





Scrap Book

STANDING COMMITTEES
OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

THIRTY-FIRST CONGRESS—FIRST SESSION.

APPOINTED DECEMBER 27, 1849.

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Pride is blind and power tenacious; and Austrian pride and power, though they may quail before the signs of the times—before *barricades and fraternization*, by which streets are made fortresses and armies revolutionists, new and mighty engines in popular warfare—will hold out in their citadel till the last extremity. But many old things are passing away; and Austrian despotism will pass away in its turn. Its bulwarks will be shaken by the rushing of mighty winds—by the voice of the world, wherever its indignant expression is not restrained by the kindred sympathies of arbitrary power.

I desire, sir, not to be misunderstood. I do not mean that in all the revolutionary struggles which political contests bring on, it would be expedient for other governments to express their feelings of interest or sympathy. I think they should not; for there are obvious considerations which forbid such action, and the value of this kind of moral interposition would be diminished by its too frequent recurrence. It should be reserved for great events—events marked by great crimes and oppressions on the one side, and great exertions and misfortunes on the other, and under circumstances which carry with them the sympathies of the world, like the partition of Poland and the subjugation of Hungary. We can offer public congratulations, as we have done, to people crowned by success in their struggle for freedom. We can offer our recognition of their independence to others, as we have done, while yet the effort was pending. Have we sympathy only for the fortunate? Or is a cause less sacred or less dear because it is prostrated in the dust by the foot of power? Let the noble sentiments of Washington, in his spirit-stirring reply to the French minister, answer these questions: "Born in a land of liberty, my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom."

I freely confess that I shall hail the day with pleasure when this government, reflecting the true sentiments of the people, shall express its sympathy for struggling millions, seeking, in circumstances of peril and oppression, that liberty which was given to them by God, but has been wrested from them by man. I do not see any danger to the true independence of nations by such a course; and indeed I am by no means certain that the free interchange of public views in this solemn manner would not go far towards checking the progress of oppression and the tendency to war. Why, sir, the very discussion in high places and free places—and here is one of them—even when discussion is followed by no act—is itself a great element of retributive justice to punish it when an atrocious deed is done, and a great element of moral power to restrain it when such a deed is contemplated. I claim for our country no exemption from the decrees of these high tribunals; and when we are guilty of a tithe of the oppression and cruelty which have made the Austrian name a name of reproach through the world, I hope we shall receive, as we shall well merit, the opprobrium of mankind.

I anticipate with confidence the cordial support of the distinguished senator from Kentucky in this effort. I will not doubt it; though I am afraid, from a somewhat playful remark he made the other day, that he is a more zealous disciple of the *stand still* school than he was some years since, when he proved himself the noble advocate of South American and of Grecian freedom. I have just renewed my recollection of what the honorable senator said and did upon those memorable occasions; though, indeed, both the one and the other were deeply imprinted upon my memory, as they are yet upon the hearts of his countrymen. Among the many splendid efforts, both as an orator and statesman, by which he will go down to posterity honored and applauded, there are none higher or holier than these:

"I have no commiseration for princes," was his characteristic declaration. "My sympathies are reserved for the great mass of mankind." "Self-government is the natural government of man."

"It ought to animate us," he said upon another occasion, "to desire the redemption of the minds and bodies of unborn millions from the brutalizing effects of a system whose tendency is to stifle the faculties of the soul, and to degrade man to the level of beasts."

"Everywhere," he says at another time, "the interest in the Grecian cause is felt with the deepest intensity, expressed in every form, and increases with every new day and passing hour;" and he puts an emphatic question emphatically, which I repeat to him, and to every one, if there is any one who hesitates to keep "on a line," as Mr. Canning said, with the opinions of his countrymen: "And are the representatives of the people alone to be insulated from the common moral atmosphere of the world?" These sentiments have no connexion with the recognition of independence, nor is their expression claimed as the right or the consequence of a mere political act. They belong to man, wherever he may be placed.

The honorable senator describes in burning words the cruelties of Spanish and Turkish warfare; and in Murillo we have the very prototype of Haynau; and recent Austrian enormities may be read in the enormities powerfully portrayed almost thirty years ago; and this apostrophe comes to close the recapitulation: "Aie we so mean, so base, so despicable, that we may not attempt to express our horror and our indignation at the most

brutal and atrocious war that ever stained the earth or shocked high heaven?"

And I am happy, also, to anticipate the cordial co-operation of the distinguished Senator from Massachusetts, who, upon a recent occasion, expressed his sympathy for downtrodden Hungary, and his abhorrence of despotic sway, in a strain of indignant eloquence which would have done honor to the elder Pitt in the brightest days of his intellect. "We have had all our sympathies much interested," he truly said, "in the Hungarian effort for liberty. We have all wept at its failure; we thought we saw a more rational hope of establishing independence in Hungary, than in any other part of Europe where the question has been in agitation within the last twelve months. But despotic power from abroad has intervened to suppress it."

And the honorable Senator, in scathing terms which will touch a chord in the hearts of all his countrymen, rebukes the Russian emperor for his insolent demand of the fugitives who had sought refuge within the Turkish frontier.

"Gentlemen," he says, "there is something on earth greater than arbitrary or despotic power. The lightning has its power, and the whirlwind has its power, and the earthquake has its power; but there is something among men more capable of shaking despotic power than lightning, whirlwind, or earthquake—that is, the threatened indignation of the civilized world."

"The whole world will be the tribunal to try him, (the Russian emperor,) and he must appear before it and hold up his hand and plead and abide its judgment."

"Nor let him, nor let any one, imagine, that mere force can subdue the general sentiment of mankind; it is much more likely to extend that sentiment and destroy that power which he most desires to establish and secure."

"And now, gentlemen, let us do our part. Let us understand the position in which we stand, as the great Republic of the world, at the most interesting era of the world. Let us consider the mission, and the destiny which Providence seems to have designed us for, and let us take care of our hearts, void of offence, we may stand up, whenever and wherever called upon, and with a voice, not to be disregarded, say this shall not be done, at least not without our protest."

These were noble words, and nobly spoken; and he who does not feel his blood course more rapidly through his veins, as he reads them, has little in common with the freemen of this broad land. Well was the honorable Senator saluted by "tre-mendous cheerings," for he spoke to the hearts of his auditors when he said: "For my part, at this moment I feel more indignant at recent events connected with Hungary than at all those which have passed in her struggle for liberty. I see that the Emperor of Russia demands of Turkey that the noble Kossuth and his companions shall be given up, and I see that this demand is made in derision of the law of nations."

secured, and where the property is perfectly safe, without any cent of expense to the Treasury; whereas now, at the Broadway public stores alone, there is an annual loss of not much less than fifty thousand dollars. Those stores the Government could easily get rid of, at a very small annual loss. Retaining one "general order goods," is all that is required.—
We trust the Hon. the Secretary of the Treasury will correct the evil which exists.

MERCHANT.

Here comes another episode in the story of this flagitious abuse of power. Kossuth, the Washington of Hungary, is one of those men whose great qualities are brought out by perilous times. He

learned to hate oppression in an Austrian dungeon, where, while he lost his health, he learned also to prize the value of liberty, and, in the solitude of his cell, to devote himself to her cause. And nobly did he fulfil his mission, till domestic treachery and Russian power prostrated the hopes of freedom, and he was driven to seek shelter from the vengeance of Christian Powers within the dominion of the successor of the impostor of Mecca. And then was exhibited that contemptuous disregard of the feelings of the world, so powerfully described by the Senator from Massachusetts, in the demand upon an independent nation, that the expatriated leader, with his little band of faithful followers, should be surrendered to the enemies of his country, a holocaust upon the altar of despotism. The civilized world watched with anxious suspense the progress and issue of this demand, as insolent as it was wicked, upon the Turkish government. It is twelve years since I saw the present Sultan, then a lad, sitting by the side of his father, the great Osmanli reformer, crossed the Bosphorus, in a splendid caique, surrounded with all the imposing pageantry of Eastern magnificence. Little did I then anticipate that the lovers of freedom, throughout the world, would ever look to the heir of the Othmans to save Christian patriots from the fangs of Christian monarchs. We do not know the threats that were menaced, nor the inducements offered; but both the one and the other were no doubt proportioned to the intensity of the passions to be glutted by the surrender of the victims. But the effort was vain. The Divan, faithful to the traditions of Eastern hospitality, if not to the obligations of the law of nations, firmly refused the delivery of the fugitives, and thus spared us another "deluge of blood"—to use the words of the great Roman historian—in this sad drama of a nation's overthrow. The latest accounts we have from the East inform us that this extraordinary contest between Russian arrogance and Turkish inflexibility was yet going on, with no prospect of an amicable solution of the question; and this wanton violation of the most sacred rights may yet furnish a pretext for the march of another Russian army, and of another attempt to drive the Turks from Europe, and to seize Constantinople. The Mahometan has shown himself a better Christian than the Russian, and has won the approbation of an enlightened age. Success be with him in such a warfare!

But, sir, with their powerful sympathies for human suffering, the people of this country, though ardently attached to the principles of rational liberty, are no political propagandists. They do not undertake to judge what forms of government are best adapted to the condition of the other nations of the earth; and least of all, to attempt the establishment elsewhere of their own. To maintain that practical freedom cannot be enjoyed under a constitutional monarchy, would be to contradict our own observation and the experience of some of the most enlightened nations of the earth. We know that a republic is best for us, and therefore we have it. Let those who believe that a constitutional monarchy is best for them, enjoy it without the dictation of any other power; but between governments like these and the despotism which overshadows—overwhelms, I may say—some of the fairest portions of the old world; where power is the only rule of right for the governors, and obedience the only resource for the governed, there is a difference as marked and as wide as is their difference in their effects upon the character and progress and prosperity of man. The former, when they fulfil their legitimate duties, commend themselves to our good wishes and respect. There is no American, true to the political faith of our fathers, who does not and sincerely desire the renovation of the latter, and the restoration of the oppressed masses to the rights and dignity of human nature.

Here is an empire of freemen, separated by the broad Atlantic from the contests of force and opinion, which seem to succeed each other like the waves of the ocean, in the mighty changes going on in Europe; twenty millions of people enjoying a measure of prosperity which God, in his providence, has granted to no other nation of the earth. With no interest to warp their judgment; with neither prejudice nor animosity to excite them; and with a public opinion as free as the air they breathe, they can survey these events as dispassionately as is compatible with that natural sympathy for the oppressed which is implanted in the human breast.

Think you not, sir, that their voice, sent from these distant shores, would cheer the unfortunate onward in their work?—would encourage them while bearing their evils, to bear them bravely as men who hope; and when driven to resist, by a pressure no longer to be borne, to exert themselves as men who peril all upon the effort? But where no demonstration of interest, on the part of a government, is called for by circumstances, a sound public opinion is ready to proclaim its sentiments, and no reserve is imposed upon their expression.

It is common to this country, and to every country, where liberal institutions prevail and it is as powerful and as powerfully exerted in France and in England, as in the United States. Its effects may not be immediate or immediately visible; but they are sure to come, and to come in power. Its voice is louder than the booming of cannon; and it is heard on the very confines of civilization.

Our declaration of independence has laid the foundation of mightier changes in the world than any event since the spirit of the crusades precipitated Europe upon Asia, with zealous but mistaken views of religious duty.

The very last packet has brought us the London Times, of December 7, which contains an address to Lord John Russell and to Lord Palmerston, from eighty-three members of the English Houses of Lords and Commons, requesting the interference of the British government to endeavor to restrain that of Austria from further butchery; for that, in plain words, is the design of the movement. I beg leave to read this paper, which, though drawn with some reserve, the better probably to attain the object, leaves no doubt of the opinion of the signers, respecting the condition of Hungary, and the character of the events which placed her there.

"We, the undersigned, desire to express to your lordships, and through your lordships to the rest of her majesty's confidential servants, the deep interest which we have taken in the contest which has been recently carried on between the Hungarian nation and the emperor of Austria.

"Not less deep is the interest which we now take in the final settlement of the question at issue between them, and in the permanent pacification of that great country. Sincerely attached to the liberties of our own country, the final establishment of which is due to the successful termination of struggles analogous to those which have been made from time to time in Hungary—with equal sincerity desirous of maintaining the peace of Europe, we are fully sensible of the great importance that the settlement of the questions at issue should be effected in a manner and upon terms satisfactory to the Hungarian nation, not only for the sake of Hungary herself, but because we apprehend that a settlement unsatisfactory to the country will sow the seed of future difficulties.

"The objects of the undersigned are, internal liberty—national independence—European peace. For the attainment of these objects, we trust that the court of Vienna will bear in mind that the satisfaction and contentment of Hungary will afford the greatest security.

"Considering, however, the means by which the authority of the house of Hapsburg has been re-established, the undersigned are of opinion that the occasion permits, even if it does not call for, the intervention of Great Britain in counselling the Austrian Government respecting the exercise of its restored executive power. With respect to the mode

love of revenge claimed its hour of triumph, and well did it enjoy it. The world, in the darkest period of its history, has rarely witnessed such scenes of gratuitous cruelty as marked the establishment of Austrian supremacy over unhappy Hungary.

The moral tendencies of the age are to check the effusion of blood; to stop these judicial murders for political offences, so styled, often indeed, as in this case, the efforts of true and tried patriots, men who do honor to our common nature by their noble qualities, to secure the blessings of freedom to their country. It is honorable to France and England that political martyrs are no longer considered by public opinion as vile malefactors, and I believe not a drop of blood has been shed in either country for offences of this kind during a period of many years. But the Austrian code in principle and practice out-dracones Draco; and Jeffries, himself, loses half his claim to infamous distinction when placed in competition with Austrian judges and generals.

I am not going to spread before you a map of these enormities. They have resounded through both hemispheres for many months. I shall merely glance at a few general facts, that the true character of Austrian supremacy may be justly appreciated.

Let the patriot leader himself speak. In his letter to Lord Palmerston, after crossing the Turkish frontier, and when he feared the Porte would yield to the menaces of Russia, and while refusing to save his life by becoming a renegade to his religion, he makes this powerful appeal:

"Time presses—our doom may, in a few days, be sealed. Allow me to make an humble personal request.

"I am a man, my lord, prepared to face the worst; and I can die with a free look at heaven, as I have lived. But I am also a husband, son, and father; my poor true-hearted wife; my children, and my noble old mother, are wandering about Hungary. They will probably soon fall into the hands of those Austrians who delight in torturing even feeble women, and with whom the innocence of childhood is no protection against persecution. I conjure your excellency, in the name of the most High, to put a stop to these cruelties by your powerful mediation; and especially to accord to my wife and children an asylum on the soil of the generous English people.

"As to my people—my loved and noble country, must she perish for ever! Shall she, unaided, unencouraged, be abandoned to annihilation by her tyrants? God's will be done; I am prepared to die. * Once governor of a generous people, I leave no heritage to my children. They shall, at least, have an unsullied name. We are told, that 'many of the towns, which are marked on the map, have ceased to exist.' Some of these with twenty or thirty thousand inhabitants."

I can afford but one extract for the deeds of the Austrian butcher, better known by that epithet than by the name of Haynau; but that distinction would have given him power and place under Nero.

"Haynau put thirteen Hungarian peasants to the rack, one after the other, to force them to tell the truth, concerning an apparently fortified town. They all met death—true to their country."

I had taken a memorandum of the letter of a Hungarian lady, who was flogged in a public square, after her husband had committed suicide and her son been compelled to enter, as a soldier, into the Austrian army; but I forbear, having no pleasure in this retrospection of human suffering.

Even the Cologne Gazette, subject to Russian censors, when alluding to the terrible scenes at Arad, and while speaking with reserve, sufficiently indicates its sentiments, and says: "We pass over the ground of these capital sentences. They are the same as those assigned by the Austrian courts martial."

Martyrs and victims, there were *no* examples among them of firmness and patriotism which will illustrate the pages of Hungarian history in all time to come. Prominent among these was Bathiany, revered through all Hungary, and who was condemned by an Austrian court to the punishment of death. Previous to the revolution he had held a high office which he resigned, and he was sentenced "for loosening the ties between Hungary and the imperial royal States," and "for having entered the army of the enemy." Rome—I mean ancient Rome—would have decreed him an ovation. Austria sent him to the scaffold. True to the instincts of his nature, his country was at his heart, and her name upon his lips as death closed the scene of Austrian vengeance. "My country forever!" were the last words he uttered.

Now, sir, I say without reserve, that a power thus setting at defiance the opinion of the world, and violating the best feelings of our nature, in the very wantonness of successful cruelty, has no bond of union with the American people. The sooner diplomatic intercourse is dissolved, and dissolved with marks of indignant reprobation, the sooner

shall we perform an act of public duty which, at home and abroad, will meet with feelings of kindred sympathy from all, wherever they may be, who are not fit subjects for the tender mercies of Austrian power.

I have already said that at least one representative body in Europe had pursued a course not very dissimilar to this, in order to mark with their disapprobation a palpable violation of national rights, under circumstances of peculiar injustice, originating in the basest cupidity. It was the Chamber of Deputies of France, which to their honor year after year condemned the last partition by which the remnant of Poland, all that was left of the land of Sobieski and Kosciuszko, was broken into provinces, and seized by the same triple combination, doomed to infamy by the first division of that unfortunate kingdom. The answer to the king's speech was the occasion usually taken by the Chamber to express their opinion upon grave questions of policy, foreign and domestic; and for some years during the reign of Louis Philippe a reproof was thus annually administered to the royal spoilers, a reproof which excited much sensation in Europe, and was known to give much offence to the high personages thus arraigned at the bar of public opinion. I believe that for some time this free expression of censure by the Chamber, if it did not interrupt, rendered very precarious, diplomatic relations between France and Russia, which latter power seemed to be peculiarly sensitive to these rebukes for the adoption of this truly Muscovite process of national aggrandizement. One of these paragraphs—that in the address of January, 1840—I will here introduce, not only on account of the proper sentiments it contains, but to show that the Chamber felt free to censure a great act of injustice in terms not less forcible than just:

"In all the questions which divide the world France invokes but justice; she demands only the respect due to all rights. Can she cease to recall to Europe those of the ancient Polish nation, and the guarantees that repeated treaties gave to a generous people, whose misfortunes time seems only to aggravate?"

I am gratified at being able to refer to this example of representative firmness; and though I do not seek to disguise that our action, if we act at all, will extend the principle further than it was carried in France, still the feeling of national sympathy for national wrongs was at the foundation of the movement there, as it will be here. We have many good men among us who are alarmed at any proposition for public action, unless the very same thing has been done, here or elsewhere. If the case is not in the books, no remedy can be applied, however imperious the circumstances. They have an

instinctive dread of progress; believing that what has been done has been well done, and ought to be done again, and that nothing else should be done.

This spirit of standing still—*conservatism*, I believe, is the fashionable name for it in England, and is becoming so here, while both the moral and physical world is giving evidence that change is one of the great laws of nature—little becomes a country like ours, which is advancing in the career of improvement, with an accelerated pace unknown in the history of the world. Standing still! Why, sir, you might as well attempt to follow the example of the Jewish leader, and say to the sun—Stand thou still upon Gideon, and thou, moon, in the valley of Azalon—and expect to be obeyed, as to expect that this country would yield to this sentiment of immobility, and stand still in that mighty work of improvement, material and intellectual, which it has been doing for generations, and will be called upon to do for generations yet to come.

Let not the timid be alarmed; where there is free inquiry there is no danger. There is a fund of practical good sense, as well as a deep moral and religious feeling in the people of this country, which will hold on to our institutions, not with blind tenacity, but with a firm resolution to maintain them; and while wisely admitting improvement, rejecting impracticable and dangerous projects, often originating in honest though mistaken views. Let us not fear the progress of opinion. The world is probably yet very far from its extreme point of improvement. Before that is reached many a project will be proposed and rejected—many an experiment tried and failed; and a spirit of investigation will be abroad, dangerous only when met by force instead of argument.

I am not going to reason with this feeling, which would have enjoined upon our fathers to stand still and suffer, instead of rushing into the danger of a revolution, not only because I am sure it is not a Senatorial one, but because it is entrenched behind barriers which reason cannot overcome. To such, not here, but elsewhere, the example of the French chamber may divest this proposition of half its terrors. The other half may be safely left to time. They will gradually learn that the great political truth of our day is contained in the sentiment recently announced by the distinguished Senator from Massachusetts, "We are in an age of progress." And the eloquent remarks of Mr. Canning, when placed in circumstances bearing some resemblance to ours, may lessen apprehension among those, and there are some of them in this country who believe that no good can come out of our American Nazareth, but that what comes from England is best and wisest.

"Those persons," said that distinguished man, and in a similar spirit with that displayed by the Senator from Kentucky, almost at the same time, and while taking a kindred course, "seem to me to imagine that, under no possible circumstances, can an honest man endeavor to keep his country upon a line with the progress of political knowledge, and to adapt its course to the varying circumstances of the world. Such an attempt is branded as an indication of mischievous intentions." He recommends "the pressing of generous and noble sentiments into the service of his country."

Too much caution is not wisdom, though rashness may be folly. He who does not keep himself upon the line of knowledge will soon find the world ahead of him, and that his associations belong to a past generation.

If there are any here so fastidious as to desire plain truths to be disguised by "honeyed words," and who are disposed to arraign the freedom of debate upon this occasion, I recommend to them to go back and learn wisdom from the discussions in the English House of Commons, and in our own Congress; and especially to take a lesson in the etiquette of political debate, where human rights are in question, from Brougham and Clay—I use these names historically—those masters of the power of scathing rebuke.

Mr. President, there is one topic I desire briefly to touch. In the allusions I have seen in many of the papers, and in conversations I have heard here respecting this subject, the name and personal claims of the gentleman who has recently departed upon a mission to Austria have been brought into question, as though they had some necessary connexion with the object of this resolution. I trust, sir, that these views will not be entertained here. The measure proposed is wholly independent of such personal considerations; and had we a minister at Vienna equal in character and experience to Franklin or Jefferson, it ought not to change, in the slightest degree, the course of our action. This proposition is of a far higher nature than any question of personal qualification. Let not its importance be affected by any such considerations.

But, sir, I owe it to the relations subsisting between that gentleman and myself thus publicly to say, that if I were called upon to give my vote upon his nomination, divested of all questions but his personal fitness for the office, that vote would be given in his favor. I have known him since his boyhood, and mutual regard and kindness have always subsisted between us. I consider him fully competent to discharge the duties of a foreign mission, and I do him this act of justice because he is absent and exposed to severe censure, and because, as a political opponent, I may thus speak of him without any danger of being misunderstood. But, sir, while I say this, I shall say also, and with equal truth, that his departure from the United States, on the very eve of the meeting of the Senate, interposes, in my opinion, insurmountable objections to his confirmation. Whether a foreign minister should ever go abroad upon a mere Executive appointment, unless in rare cases of public urgency, may well admit of doubt.

I do not say this as a party man; because I know full well that no such reserve has recently been imposed upon these appointments by any administration. But as the session of the Senate approaches, the procedure becomes more improper, and utterly indefensible when it occurs upon the very eve of its commencement. I saw a paragraph in one of the city papers, only three or four days ago, stating that a distinguished citizen for whom I have much personal respect had left Kentucky, on the 22d of December, to proceed upon a mission to Mexico. He will never receive my vote to remain there. I do not understand this unseemly haste—this flight from the judgment of the Senate—as though confirmation were rendered necessary by the public expense thus incurred, and a sort of obligations consequently imposed upon this depository of a portion of the Executive power, to conform its action to the action of the President. I trust that no such motives will influence our conduct, but that we shall take a course which, while it asserts the rights of the country, will restore to the Senate its efficacious control, and will yield nothing—I will not say to the cupidity, but I will say to the earnest desire of office, which was never more powerful, nor more powerfully displayed, than now.

A message from the President of the United States was received, by the hands of Colonel Bliss, his private secretary, accompanied by all the correspondence which has taken place between the officers of this Government and other persons relative to the expedition of Sir John Franklin.

The President recommends an appropriation by Congress in aid of an effort to discover the long-lost adventurer. The message was referred to the Committee on Naval Affairs.

Mr. SEWARD said that he rose not to discuss the general subject so eloquently and impressively discussed by the Senator from Michigan, but to a different and a subordinate question. He would not even occupy the attention of the Senate on that minor question, were it not probable that his silence would leave him open to a charge of being derelict in his duty. He regretted exceedingly that the speech of the Senator from Michigan, so powerful and elo-

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The article in the *Home Journal*, over the signature of N. P. W., on the appointment of Col. Webb, by our Government, to the Austrian Court, which has been so extensively copied by the Democratic papers, is N. P. Willis all over. It is full of egotism, bitterness and envy. The sum and substance of the whole means: "I, N. P. Willis, have been to Europe—I have danced and flirted with women of high blood—I have had Princesses to nod familiarly to me, &c &c; therefore I, N. P. Willis, know who is fit and who is not fit to represent this Republic at a Foreign Court."

Hear what this self-made Diplomatist says:

"With a Diplomatic passport, kindly given us by one of our foreign ministers, we had access, for five years, to the courts of Europe, and, from the unobscured rank given by such a merely nominal introduction, we had the best possible opportunity (that of the unnoticed) to observe. We know perfectly well what court standards are and can define, with sufficient precision, the esteem in which the American Government will be held, in the person of this, its new Diplomatic functionary, and the interpretation that will be put upon his ability to obtain the office."

"We know what court standards are," says he. Verily, what an ignorant government ours is, not to have appointed this man, instead of James Watson Webb, whom N. P. W. says, "has gone thither for nothing, but his own personal aggrandisement and pleasure." Again, he says: "Speaking of Foreign appointments we chance to be better informed upon this class of subjects than most editors."

How excessively modest; one would suppose that "N. P. W." was the only American editor who had crossed the Atlantic, and was favored with a "Diplomatic passport while in Europe, from one of our Foreign Ministers." Fortunate Mr. Willis!

While flinging his invective at Col. Webb, with an assumed air of exquisite patriotism, "N. P. W." expresses his holy regret that "Freedom's stronghold, sanctuary and home" should not "call for some expression in our Diplomatic relations with Austria." Verily "N. P. W." is a profound Statesman! Does he know what are the instructions from the Government given to COL. WEBB? It may be he does not.

Have the United States yet entered into any "entangling alliances with foreign nations," that Diplomatic intercourse with any one should cease now?

"N. P. W." intimates in very plain terms that the United States have sent a Minister that will "kiss a despot's hand, let him butcher as he will, and seek amusement at his court with uninterrupted international happiness."

How chivalric is such language towards a gentleman who may be a thousand miles at sea, especially from one who understands all rules of court etiquette!

It is true Col. Webb cannot write verses on the eye-brow of My Lady Lancelove, or describe in words of music, the bewitching fascinations of the Hon. Mrs. Turnbull, or paint in poetry the graceful festooning of her ladyship's flounces, as deliciously as N. P. Willis; but knowing the man, we assert that Col. W., having been an officer of the army (in former years) and for many years Editor of one of the leading political and commercial newspapers in America; and at all times a gentleman having access to the society of the most intelligent men of the country—professional and commercial—and being withal well traveled, his means of acquiring the "requisites" for a Foreign Minister, have been fully as extensive as his assailant.

In reference to his stating that "Col. Webb's tongue gets beyond his reason with any degree of convivial excitement," we fear "N. P. W." "got beyond his reason," while penning the statement, for we could hardly have believed him capable of using such unmanly and unjust invectives.

quent in itself, should have been embarrassed at its close by the personal allusions to a citizen now abroad as a representative of this country. He thought the personal allusion was inappropriate, and entirely out of its proper place. He thought that it might have been omitted, and that the propriety of confirming or rejecting the nomination of Mr. Webb ought not to have been the theme of discussion in open Senate, and in public session. It should have been reserved till the time and for that place when that nomination shall be before the proper tribunal for action upon it. Colonel Webb was his personal friend, his firm, unwavering and devoted friend, and he would be remiss in his duty to that friend were he not to say one word at least in his defence. Mr. S. said that he knew he had in his possession evidence of facts which would justify Mr. Webb for his conduct in the eyes of every man, and remove the impression that he intended a flight from the Senate. Yet, from the nature of the causes which induced him so suddenly to leave on his mission, he could not speak of them; they were of a private, and of a domestic character, and he could not, he regretted, allude to them.

Mr. CASS had the utmost respect for the gentleman named, and would say nothing whatever tending to lessen him in the esteem of his friends. He had explained already his views in relation to this subject. As to the propriety of alluding to it in public session, he would remind the Senator that this was a special case, and the time might possibly arise when upon bill a to prevent a recurrence of this precipitate leaving just at the meeting of the Senate, these things would have to be discussed in open Senate. This was not a case of a personal matter with Mr. Webb; he had no feelings against that gentleman. As he had before stated, he thought him fully competent to discharge the duties of the office.

Mr. FOOTE addressed the Senate for some time in reply to the remarks of the gentleman from New York, and, in the course of his remarks, dwelt upon the conduct of Mr. Webb. A sketch of his remarks was prepared, but, at his request, omitted for the present.

Mr. HALE said that this resolution proposed an important change in the foreign relations of the country, and he hoped a vote would not be pressed at this time. He wished to make a few remarks upon the resolution.

Mr. CASS said the resolution was one of inquiry only, and, when reported back by the committee, would be open for discussion.

Mr. HALE knew very well that such would be the case, but he thought it was now more open to a full discussion than when it came back, supported by a report of a committee. And who knew but perhaps the committee would, as the chairman of a committee the other day said his committee would do in relation to another proposition, that is, keep it there.

Mr. CASS. Perhaps not.

Mr. HALE thought that a wide field was now open, and that this was his best opportunity; he therefore moved that it be postponed till Monday next; and the motion prevailed.

And then, after an Executive session,
The Senate adjourned till Monday.

The Treasury Estimates.

The estimates of the Secretary of the Treasury, published in the *Union* of yesterday, are precisely of the character which we supposed and predicted they would be. When the deficit of fifteen or twenty millions was formally announced through the organs of the cabinet in this city a few days since, we then expressed our belief that it did not in fact exist; but if it did exist, we expressed our belief that it had been produced by the extravagance and profligate management of the administration itself, with a view to furnish a pretext for increasing the tariff for the benefit of the monopolists, or adding to the public debt for the convenience of the speculators of the stock exchange. The statement of the Secretary fully bears out the opinions which we then expressed. Let us examine his figures and see if we are not correct.

In the first place, he estimates the deficiency of appropriations for the present fiscal year, which ends on the 30th of June, 1850, at

Whole amount of appropriations asked for	\$5,236,310
for the fiscal year ending June 30, 1851	44,997,092
	51,233,402

Thus it appears that the whole amount of appropriations called for by the Secretary to be made by Congress at its present session, is \$51,233,402. It should be borne in mind that Congress, at its last session, made all the appropriations that were deemed necessary by both the Secretary of the Treasury and Congress for the expenses of the present fiscal year, with the exception of the salaries and contingent expenses of the new Department of the Interior, all of which could not exceed \$100,000 at the farthest. In addition to the usual and ordinary expenses of the government, an appropriation was made of the sum of \$7,260,000, to pay the instalments of the indemnity falling due, under the Mexican treaty, for the fiscal years of 1849 and 1850. Ample provision was made by the last Congress, for the army, navy, Indian department, and for every other branch of the public service. Ample provision was also made for the payment of the interest on the public debt, and for the payment of all just claims. Yet the Secretary of the Treasury has come forward and demanded of Congress to add over six millions more to the expenses of the present year. And, for the next year he has demanded over forty-four millions—making an aggregate amount of more than FIFTY-ONE MILLIONS OF DOLLARS to be saddled upon the people in the shape of additional taxes and debt in the very first year of the existence of the present administration. For, inasmuch as the current revenues of the year will not probably exceed \$35,000,000, there will, of course, exist a deficit in the treasury of at least sixteen millions of dollars, which is to be supplied by additional taxation, or by an increase of the national debt.

Now arise the inquiry, How has this deficit been created? The Secretary's report does not give the information on this point which the public have a right to expect, and which it will demand through the agency of Congress. As ample provision was made, or believed to have been made, by the last Congress, for the expenses of the government for the present year, it is incumbent upon

the administration who have expended all the means in their possession, and demanded six millions more, to show to Congress how the necessity of this additional demand has been created. They must do this in order to satisfy Congress that a sufficient reason for the additional appropriations asked for exists. And they must give the details. General statements will not answer. The Secretary must show how the money already appropriated has been expended, and what he wants to do with the additional sum for which he has asked. Of course, this involves a rigid and scrutinizing inquiry into the entire action of every department of the government since the present administration came into power, which we have no doubt the present Congress will make, before they grant the administration another mill for the expenses of the present fiscal year.

The Secretary will have to explain how it happens that so many of the departments and bureaux have expended all the contingent funds provided for them at the last session, and now want more; how it happens that extra clerks have been employed in violation of law; how it happens that more than thirteen hundred thousand dollars are required for the collection of the revenue, in addition to the provision already made for that purpose; how it happens that extra inspectors and other officers have been employed at the custom-houses to collect the revenue, in violation of law, and without necessity; how it happens that so many agents have been employed to traverse the country without apparent reason, except to give them some emolument from the public treasury; how it happens that so many claims, rejected under former administrations, have been allowed under this.

And in relation to his estimates for 1851, he must explain how it happens that he calls for nearly thirteen millions of dollars for the civil and diplomatic expenses during the next fiscal year, when the appropriations for the same description of expenditures during the present year, do not come up to six millions of dollars. What does the administration design to do with these additional seven millions? And how does it happen that the civil and diplomatic expenses of the government have been more than doubled in the first year of a federal administration? These matters need explanation, and they will have to be explained before the people will consent to have their taxes and debts thus enormously increased.

But how is the Secretary of the Treasury going to provide for this extraordinary demand of SIXTEEN MILLIONS of the people's money to supply the treasury during the very first twelve months of federal rule? Will he attempt it by raising the tariff and increasing the present duties, converting them from ad valorem into specifics and minimums? Has not that scheme been tried, and failed? Did not the tariff of 1842, which contained the very features which the Secretary and the federal party now seek to restore, fail of accomplishing the results, as a revenue measure, which were anticipated from it? Did it not tend to diminish the revenue instead of increasing it? And has not the tariff of 1846 operated to produce results precisely the reverse? Has not the latter encouraged importation, thereby adding to the conveniences and comforts of the people, and at the same time produced more revenue? The affirmative answers to these inquiries are undeniable. So far from increasing

the revenue and supplying the additional wants of this most extravagant administration, an addition of duties, and their change to the specific and minimum forms, will diminish it, and cause a still greater deficit in the treasury.

What, then, will be the resort? Of course it must be to direct taxation, or to an increase of the public debt. As the present administration will hardly dare, in a time of peace, to send the tax-gatherer into the domicils of the people, to levy upon their goods and chattels, and as borrowing is the less unwelcome mode of replenishing the treasury, they will resort to that plan of supplying their wants. *The national debt is to be increased.* And the American people are soon to be made, under federal rule, hewers of wood and drawers of water to the Rothschilds, the Barings, and other great European capitalists, who supply Austria and Russia, and every other despotism of the Old World, with the means of crushing down, butchering, and enslaving the people. Such seems to be the inevitable end of the policy of the present federal dynasty, which affects to be the impersonation of CONSERVATISM in America, and undoubtedly is—that conservatism which in Europe recognises no power, authority, or privilege, except in the favored few, and which preaches for the preservation of thrones under the specious, but, as it is applied, atrocious text of "law and order"—a text ever upon the lips of tyrants when they conspire to put down liberty and order.

But how remarkably does the Swedenborgian doctrine of correspondences apply to the present and the Harrison administrations? Both being the accidental and illegitimate emanations from the same party, they embody the same principles, and resort to the same expedients to accomplish their purposes. On the coming in of the Harrison administration in 1841, the same game was played which the present imbecile cabal in possession of the government are now attempting. Then a deficit was announced, which, as now, was sought to be maintained by a show of figures, artfully arranged, to give a false impression, and to enable the partisans of federalism to misrepresent by the eduction from them of an inferential falsehood. Then this deficit was made the groundwork of re-enacting a prohibitive tariff for the benefit of the monopolists, and creating a national debt for the benefit of the speculators of the stock market. Then the huge spectre of a "forty-million debt" was conjured up to frighten the country, and convince the people of the wickedness of democracy and democratic policy. And then the whole fabric of falsehood thus artfully constructed by the agents of federalism was knocked to pieces and razed to the ground by the application of truth and argument in Congress, and through the columns of the democratic press. Then was the government deprived of its means by prohibitive duties, and compelled to hawk its bonds about in the markets of Europe for purchasers at a discount. The result of such quackery in statesmanship was the overthrow of the party that resorted to it. And such will be the result of the quackery which the present administration is attempting, with much feebler capacities for making it successful.

Buffalo Daily Courier.

WEDNESDAY MORNING NOV 28.

OFFICE—CORNER OF MAIN & LLOYD STREETS, UP STAIRS.

The Action of the Senate on the President's Appointments.

As the time approaches for the meeting of Congress, there is an evidently increasing anxiety to learn the probable course of the Senate in respect to the appointments made by the President, or rather by the Cabinet, since the advent of the present Administration.

It would be no more than natural that the majority of the Senate being democratic, should be guided in the matter by the democratic sentiment of the country, so far as may be consistent with their sense of duty and a proper respect for the Executive of the nation. What that sentiment is, is very well known to all parties. If strictly followed, it would result in the summary decapitation of nine tenths of those appointed to office since the 4th of March. That this would in all cases be just and right, we do not affirm; but when this matter is under discussion, our Whig friends should remember that the Senate is called to act on the new appointments under extraordinary circumstances. They should remember that the democratic party has the strongest provocation to retaliate upon this Administration the wrongs and indignities sustained by those whom Gen. TAYLOR found in office, and as good cause as ever could be asked or assigned, for rebuking those who have obtained power through false pretences and so far as the disposal of the government patronage is concerned, have proved false to their declarations prior to the election, belied their professions and disappointed the hopes and expectations of the country.

Among the numerous pledges made by Gen. TAYLOR before his election, and repeatedly avowed by Mr. CRITTENDEN and his other prominent supporters, was one by which he bound himself as a man of honor, to remove no person from office on account of his political opinions. He repented that pledge in his Inaugural, and solemnly proclaimed that "the absence of integrity, capacity and fidelity," should be the only cause of removal. Before his words reached half the Union, he and his Cabinet commenced the work of removing men from office and have followed it up with such industry that now at this day, there is hardly a single democrat in the whole United States in possession of an office that is worth holding, and from the language of the Inaugural, the country is left to infer that the removals have been made for some moral or official delinquency. Indeed in as many cases as they have dared to risk the assertion, the Whig papers have declared that such was the cause of the removal. But the country knows better. The people know that every assertion to that effect is a wilful and deliberate falsehood and an aspersion upon the character of the democrats who have been removed, which the Senate must and will wipe out by the summary rejection of those whom Gen. TAYLOR has appointed in their places. Not a doubt need be entertained of the firm determination of the Senate to do this. A sweeping rejection of the

President's nominees is not cleared, but we trust that when the Senate strikes, it will be at prominent men named for prominent places. When such men fall, the Administration will open its eyes to its true position and discover that it is held firmly in the grasp of a democratic Congress acting under the instructions and "by the advice" of the people—that the appointing power is the only one it possesses, and that even that must be exercised discreetly and acceptably to the people's agents.

The Union foreshadows the action of the Senate on the Presidential appointments and divides those which will not be likely to meet with favor from that body, into the following three classes, which we give for the benefit of all whom it may concern:

- First—Individuals who have been appointed to office in the place of democratic incumbents removed for alleged cause.
- Second—Those unprincipled and profligate partisans who have been rewarded with office as rewards for mere party services.
- Third—A third class of persons whom the people, through their conventions and the democratic press, have indicated as unworthy of holding office under a republic, are those persons who gave "aid and comfort" to the enemy during the late war with Mexico. The opposition to this class of appointees under the present administration, is based upon the highest considerations of public policy and patriotism.

HOUSE OF REPRESENTATIVES.
Speaker, Clerk, &c., to be chosen on assembling, Dec. 2, '49
MEMBERS COMPLETE.
(Whigs in *italics*; Loco Focos in Roman; doubtful in small caps.)

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|---|--|--|
| <p>ARKANSAS.
1 *Robert W. Johnson</p> <p>ALABAMA.
1 W. J. Alston
2 *Henry W. Hilliard
3 *Samson W. Harris
4 *Wm M. Lee
5 David Hubbard
6 *W. R. W. Cobb
7 *Francis W. Holden</p> <p>CONNECTICUT.
1 Loren P. Waldo
2 Walter Booth
3 Chauncey P. Cheney
4 Thomas B. Butler</p> <p>DELAWARE.
1 *John W. Houston</p> <p>FLORIDA.
1 *Edward C. Cabell</p> <p>GEORGIA.
1 *Thos. Butler King
2 Marshall J. Welburn
3 Allen F. Owen
4 Hugh A. Haralson
5 Thomas C. Backett
6 Howell Cobb
7 *Alex. H. Stephen
8 *Robert Toombs</p> <p>ILLINOIS.
1 *Wm. H. Russell
2 *John A. MacClemens
3 Thos. R. Young
4 John Wentworth
5 *Wm. A. Richardson
6 Edward D. Baker
7 Thomas L. Harris</p> <p>IOWA.
1 *Wm. Thompson
2 *Shepherd L. Miller</p> | <p>INDIANA.
1 Nathaniel A. Albertson
2 Cyrus L. Dunham
3 John L. Robinson
4 George W. Julian
5 Wm. J. Brown
6 Willis A. Gorman
7 E. D. W. McGauhey
8 Joseph E. McDonald
9 Graham N. Fitch
10 Andrew J. Harlan</p> <p>KENTUCKY.
1 *Linn Boyd
2 James L. Johnson
3 *Finis K. McLean
4 George A. Olden
5 *John B. Thompson
6 Daniel Breck
7 Humphrey M. Marshall
8 *Chas. S. Maclachlan
9 John C. Mason
10 Richard H. Stanton</p> <p>LOUISIANA.
1 *Emile La Sere
2 Charles M. Conrad
3 *John H. Hammond
4 *Leaac B. Morse</p> <p>MARYLAND.
1 Richard J. Bowie
2 Wm. T. Hamilton
3 Edward Hammond
4 *Robt. M. McLane
5 *Alexander Evans
6 John B. Kerr</p> | <p>MAINE.
1 *F. H. Bradley
2 Nathaniel S. Littlefield
3 John Otis
4 Rufus K. Goodenow
5 Colten Sawtelle
6 Charles Stearns
7 Thos. J. D. Fuller</p> <p>MASSACHUSETTS.
1 *Richard J. May
2 Wm. T. Hamilton
3 Edward Hammond
4 *Robt. M. McLane
5 *Alexander Evans
6 John B. Kerr</p> |
|---|--|--|

THIRTY-FIRST CONGRESS.
SENATE.
[Convenes Monday, Dec 3, 1849. Expires March 3, 1851.]

<p>President—MILLARD FILLMORE, Vice President of the United States. Secretary—AUBREY DICKENS. Elected at the commencement of each session.</p>	<p>ALABAMA. 1 Pen. Fitzpatrick 2 William H. King</p> <p>ARKANSAS. 1 Solon Borland</p> <p>CONNECTICUT. 1 Roger S. Baldwin 2 Truman Smith</p> <p>DELAWARE. 1 John W. Delafield 2 Pres. Spruance</p> <p>FLORIDA. 1 David L. Yulee 2 Jackson Morton</p> <p>GEORGIA. 1 John M. Berrien 2 Wm. C. Dawson</p> <p>ILLINOIS. 1 James Whitcomb 2 Jesse D. Bright</p> <p>IOWA. 1 Geo. W. Jones 2 Augustus C. Dodge</p> <p>KENTUCKY. 1 Jos. R. Underwood 2 Henry Clay</p> <p>LOUISIANA. 1 Sol. H. Dowdy 2 Pierre Soule</p> <p>MAINE. 1 Hannibal Hamlin 2 Jas. W. Bradbury</p> <p>MASSACHUSETTS. 1 Daniel Webster 2 John Davis</p> <p>MARYLAND. 1 Benj. C. Howard 2 Jas. A. Percé</p> <p>MISSISSIPPI. 1 Jefferson Davis 2 Henry S. Foote</p>	<p>MICHIGAN. 1 Lewis Cass 2 Alpheus Felch</p> <p>MISSOURI. 1 Thomas H. Benton 2 David R. Atchison</p> <p>NEW HAMPSHIRE. 1 JOHN P. HALE 2 Moses Norris, Jr.</p> <p>NEW YORK. 1 Daniel S. Dickinson 2 Wm. H. Seeward</p> <p>NEW JERSEY. 1 Wm. L. Dayton 2 Jacob W. Miller</p> <p>NORTH CAROLINA. 1 W. P. Mangum 2 G. E. Badger</p> <p>OHIO. 1 Thomas Corwin 2 SALMON P. CHASE</p> <p>PENNSYLVANIA. 1 Daniel Sturgeon 2 James Cooper</p> <p>RHODE ISLAND. 1 Albert C. Greene 2 John H. Clark</p> <p>SOUTH CAROLINA. 1 John C. Calhoun 2 Arthur P. Butler</p> <p>TENNESSEE. 1 Hopkins L. Turney 2 John Bell</p> <p>TEXAS. 1 Thomas J. Rusk 2 Samuel Houston</p> <p>VERMONT. 1 Samuel S. Phelps 2 Wm. Upham</p> <p>VIRGINIA. 1 James M. Mason 2 Robt. M. T. Hunter</p> <p>WISCONSIN. 1 Henry Dodge 2 Isaac P. Walker</p>
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NEW HAMPSHIRE.

- 1 *AMOS TUCK,
2 Charles H. Pearce,
3 *James Wilson,
4 Harry Hubbard.
- NORTH CAROLINA.**
1 Thos. L. Clingman,
2 J. P. Caldwell
3 Edmund Deberry,
4 *Aug. H. Sheph. rd,
5 Abraham W. Venable,
6 William S. Ashe,
7 *John R. J. Daniel,
8 Edward Stanley,
9 David Outlaw.
- VIRGINIA.**
1 J. M. S. Milson
2 *Richard K. Meade
3 Thomas H. Averett
4 *Thos. S. Poore
5 Paulus Powell
6 James A. Seddon
7 *Thos. H. Bayly
8 Alex. R. Holladay
9 Jeremiah Morton
10 Richard Parker
11 *James McDowell
12 H. A. Edmundson
13 Fayette M. Mullen
14 James M. H. Beale
15 Thomas S. Haymond
- NEW YORK.**
1 John A. King
2 David A. Booke
3 J. Phillips
4 Walter Underhill
5 George Briggs
6 James Brooks
7 *William Nelson
8 Ransom Hallway
9 Thomas McKissock
10 Herman D. Gunt
11 *Peter H. Syvester
12 *Gideon O. Reynolds
13 John L. Schoolcraft
14 George R. Andrews
15 Joseph R. Thurman
16 *Hugh White
17 Henry P. Alexander
18 PRESTON KING
19 Charles E. Clarke
20 Orsamus B. Matteson
21 Hiram Walden
22 Henry Bennett
23 *William Dyer
24 *Daniel Gitt
25 *Harmon S. Conger
26 William T. Jackson
27 William A. Sackett
28 A. M. Schermerhorn
29 *Robert B. Rose
30 David Ramsey
31 Elijah Kistey
32 E. G. Spalding
33 *Harvey Putnam
34 Lorenzo Burrows
- PENNSYLVANIA.**
1 LEWIS C. LEVIN
2 Joseph R. Chandler
3 Henry D. Moore
4 J. M. Robbins, Jr.
5 John Freedley
6 Thos. Ross
7 Jesse C. Dickey
8 Thaddeus Stevens
9 *William Strong
10 Milo M. Dimmick

<p>SOUTH CAROLINA. 1 *Daniel Wallace 2 James L. Orr 3 *Jos. A. Woodward 4 James McQueen 5 Armistead Burt 6 ISAAC E. HOLMES 7 William F. Colcock</p> <p>WISCONSIN. 1 CHARLES DURKEE 2 ORAMUS COLE 3 James Duane Doty</p> <p>TEXAS. 1 *David R. Kaufman 2 Volney E. Howard</p>	<p>CHESTER COUNTY. 11 *DAVID WILMOT. 12 Joseph Casey 13 Charles W. Pitman 14 Henry Ness 15 J. X. McLaughan 16 Samuel Galvin 17 A. Jackson Ogilvie 18 *Job Mann 19 Robert R. Reed 20 *Moses Hampton 21 John W. Howe 22 *John Thompson, 23 Alfred Gilmore</p>
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DELEGATES CHOSEN.
MINNESOTA—H. H. Sibley
*Members of the last House.
Whigs 106
Loco Focos 103
One vacancy in Massachusetts

RECAPITULATION.
Loco Focos. Free Soil and Doubtful. 15

For the Journal of Commerce.
Letters from Washington, Proceedings of the Chamber of Commerce, and Statements in relation to the Establishment of a Mint in New York.
The importance of the establishment of a Mint in the city of New York, becomes every day more apparent.
Hon. W. H. Seward, of the Senate of the U. S., in a letter to me, dated Washington, Dec. 14, says:—"Will you do me the favor to ascertain and send to me the following statistics relative to the trade of New York with California, viz.,—the tonnage of vessels engaged in it since the discovery of the gold, the amount of exports and imports, the amount of gold received at New York, and relative statements, as far as they can be conveniently obtained, for other ports in the United States and elsewhere? This information is wanted, in reference to certain measures likely to come before the Senate, one of which is the establishment of a Mint in the city of New York. I think you will be able to obtain it at the Custom-house."

Hon. James G. King, of the U. S. House of Representatives, in a letter to me, dated Washington, Dec. 27, among other things, says:—"You will see that no recommendation is made by the Secretary of the Treasury of a Mint in New York; and in a short conversation with Mr. Meredith, I learned that the subject had never been submitted to him, and that particular showing the necessity and expediency of such an institution there were unknown to him. After suggesting some of the latter to him, he expressed a desire for farther information, and a willingness to give full and fair consideration to all that might be laid before him. I recommend, therefore, that memorials, containing statistics upon this matter, be forwarded, and if possible, that it be shown, that New York supplies twice or thrice, or perhaps twenty times as much gold to be coined as Philadelphia, and perhaps sustain a Mint in New York. I mean by sustain, that as between Philadelphia and New York, the former has no claim for a Mint in preference to the latter. Then add the expenses of transportation to and from—then the risk of loss on the way—and the result must show all that we desire, comparing New York with Philadelphia. The several memorials will hardly answer; and it may as well now be proved, from previous papers, from the Chamber of Commerce, as well as otherwise, that a Mint in New York is justly and fairly due to the trade, capital and position of New York."

I placed this letter in the hands of Moses H. Grinnell, Esq., President of the Chamber of Commerce, at their meeting on Wednesday. The Chamber appointed a committee, composed of Messrs. George Curtis, Cashier of the Bank of Commerce, and Messrs. Graves and Kelley, to prepare a renewed memorial to Congress on the subject.

Hon. John Young, of New York, Assistant Treasurer of the United States, furnishes me the following statement:
Transfer Drafts paid to the Treasurer of the United States Mint at Philadelphia, since July 1st, 1849.
July 10, trans. dtf. favor Trea. U.S. Mint, Phil., 150,000
" 26, ditto, ditto, 121,150
" 26, ditto, ditto, 150,000
" 23, ditto, ditto, 150,000
" 24, ditto, ditto, 100,000
" 5, ditto, ditto, 100,000
" 6, ditto, ditto, 100,000
\$1,181,150

I have received from the banking house of Messrs. Brown, Brothers & Co., of New York, a statement of the import of foreign coin from England by that house, all of which required re-coining, as follows:
Year 1847 £1,228,000. Of this, £888,000 to New York. 340,000 to Boston.
1848 None.
1849 170,000. Of this, 125,000 to New York. 45,000 to Boston.
This, at \$4 85-100 to the pound sterling, is equal to \$6780,000.

In my files of the New York Journal of Commerce, the imports of gold from California, by the steamers, are stated as follows:
1849, July 28. By the Crescent City, brought to consignees 231,994 00
Sept. 14. " Empire City, " 603,153 59
Oct. 10. " do. do. " 440,989 10
Nov. 12. " do. do. " 469,582 97
Dec. 8. " Crescent City, " 632,543 00
" 26. " Empire City, " 327,050 00

\$2,705,162 66
I called upon the commercial house of Messrs. Howland & Aspinwall, who are very extensively engaged in the California trade, and made inquiry in reference to the proportion that the amount of gold entered on the ships manifests, bears to the amount brought by the passengers and others, which is not entered. Mr. A. says he has given the subject much examination, and has made extensive inquiry, and the conclusion he has arrived at is, that the amount not entered on the manifest is equal to that entered. I therefore multiply \$2,705 66, the sum entered, by 2, which gives as the product, \$5,410,325 32.

John J. Palmer, Esq., President of the Merchants' Bank, states to me that from what he has noticed from time to time, of the arrival of gold at this port from California, he estimates the receipts at five millions of dollars. This accords with the conclusion arrived at by Mr. Aspinwall.

The Senior partner of the largest Bullion house in New York, states, that more than four-fifths of the gold and silver coined at the mint in Philadelphia, is for New York account.
Nearly all the Bullion and Coin sent from New York to Philadelphia, is sent to Philadelphia houses, and through these houses to the mint, and thus Philadelphia business has the credit for what New York is entitled to.
Gardner Howland, Esq., of the house of G. & S. Howland, formerly for many years extensively engaged in the Mexican and South American trade, states to me, that his house sent all their Bullion to the Philadelphia Mint for coinage, and before Rail Road facilities were introduced, the expense averaged half of our per cent on the amount, in addition to the loss of interest by delay. Mr. H. says, he presumes one-half of the bullion coined by the Mint at that time was furnished by his house.

I am informed by John J. Palmer, Esq., that the Banking House of Prime, Ward & King, several years ago, imported from the Bank of England, into New York, five millions of dollars in Gold, which was sent to the U. S. Mint in Philadelphia, for re-coining.
The commerce of the City of New York, and of the cities North of it, compared with that of Philadelphia, and the cities South of that City, and North of New Orleans, when compared together, furnish the most conclusive argument in favor of the establishment of a Mint in the City of New York.

The City of New Orleans has a Mint as by right it should; and the State of Georgia, and also North Carolina, has a Mint, and this, too, is right; but the great commercial City of New York, the most extensive in its commerce and trade of any on the great Western Continent, is without a Mint.

THE HUNGARIANS.—The article in the North American Review, though not occupying the strong adverse grounds which was anticipated from some previously expressed opinions of the editor, has done much to injure the cause of the Hungarians. As many have doubted whether any thing like a Republican sentiment was designed by the Revolution, it is but fair that something should be said on the other side, and we accordingly give the following extracts from a letter of Gov. Ujhazy, found in an interesting correspondence which has just been published between Gov. Ujhazy and Messrs. Theodore Sedgwick and Simson Draper, Jr., on the part of the Committee appointed by the citizens of New York for the relief of the Hungarian Exiles. The Governor says:—

"As in all revolutions, so in ours, there were several parties. There were some who intended to wage this contest simply for the recovery of the Constitution of 1787, who wished to keep open a way of retreat, so that they might, in case of an unsuccessful issue, fall back under Austrian rule. Others, of whom I was one, wished to sacrifice their property and their blood for a grander, more worthy object, namely: for a separation from Austria and the founding of a Republic."

"In pursuance of this ardent wish, there was formed in March, at first in the bosom of the diet, a Democratic Republican Club, which, holding public sessions and honoring me with the Presidency, had for its object the hastening upon all subjects of independence, and consultation of the members of this Society very soon composed a majority, both in the upper house and the house of representatives, so that the then existing government, the so-called Committee of national defence, under the Presidency of Louis Kossuth, felt itself inclined to a declaration of independence."

"When, shortly after, the Governor having been brought forward with distinguished energy and decided expression of applause as I had never before heard, I was elected to the National Assembly, and to what maturity, even at that time, those principles had attained. From this decisive epoch onward, the main care of the Hungarian Government was to place the administration of the country in the hands of men of purely Republican sentiments, who fully approved the Declaration of Independence."

"I mention all this only to designate the truly revolutionary moment at which I commenced my administration in Comern. The nature of my duties may be discovered from the spirit of the period. It was to conform to the principles of Independence and of the Republic that had been declared. On the fourteenth of April, we had solemnly sworn to our independence, and forever renounced and condemned royalty as the scourge of humanity. We would have been faithless to our sacred oath had we longer remained under the dominion of Austria. We regarded our republican principles more than the material interests we were to sacrifice, and with such views, our choice could not be doubtful."

"Yes, we have come here in poverty, and by the abolition of Feudalism we have secured to seven millions of men, once serfs, a right to the soil, of which they have at least given a death-blow to the material power of the aristocracy, and without the support of an aristocracy any serf could long maintain himself. We have done this, and Hungary, but each man cultivates his own land. The consciousness of this benefit bestowed on seven millions of men, shall requite us for our losses."

DAILY ADVERTISER.
OFFICIAL PAPER OF THE CITY.
SATURDAY, DECEMBER 29, 1849.
V. B. PALMER, the American Newspaper Agent, is Agent for this paper, and authorized to take ADVERTISEMENTS and SUBSCRIPTIONS at the same rates as required by us. His offices are at BOSTON, 8 Congress street; NEW YORK, Tribune Building; PHILADELPHIA, N. W. cor. Third and Chesnut st.; BALTIMORE, S. W. cor. North and Fayette.

Issachar is an Ass that stoops between Two Burdens.
If a politician ever met with a signal and final overthrow, from an attempt to temporize upon a principle, that politician is Hon. W. J. Brown, of

Indiana. Having conciliated ultra Southern support from States refusing to sustain Mr. Winthrop, upon the ground that, tho' an Indiana Representative, he was prepared to carry out Southern views, and fearing that he might fail the uniting the full Southern vote, he addresses himself to Northern disorganizers, and seeks their aid by a sale of his position and influence, which, if carried out, would have been a full and direct dereliction of his understanding with the South. In this attempt, he is intercepted, is compelled to own up, and, between his two stools, falls to the ground.— Contrast his position, for a moment, with that of Mr. Winthrop, and see with what different grace each respectively holds his seat, in view of the body conversant with all the facts attending the course of each, and of the world looking on.— While Mr. Brown has been engaged in wire-drawing, as we have above said, Mr. Winthrop has been standing before the country, as he did in 1847, when addressed by Palfrey, as the National Whig Candidate for Speaker—untrammelled, except by his great obligations as a patriot to his country—uncommitted, except to a uniform and consistent obligation to his party. Throwing no lure to the "ultra South," he has foregone their support, because he would do nothing inconsistent with his own dignity as a man and a patriot, to secure it. At the same time, he has said to Northern disorganizers, as he said to Palfrey in '47—"You know me; you must take me as I am, or not at all." Another occupies the Speaker's Chair; but there is not a true whig in the Union who does not regret it. Can the political friends of W. J. Brown say as much?

Binghamton Republican.
BINGHAMTON, THURSDAY, DEC. 20.

Our Subscribers will please report promptly to this office all mistakes or omissions of the Carrier.

Advertisements, notices, &c. must be handed in by 10 o'clock A. M. to be inserted the same day.

CLANKS—a large assortment—for sale at this Office.

JOB PRINTING, of every variety, on new and beautiful type, now done at this Office. Call

Col. Webb and the Austrian Mission.
It has been the religion of some for many years to seek for opportunities to abuse and depreciate the distinguished gentleman who has recently been commissioned by the President of the United States to represent our Government at the Austrian Court, and on which important and honorable Embassy he has already started. The appointment of Col. Webb to this Mission is a new source of attack. While the atrocities of Austria towards the Hungarian Patriots, the recital of which has curdled the blood in every American breast, are at one time urged as a reason why such a bloody Court should be rebuked by this

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country by a suspension of all diplomatic relations with her; at another, Col. Webb is charged with being totally unfit in his education, manners and general bearing, properly to represent the Austrian Government at so refined, critical and exemplary a Court! Indeed, Mr. N. P. Willis of the Home Journal, in a long article denouncing the appointment of Col. Webb, has embodied these inconsistencies together. He informs his readers with a characteristic self complacency, that he has been accredited for five years to the Courts of Europe, and knows the kind and quality of men that should be elected for such Courts; and that Col. Webb is unfit for a Foreign Minister. Even if this be true, it is at least a question whether his accomplished censor, whose "first impressions" in Europe, more properly upon Europe, were not calculated to elevate the American character, is exactly the person to be Col. Webb's presenter.

It cannot be truly denied that Col. Webb is not a gentleman of accomplished manners, nor that he has not the requisite ability and attainments to discharge respectably the usual duties belonging to his mission: and if Austria be such a bloody, low-minded and reprehensible Government as she is represented to be, and by Mr. Willis himself—we do not see why Col. Webb, even adopting the standard given of him by the writer, is not good enough for the Austrian Court.

But it is proposed to suspend or abolish the mission altogether, in which case of course the Minister will fall with it. This, it seems to us, would be an anomalous proceeding—a dangerous and awkward precedent. If the principle be once established that when one Nation commits any act or sustains any course of policy of which another nation disapproves, she is to be rebuked by withdrawing all diplomatic intercourse from her—however important the political interests between the two countries may be, the consequences will indeed be extended and embarrassing. If it be wrong to send a minister to an offending Government, it would certainly be wrong to retain one there after a Government has offended, and consequently the minister must be recalled without regard to the political importance of his mission or the general interests involved. Again, if the American Government establishes this new

principle in Diplomacy by suspending her intercourse with Austria on account of her treatment of Hungary, how long is she to suspend that intercourse, and what shall be the conditions on the part of Austria of its re-establishment? What repentance or restoration will suffice? Besides, how soon may it not be before some Government may follow our example and discontinue her relations with us because of some offence at our conduct or character! The American Government is not without some glass about its house. When at the very Capital of our country the clanking chains of the poor African Slave mingle their discordant sounds with the voices of its Representatives boasting of American Freedom on the floor of its Congress, we may well fear that some other Government less pretentious perhaps, but more consistent than our own, may administer to us, and with at least equal propriety, the same rebuke which is now proposed to be given to Austria! But our space forbids us to pursue the subject.

We can not but think that Mr. Willis has failed to take any thing by his motion. We have no patience with flippant moralisers, whose dandyism of intellect is more intolerable than dandyism of person. These public attacks on our Minister to Austria are not the first instance in which buzzers around a web have become entangled and exposed.

Liability of Endorsers.

From the New York Legal Observer.

The decision of the case of the Cayuga County Bank vs. Ethan A. Warden and Franklin L. Griswold, in the Court of Appeals, a report of which appeared in the April number of the New York Legal Observer, appears to have changed the law in this state in relation to the liability of endorsers, and overrules the case of Remer v. Downer, 23 Wendell, 626. In that case, the question was submitted to the jury, "whether the notice of protest was sufficient to apprise the defendant of the dishonor of the note"—or, in other words, "whether the notice conveyed to the mind of the defendant information that the identical note in question had been dishonored," and the jury found in the affirmative, yet the Court of Errors decided that the endorser was not holden. In that case the jury came to the same conclusion on the facts that the judge did who delivered the opinion in the Court of Appeals in the case of the Bank vs. Warden & Griswold, but the judgments pronounced are entirely different. We have then, two decisions, recently made by the court of final resort in this state, on the same conclusion of facts, standing in opposition to each other, and the question naturally presents itself to the profession, and the commercial community, which is correct. That two such distinguished and able jurists as Chancellor WALWORTH, and Judge JEWETT stand directly opposed to each other on the same state or conclusion of facts, certainly throws great doubt upon the question, and should cause any one who approaches the investigation of it, to do so with much hesitation and doubt.

The proposition is reduced to this—Does the liability of the endorser depend upon the state of his own mind, or upon the acts of the holder.— Must the holder of an endorsed note give notice of the presentment and non-payment of the note in order to charge the endorser, or may the holder substitute in place of such notice, either in whole, or in part, the supposed knowledge or information of the endorser. In the case of Remer vs. Downer, the point was distinctly made, and it was decided that the rights of the holder of endorsed paper to recover, depended upon his own acts, and in the recent case in the Court of Appeals, the point appears to have been presented with equal clearness, and to have been directly passed upon by the court. Library, it will be seen that the defendants' counsel contended, that "the plaintiff's right to recover did not depend on the mind or knowledge of the defendants, but upon the fact whether the plaintiff had performed the conditions on their part, on the performance of which, only, the defendants agreed to pay the note in question," while the plaintiff's counsel insisted, that "the notices of protest served on the defendants was a sufficient notice to charge them as endorsers of the note in question, because, they will be presumed to have known that this note for \$600 became due at the time mentioned in the notice, when the note intended to be referred to was protested," and the who gravamen of the opinion is, to show, not that the plaintiffs gave the defendants notice of the dishonor of the note in question, but that the defendants which they did give, when taken in connection with other facts, "conveyed to the mind of the defendants information that the identical note, pretended had been dishonored." It is no what charge the endorsers, but on the contrary thereof, it is the mind of the defendants, and that also which is looked at in the decision. That such was once the rule in this state, which the liability of endorsers were to be determined, is not denied; but was that the Warden & Griswold was decided, and can it be sustained by sound and correct reasoning?

At the Person county circuit, in June, 1851, before the case of Remer vs. Downer was reported by GILDEY, in an action of damages against the endorser, doubted the correctness of the rule which might the endorser was discharged, by the court, under the decision of the Supreme Court in the case of The Ontario Bank vs. Pease, 3 Wendell, 456, to submit the question to the jury, whether the defendant had been misled—or, in the language of Judge Jewett, whether the notice of protest "conveyed to the mind of the endorser information that the identical note in question had been dishonored," and the jury found in the affirmative, and rendered a verdict for the plaintiff. On a motion for a new trial, BRONSON, Judge, is reported to have said, (2 Hill, 593,) that the recent decision in the Court of Errors, in the case of Remer vs. Downer, had shaken the former decisions of the Supreme Court, and rendered it necessary to consider the question upon principle, and a new trial was ordered.

It is proposed briefly to review the question, and present some considerations why the rule laid down in Remer vs. Downer and Ransom vs. Mack, should be followed hereafter, instead of the one laid down by Judge JEWETT in the case of the Cayuga County Bank vs. Warden & Griswold.

If it may be assumed as admitted, "that it is important to establish some fixed and certain rule as to what shall be a sufficient description of the note, in a notice of dishonor, so that the holders of negotiable paper, and those who are contingently liable for its payment upon the fault of the parties who are primarily liable, may know and understand their rights and duties in each particular case that may arise," then the rule laid down in Remer vs. Downer and Ransom vs. Mack, is correct; but, that is one of the very questions in dispute, for if accessory facts may be let in to aid or help out a defective notice, then it follows as a matter of course, that the notice may vary according to the accessory facts, as they shall be few or many, weaker or stronger; or in other words, the sufficiency of the notice is not to be ascertained by the accessory facts, and the note "intended" to be referred to in the notice of dishonor," with the description contained therein may be so strong as to override entirely the notice given, and thus the notice, when taken in connection with those accessory facts, may convey to the mind of the endorser information of the identity of the note dishonored, although it should misdescribe the note as to the parties, amount, and every other particular, or should be a blank notice and not describe it at all.

If accessory facts may be used to aid, or help out, a defective notice, how far may they be used? It good in part, why not good in whole, and thus notice of presentment and non-payment to the endorsers be entirely dispensed with. If the mind of the defendant has any thing to do with his liability, it must be immaterial how that state of mind is produced, or that information conveyed to it, unless it can be maintained as good law and sound logic, that that state of mind must be produced, or that information conveyed to it, in a particular way—partly by the notice and partly by the accessory facts; but if that is the rule which defeats the other proposition, for then, the state of mind of the endorser, or the information conveyed to it, would not govern, but the mode or manner in which that state of mind was produced, or information conveyed to it; and, perhaps, the proportions which the notice and the accessory facts respectively had in producing that result.

It will be found on examination, that the rule laid down by Judge JEWETT, cannot be carried into active practice without producing the worst of consequences, not only to endorsers but to the holders of endorsed paper, by placing their right to recover, not within their own control and dependent upon their own acts, but by making their rights depend on the "information which the notice conveys to the mind" of the endorser.

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It will not be contended, that the mind of the defendant may be looked to, to aid a recovery, and not to defeat one. If the plaintiff has a right to show what information a notice of dishonor conveyed to the mind of the defendant, in order to ascertain whether it is a sufficient notice to charge him as an endorser, the defendant has, of course a right to rebut the evidence, and show that it did not convey such information to his mind. It follows then, conclusively, that if the mind of the defendant may be looked into in order to aid a defective notice, it may be looked into in order to defeat a perfect one. The issues at the circuit will then be, not whether the holder has given notice of the dishonor of the note in question, but what information the notice served when taken in connection with the accessory facts in each particular case, conveyed to the mind of the defendant. Accessory facts will then be met by accessory facts, and the business tact and skill of each endorser will become a legitimate and important subject of inquiry upon the trial of every cause. There is not a foreigner in the state, whether he be French or German, Jew or Gentile, who cannot defeat a recovery against him as an endorser, if he cannot read English, and that language is used in the notice of dishonor served, if the rule adopted in the case of the Cayuga County Bank against Warden & Griswold be correct.

The error of the rule cannot be better illustrated than by reference to the case under review.— Suppose on the re-trial of the cause ordered by the Court of Appeals, the defendants could show that one or both of them had been taken suddenly ill, and was in consequence thereof laboring, on the third day of May, eighteen hundred and forty-five, under a temporary derangement, would it not be an impeachment of the integrity of the court to suppose that in such a case the language of the court would be otherwise than "who can doubt but that this notice did not convey to the mind of the defendants, information of the identity of the note dishonored." Do the rights of the holders of endorsed paper depend upon such contingencies? and if not, do the liabilities of endorsers depend upon them?

Take another illustration. The endorser lives in a country town where the mail is received but once a week, and the note is protested at the county seat on Monday after the mail has left, and the notice of it is deposited in the post-office directed to him, but which he will not receive by due course of mail until the next week on Monday; on Tuesday after the note is protested, it is sued, and on Wednesday the endorser is served with a summons and complaint, and that too, before he has received the notice, and before it has "conveyed any information to his mind." What then becomes of the reasoning of the judge in the case above referred to?

Who is to judge whether the note is correctly described in the notice of protest, the court or the defendant? In the case above referred to, the court undertakes to tell what kind of a judgment the defendants formed, and to substitute that as the judgment of the court. It is a dangerous rule for deciding causes, and one by which the liability of defendants must vary according to the intelligence of each particular endorser.

But the most objectionable feature in the decision of the case of the Cayuga County Bank against Warden & Griswold, is, that it makes the terms and conditions of one independent contract, dependent upon the existence of other independent and separate contracts, and the terms and conditions of them, thus permitting the notice of conditions of one note to vary, as there are few or many other notes endorsed by the same defendant. It is entirely clear from the evidence and the opinion, that if Warden & Griswold had been the opinion, that if Warden & Griswold had been endorsers of a three hundred dollar note, payable at the Cayuga County Bank, and being due at or about the time the note in question was given to and held by some one at the bank, that the court would have given notice of protest served, insufficient to charge them

as endorsers of the note in question for six hundred dollars. Cannot the court tell, as a question of fact, whether the notice correctly described the note in question, as well without knowing whether there were other notes endorsed by the bank payable at the same bank as with?—Surely there were other notes, how could that affect the question whether the note in suit was or was not correctly described in the notice of protest? The existence or non-existence of other contracts would not add one word, or dot an i or cross a t, in either the note or notice. How then could the existence of them, render a correct description less correct, or the want of them render an incorrect description less incorrect?—Would not the papers read the same in either case? If the notice does not describe the contract correctly when other notes exist, it does not describe it correctly when they do not exist.

Notices of protest may be verbal or written: if written, the question is upon the written notice, when compared with the note.* If it describe the note correctly it is sufficient, whether the endorser understands it or not, and its sufficiency can be ascertained with the same certainty, that it can be ascertained at the circuit whether the note produced is the one described in the declaration or complaint, and as a question of law, the same rule should govern in the one case as in the other, and the same variance which should prevent a note being read in evidence in the one case, should prevent its being read in evidence in the other; and it would be as pertinent to inquire at the circuit on a question of variance or misdescription between the note produced and the one described in the declaration or complaint, whether the defendant had made other notes, or what was the state and condition of his mind in order to ascertain whether such variance or misdescription existed, as for the purpose of ascertaining whether there is a misdescription between the note produced and the one described in the notice of protest.

Other and further reasons might be assigned in support of the views above expressed, but if what has been already stated, does not satisfy the understanding and convince the judgment, it is not supposed that any further argument will; and the final disposition of the question must therefore be left to some future period when some one shall interpose his own ignorance and inability to understand and know what is meant or intended by a written notice of protest as a defence to a recovery, and then, and not till then, may we hope for a final settlement of the question, whether the right to recover depends upon the fact, whether the note is correctly described in the notice of protest, or whether it depends upon the information which the notice conveys to the mind of the defendant, when taken in connection with the peculiar accessory facts of each particular case.

* Judge Jewett, however, compares the notice with the accessory facts and not with the note, in order to ascertain its sufficiency.

THE AUSTRIAN MISSION.—Many Locofoco papers which found no cause of complaint in the existing relations between this Government and Austria during the entire progress of the Hungarian revolution, and while a Locofoco Minister held his station at that Court, have waked to a sudden and overwhelming sense of indignation against that Government for her cruelty towards Hungary, and are eagerly calling for an immediate discontinuance of all amicable or diplomatic relations with her. This course of reasoning has been adopted by them since the appointment of Col. Webb, whose editorial lash has kept them in fear and trembling for the last twenty years, and like all men of base instincts and low tendencies and aims, they are willing to adopt any line of conduct so that they can secure their little revenge and the gratification of their malevolence upon one whom they hate and fear. Sentiments similar to the following, which we take from the New York Globe, have found utterance also in the Union, Boston Post, and the Pennsylvanian, and have been taken up by the "Tray, Blanche, and Sweetheart" of the Locofoco country press generally.

"We believe an act of Congress abolishing the Austrian mission altogether, or withholding all appropriations which provide for it, will meet with universal approval, with the exception of the federal New York Express, which desires Webb's confirmation."

It would be strange if the New York Express did desire the confirmation of Col. Webb upon other grounds than that he is an able, honorable, and energetic Whig, abundantly fitted for the station, and well-calculated to dignify it. Nor do we believe, from what we have observed of the "Courier" and the "Express," for the last ten years, that any other feeling of preference than the considerations above referred to, do influence that paper.

THE HUNGARIANS.—A CARD.—We the undersigned gratefully acknowledge the kindness of the managers of the Railroads from New-York to Washington in forwarding us free of expense to the latter city and back to New-York, and also express our thanks to Mr. Glass, (Washington House, Philadelphia,) Mr. Guy, (United States Hotel, Baltimore,) and Mr. Thomas, (Irving House, Washington,) for the kindness and hospitality with which they welcomed us at their respective hotels. We feel it the more our duty thus publicly to give words to our deep gratitude—knowing that this kind-hearted sympathy was not tendered as a tribute to ourselves, but was proffered to the cause of Liberty in general, in whose defense we fought—because all noble-hearted men who take part in this holy cause of humanity, deserve to be made favorably known to their fellow-citizens of this great, free, and magnanimous Republic. Signed:

LADISLAUS UJHAZY, Major H. DAMBURGHY,
Col. JOHN FRAGAY.

Revenue Cutter Service.
The Editor of the Journal of Commerce.
Sir—The remarks of Senator Hunter, made in the Senate on the 14th inst., and transferred to your columns a few days since, on limiting the expenses of collecting the revenue from customs, while in the main judicious and reasonable, are, we think, apt to mislead those not sufficiently conversant with the details of the systems to which they refer.

For instance, by examining the records of the Treasury Department, the Hon. Senator finds that the cost of maintaining the revenue cutter service since the year 1833, inclusive, a period of 11 years, amounted to the enormous sum of \$3,942,896 51.

It is proper, however, to remark that two of the most efficient vessels, the brig Washington and schooner Ewing, built expressly for the revenue service, have been transferred to the coast survey, and which the iron steamers built, and which the service has been made to father, were never intended for it. The construction of those steamers, with their new fangled experi-

mental machinery, was designed and projected by certain officers of the navy, attached to, and interested in the coast survey, for their exclusive benefit. The officers of the revenue marine were not, in the incipient stages of the project, at all consulted in the matter; in truth, they perseveringly disparaged and opposed it. The survey, however, "being in favor," had their own way. They laid the egg for the revenue marine to hatch, and the latter has unjustly had to father the deformed offspring.

The several steamers, as soon as they were completed and equipped, were forthwith, as intended, transferred to the coast survey, while the cost of construction and fitting out, stands charged against the revenue marine. Thus the odium of those wasteful and enormous expenditures is unjustly cast upon a service that had no view in building the vessels, which, when built were, as originally designed, immediately transferred from its jurisdiction.

The following vessels built, ostensibly for the revenue marine service, have been, and are at the present time,—with the exceptions noted,—employed in the coast survey:

Brig Washington, transferred, 1833, cost \$	40,000
Schr. Gallatin, " " "	35,000
Steamer Legare, " " "	280,000
" Bibb, " " "	200,000
" Walker, " " "	220,000
" Jefferson, " " "	230,000
Schr. Ewing, " " "	35,000
" Fancy, " " "	35,000
Steamer Spencer, " " "	220,000
" McLane, " " "	220,000

Add last of the Polk, intended for C. Survey, 230,000
1,515,000

And you have the sum of \$1,745,000 clearly expended for maintaining the Coast Survey, and charged under the head of "Expenditures for the Revenue Marine Vessels." Add to this the fitting up of the schooner "Nautilus, legitimately belonging to the Coast Survey, but placed in the revenue service for about six months for that express purpose; and I think you will find the amount righteously chargeable to the revenue service somewhat abated. It will, in fact, be reduced as follows,

Deduct	\$3,942,896 51
	1,745,000

Revenue exp'ditures for 11 years, about \$2,197,896 51 As was predicted by Captain Fraser, the intelligent officer then at the head of the Revenue Marine Bureau, all the steamers proved failures. The McLane and Spencer have been transformed into Light ships. The Polk has been altered, at a large expense, into a sailing vessel, and when almost ready for trial, was by her commander reported to the Department unfit for anything except a "floating coffin."

In 1841, several of the cutters co-operated with the Navy in the suppression of Indian hostilities in Florida. The charges for their equipment were paid by the Collectors of Customs, where the vessels were stationed when transferred to the Navy. All these expenses, having no legitimate connection whatever with the revenue, appear charged against it.

The Revenue Marine can be made a highly useful service if properly conducted. It requires no vessel over 115 or 120 tons. Give it a fair chance; cut it loose from the weight which the Coast Survey has hung around its neck, and in the end, under judicious management, it will prove more beneficial to commerce. Its officers of the higher grades possess more practical knowledge of our coast and harbor than the officers of the Coast Survey. Located for long terms on their respective stations, their opportunities for acquiring a knowledge of the sounding of the different parts of coast, harbors and rivers, are rendered more favorable by constant familiarity. The service being in its nature a "preventive" one, its efficiency cannot be properly estimated. The assistance it has hitherto rendered to the Merchant Marine in the winter seasons, when the vessels of the Coast Survey have been laid up in ordinary, have demonstrated it an important branch of the public service, when judiciously managed by a competent head.

COMMERCE.

THE PUBLIC LANDS.

The Annual Progress of the United States in the Settlement and Cultivation of Land.

To one who reads the Annual Reports of our Land Commissioners, assuring us that we have thousands of millions of acres of land, it may seem useless to inquire how fast it is settled; for it seems inexhaustible. But there is another and different aspect in which to view this subject. Though land is almost inexhaustible, available, fertile land is in every country settled and occupied in a few generations. In this country the standard lands are corn lands for food, and coal lands for minerals. Corn lands are in a great measure bottom lands, and therefore but a small part of the whole. Of the coal fields in the United States, there is as yet but a small part accessible to markets. It follows, then, and we know the fact from actual observation, that the best lands in the whole United States are sold and mostly occupied in a single generation. In consequence of this it is that we find improved farms in New York and Pennsylvania sold, not unfrequently, at \$100 per acre. In another generation, the best lands of Ohio will command more than that price.

It is of importance to all men, who either hold or expect to hold lands, to ascertain, if possible, the progress of actual settlement and cultivation. This problem seems to be difficult, but may be solved with a sufficient accuracy to afford a very clear view of the actual progress of the American nation in the settlement of new lands. It is only necessary to know the proportion of agriculturists to the whole people, the amount of emigration, the sales of the public lands, and the annual increase of the inhabitants. All these we know. The population increases 2 1/2 per cent. each year. Taking the year 1848 as the basis of calculation, the white population was about 18,000,000. The increase in 1849, at 3 1/2 per cent., was 600,000. The average emigration for three or four years (which is the true basis) was about 250,000. The increase of population is thus made up:

Increase of native born	350,000
Do foreign born	250,000
The number of persons employed in agriculture is 77 per cent., or rather more than three-fourths of the whole people. Of the increase of the two elements of population stated above, the numbers of farming and planting people (at three-fourths of the whole) stand thus:	262,500
American born	187,500
Emigrants	75,000
Of the first class (262,500) we may safely assume that about one-half are provided for by inheritances, while the others purchase new lands, or the farms of those who must, in all purchase new lands, or the farms of those who must, in their turn, purchase anew. The whole of the emigrant farming people must be provided with lands. The total number of persons to be provided with lands on the basis of the population of 1848 is, then:	131,250
American born	187,500
Emigrants	318,750

Total, is to be made by families, and not individuals; and the proportion of heads of families to the whole number of persons is about 1 in 6. There are, therefore, on the above calculation, 53,125 tracts of public land required to supply the actual demand of the farming people for land. The public land is now sold in tracts of 40, 80, 160, 320, and 640 acres each. It is well known, however, that the emigrants purchase, in nine cases out of ten, very small tracts of land. We assume 80 acres for each family as the amount required by actual settlers. This gives us for 53,125 tracts, the aggregate of 4,250,000 acres of land required in 1848 for actual use and settlement. This is the theory: If it be correct, it will not vary very largely from the sale of public lands, when there is no speculative fever to create a false demand. Let us see how they correspond.

We find the entries of public lands in 1848 to be thus:

Sold by the Government	1,887,553	acres.
Mexican War Warrants entered	2,288,950	"
State selections under the act of 1841	378,058	"
Improvement of Rivers, &c.	321,188	"
Choctaw Certificates	57,240	"
Total acres entered	4,933,009	

Deducting from this total the State and Internal Improvement selections, and we have 4,233,763 acres entered for use and settlement, almost the very same amount we had arrived at by the theory of increasing population!

The increase of land entries, in the three years prior to 1849, were as follows:

Land entered in 1846	2,904,637	acres.
" " 1847	3,296,404	"
" " 1848	4,933,009	"

This increase is very large; but it must be recollected that in these three years emigration was immensely increased by the European famine of 1846. The emigration in these three years exceeded, by 350,000 persons, what it would have been under the former proportions. This number of emigrants would require about 3,500,000 acres; so that, if the fluctuations occasioned by foreign emigration were left out of view, the actual increase of the sales of public lands would be found to proceed exactly in proportion to the increase of population at home.

There are two disturbing causes of the irregularity in the amount of land sold. These are speculation and emigration. The latter we know, and can estimate exactly; but the former (speculation) we may anticipate, whenever the paper currency is largely increased; but we cannot tell exactly its effect. In 1835, 1836, and 1837 a most enormous speculation in public lands occurred. Many of the highest official officers of the Government were involved in it, and few speculative bubbles have ever exceeded that in extent and power. Full twenty millions of acres were in those three years taken by speculators alone. The consequence was that for the next five years the sales of public land greatly fell off. By 1845, however, the sales had got into the ordinary channel, and since then have regularly increased. The sales of 1849-50 will be about five millions of acres per annum.

We can easily form an idea, from the above data of the rate, at what time the lands of new States will be occupied and settled.

The State of Ohio contains about twenty-five millions of acres. The annual sales of public lands is five millions. Consequently the sales of public lands amount to the whole surface of the State of Ohio each five years. In ten years, then, two new States would be entirely occupied by settlements, provided the lands were all arable. But they are not. We must allow full one-third even of the best States for non-occupation in the first generation, by reason of inferior soils. The conclusion of the whole, then, is that the people of the United States actually progress, in the purchase, settlement, and occupation of new lands, at the rate of THREE AVERAGE-SIZED STATES IN EACH TEN YEARS.—Cincinnati Chronicle and Atlas.

CENTRAL GERMANY.

FRANKFORT, Dec. 20.—The Archduke John's resignation of his office as Regent of Germany has at last taken place. The following is a translation of the protocol of this important transaction:

"Done at Frankfort, in the palace of his Imperial Highness the Archduke and Regent John, this day, the 20th day of December, 1849.

"Whereas his Imperial Highness the Archduke and Regent John has repeatedly expressed a wish to be enabled to resign the office of Regent of Germany; and whereas certain negotiations for the creation of another organ of federal and central government between the respective Governments of Prussia and Austria; and the German Governments having notified their adhesion to the said convention, and his Majesty the King of Prussia having appointed his Lieutenant-General (Baron Radowitz) and his President (Dr. Böttcher), and his Majesty the Emperor of Austria having likewise appointed Charles Faron and the Field-Marshal-Lieutenant Charles Baron Schönhaus, to act as members of the Federal Commission as created by virtue of the convention aforesaid; and the said Commissioners having been identified by an examination of their respective warrants, his Imperial Highness the Archduke and Regent John has invited the said Commissioners to receive and to testify to his resignation."

Dr. Mettenius acted as clerk to the Commission.

At 1 o'clock p. m. on the 20th of December his Imperial Highness the Archduke Regent entered the Council-room, accompanied by the gentlemen forming his Cabinet, viz. the President of the Cabinet and Secretary at War, Prince Sain-Witzenstein-Berleburg; the Minister of Foreign Affairs and First Lord of the Admiralty, Mr. Jochmus; the Minister of Justice, of Home Affairs, and of Commerce, Mr. Detmold; and the Minister of Finance, Mr. Merk. Whereupon the Commissioners of the two Governments produced the convention which was concluded between the Governments of Prussia and Austria on the 30th of September, together with the declaration of adhesion of the German Governments, excepting the Governments of Oldenburg (although there is a promise of assent) and of Luxemburg; the adhesion of the King of Holland, who has declared his adhesion to the convention of Luxemburg, being presupposed for his Duchy of Luxemburg.

These documents and the warrants of the said Commissioners are added to the minutes.

His Imperial Highness the Archduke and Regent condescended to make the following declaration:

"Gentlemen: You are aware that I have long wished to resign my office. But since when I took that office the Federal Diet pronounced its own dissolution, and since the National Assembly followed its example at a later period, I saw that I could not yield to my inclination without breaking the bonds which contain the German States, thereby surrendering Germany to danger and to all but ruin.

"My duties compelled me to remain until another organ of my power were created. That moment is come. The two bearers of the German National Assembly. My feelings compel me to give my sincerest thanks to them for their co-operation and assistance.

"The National Assembly exists no longer. That Assembly hastened on its own end by overstepping its legal limits, and by making the widest strides in a false direction at a time when the course of events was such that the slightest deviation from the legal side of the question must necessarily lead to certain ruin.

"The decline and fall of the National Assembly is a lesson to the German people. It shows that there is but one way for our Constitution—the way of calm and intrepid progress, and of conscientious respect for justice and law.

"After the dissolution of the National Assembly, I could resign my office only to the totality of the German Government, Prussia and Austria and Prussia have concluded a provisional convention, which the other members of the Confederation thought proper to accept.

"Pursuant to my eventual consent, which I gave on the 6th of October, and according to paragraph seven of the said convention, I resign my office as Regent, and I resign the rights and duties of the Confederation into the hands of their Majesties of Austria and Prussia.

"I have the consciousness of having faithfully labored to exercise my power for the glory and the welfare of the country.

"Success has not yet crowned the endeavor to surround that country with other constitutional bonds, to ensure and strengthen its greatness and power. But the old bonds are preserved, and peace is secured. But I shall not be able to look with pleasure on the time of my administration until the futurity of the country is secured by a more lasting union. But my cares on the subject of that union are lightened now that I see the subject under protection of two of the most powerful among the German Governments. If these two will act in harmony, if they will cleave to their right, and thus lead the way, the other Governments may safely follow them as their leaders, and success will crown the work.

"May Germany profit by experience, and may her fate, by the assistance of Almighty God, be brought to a prosperous issue by the harmony and the patriotism of the German Princes, and by the good spirit of the nation."

After his Imperial Highness had finished his speech, the Austrian Privy Councillor, Baron Kubek, replied to it by thanking his Highness for the intrepid manner in which the Archduke had executed the important functions of his office during a time of unparalleled danger; and the proceedings being thus terminated, the records of the transaction were signed by the following persons: Archduke John, Wittgenstein, Jochmus, Detmold, Merk, Kubek-Kubau, (Austrian Commissioner,) Schonhaus, (Austrian Commissioner,) Radowitz, (Prussian Commissioner,) Dr. Böttcher, Prussian Commissioner.

OUR PUBLIC LANDS. An Eloquent Plea for the Immigrant. A LIBERAL POLICY.

[] It is known to the reader that several propositions are now before Congress, having in view the distribution of our public lands to immigrants and others, on terms so reasonable, as to give a new impulse to settlement in the Far West, and induce thousands, and tens of thousands, of hardy pioneers to locate in that promising and fertile section of the Union. Three views of the subject have been urged—first, that the land should be thrown open to the poor of our own and all other countries—second, that grants should be made for the benefit of the oppressed and down-trodden of Hungary and for all other political exiles—and third, that such a liberal policy would be unfair towards the old settlers—men who have paid for the lands and have redeemed them from the wilderness. The subject will soon come up in both Houses of Congress in all its bearings inasmuch as propositions have been, or are about to be submitted by Messrs Webster, Houston, and Seward, in the Senate; and by Mr. Moore in the House. It is, therefore, that the following views from the pen of one of our most distinguished citizens will be read with more than ordinary interest. The article is at once argumentative, eloquent and liberal. It un- effect, must speedily make the Western wilderness teem with the busy hives of human industry and intelligence. The picture is, indeed, a glowing one, and calculated to inspire the most ennobling feelings as to our mission as a Republic and a people:

"As early as March 1st, 1781, the United States, in the infancy of the republic, became the proprietor of a large landed domain. The State of New York having limited and restricted for itself a territorial extent, which has in resources, population and power, become an empire, ceded, transferred,

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and forever relinquished, "to and for the only use and benefit of such of the States as are or shall become parties to the articles of confederation, all the right, title, interest, jurisdiction, and claim, of the State of New York, to all lands and territories to the northward and westward of the boundaries to which the said State is in manner aforesaid limited and restricted, and to be granted, disposed of, and appropriated in such manner only as the Congress of the said United or Confederated States shall order and direct." Various grants, for which the one quoted was an example, from other States followed in due course. The domain became immense. It is not our design to enter further into the terms of these various appropriations, or to discuss the somewhat delicate questions which have from time to time arisen as to the precise or primary objects to which the products of these vast regions, uncultivated and unoccupied, shall be applied. Our present wish is to exhibit the opportunities which they afford in the simple exercise of a power of disposition, which is altogether indisputable, to pursue a course of the most magnificent policy and unbounded benevolence, that ever came within the reach of any nation. If the five millions, which were found hoarded in the vaults of the Tuilleries on the downfall of Napoleon, had amounted to five hundred millions, they would have been insignificant as a source of public bounty, compared to the treasure of broad acres belonging to our government. Money is of doubtful value as a possession. As a gift it is always perilous and often corrupting and pernicious. When man received his first great blessing from a wise and bountiful Creator, it was in the shape of luxuriant fields of earth, redolent with fragrance and of boundless fertility. He received them with the instruction to dress them and keep them. From the earliest history of the race, accordingly, it has been the most useful and honorable of occupations to subdue and till the earth. What may not be the destinies of a nation which has the power and the possessions to give employment and happiness without risk of failure, and without danger of perversion to any but virtuous purposes, to the cultivators of a soil sufficiently extensive to sustain half the existing population of mankind!

The statistics of the year 1844 are before us. It appears that there were then one hundred and twenty-seven millions seven hundred and twenty-four thousand and forty-six acres of unsold public lands in the market, exclusive of courses of land surveyed, not yet ordered to be sold, and land yet to be surveyed. These broad acres are in the limits of twelve flourishing commonwealths, whose advanced condition of settlement and improvement would be a pledge of security to the most morbid fears, lest the industrious occupant should explore a wilderness. Among those States with public land still so abundant were Missouri, Indiana, Illinois and Ohio, the first named having no less than eighteen millions of acres of the character above described actually inviting the industrious to take possession of them. What mighty additions have been made to this domain within the last five years, can scarcely be estimated. They would lag behind truth in an arithmetic which would attempt to compute new and unexplored territories, bounded by distant oceans, and calculated as yet only by those gigantic denomina-

tions which, as degrees of latitude and longitude, measure the circumference of the globe.

It has been the policy of the government to dispense these freeholds with a liberal hand. After an exposure to sale, in many respects nominal, they are bestowed at minimum prices, which reduce the cost of what elsewhere might be regarded as a principality, far below the expense of reaching it with the incumbrances of a household. Considerable sums in the apparent aggregate have been received from the sales of public lands in the course of years. Yet, a comparison with the expenditure required for the care and management of them, and a comparison of the intrinsic value with the amount actually received, will indicate how far the object of profit or emolument has been from consideration. The same principles have governed which were avowed and carried out by the benevolent founder and first proprietary of Pennsylvania, with his grants from the crown and purchases from the Indians. Colonization and philanthropy, a diffusion of the light of knowledge, divine and human, mutual intercourse and commerce between distant places, a development of resources boundless and otherwise inaccessible—these are the primary motives which have influenced the course of governments, of which the greatest possible attainment of human happiness has been the aim, and the elevation and ability for self control of the people have been the essential and vital principles.

The present condition of the European world affords an opportunity for carrying this benevolent policy a large step farther. Empires long sustained in unnatural positions by the iron hand of despotism, are falling into ruins, or exposed to still more rigorous restraints and grievous burdens. Tyranny has broken out afresh, and threatened life and property along with liberty. Safety in the calm of despotism, is no longer even a melancholy refuge. Submission ceases to be a passive virtue. The rage of infuriated parasites is aroused to gratify an unfeeling master, and it falls on the head of innocence and patriotism, in mere wantonness of cruelty. Nothing in many places is left, but retreat from power which ceases to protect, and seems to be exercised only to torture, to trample on, and to destroy. Happily, there is an ark of safety on these hospitable shores.

It is a fortunate circumstance that the individuals who are likely to seek this world of freedom are in many respects of congenial character. A Caucasian family can at all times sit down together. A few short years of useful intercourse would render the different individuals of kindred races friendly and affectionate towards each other. An innate love of freedom which has been repressed for ages would find an atmosphere to warm it into new life, and associations by which it should be cherished and regulated. Good will and good offices would grow up together, and the intermingling of varying and yet analogous habits and pursuits, would give to each a means of self examination and improvement, and the universal weal would be promoted in the advancement of personal comfort and a humane contribution to individual enjoyment.

With many countries an increase of population might be far from desirable. Distress, disease and famine would ensue, if crowded ships were to pour their daily contributions of impoverished but hardy and industrious emigrants, into already over-peopled

regions, Hindostan and China—Switzerland and Ireland, could not sustain the supply. Infanticide—exposure of the aged,—misery,—crime and premature death,—would mark the footsteps of the encroaching foreigner. No such danger threatens our boundless territory. Centuries on centuries must elapse before the growth of domestic population, augmented by the greatest possible reinforcement of its numbers from abroad, can cause the slightest fear of disproportion to a smiling and ever productive soil. Nothing but an abuse of blessings can be productive of any such calamity. Let the hardy emigrant stop in crowded cities and indulge in vices which he may readily discover there, and his energy, like that of Samson, may not merely perish, but may be succeeded by degradation and shame.

The pure air, and the no less pure habits that await the willing seeker of them, beyond the influences of a city residence, are the true protection and the certain welcome of the stranger. Why should he remain in idleness and exposed to evil companionship? Waste of money if he has it, of strength if he is poor, of good habits, of good morals, if they have accompanied him to the Western shores—an omission to find enjoyments which await his search, all will be the fatal and almost inevitable consequences of lingering on the brink of dissipation, and in the dangers to which idleness is generally the prey.

It is in the power of the Government to extend its benevolent policy one degree beyond its present habitual limit. If lands were allotted to emigrants without even asking the usual moderate price for them, the inducement would be strengthened and the means greatly facilitated to obtain them. This has been occasionally resorted to even where the reasons were far less powerful. Places might be selected so as to accomplish the double object of providing for the honest stranger and making him a coadjutor with the native pioneer, without the slightest interference with each other. Emulous of their respective settlements, both would profit by examples which would be alike politic and generous, self-sustaining and benevolent.

The Constitution of the United States holds as a fundamental principal the doctrine of what is called familiarly immigration. Laws have been passed accordingly for naturalizing foreigners. The terms are easy and the time of probation is short. Five years residence, good moral character, a renunciation of all foreign allegiance, attachment to the principles of the Constitution of the United States, a disposition towards the good order of the same, and a previous solemn and recorded declaration of intention thus carried into effect, are all the prerequisites. After the privileges of citizenship are attained, he must be freer than freedom itself who does not enjoy them. An invitation so broad, so liberal, so hospitable, requires nothing but a welcome as large and effectual. It may be maintained in the access, without cost, under certain regulations as to place, number of applications, non-interference with the public domain, &c., to portions of the public domain. Both parties would be the gainers. The government would find new supporters by its enlarged principles of philanthropy and republicanism. The

emigrant would find what was well described by a British writer, a good while ago, in language which we cheerfully adopt in conclusion: "An unexplored world opening to mankind its interminable solitudes, where the most daring wantonness of speculation might roam without restraint, the most boundless activity might tire itself into lameness, the most burning passions and fevered recollections might gradually be charmed away by the change of scene, or tranquilized by the surrounding stillness."

[COMMUNICATED.]
The Revenue Cutter Service.

Messrs. Editors—There seems to be a disposition on the part of several members of Congress to reduce the number of vessels employed in the Revenue Cutter Service, to eight; and some are of the opinion that the services of these vessels can be dispensed with altogether.

The following editorial article, taken from the Boston Mercantile Journal, is from the pen of Captain John L. Sleeper, editor of that paper.

Capt. Sleeper is intimately acquainted with the benefits arising from keeping the Cutters cruising in the winter season, independent of their general duties, and any remarks from that gentleman are entitled to respectful consideration.

The opposition to the service arises principally, no doubt, from the enormous expenditures charged to the Revenue vessels, when in fact a great proportion of these expenditures should be charged to another branch of the Government service.

When Congress comes to be informed of the true state of the case, we have no doubt, nothing but almost necessary inducements to reduce the Revenue Cutter Service.

From ex doc. No. 30, 1st Sess. 30th Cong. it appears that 89 vessels were found at sea, in distress, during the winter of 1846, and brought into port by these small Revenue Cutters, of about 100 tons burthen. At this time thirteen Cutters were at their stations.

Estimating the value of each vessel at the moderate sum of \$20,000 each, says the report, and the cargoes at the same amount, we have property valued at \$3,560,000, in eminent peril at sea, (vessels in distress) and brought into port, by the timely aid of these Revenue Cutters.

Duties are collected sufficient, says the report, from property so assisted into port, to pay the whole expense of the service.

A MERCHANT.

[From the Boston Journal, of Jan. 17.]
THE REVENUE MARINE SERVICE.—We notice that Senator Davis, of Mississippi, in the course of the discussion in relation to suspending the operations of the bill limiting the expense of collecting the revenue, denounced the revenue cutter service as unjustified by dispensing with it, "for our people are morally opposed to smuggling." This remark is one of some significance, as it indicates that an attempt will be made by members of Congress who are totally ignorant of the vast benefits which result from this service, to dispense with the services of revenue cutters altogether. The attention of the mercantile community has been awakened to this subject by the recent order of the Secretary of the Treasury, relieving us from the injudicious act limiting the expenditures for collecting the revenue; and we believe we speak the unanimous feelings of the mercantile community, when we say that the laying up of the cutters is regarded as an act, which, if carried out, will prove highly detrimental to the interests of commerce and navigation.

The services rendered by the revenue cutters at all seasons of the year far transcend in value the expense which the system entails upon the public treasury. Indeed, we think no person who is thoroughly

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acquainted with the character of those services, will for a moment weigh their pecuniary cost against the results which are obtained. A few brief remarks in relation to these services will enable our readers to form an opinion of their value to the Government and to the mercantile community.

The legitimate object of the revenue service is the prevention of smuggling. But as the services are paid for out of the revenue derived from the customs the importance of rendering those services available to commerce in every feasible manner, has at least of late years, been fully recognised. In furtherance of this object a duty has been imposed upon the officers of the revenue service which far transcends, in importance that for the performance of which the service was originally established. We allude to the relief of vessels in distress. It has been customary for the cutters during the winter months, to cruise upon our coast, with ample supplies for the relief of vessels which, during that rigorous season, are disabled by the prevailing gales, by the extreme cold, or by other causes. We will not speak of the arduous and even dangerous nature of the duties which are thus rendered by the officers and crews of the cutters, for every one acquainted with the perils of a cruise on a rock bound, wintry coast, can form an idea of their magnitude. But the results of these services, in the saving of life as well as of property, we can safely say are of incalculable value.

We have been informed on good authority, that the revenue cutter Hamilton, at this port, has, within the last dozen years, afforded substantial relief in almost every conceivable form, to not far from two hundred vessels in distress, the moiety of which, at least, would probably have been lost, had it not been for the assistance thus received. The amount of property which has thus been placed out of danger, it is safe to estimate at between \$3,000,000 and 6,000,000, not to mention the many valuable lives which would also have been lost had not prompt relief been afforded by the Hamilton. Of this amount, a large proportion has been saved to the government in the duties accruing on the goods thus preserved from wreck—an item of no small importance in calculating the expense of the revenue cutter service. We think no one who has experienced the sufferings and dangers incident to the navigation of our coast during the winter months, or who is interested in vessels which have been thus relieved, would hesitate to join in an earnest appeal to Congress for the continuance of a service of such inestimable value.

In the matter of preventing smuggling, the services of the revenue cutters are of much importance, and are greatly underrated. The remark of Senator Davis, that our people are morally opposed to smuggling, may be true to a certain extent, but it evinces a more confiding and liberal view of human nature than is warranted by experience. We believe there are to be found in every community, men who are ready to engage in any business, however disreputable, which promises great gains, provided there is a reasonable prospect of immunity from punishment. We should be glad to believe that our revenue would be secure, and that the honest importer would be

safe without the services of the revenue marine, but there are many circumstances which induce the belief that the revenue cutters now prevent much smuggling, and that were they withdrawn, this business would be systematically organized and carried on by unprincipled and mercenary individuals of this, and of other countries. We believe that it is only the knowledge that their movements are vigilantly watched by the cutter, that prevents the masters of many of the numerous little schooners which visit this port from the British provinces, from smuggling to a large extent. As it is, they are frequently detected in violations of the revenue laws. It would be very easy for these vessels, were it not for the fear of being overhauled by the revenue cutter, to land goods at many points on the coast of Massachusetts and Maine, with a certainty of immunity from capture.

There are many other services performed by the revenue cutters, on the importance of which our limits will not permit us to enlarge. In the suppression of revolts, which are of common occurrence, the assistance of the officers and crews of the cutters is promptly rendered and often prevents serious consequences. We doubt whether the police have jurisdiction over outbreaks of this character, or whether the services thus rendered could be performed in a satisfactory and legal manner in any other way.

Again, the services of the officers of the revenue marine are almost indispensable to enforce the authority of the officers of the customs. An instance

in point occurred at this port not long since. A custom house officer attempted to board a British schooner, but was ordered off by the master, who, with a gun in hand, threatened to shoot the officer if he persisted in his attempt to board. A boat's crew from the cutter soon enforced the authority of the revenue officer, and arrested the belligerent captain. In this case, we doubt whether the police had jurisdiction in the premises, and had it not been for the assistance of the cutter, the affair would have caused much trouble to the collector. Where there no cutter on the station, it is fair to presume that scenes of this character would frequently occur.

There is another indispensable duty imposed upon the cutters, which would cost the government a considerable sum were it performed in any other way. We allude to the frequent cruises which are required to be made for the purpose of inspecting lighthouses and supplying them with stores and other necessaries. Were the revenue marine dispensed with the collectors would frequently be obliged to charter vessels to perform this duty, and it is well known that services of this nature performed for the government, are usually paid for at high rates. The services which the cutters occasionally render to science when surveys, soundings or other nautical investigations are required, are also of no little importance, and could be performed without their aid, only at great expense.

In short, we think that in whatever light the subject is viewed, the services of the revenue marine will be found to be indispensable. We are in favor of the most rigid economy in all branches of the public service, and are of opinion that a great saving may be effected in the expenditure for collecting the revenues; but we sincerely believe that if the revenue cutters are laid by and their crews discharged, the interests of the government and of the mercantile community will suffer to an extent in comparison with which the sum now expended upon this service will appear trivial indeed. We hope that measures will be immediately adopted to bring the subject before Congress, and that any and every attempt to deprive our commerce of the benefits of this branch of the public service will be promptly resisted.

Liability of Endorsers.

From the New York Legal Observer.

The decision of the case of the *Cuyaga County Bank vs. Ethan A. Warden and Franklin L. Griswold*, in the Court of Appeals, a report of which appeared in the April number of the *New York Legal Observer*, appears to have changed the law in this state in relation to the liability of endorsers, and overrules the case of *Remond v. Dwyer*, 23 Wendell, 620. In that case, the question was submitted to the jury, "whether the notice of protest was sufficient to apprise the defendant of the dishonor of the note"—or, in other words, "whether the notice conveyed to the mind of the defendant information that the identical note in question had been dishonored," and the jury found in the affirmative, yet the Court of Errors decided that the endorser was not holden. In that case the jury came to the same conclusion on the facts that the judge did who delivered the opinion in the Court of Appeals in the case of the *Bank vs. Warden & Griswold*, but the judgments pronounced are entirely different. We have then, two decisions, recently made by the court of final resort in this state, on the same conclusion of facts, standing in opposition to each other, and the question naturally presents itself to the profession, and the commercial community, which is correct. That two such distinguished and able jurists as Chancellor WALWORTH, and Judge JEWETT stand directly opposed to each other on the same state or conclusion of facts, certainly throws great doubt upon the question, and should cause any one who approaches the investigation of it, to do so with much hesitation and doubt.

The proposition is reduced to this—Does the liability of the endorser depend upon the state of his own mind, or upon the acts of the holder. Must the holder of an endorsed note give notice of the presentment and non-payment of the note in order to charge the endorser, or may the holder substitute in place of such notice, either in whole, or in part, the supposed knowledge or information of the endorser.

In the case of Remer vs. Downer, the point was distinctly met, and it was decided that the rights of the holder of endorsed paper to recover depended upon his own acts, and in the recent case in the Court of Appeals, the point appears to have been presented with equal clearness, and to have been directly passed upon by the court, for on examining the printed points in the State Library, it will be seen that the defendants' counsel contended, that "the plaintiff's right to recover did not depend on the mind or knowledge of the defendants as to whether the note was paid or not, but upon the fact whether the plaintiffs had performed the conditions on their part, on the performance of which, only, the defendants agreed to pay the note in question," while the plaintiff's counsel insisted, that "the notice of protest served on the defendants was a sufficient notice to charge them as endorsers of the note in question; because, they will be presumed to have known that this note for \$600 became due at the time mentioned in the notice, when the note intended to be referred to was protested," and the whole gravamen of the opinion is, to show, not that the plaintiffs gave the defendants notice of the dishonor of the note in question, but that the notice which they did give, when taken in connection with other facts, "conveyed to the mind of the defendants information that the identical note in question had been dishonored." It is no where pretended in the opinion that the acts of the plaintiffs were sufficient in and of themselves to charge the endorsers, but on the contrary thereof, it is the mind of the defendants, and that alone, which is looked at in the decision.

That such was once the rule in this state, by which the liability of endorsers were to be ascertained, is not denied; but was that the rule when the case of the Cayuga County Bank vs. Warden & Griswold was decided, and can it be sustained by sound and correct reasoning?

At the Jefferson county circuit, in June, 1841, before the case of Remer vs. Downer was reported, Judge GILDER, in an action of debt against an endorser, doubted the correctness of the rule, and thought the endorser was discharged, but he felt bound, under the decision of the Supreme Court in the case of The Ontario Bank vs. Petrie, Wendell, 456, to submit the question to the jury, whether the defendant had given the notice of protest "conveyed to the mind of the endorser information that the identical note in question had been dishonored," and whether the notice conveyed to the mind of the plaintiff was in the affirmative, and rendered a verdict for the plaintiffs. On a motion for a new trial, Broxson, Judge, is reported to have said, (2 Hill, 593,) that the recent decision in the Court of Errors, in the case of Remer vs. Downer, had shaken the former decisions of the Supreme Court, and rendered it necessary to consider the question upon principle, and a new trial was ordered.

It is proposed briefly to review the question, and present some considerations why the rule laid down in Remer vs. Downer and Ransom vs. Mack, should be followed hereafter, instead of the one laid down by Judge JEWETT in the case of the Cayuga County Bank vs. Warden & Griswold.

If it may be assumed as admitted, "that it is important to establish some fixed and certain rule as to what shall be a sufficient description of the note, in a notice of dishonor, so that the holders of negotiable paper, and those who are contingently liable for its payment upon the fault of the parties who are primarily liable, may know and understand their rights and duties in each particular case that may arise," then the rule laid down in Remer vs. Downer and Ransom vs. Mack is correct; but, that is one of the very questions in dispute, for if accessory facts may be taken into aid or help out a defective notice, then it follows as a matter of course, that the notice may vary according to the weaker or stronger; they shall be few or many, and the sufficiency of the notice is, in other words, the sufficiency of the notice is

not by any fixed or certain rule, as by comparing the note "intended to be referred to in the notice of dishonor," with the description contained of it in the notice served. In some cases the accessory facts may be so strong as to override entirely the notice given, and thus the notice, when taken in connection with those accessory facts, may convey to the mind of the endorser information of the identity of the note dishonored, although it should misdescribe the note as to the parties, amount, and every other particular, or should be a blank notice and not describe it at all.

If accessory facts may be used to aid, or help out, a defective notice, how far may they be used? It good in part, why not good in whole, and thus notice of presentment and non-payment to the endorsers be entirely dispensed with. If the mind of the defendant has any thing to do with his liability, it must be immaterial how that state of mind is produced, or that information conveyed to it, unless it can be maintained as good law and sound logic, that that state of mind must be produced, or that information conveyed to it, in a particular way—partly by the notice and partly by the accessory facts; but if that is the rule it defeats the other proposition, for then, the state of mind of the endorser, or the information conveyed to it, would not govern, but the mode or manner in which that state of mind was produced or information conveyed to it; and, perhaps the proportions which the notice and the accessory facts respectively had in producing that result.

It will be found on examination, that the rule laid down by Judge JEWETT, cannot be carried into active practice without producing the worst of consequences, not only to endorsers but to the holders of endorsed paper, by placing their right to recover, not within their own control and dependent upon their own acts, but by making their rights to depend on the "information which the notice conveys to the mind" of the endorser. It will not be contended, that the mind of the defendant may be looked to, to aid a recovery, and not to defeat one. If the plaintiff has a right to show what information a notice of dishonor conveys to the mind of the defendant, in order to ascertain whether it is a sufficient notice to charge him as an endorser, the defendant has, of course a right to rebut the evidence, and show that it did not convey such information to his mind. It follows then, conclusively, that if the mind of the defendant may be looked into in order to defeat a perfect one. The issues at the circuits will then be, not whether the holder has given notice of the dishonor of the note in question, but what information the notice served when taken in connection with the accessory facts in each particular case, conveyed to the mind of the defendant. Accessory facts will then be met by each endorser will become a legitimate and important subject of inquiry upon the trial of every cause. There is not a foreigner in the state, whether he be French or German, Jew or Gentile, who cannot defeat a recovery against him as an endorser, if he cannot read English, and that language is used in the notice of dishonor served, if the rule adopted in the case of the Cayuga County Bank against Warden & Griswold be correct.

The error of the rule cannot be better illustrated than by reference to the case under review.— Suppose on the re-trial of the cause ordered by the Court of Appeals, the defendants could show that one or both of them had been taken suddenly ill, and was in consequence thereof laboring on the third day of May, eighteen hundred and forty-five, under a temporary derangement, would it not be an impeachment of the integrity of the court to suppose that in such a case they of the court to suppose that in such a case they "who can doubt but that this notice did not convey to the mind of the defendants, information of the identity of the note dishonored." Do the rights of the holders of endorsed paper depend upon such contingencies? and if not, do the liabilities of the endorsers depend upon them?

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Take another illustration. The endorser lives in a country town where the mail is received but once a week, and the note is protested at the county seat on Monday after the mail has left, and the notice of it is deposited in the post-office directed to him, but which he will not receive by due course of mail until the next week on Monday; on Tuesday after the note is protested, it is sued, and on Wednesday the endorser is served with a summons and complaint, and that too, before he has received the notice, and before it has "conveyed any information to his mind." What then becomes of the reasoning of the judge in the case above referred to?

Who is to judge whether the note is correctly described in the notice of protest, the court or the defendant? In the case above referred to, the court undertakes to tell what kind of a judgment the defendants formed, and to substitute

that as the judgment of the court. It is a dangerous rule for deciding causes, and one by which the liability of defendants must vary according to the intelligence of each particular endorser.

But the most objectionable feature in the decision of the case of the Cayuga County Bank against Warden & Griswold, is, that it makes the terms and conditions of one independent contract, dependent upon the existence of other independent and separate contracts, and the terms and conditions of them, thus permitting the notice of the dishonor of one note to vary, as there are few or many other notes endorsed by the same defendants. It is entirely clear from the evidence and the opinion, that if Warden & Griswold had been endorsers of a three hundred dollar note, payable at the Cayuga County Bank, and falling due at or about the time the note in question did, although given to and held by someone, other than the bank, that the court would have held the notice of protest served, insufficient to charge them as endorsers of the note in question for six hundred dollars. Cannot the court tell, as a question of law, whether the notice correctly described the note in question, as well without knowing whether there were other notes endorsed by the defendants payable at the same bank as with?— Suppose there were other notes, how could that affect the question whether the note in suit was or was not correctly described in the notice of protest? The existence or non-existence of other contracts would not add one word, or dot an i or cross a t, in either the note or notice. How then could the existence of them, render a correct description less correct, or the want of them render an incorrect description less incorrect?— Would not the papers read the same in either case? If the notice does not describe the contract correctly when they do not exist, describe it correctly when they do exist.

Notices of protest may be verbal or written; if written, the question is upon the written notice, when compared with the note. If it describe the note correctly it is sufficient, whether the endorser understands it or not, and its sufficiency can be ascertained with the same certainty, that it can be ascertained at the circuit whether the note produced is the one described in the declaration or complaint, and as a question of law, the same rule should govern in the one case as in the other, and the same variance which should prevent a note being read in evidence in the one case, should prevent its being read in evidence in the other; and it would be as pertinent to inquire at the circuit on a question of variance or misdescription between the note produced and the one described in the declaration or complaint, or whether the defendant had made other notes, or what was the state and condition of his mind in order to ascertain whether such variance or misdescription existed, as for the purpose of ascertaining whether there is a misdescription between the note produced and the one described in the notice of protest.

Other and further reasons might be assigned in support of the views above expressed, but if what has been already stated, does not satisfy the understanding and convince the judgment, it is

not supposed that any further argument will; and the final disposition of the question must therefore be left to some future period when some one shall interpose his own ignorance and inability to understand and know what is meant or intended by a written notice of protest as a defence to a recovery, and then, and not till then, may we hope for a final settlement of the question, whether the right to recover depends upon the fact, whether the note is correctly described in the notice of protest, or whether it depends upon the information which the notice conveys to the mind of the defendant, when taken in connection with the peculiar accessory facts of each particular case.

Judge Jewett, however, compares the notice with the accessory facts and not with the note, in order to ascertain its sufficiency.