. I do.

Mr. JONES, of Tennessee. I then ask the gentleman whether he denies the right and power, upon the part of the people of the Territories of Utah or New Mexico, to repeal any law of Mexico prohibiting slavery in those Territories.

Mr. H. MARSHALL. If the gentleman wishes me to answer, I say that I hold the doctrine, that when that bill delegates to the people of this Territory the power and right to legislate upon all rightful subjects of legislation under the Constitution, it reserves to Congress the right to supervise their legislation, and that the Legislature does not contain within itself the elements of vitality.

Mr. JONES, of Tennessee. I understood the gentleman to deny what he was pleased to call squatter sovereignty. I now ask him again if the people of one of these Territories were to repeal any law, either of this Government or of any foreign Government which may be supposed to be in force in that Territory, either prohibiting slavery or introducing it there, would he rise here in his place as a Representative upon this floor, and vote to overrule the action of the people upon this subject?

Mr. H. MARSHALL. My proposition certainly goes to that extent.

Mr. JONES, of Tennessee. I say to the gentleman, that if the people of Kansas, or any other Territory of the United States, organized as a political community now, should in their legislative capacity establish or prohibit slavery, I, for one, will not vote to repeal their act or declare void what the Legislature of the Territory, with the sanction of the people, have done in the exercise of their rights. Now, sir, I say that the whole Democratic party subscribe, as I understand it, to the principle of the Kansas and Nebraska bill, that the Legislature of a Territory—the legislative power of a Territory—shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States, and the principles of that bill. We may differ as to what is constitutional power, but we do not propose that this Congress shall revise what the people there may do on the subject. There is another tribunal to which the Democratic party is willing that this question, when it arises, shall go for decision. But there is another feature of the Kansas-Nebraska bill which I regard as merely declaratory of what were the intentions of those who passed the bill. I refer to that part of the thirty-second section which reads as follows:

"That the Constitution and laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Kansas as elsewhere in the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March the sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories as recognized by the legislation of eighteen hundred and fifty, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery."

Now, sir, I take it that the Democratic party agree upon that declaration of intention as to what was intended to be done by the Congress which passed the Kansas and Nebraska act, as cordially and as heartily as they do upon the two other points to which I have alluded. It declares that the compromise of 1820, the Missouri restriction, being inconsistent with the legislation of 1850, commonly called the compromise measures, is hereby declared null, inoperative and void; it being the true intent and meaning of this act not to legislate slavery into the Territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.

Then, sir, what do we do? By the Missouri compromise slavery was prohibited in that Territory. I believe that the Congress of the United States had no valid authority to impose that restriction. Do you, sir, believe they had? We say that, so far as this Territory is concerned, we shall declare this restriction to be inoperative and void. The barrier is removed out of the way of the people, so that they may, if they desire, introduce slavery there as a domestic institution. That is my construction of that provision, so far as the intention of Congress is concerned.

I am one of those who entertain the opinion that the people of the Territories, if they are not prohibited by the Constitution of the United States, may establish or prohibit the institution of slavery. And it was with reference to that doctrine that our Know-Nothing friends in the South, during the late canvass, were continually attempting to annoy the Democratic party with the cry of "squatter sovereignty." While you, Mr. Speaker, and your party in the North, were charging your Democratic adversaries with advocating the extension of slavery over the Territories, the cry in the South of those equally opposed to the Democracy was the cry of squatter sovereignty. These were the strongest arguments made against the right of the people to govern themselves, that I have ever heard. Squatter sovereignty is the nickname given to the right of the people to govern themselves, by those who are opposed to their exercising it. Let us look at it.

Under the Kansas bill and the Constitution of the United States, does not every man upon this floor recognize in the Territory the right to prescribe the qualification for office? Is there, then, a higher prerogative of sovereignty? It is the power which draws the line of demarkation between the freeman, the coequal in sovereignty, and the subject vassal. Is their no alliance with sovereignty in the power to prescribe penalties for crime—in taking away a man's life, his liberty, and his property? Do we not also recognize the right in the Territories to pass laws respecting the relations of husband and wife, parent and child, guardian and ward, and laws relative to distribution and descent? Do we not all recognize in the Territories the power, through their Legislative Assemblies, to levy taxes upon the people? Is there nothing of sovereignty in these powers? It seems that the power is only denied to the Territory on the question of slavery; yet its exercise has not been prohibited either by the Constitution or the laws of Congress.

But, sir, let us take another view of this clause of the Kansas act. If it be the correct and settled construction of the Constitution and that act, that the people of the Territory have no power to introduce or establish slavery there during their territorial government, I ask, in the name of common sense, how is it to get there? What has the South gained? The Missouri compromise of 1820 forever prohibited the existence of slavery in the territory now comprehended within Kansas and Nebraska. True, the act inoperative and void for certain reasons; at the same time declaring, that it is the true intent and meaning of that act not to legislate slavery into any State or Territory, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States. To make still more certain the intention of Congress, and the effect of declaring the Missouri compromise or slavery prohibition of 1820 inoperative and void, it is further "*Provided*, that nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of 6th of March, 1820, [the Missouri prohibition,] either protecting, establishing, prohibiting or abolishing slavery."

Congress in 1854 regarding the Missouri compromise as prohibiting the existence of slavery in Kansas, declared that compromise inoperative and void; but to exclude the conclusion, that slavery would thereby have a legal existence in that Territory, it is declared in the act, as the true intent and meaning of those who passed it, not to legislate slavery into that Territory, nor to exclude it therefrom; and, as if to make assurances doubly sure, the Badger proviso was incorporated into the act which forbids the revival, or putting in force, any law or regulation for the establishment or protection of slavery therein, well knowing the utter impossibility of the existence of the institution in the absence of laws for its protection.

If, then, slavery was excluded from Kansas by the Missouri compromise, and Congress did not intend, and, in fact, did not so repeal that compromise as to legislate slavery into the Territory, and in express terms refused to revive, or put in force, any law or regulation for its protection, how, I ask, is the institution to have any legal existence in that Territory, except by the action of the people through their Legislature? Or what has the South and the slaveholder gained by the passage of the Kansas-Nebraska act? My construction of the act, and understanding of the intentions of those who framed and passed the Kansas-Nebraska act, was, neither to prohibit or establish, nor to legislate slavery into the Territory, nor exclude it therefrom, but to remove all barriers and prohibitions out of the way of the people of the Territory, leaving them free to act as a majority should think best, and to establish or prohibit slavery, as they should determine. With this understanding of the powers of the people there, the Legislature of Kansas passed laws at its first session protecting slaveholders in the possession and enjoyment of their property in slaves; and in the absence of all laws, the passage of laws recognizing and protecting slavery is the establishing the institution. And thus it is that slavery has a legal existence in Kansas by the action of the Legislature thereof. This our Know-Nothing adversaries call squatter sovereignty, which some of them denounce as worse than the Black Republican doctrine of the sovereign power of Congress for the government of the Territory. I think it is the great principle of the right of the people to govern themselves, and under which slavery has been introduced into, and now exists in, Kansas.

Mr. Speaker, the issue is, I think, a plain one, and easily comprehended. There are but two sides to it: the power and duty of Congress to govern the Territories, as contended for by the Black Republicans; and non-intervention by Congress in the domestic concerns and institutions of the Territories, and the right of the people therein to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States, as maintained by the Democratic party. To deny the power of Congress over the subject, and also the right of the people in the Territory, as I understand some of the Know-Nothings to do, is as effectually to exclude Southern men from the Territories with their property as the Black Republican prohibition in direct terms.

These, sir, are my opinions. I am aware that I differ with many of my Democratic friends as to this abstract question; but there is one thing on which we all agree, and that is, that if the people of a Territory have this right under the Constitution, we cannot and are not disposed to deprive them of it; and that, if they have not the right, then we cannot and are not disposed to give it to them. The Democratic party, as I understand, stood in the recent contest on the great principle of non-intervention embodied in the territorial bills of 1850 and 1854. We of the Democratic party agree on this principle. Whether Congress has the power or not, it shall not be exercised. Whether the people have the power to govern themselves or not, Congress shall not attempt to control them.

Mr. Speaker, I once voted for a proposition which does smack a little of this thing called squatter sovereignty. The Democratic party, particularly of my section, with the great Carolinian at their head, I think, voted for it, too. The people of Oregon, in 1845, some time before this government gave them any territorial organization, adopted what they called their organic or provisional government.

The first article, section fourth, of that law is as follows:

"There shall be neither slavery nor involuntary servitude in said Territory, otherwise than for the punishment of crime, whereof the party shall have been duly convicted."

After the conclusion of the war with Mexico, and the large acquisition of territory from that country, the subject of providing territorial governments for that acquisition and also for Oregon, was referred to a select committee in the Senate, composed of eight Senators, four from the North and four from the South, including Mr. Calhoun. That committee, with great if not entire unanimity, through its chairman, John M. Clayton, of Delaware, reported a bill for the organization of territorial governments in Oregon, California and New Mexico, commonly called "the Clayton compromise." That bill contained this provision:

"SEC. 12. That the existing laws now in force in the Territory of Oregon, under the authority of the provisional government established by the citizens thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the Constitution and the provisions of this act, for three months after the first meeting of the Legislature in said Territory; subject, nevertheless, to be altered, modified or repealed by the Legislative Assembly of the said Territory of Oregon; and the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory, so far as the same, or any provision thereof, may be applicable."

Here was a great acknowledgment of the right of the people of Oregon to govern themselves—to form and regulate their domestic institutions in their own way, subject, of course, to the Constitution of the United States. The people of Oregon, in their organic law, had prohibited slavery; and this Senate bill approves and continues in force those organic laws, admitting the right of the Territorial Assembly of Oregon to alter, modify or repeal the same. The bill passed the Senate; and, upon the test vote, that of ordering the bill to be engrossed and read a third time, the yeas were *thirty-three*, the nays *twenty-two*. Those who voted for the bill were Atchison and Benton, of Missouri; Atherton, of New Hampshire; Berrien and Johnson, of Georgia; Borland and Sebastian, of Arkansas; Breese and Douglas, of Illinois; Bright and Hannegan, of Indiana; Butler and Calhoun, of South Carolina; Clayton and Spruance, of Delaware; Davis and Foote, of Mississippi; Dickinson, of New York; Downs and Johnson, of Louisiana; Houston and Rusk, of Texas; Hunter and Mason, of Virginia; Johnson, of Maryland; King and Lewis, of Alabama; Mangum, of North Carolina; Phelps, of Vermont; Sturgeon, of Pennsylvania; Turney, of Tennessee; Westcott and Yulee, of Florida.

The bill, having passed the Senate, was defeated in the House by being laid upon the table. Every Representative from the South who was in his seat, Whig and Democrat, voted against the motion and for the bill, except eight Whigs. Its defeat was regretted by the entire Southern Democracy, and by the almost united South. I was a friend and supporter of that bill. I voted against its rejection by the indirect means of laying it on the table; and would cheerfully have voted for it, had a direct vote on its passage ever been reached. The bill contained no ordinance of 1787, no Missouri compromise, or Wilmot proviso, or slavery prohibition, other than such as the people of Oregon had adopted for themselves. It was a recognition and endorsement of the great American principle of the right and capacity of the people to govern themselves. That is the ground upon which I placed my vote upon the Oregon territorial bill of 1848, subsequently passed at the same session of Congress, and signed by President Polk. I voted for it, because I believed that it was the will of the people of that Territory that the institution should not go there. I merely refer to this as one instance in which a very large portion of the Congress of the United States did favor this principle.

But, sir, I know that the Democratic party do not agree entirely upon this question. And what of that? As I have already said, it is not a question of legislation. We agree upon all the questions in the Kansas bill as to the legislative power. Then, sir, there is no difficulty or difference of opinion, as I understand it, in the Democratic party, so far as to what Congress ought to do or should do. Suppose that I am wrong in thinking that the people of a Territory have a right to legislate upon this, as upon other domestic institutions; and suppose they do it—where is the remedy if they have done wrong? Is it in the halls of legislation, according to the Democratic party, whether they believe the one side or the other of this question? No, sir. As I understand it, the Democratic party are willing to refer the question to the courts of the country; and the Kansas-Nebraska bill provides for the trial of all these cases, and their adjudication and determination by the Supreme Court of the United States.

Section twenty-seven, after providing for the establishment of a supreme court, district courts, probate courts, and justices of the peace, enacts that—

"Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court." * * * * * * *

"Writs of error, and appeals from the final decisions of said supreme court, shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner, and under the same regulations, as from the circuit courts of the United States, when the value of the property in controversy, or the amount in controversy—to be ascertained by the oath or affirmation of either party, or other competent witnesses—shall exceed $1,000; except only, that in all cases involving title to slaves, the said writs of error, or appeals, shall be allowed and decided by said supreme court without regard to the value of the matter, property, or title in controversy; and except, also, that a writ of error, or appeal, shall also be allowed to the Supreme Court of the United States from the decision of the said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of *habeas corpus*, involving the question of personal freedom."

Suppose the people of Kansas should prohibit slavery while they are in a territorial condition, and some one dissatisfied with that action should take the question up to the Supreme Court of the United States, through the territorial courts, and that court should decide that the people in the Territories were not prohibited by the Constitution, but have a valid and constitutional power to prohibit slavery in the Territory; is there a Democrat here who would be for agitating and overthrowing that decision of the judicial power of the country? On the other hand, if the people believe they have a right to introduce the institution into the Territory, and should pass laws for that purpose, and some gentleman dissatisfied with that, and thinking the people had exceeded their power, should take the case to the judicial tribunals of the country for adjudication and determination, and the Supreme Court should decide that the people of a Territory have a right to establish the institution of slavery there, then the Democratic party, as a party, throughout the country, will acquiesce in that decision, in the same manner as they would if the Supreme Court should determine that there was no such power. Then, I say, there is no such difference of opinion in the Democratic party as should cause any objection to them. We have rested the question as to the time when the people may determine this question for themselves with them and with the courts of the country.

But I understand that even those who cry "squatter sovereignty" throughout the South, and who most signally failed in the last canvass under that cry, admit that the people of a Territory have a right, when they come to form a State constitution, to determine whether they will have slavery or not. Am I correct in that position and understanding of what they hold to be correct doctrine upon this subject? If so, there may be not more than twelve hours' difference of time between them and myself. I say the people can do it to-day in their own way, and they say that the same men can do it to-morrow by framing a State constitution. Then there is between us but one night's difference in time, and perhaps but one hour. It is the manner of doing it, and not the thing done, which seems to be in controversy, even in the Democratic party. Now, it seems to me, that this should be no cause of dissatisfaction with the Democratic party, nor should it be any objection to the Democratic party. Our positions are clear, and I think well understood—as much so, at least, as those of the party to which you, Mr. Speaker, belong.

Non-intervention on the part of Congress is the only ground, in my opinion, upon which the country can remain in union, and have peace and harmony through all its borders, and be free from agitation and excitement upon this question. It is the ground that Congress shall not interfere with the domestic institutions of a State or of a Territory, but that the people of both States and Territories shall be left free to form and to regulate their domestic institutions in their own way, subject only to the Constitution of the United States.

I believe, sir, that there are but three questions in regard to which the subject of slavery should be introduced or mentioned in this Hall, or in the other wing of the Capitol. One is the prohibition of the African slave trade from 1808 on. That trade was prohibited, and by the laws of the country it is piracy for an American citizen to be engaged in it. By those laws I am willing to abide; and I think that the question should never have been introduced into this Hall by any man, North or South, who was willing to abide by the present legislation. Another is that in reference to the return of fugitives from labor escaping from the States where they are held into another State. The last is that in reference to the apportionment of representation, by which you are bound to regard five slaves as three persons.

I understand, strange as it may appear, that there are men in the North, professing to be learned and intelligent, and claiming to be statesmen, who say to their people that the slaveholder in the South has three votes for every five slaves he possesses. That argues an ignorance upon the part of those who assert it which I did not believe existed in any portion of the country. Why, sir, in a southern State, a man who owns a hundred slaves goes to the polls and deposits one vote, and but one; and the man who never owned one, the man who never owned one foot of land, the man who never owned a dollar, if you please, in his life, if he be a free white male citizen of the United States, over twenty-one years of age, and has been for six months a resident, in the State in which I live he can vote, and his vote counts just as much as that of the man who owns a hundred slaves. Yes, sir, one of your constituents, Mr. Speaker—one born in your district, or a naturalized citizen, if he comes to my country, and resides there for six months, is as competent a voter as the man who has lived there and owned property there all his life. Why, sir, I have no doubt that you make capital out of such a statement, when you know, and all the men who make the statement know, that in making up the ratio of representation every free negro at the North counts for a person, and that, if all the negroes were free in my country, instead of counting three for five as they do now, every one would be counted. In that event, we should then have our political power augmented, instead of diminished.

But, sir, this is a question upon which we have repeated, and for years, excitement and agitation—agitation which, upon more occasions than one, has shaken the very foundations of the Confederacy, and well nigh destroyed the Constitution itself. And although I am no alarmist or ultraist, yet I will say here, as I have said elsewhere, that whenever the Black Republican party of the North, the Abolition party of the country, organized as it is, upon deep and deadly hatred to the people and institutions of fifteen States, one entire section of the Union, shall triumph in this country by a geographical sectional vote, and shall have control of the Government, and shall consummate and carry into the practical administration of the country their unequal, unjust, and hostile measures towards the South, the people of that section will be called upon and must determine between submission to oppression and tyranny in the Union, or assert their supremacy, and vindicate and maintain the coequal rights and independence which their fathers achieved for them, outside of the Union. What their determination shall be does not admit of a doubt.

There is, in my opinion, no such thing as constitutional secession from this Union; but, at the same time, there is as much virtue in resisting oppression from this Government as there was in resisting it from the British Government; and, without any threat or bravado, I say, that whenever that time comes, we in that portion of the Union which is in a minority shall be prepared to assert our rights, and vindicate them at all hazards, and to the last extremity.

A BIG LUMP OF LAKE SUPERIOR SILVER.—Mr. Whiting, clerk of the propeller *Gen. Taylor*, who left Ontonagon on the 5th inst., says that a mass of pure solid silver, weighing sixty-five pounds, had just been taken from the Minnesota mine. At its current market value, $7 per once, this mass would be worth $1,040.—*St. Louis Intelligencer.*

Congressional.

WASHINGTON, February 5.—*Senate*—The Senate agreed to all the House amendments to the bill relating to foreign coins and the coinage of cents, and added another.

House.—Mr. Cambell moved the previous question on the Senate submarine telegraph bill, which was not sustained, 45 only voting in the affirmative.

Mr. Smith, of Virginia, thought it unwise policy in the government to sanction this remarkable proposition. There was no constitutional authority to embark in this scheme, and he did not believe the advantages to be so great to the government as was claimed, the termini being on British soil. If, as they were assured it would be established whether this government assisted or not, where was the necessity for pressing the bill to a hasty passage.

WASHINGTON, February 5.—*House*—Mr. Seward advocated the bill, maintaining that, if we can enter into postal treaties with foreign governments, and pay $800,000 annually to the ocean mail steamers' service, we have the same power to assist in this enterprise at less cost.

Mr. Mace regarded this matter of much importance, believing it would lead to greater results than had yet been anticipated by any one in this House. It was connected with the postal affairs of the country, and, with a view to exalting it to its merits, he moved that it be referred to the Committee on Post Offices and Post Roads.

Mr. Letcher appealed to the gentlemen who desired to save the country from a commercial revulsion compared to which that of 1836 would be unimportant, to go with him in adopting some measure which will reduce the revenue and relieve every man from burdens unnecessarily cast upon him. To effect this object he advocated the reduction of duties on nearly all of the articles enumerated in the schedules of the act of 1846. He believed with Mr. Stanton that the bill reported from the majority of the Committee on Ways and Means was thoroughly for the benefit of manufacturers.

The Senate's resolution providing for the counting of the votes for President and Vice President next Wednesday, was adopted.

THE ACCIDENT ON THE GEORGIA ROAD—FURTHER PARTICULARS.—We learned yesterday from passengers who were on the train further particulars of the accident on the Georgia Road, mentioned briefly in our telegraphic dispatches.

Among the passengers on the train, residents of this city, were Mr. J. N. Bailey, wife, two children, and servant, and two young ladies in his charge; Mr. Leslie Ellis, of the firm of Strickler, Ellis & Co.; Mr. A. J. McWhirter, of the firm of Bransford, McWhirter & Co.; and Gov. Johnson.

The accident occurred about fifteen miles this side of Augusta, and was caused by a gap about two feet in length in the rail. Workmen had been engaged putting down new rail, were unable to fill this gab, and had substituted a piece of wood. The whole train passed over safely except two passenger cars, which were thrown down an embankment forty feet in height, making *three* complete revolutions in the descent. It was almost miraculous that so little damage was done. The most serious was incurred by a young lady, whose name we did not learn, but who was on a bridal tour. She was very badly bruised, and doubts were entertained of her recovery.

Of the Nashville passengers, Gov. Johnson was most severely injured. His arm was badly bruised about the elbow, though it was thought, not broken. He was obliged to travel about 100 miles to Atlanta before he could get relief, in which time the arm had become very much swollen and inflamed, and some fears were entertained that amputation would become necessary.

Mr. Bailey received a severe bruise over one of his eyes, and another on the back of his head. Mrs. Bailey and one of her children were slightly burned, but not seriously. The stoves set the cars on fire, and they were burned.

Mr. McWhirter received a severe bruise on the knee, and was somewhat burned. Mr. Ellis was also considerably bruised. All these gentlemen were out yesterday, however.

Of the other passengers injured, we are unable to learn names or particulars. The train came on without much delay, and the two cars were replaced at the first station.—*Nashville Banner.*

New Advertisements.

MEMPHIS THEATRE.

D. T. ASH,..............Manager
H. L. JOHNSON,..........Treasurer

RE-ENGAGEMENT of the greatest favorite that ever appeared in Memphis,

The Popular "Fairy Star,"

MISS MAGGIE MITCHELL!!

WEDNESDAY, February 11th, 1857, will be presented the Tragedy of Ion. Ion, Miss Mitchell; Adrastus, Mr. Lawler; Ctesiphus, Tyrrell; Agenor, Brydon; Clemanthe, Miss Deering. *Dance*, Miss Sinclair. To conclude with the last triumphant comic piece of Our Maggie. Our Maggie (with 5 characters and songs and dances) Miss Mitchell; Mr. Greenwood, Mr. Brydon; Pike (a dramatic "nigger,") Campbell; Madam Sale, Mrs. Canfield.

☞ In rehearsal, "*The Broken Sword.*"

ADMISSION.—Boxes, $1; Parquette, $1; Second Class, 50 cents; Colored Gallery, 25 cents.

feb10-1t

NOTICE.

THERE will be a meeting of the Board of Aldermen, at 7 o'clock, on THURSDAY EVENING NEXT.

THOMAS B. CARROLL, Mayor.

Memphis, February 10th, 1857. feb11-2t

Candles.

500 BOXES CANDLES, for sale by STOCKLEY, NELSON & CO. feb11-1w

Rice.

10 CASKS RICE, for sale by STOCKLEY, NELSON & CO. feb11-1w

MEMPHIS, February 10th, 1857.

Editors of the Appeal and Bulletin—

GENTLEMEN: Enclosed you will find the Ordinance passed by the Board of Aldermen at their last meeting, appropriating the proceeds of the Lease of the Navy Yard Grounds to assist in building the Memphis and Little Rock Railroad. I would not have signed this Ordinance had it not passed the Board by an unanimous vote. My reasons are simply that I think the money could have been more judiciously expended in improving the streets and alleys of the city than in making roads for any State, even Tennessee.

THOMAS B. CARROLL, Mayor.

Memphis and Little Rock Railroad Ordinance.

The following Preamble and Ordinance were offered by Alderman Dupree, at a meeting of the Board of Mayor and Aldermen, held on the 30th ult., and by a suspension of the rules, the Ordinance passed its final reading by a unanimous vote.

WHEREAS, It is of the utmost importance to the city of Memphis to hasten by all said means the construction of the Memphis and Little Rock Railroad, and, whereas this road is an essential part of the network system of railways, converging from every quarter of the Union at this city; and, whereas, it becomes the Board of Mayor and Aldermen of the city of Memphis, as representatives of a people characterized by their energy and wise liberality in the prosecution of public works; and whereas, we deem it of vital importance to the present and future growth and prosperity of this city to connect her at the earliest possible period with the Pacific Railroad, and thus to enhance her large stock investments in those roads east of the Mississippi river. Therefore,

Be it Ordained by the Board of Mayor and Aldermen of the City of Memphis—SECTION 1. That all the grounds and property known as the Memphis Navy Yard, is hereby appropriated to the construction of the first section of the Memphis and Little Rock Railroad, say from the west bank of the Mississippi to the St. Francis river, on the terms and conditions as follows: On the procurement by the Memphis and Little Rock Railroad Company of an additional solvent *bona fide* subscription to its capital stock, amounting to $100,000 (exclusive of the subscription of the city of Little Rock) made by corporations, counties or individuals, satisfactory as to solvency and validity to the Finance Committee, or whenever said Memphis and Little Rock Railroad Company shall present to the Finance Committee a good, valid and satisfactory written guaranty that such stock subscription of $100,000, shall be made within the next twelve months thereafter, thereupon the Mayor of this city shall be authorized and empowered to mortgage the said Memphis Navy Yard property, grounds and improvements belonging to the city of Memphis, to secure the certain and prompt payment of $300,000 of the bonds of said Memphis and Little Rock Railroad Company, payable fifteen years after date with seven per cent. per annum interest thereon, payable semi-annually in the city of Charleston, S. C., or New Orleans, La., per coupon warrants to be attached to said bonds.

SEC. 2.—That the city revenue arising from the Memphis Navy Yard property be and the same is hereby appropriated, not to exceed $30,000 per annum first to the payment of the interest of the $300,000 of the Memphis and Little Rock Railroad Company hereinabove set forth and the balance, if any, to be held and used as a sinking fund for the retirement of said bonds.

SEC. 3.—That on the completion and equipment of the first section of said road, from the west bank of the Mississippi river, opposite to the city of Memphis, to the St. Francis river, or at any time within two years thereafter, the Board of Mayor and Aldermen of the city of Memphis shall, at their discretion or election, take from said Memphis and Little Rock Railroad Company, either in stock in said Company or its first class mortgage bonds to the amount of $300,000, in payment of the bonds of the said Memphis and Little Rock Railroad Company, secured on the Memphis Navy Yard property; and all sums paid by the city at that time, as interest simply, shall be refunded to the city of Memphis in the stock in said Company.

SEC. 4.—If the city of Memphis elect to take the mortgage bonds of said Railroad Company, said bonds shall bear seven per cent. per annum interest, having thirty years to run to maturity, with coupon warrants attached, payable like the bonds hereinabove provided to be secured by said Railroad Company, and secured by this city on the Memphis Navy Yard property, in the city of Charleston or New Orleans—said bonds to be on their face convertible into stock in said Memphis and Little Rock Railroad Company, at the option of the holder or holders thereof, at any time within five years from and after the date of their issuance.

SEC. 5.—That this Ordinance shall not take effect until all claims now existing and outstanding against said Memphis and Little Rock Railroad Company are adjusted to the satisfaction of the Finance Committee.

The yeas and nays being called for, stood as follows: Yeas—Messrs. Hughes, Curtis, Dupree, Mider, Barry, Fackler, Finnie, Douglas, Bogart, Copeland and Saffarrans—11. THOMAS B. CARROLL, Mayor.

Attest: L. R. RICHARDS, City Register. feb11-3t

Auction Sales.

Negroes at Auction.

ON THURSDAY NEXT, the 12th inst., at 10 o'clock, A. M. I will sell at my auction rooms, SEVENTEEN NEGROES, Consisting of Men, Women, Boys and Girls, Field Hands and House Servants. Sale positive; terms cash.

G. B. LOCKE, Auctioneer and Real Estate Broker. feb7

I WILL SELL

For the Next Three Months,

Watches, Jewelry,

AND

FANCY GOODS,

At 25 per Cent. Below Usual Prices,

AT G. B. LOCKE'S.

A LARGE assortment of the above named goods, at prices which will satisfy all who may favor me with a call.

☞ All goods warranted as represented.

Country merchants, are invited to give me a call before purchasing.

☞ Auction sale every night.

THOS. J. HARRIS, 263 Main street. feb7-1w

FOR SALE.

FOUR BRICK TENEMENTS on the corner of Hernando and South streets; one BRICK HOUSE on DeSoto, between Vance street and Brown's Avenue—all two stories, with two story porches, lattice work, &c. Also, a small FRAME BUILDING, on South street, and some five hundred feet of vacant ground on the Overton tract. If this property is not sold by SATURDAY, the 28th of February, at private sale, it will be sold on the premises at public sale. Terms liberal. For further information apply to A. WALLACE, or

A. WALLACE, Auc'r. THOMAS B. CARROLL. feb4-td

MULES! MULES!

GREAT SALE OF

FINE YOUNG MULES!

WE will sell on THURSDAY, February 26, at No. 23 Madison street, Memphis, thirty well broke young MULES, ... in order, having just closed a contract of ... the Yazoo Pass, Miss. Also, thirty CARTS AND HARNESS, nearly new. ... Railroad Contractors and others ... all young and sound. ... or cars, and be in time for one of the lucky number to get bargains. Terms cash.

Also, added: 8 Mules; 4 Carts and Harness; on 60 or 90 days time.

M. C. CAYCE & SON, General Auctioneers and Real Estate Brokers. ☞ Enquirer and Evening News copy. feb4

J. E. CHADWICK'S ADVERTISEMENTS

Will Always be Found in This Column.

PERSONS wishing to know what the property is or what he may want to buy for any of his customers, will be sure to find it in this column, or SECOND PAGE. Remember that, and save yourself the trouble of looking all over the paper.

All business entrusted to me will be attended to carefully and with dispatch.

Office Madison Street, opposite Union Bank.

INSURANCE, REAL ESTATE AND GENERAL AGENCY.

Ætna Fire and Inland Navigation Insurance Company,

CAPITAL AND SURPLUS.........$1,000,000.

Hartford Fire Insurance Co.,

CAPITAL AND SURPLUS.........$400,000.

Charter Oak Life Insurance Co.

CAPITAL AND SURPLUS.........$400,000.

POLICIES issued on reasonable terms. Losses equitably adjusted and promptly paid.

FOR SALE.—Seven Acres of Land, covered with fine fruit Trees, within about one mile of the city, on the Hernando Plank Road. Inquire of

J. E. CHADWICK, Memphis Land Office, Opposite Union Bank. sep13

Memphis Foundery

AND

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THE partnership heretofore existing under the style of F. W. CHEANEY & CO., was dissolved on 28th October, 1856, by mutual consent. F. W. Cheaney assumes the debts of the concern. F. W. CHEANEY. JOHN S. PETTS. feb8-d2t

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