

Domestic news.

EXTRACT FROM THE REMARKS OF MR. PICKENS, OF SOUTH CAROLINA, In the House of Representatives, Jan. 21 1838.

On the Resolution of Mr. Wise, declaring that Congress has no power under the Constitution to abolish slavery in the District of Columbia &c., being under consideration.

Mr. Speaker: Before we proceed on this point, it would be well for us to call to our minds the circumstances and causes that induced the acts of cession granting jurisdiction in the District. When Congress was in session in Philadelphia a mob created great disturbance, and they found themselves unable, for want of authority, to protect themselves and their officers. Hence it became important that they should have some territory with exclusive jurisdiction over it. The object had sole desire of Congress was to be able to protect itself, its officers, and its public buildings, and make such other municipal regulations as might be deemed necessary for the harmony, quiet, and independence of the Government. When we look at these circumstances, and then compare the clause in the Constitution conferring legislative power, we can come to but one conclusion as to the great leading object of the trust. The words are, that Congress "shall exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten square miles) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the U. States, and to exercise like authority over all places purchased by the consent of the Legislature of the States in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

"Exclusive legislation," here cannot mean absolute and unlimited legislation. This Government cannot legally exist in any position without all the restraints of the constitution binding upon it. It is created by the constitution, and cannot act in any sphere except under its specific grants. And to contend that it has all the powers here that the States can exercise within their territories is a solecism in constitutional law, for the States can exercise all their power not prohibited by the principles and spirit of their own constitutions, or the constitution of the United States, while this Government can exercise no power not specifically granted by the Constitution, or absolutely necessary to carry into effect some specific grant. Exclusive legislation means that no other Government shall have concurrent legislation. Congress shall exercise, "like authority," over all purchased for forts, arsenals, &c. The legislation and authority exercised in this District, in like manner, shall be exercised over places purchased for forts, &c. If, then, Congress is unlimited here, then it is unlimited in those other places where public works are, then, in like manner, can it be abolished in all those places in the heart of a State where there may be public works, &c.—All the power intended to be given was to enable this Government to protect and preserve its public works and improvements, and "like authority" was intended to be given in this district, authority that might be essential to carry out the legitimate objects of the original trust and no more. Any exercise of power beyond the obvious meaning and plain intentions of the grant of power at the time it was given, is a violation of its spirit and a perversion of its purposes.

Again: The ninth section expressly excludes Congress from prohibiting the importation of slaves until 1808. If the clause giving "exclusive legislation" embraces the power to abolish slavery, then it was created without limitation at the date of the instrument. But if Congress had, before 1808, attempted to prohibit the importation of slaves here, or elsewhere, it would have been directly against the Constitution.—There has been no new acquisition of power since the date of that instrument, or enlargement of the provisions of the clause granting "exclusive legislation." We cannot do that indirectly which we cannot do directly. And if Congress had abolished slavery here prior to 1808, it would have been the most effectual measure to prohibit their importation, and this they were clearly and expressly prohibited from doing.—I do not refer to this so much as being perfectly conclusive, as to show that it was the whole spirit and intention of the Constitution that this Government should have no power to disturb this delicate and exciting subject. We all know the extreme jealousy that existed amongst the States on this matter at the formation of the Constitution—so much so, that it was one of the principal difficulties in forming a "more perfect Union."

It is to be supposed that Virginia, sensitive and jealous as she was at that time on the subject of slavery, would have ceded a portion of her territory and citizens, if she had, for one moment, conceived that under the clause in the Constitution conferring legislative powers, they were to be thrown at the mercy of other interests, and other sections, antagonistic to herself on this vital point?

The fifth amendment declares, that private property shall not be taken for public use, without just compensation. Much less can it be taken for private use. It cannot be taken except for public use. It becomes important then to ascertain whether slaves are private property? And here let it be observed, that there is a loose idea abroad, that we hold our rights to that species of property under the compromises of the Constitution. We hold them under the original rights, before and above the Constitution coming from the States in their separate existence. The compromises of the Constitution relate entirely to the relative representation that the States, as political communities, shall have upon the floor; but this is not the source of rights to us in this or any other private property. The Constitution recognizes them as private property. The second section appointing our representation, the clause enabling the owner to recover his fugitive slave, and the clause sanctioning their importation until 1808, all show that the Constitution recognizes them as property, as things other than persons. The judicial tribunals of the non-slaveholding States, as well as the slaveholding States, have all settled this principle.—Then they cannot be taken except for public

use. What is public use? If they were wanted on our public works, if they were needed in a great emergency, they might be taken on just compensation. But if there be any one thing clearer than another, it is, that abolition was not the public use contemplated in the Constitution. They cannot be taken without just compensation even for public use.—How can money be drawn from the public treasury, except through appropriation by law? There can be no legal appropriation, except to carry into effect some specific power granted by the Constitution, or clearly implied as absolutely necessary to carry into effect some specific grant.—There is no specific power to abolish slavery, & it being itself a high exercise of substantive power, cannot be implied as absolutely necessary to carry into effect any other power. As well might we pass appropriations to pay the people of this District for their cattle and horses, to give them the blessed privilege of running free and unrestrained over the barren hills and waste commons around this capitol. As to principles and power, it is the same.

But it is said, all the States may emancipate, and this District be left without the means of changing its condition. This is certainly any thing but a constitutional argument, for I answer, that even if this were to be the case, it is the Constitution, and will be so until it is changed by the proper authorities. There is really no difficulty on this point, as those who choose can now emancipate, by deed or will. In connection with the constitution, let us for a moment examine the act of cession from Virginia. The proviso declares "that nothing herein contained shall be construed to vest in the United States any rights of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall, or may be transferred by such individuals to the United States." Let it be understood that this follows immediately after the clause describing the tract of country and particular extent of territory ceded. I admit the terms are somewhat equivocal at first. If the words "the rights of individuals therein" refer only back to control the property in the soil, then they were of no use; for under the Constitution alone Congress could not have interfered in the freehold. One of the first principles of the Magna Charta is, that no freeman shall be deprived of his free hold without the judgment of his peers. If those words were meant only to limit the power of the Government over the freehold of a citizen, then they are a useless verbiage. Those who inserted them must have meant something more. When we look at the sensitiveness of Virginia on the interesting and vital subject of the peculiar property of her citizens she was about to cede, we are led to believe that she must have meant in the words "rights of individuals therein," other rights than those of "soil." Connect this with the clauses in the Constitution, and no man can refrain from admitting that it is to say the least of it, a doubtful power, which every patriot in a limited Government would refrain from claiming as under the Constitution.

But Mr. Speaker, I take higher ground than this, and contend that, according to the bill of rights, of Maryland, and the Constitution of Virginia, those States themselves could not have ceded absolute and unrestrained power over private property of any kind in this District. The citizens of this District had peculiar rights secured in their property by the Constitution of their own States; and if Virginia and Maryland had attempted to cede absolute power over this subject, they would have violated the rights of their own citizens, and would have committed not a legal act, but an act of force.—Next to life and liberty, these citizens had, under the paramount laws of the adjoining States, the rights of property secured in the most solemn and unequal manner. As well might Virginia now divorce from herself any portion of her freemen, and transfer them bound hand and foot to the jurisdiction of N. York, as to have thrown the citizens of this District, in their rights to a peculiar property, upon the unrestrained and tender mercy of this Government.

Again, No State, from the Potomac to the Mississippi, under its Constitution as it now stands, has any right to abolish slavery without the consent of the individual owners. I assert this upon that great principle of English liberty, which is incorporated into every Constitution, that no freeman shall be deprived of his property but by the judgement of his peers or the laws of the land. The constitutions are the paramount laws of the land, which the action of no Government, constituted under them, can legally subvert. States may do unlawful acts which their citizens may assent to or acquiesce in, but this does not constitute legal authority. Those States that hold slaves as property, might if they desired, assemble in their conventions representing the sovereign power of the community for the specific object of abolishing that property, and the people might choose their delegates for that alone. But this would be a mere organization of the body politic above the Constitution. And even in convention, they would do it under the unwritten and organic law that governs all simple consolidated communities, and which exists from the necessity of the case, that the majority must govern. This exists only in a consolidated community, when it is thrown into its simple and original elements. And even then the minority acquiesces more from a calculation of expediency than obligation.

Sir, if this view be true of the great principles that regulate even the power of the States on this subject, how futile and shallow is that argument which claims for the Government all the legislative powers here that the State have within their territories. But it is stronger than this. The Government of the United States can acquire no legal power even by consent of citizens.—It has no existence beyond the express grants of the Constitution and no power can be acquired for it by the action or acquiescence of the people, as people or citizens, this must be given by the States that made it.

There is a wide mistake and loose notion on the subject of the power of Government over private property. Gentlemen draw their ideas on this subject from the history of European Government, and the jurisprudence of Great Britain. If there be any one principle that has distinguished our Revolution from all others, it is this, that we have succeeded in limiting and re-

stricting the power of Government over private property, and more effectually securing the rights of citizens thereto. If this was not the great principle of the American Revolution, then it has none. The line that separates the power of Government from private property, is the line that defines the limits of liberty in all countries. Know sir, that the British Government under the claims of omnipotence in Parliament, has again & again trampled over the great principles of the Magna Charta, and it is not there that we are to look for examples to define our notions of power in Government over the property of a free people.—Under the plea of State necessity, a country may be protected and a people regulated but the Government may be a despotism. But in this country, with our constitutions and limitations defined, I deny the right to interfere with private property except by "due process of law," through the verdict of a jury of freemen.

It is, however, suggested that, although you cannot pass an act to abolish slavery at present, yet you may pass it to take effect in future, upon the post nati principle. Let us examine this. If the rights of citizens be secured unqualifiedly at present under the Constitution, how can you directly or indirectly interfere with it in future? If I have a perfect right to my stock, I have a right to its proceeds, and the Government that attempts to cut off the right of proceeds is as absolute and despotic as that which could take the property itself. A free Government may regulate and shape "deceits," to preserve and protect them to the benefit of its citizens; but no Government is free that, instead of a wholesome and judicious exercise of this power, usurps to cut them off entirely. If the Government have no right to destroy the existing property itself, it has no right to destroy its proceeds. The principle and the power are the same in the one case as the other.

Mr. Speaker allow me to suggest to our Northern friends the propriety, if they can of taking these constitutional grounds. I respectfully suggest whether it would not be better for them to raise the constitutional restrictions as a shield between themselves and popular fanaticism, than to rely upon the grounds of expediency. If they intend to save the institutions of this country let them raise the constitutional powers against the movements for abolition in this District—let them go home with the Constitution in their hands to show that it precludes any interference. I entreat them to take this ground now, and make the issue with abolition spirit, when the good and virtuous have some power and control. Put them down now by this and strong acts of local legislation, or you will be compelled to come here and cry aloud to save this Union after it shall be too late, when the heathen fires of an indignant people shall blaze over a thousand hills, and the swords of a hundred thousand freemen shall gleam on high to avenge our wrongs and vindicate our rights.

From the Charleston Courier, Feb. 27.

PUBLIC MEETING.

At a meeting of the Citizens of Charleston, held at the City Hall, last night, to receive the Report of their Delegates to the Southern Commercial Convention, his Hon. the Mayor, was called to the Chair and H. BAILEY appointed Secretary.

The Mayor stated the object of the Meeting. After which the Hon. George McDuffie, one of the Delegates to the Convention, rose and after returning his thanks for the honor conferred upon him by his being appointed one of the Delegates of the city, said, that although he had been engaged for nearly 20 years, with but a brief interval, in the service of South Carolina, and filled various public situations, he doubted whether he had ever occupied one more honorable, more useful, or more important, than that of a Representative of Charleston in the late Commercial Convention. He then proceeded to show the indispensable necessity to the prosperity of the South of possessing a commerce under their own control; and traced the decline which had marked the prosperity of the South, to our having permitted our commerce to be under the control of others. He congratulated the South on the removal of some of the causes to which this drain of our prosperity was due, and upon the present signs of a reviving commerce. Above all, he congratulated his fellow-citizens upon the union of feeling which prevailed to combine their efforts to build up again the lately depressed commercial prosperity of their country.

He then pronounced an eloquent eulogium on commerce, and proceeded to show what was necessary to be done to promote the common object, and what the obstacle to be removed. Opening communications with the interior, and arranging the exchanges, educating our youth to commercial pursuits which he declared to be more honorable than occupying a place at the rag end of the bar, or engaging in the miserable scramble and squabbles of trading politicians. We want merchants, we have capital in abundance, and every other element of commercial prosperity. We must secure the direct trade, which he contended was, from the nature of things, cheaper, and better in itself, than a circuitous trade, and its profits would be our own.

He concluded with an animated appeal to the patriotism of the citizens of Charleston, who, he said, had ever been distinguished for their high minded devotion to their country. Never, he said, was there an occasion when their patriotic feelings and their most energetic action were invited to a more important object.

Gen. Robert Y. Hayne also addressed the meeting in a strain of great eloquence, and concluded, by offering the following preamble and resolutions, which were seconded by C. R. Holmes, Esq., and the blank in the 5th resolution having been first filled we unanimously adopted:

The citizens of Charleston have received with satisfaction the Report of their Delegates to the Convention of Merchants and others, held in Augusta in October last, on the subject of establishing a direct trade with foreign countries. The harmony which marked all the proceedings of that Assembly and the able manner in which the subject has been presented to the public in the Report to the Convention, and the Address to the people of the Southern and South Western States are calculated to make a deep impression on the public mind, and we trust may lead to the adoption of those measures which may eventually crown the

patriotic efforts of the Convention with success. In order to contribute as far as may be in our power, towards this most desirable object, the citizens of Charleston here assembled, do adopt the following Resolutions, viz:

1st. Resolved, That we believe that it will be eminently conducive to the prosperity and welfare of the Southern States, that a direct import and export trade with foreign countries should be established and promoted, and we entirely concur with Convention, in the opinion they have expressed, and which has been so forcibly illustrated in their Address—that the Agricultural staples of the Southern States, which form the basis of the foreign commerce of the Union, offer us facilities for carrying on this trade, greater than those possessed by any other part of the Union.

2d. Resolved, That influenced by no spirit of unkindness towards our Northern brethren, and feeling in no degree jealous of their commercial prosperity, we yet believe that it is a duty which we owe to ourselves, to use all honorable means to secure our fair share of the profits derived from the exportation of our own productions, and the importation of those foreign goods which are received in exchange for them, which profits have heretofore been almost exclusively enjoyed by others, greatly to the injury of the South.

3d. Resolved, That fully aware of the difficulty of changing the existing relations of commerce, or turning the current of trade into new channels, we cordially concur in the propriety of appointing Delegates to meet the citizens of the other Southern States, in Convention, at Augusta, on the first Monday in April next, that by wise and prudent measures, matured by the common councils of all those interested, the accomplishment of our great object may be secured.

4th. Resolved, That deeply sensible of its being indispensably necessary to our success that free and direct communications should be opened, between the South Atlantic Cities and the Western States, in order to furnish a market for the foreign goods, which may be received in our ports, and to open a direct interior trade between the South and the West—we cordially approve and will zealously support all those measures which may, in our opinion, be calculated to open such communications, and establish such connections, believing that they will furnish the surest means of securing prosperity of the Southern States, and strengthening the bonds of our Federal Union.

5th. Resolved, That influenced by these views, the following gentlemen be appointed Delegates to represent the city of Charleston, in the Convention to be held at Augusta in April next, viz: Gen. R. Y. Hayne, Gen. James Hamilton, Gen. George McDuffie, Hon. Henry L. Pinckney, Hon. Thomas Bennett, John Robinson, James Adger, Col. A. P. Hayne, C. G. Manning, Gen. Chancellor D. F. Pauldin, James Robinson, Alex. Black, A. Tobias, David Alexander, R. W. Fort, L. M. Wiley, H. W. Conner, Henry Gordon, Andrew McDowell, I. E. Holmes, Jude Evans, Chancellor Harper, Judge O'Neel, Chancellor Job Johnson, G. H. Kelsey, S. P. Ripley, Charles F. Lowndes, G. A. Trenholm, J. N. Cardozo, Ke Boyce.

6th. Resolved, That our fellow-citizens in the several judicial districts of the State, be earnestly requested to hold public meetings at their respective Court Houses, to appoint Delegates to represent them in the Convention, and that his Honor the Mayor, in behalf of the citizens, be requested to transmit copies of these proceedings to the different Districts, and take such other measures as he may think best calculated to promote our object.

7th. Resolved, That the thanks of this meeting be presented to the Delegates who so ably represented us at the Convention in Augusta, in October last; to the Committee, for their report and address; and also to the Chairman and Secretary of this meeting; and that these proceedings be published in all the gazettes of this city.

The meeting then adjourned.
H. L. PINCKNEY, Chairman.
H. BAILEY, Secretary.

From the Correspondence of the Charleston Courier.

WASHINGTON, Feb. 24.
The Duel.—Mr. Gilley, a member of the House from Maine, and Mr. Graves, a member from Kentucky, have gone over to Maryland to fight, with rifles. They were attended by Messrs. Bynum, and Duncan, & Jones of Wisconsin, as seconds to Mr. Gilley; and Messrs. Wise, Calhoun of Kentucky, and Menifee, as seconds to Mr. Graves.

Mr. Gilley is a young man, and is represented as very cool and imperturbable. Mr. Graves is one of the most amiable men in the House, and is universally esteemed here.—Col. Webb, of the New-York Courier & Enquirer, challenged Mr. Gilley two or three days ago, on account of some personal imputations cast by Mr. C. on him, as an editor in the debate on the corruption charge Mr. Graves bore the challenge, and as Mr. Gilley refused to fight Webb, on the ground that he was no gentleman, Mr. Graves was obliged to put himself in his principal's place. The challenge from Mr. Graves was sent to Mr. Gilley last evening, and was immediately accepted. Mr. Gilley chose the rifle, fixed the distance at 30 yards, and appointed H. Webb, at 30 yards, as his second. There was no negotiation—no plavver about it. The affair was managed with a degree of secrecy and promptitude, unusual among members of Congress. The parties were off before any one knew it.—Even Webb did not know it, until he was gone; and he was running about the Capitol, in the greatest distress, about one o'clock, inquiring where they could be found. He has gone after them. Mr. Clay has also gone, at Mr. Graves' request, to endeavor to settle it. God grant that he may be successful in the office of peace-maker.

WASHINGTON, Feb. 25.

Further particulars of the Duel.—It appears that the parties had arranged the matter on Friday afternoon, when Mr. Gilley practiced with the rifle for nearly an hour, and succeeded in putting a number of balls in succession, in the space of about three square inches, at the distance of eighty paces. So that he was no indifferent marksman, & this may account for his alleged presumption in choosing that weapon to fight a Kentuckian.

Mr. Graves also spent some time in trying his rifle. It is an excellent piece, and was borrowed by Mr. Menifee, a friend of Graves, from Mr. Rives, of the "Globe,"

who however was not apprised at the time, of the use to which it was to be applied.—The rifle used by Mr. Gilley was some inches shorter.

The greatest secrecy was observed, and yesterday morning when Mr. Graves left the city, he informed his wife that he was going to attend a public dinner in Baltimore. But notwithstanding their caution, the affair got wind, and Mr. Mercer, of Virginia, was at Bladesburg with Police Officers, an hour before the meeting took place. Owing to this, the parties drove to another place, about three miles distant, and where there was no danger of their being molested.

It appears that Wise and Menifee acted as seconds to Graves, and Bynum and Calhoun of Ky., for Gilley. They were put up about eighty paces, and in such a position as to fire across the wind, which was blowing very keen at the time. The first and second round was attended with no effect, as it appears they fired too high, and was much annoyed by the intense cold and high wind. At the third fire Mr. Gilley was shot in the kidney, and instantly fell, breaking the stock from his rifle in the fall. He expired in about three minutes afterwards.

It appears that Mr. Clay, of Kentucky, followed the parties with a view of attempting an amicable adjustment of the matter, but arrived too late.

Another account is, that an attempt was made to adjust the affair after the first fire, it was rendered ineffectual by the refusal of Mr. Wise.

Mr. Duncan, of Ohio, attended as Physician, and he on leaving the ground, is reported to have said, "that it was a—cold blooded murder and that Webb should not leave Washington City, if he (Duncan) could any how get him to fight."

It is also rumored, that there was much unfairness in placing Gilley in a bad position.

I have no idea that the matter is ended, and I predict that we shall have three or four more duels growing out of the affair.

It is said that Mr. Gilley will be buried to-morrow.—Patriot.

The Washington correspondent of yesterday's Mercury, gives the following particulars about the unfortunate and gallant Gilley:

"Mr. Gilley was shot in the groin on the third fire, and died in a few minutes. They fought at fifty paces. A general sadness overspreads the countenances of every one. Deep execrations are uttered against the individual who pushed Mr. Graves into this conflict. Of the manner in which this bloody tragedy was got up, I cannot trust myself to speak. Let me only add that you of the South have lost a noble, a generous, and a brave friend. Mr. Gilley was ranked as a firm, warm-hearted, and devoted champion of Southern rights, interests and feelings. He was descended from one of the noblest bloods of the Revolution. His grandfather, Col. Gilley, served through the whole war, and commanded the famous New Hampshire Regiment, which was distinguished for its success."

Louisville, Cincinnati and Charleston R. Road.—We are requested to invite public attention to the notice this day published, calling for an instalment of five dollars on each share in this Company, to be paid on or before the first Monday, being the second day of April next. This measure has been adopted by the Directors in order to comply with the conditions imposed by the act of our Legislature, giving the guarantee of the State to a loan of two millions, and which requires a certain amount to be paid in by the Stockholders before that guarantee shall attach.

As soon as the instalment is paid, the necessary bonds will be collected, to enable the Company to prosecute the work with proper vigor. The purchase of the Charleston, and Hamburg Rail road having been effected, the extension of the branch from Branchville to Columbia, and the improvement of the Charleston road, are the objects which will command immediate attention. We are informed that the Board of Directors have resolved to take the proper measures for putting the "South Western Rail Road Bank" in operation in October next. Some Stockholders in the Road can subscribe for, or hold shares in the Bank, and the original subscribers are entitled to a preference. The Bank may go into operation with a capital of one million, with the main Bank in Charleston, and Branches in North Carolina and Tennessee, and also in Kentucky, should that State concur in the charter.

The capital may be enlarged from time to time, by calling in instalments on the stock, until it shall amount to twelve million. The charter is granted for twenty years without the payment of any bonus.

Under the instructions of the Directors, the President has just published an Address, explaining fully the measures adopted and contemplated by the Company, with an outline of the provisions of the Bank charter. This has been accompanied by copies of all the charters, with the by-laws. We shall furnish our readers with such extracts from these documents as may put them in full possession of all the necessary information on the subject.

The Aiken Stage Line.—We understand that instructions have been received from the General Post Office Department, to run the Stages on the line from Aiken to Greenville in one day and night—to leave Aiken at five o'clock, P. M., or as soon as the Charleston mail arrived by way of the Rail Road, reach Edgefield the same evening, and arrive at Greenville at 12 the next night. By this means, passengers and the mail will be transported from Charleston, to Greenville, a distance of 230 miles, in less than two days! It will require some time to make the proper arrangements for carrying this plan into execution; but we have no doubt but the public spirited contractors will do it as soon as circumstances will admit of the change. They deserve, and have received great praise for the style in which they keep up their establishment on this line.—Mountainier

The Indian prisoners, who have, for some time past, been in confinement at Fort Moultrie, are to leave this day, if the wind is favorable for New-Orleans, on their way to the far West, in the brig Homer, Captain Nabb. The Chiefs were embarked yesterday, the others will go on board this morning. Lieut. Reynolds, of the U. S. Marines, will have them in charge.

Charleston Courier, Feb. 23.

The Advertiser.

EDGEFIELD C. H.

THURSDAY, MARCH 8, 1838.

The Rev. Dr. Brantly has withdrawn from the Southern Watchman, and accepted the Presidency of the Charleston College. The Watchman will in future be united with the Biblical Recorder, and published under the editorial management of the Rev. T. Meredith, Editor of the Recorder.

We publish some account of the death of Mr. Gilley one of the Representatives from Maine, in the Congress of the U. States.—But one feeling, and that a feeling of deep regret prevails at Washington. Mr. C. was no ordinary man. The following sketch from Mr. Williams of the Senate is not uninteresting:

"Mr. Gilley was a native of New Hampshire, and belonged to one of the most ancient and respectable families in that State. Patriotism and bravery were his inheritance. His grand-father was the distinguished patriot and brave officer of the Revolution, Gen. Gilley; and his brother Capt. Joseph Gilley, was the gallant leader of the heroic charge under Col. Miller, at the battle of Bridgewater Heights, in the last war.

"The deceased was a graduate of Bowdoin College, in Maine, and his superior talents and application attained for him a high standing at the bar of that State. He was a good lawyer, an able advocate, and a powerful debater.

"From early life Mr. Gilley was ardently attached to the principles of free Government a zealous advocate of the rights of the whole people, and a determined opponent of the claim of the few to tyrannize over the many.

"In 1832 Mr. Gilley was elected to the House of Representatives in Maine, and in 1835, and 1836 was Speaker of that body, where his powers and love of country became so conspicuous, that in 1837 he was elected to Congress in a District in which the majority was his political opponents.

"Of his conduct here I need not speak, for all who hear me, and all who knew Mr. Gilley in the other end of the Capitol, will bear testimony to his ability, to his open, frank, and determined course, to the high order of his talents and powers as a debater to the respect and deference which he paid to the rights of others.

"As a man, Mr. Gilley was warm, ardent, generous, noble as a friend, true, faithful, abiding. He was in the meridian of his life, aged 35; the past was the earnest of the future.

"In his death Maine has lost one of her brightest ornaments, and the nation is bereft of a devoted patriot, and an ardent, zealous supporter of its free institutions.

"The sun which set upon the lifeless corpse of my late friend and colleague, rose bright and cheering upon his distant fireside circle, and the wife of his bosom blessed his glad-some beams, and told her innocent children that it brought the return of their father one day nearer.

"Alas! nor wife nor children shall see him more." Who shall now penetrate the bereaved mansion, and witness the tears, the agony, the distraction of the widow and the fatherless! Mr. President, I cannot. May the Father of all mercies be their comforter and supporter.

"Of the cause and manner of the death of Mr. C. I forbore to speak; but allow me to say, that it is my solemn conviction that he entertained no ill will, and intended no disrespect, to Mr. Graves, in anything that occurred, and that in accepting the call, he did nothing more than he believed indispensable, to avoid disgrace to himself, to his family, and to his constituents."

And now a most useful citizen, a father, a husband has been cut off in the prime of his days—and for what? There was not even a difficulty between himself and Mr. Graves. It was an affair properly of another person. Can Mr. Graves rejoice that he has killed a man, with whom there was no cause of offense? Is there any satisfaction in the reflection, that he has fought Webb's battle for him and conquered?

Since writing the above, we find by the Mercury's Correspondence, that the excitement produced by the death of Mr. C. has been increased by the development of the circumstances attending it. Mr. C. said to his second Mr. Jones, that he had no enmity against Mr. Graves, but that as he was a gentleman, he was bound to accept his challenge. After the first fire, Mr. J. asked if the challenger was satisfied, and stated what Mr. C. had said. All were willing that the matter should rest, except Mr. Wise, one of the friends of Graves, who insisted as a preliminary to any accommodation, that Gilley should first acknowledge Webb to be a gentleman. A similar effort at accommodation was made after each fire, but Mr. Wise insisted to the last upon his unreasonable and absurd preliminary. The fourth fire proved fatal. Gentlemen of the Army and Navy have openly said, that Mr. Graves should have been satisfied after the first fire, and every man in his senses must at once see the utter foolishness of Mr. Wise's course. Let it be remembered that this same Mr. Wise refused to carry a challenge from Col. Webb to Mr. Gilley, last fall, because Webb was not a gentleman.