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THE  
UNITED STATES MAGAZINE

AND

DEMOCRATIC REVIEW.

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"THE BEST GOVERNMENT IS THAT WHICH GOVERNS LEAST."

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"THE GREATEST GOOD TO THE GREATEST NUMBER."

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VOL. XXV—No. CXXXVII.

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NOVEMBER, 1849.

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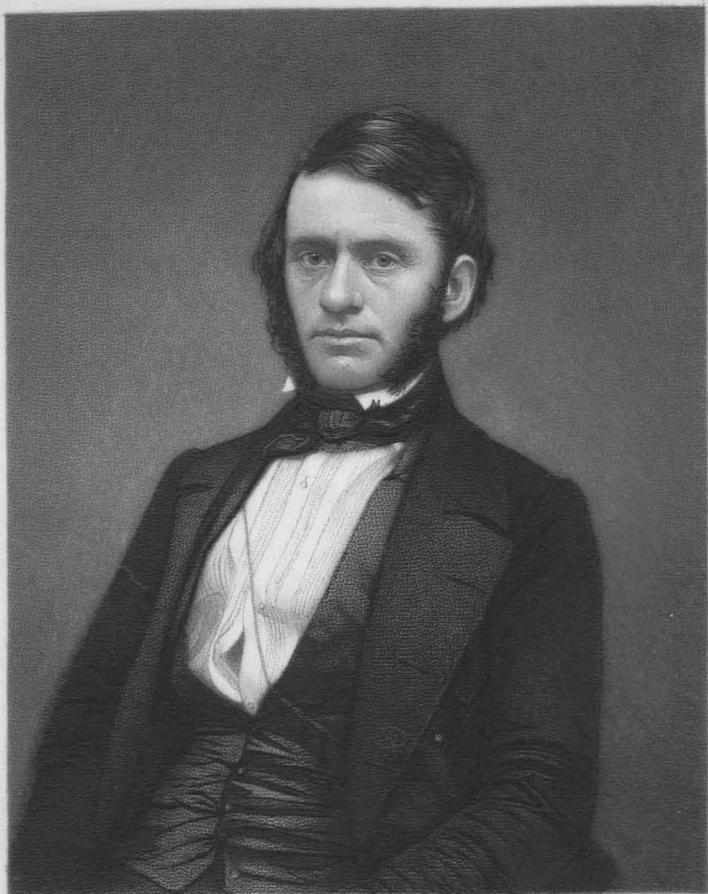
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*A. G. Brown*

MEMBER OF CONGRESS - MISSISSIPPI

THE  
UNITED STATES MAGAZINE,  
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DEMOCRATIC REVIEW.

Vol. XIV.

NOVEMBER, 1849.

No. CXXXIX

CAPITAL AND LABOR.

It has, of late years, become manifestly manifest, that in what are called civilized countries, the real progress of the human race is confined almost entirely to a small portion of the population. In precisely those countries which boast most of their refinement, and display the greatest wealth and power, exists the greatest ignorance and misery, and these affect the largest portion of the people. This arises from the aggressive nature of accumulated capital, the power of which is fearfully great, and against which production has no protection. The prodigious power of compound interest is well known, and when demonstrated by Mr. Price, at the close of the last century, was seized upon by Mr. Pitt, as the instrument which was to overcome the National Debt. It was shown, that a penny, put at compound interest, at the birth of the Saviour, would, in 1775, have equalled in value a mass of gold 1,500 times the weight of the globe. The vast lever of geometrical progression, which had so long and so severely pressed upon debtors, he determined to employ against creditors, and would have succeeded, but for the subsequent enormous expenditure incurred for war purposes. Sinking funds, on the principle of compound interest, are now established in many of the states, and the extinguishment of debt by their operation is mathematically demonstrated. Realized capital in the hands of individuals is always at compound interest, and carefully employed, with all the skill and perseverance of its shrewd possessors, is continually eating into the national production at the expense of the producer. Thus, in the United States, if we estimate that there are \$300,000,000 at interest, at 5 per cent., the product will be \$15,000,000. This sum represents what is paid by producers of wealth to owners of capital. If one-half of this is reinvested, then labor pays \$270,000 interest for the use of what it had produced the year before. Production cannot keep pace with this enormous progress of capital; and the pressure upon industry increases annually with the increase of wealth.

Hence, although the greater the amount of realized capital in a country,



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It has, of late years, become unmistakeably manifest, that in what are called civilized countries, the real progress of the human race is confined almost entirely to a small portion of the population. In precisely those countries which boast most of their refinement, and display the greatest wealth and power, exists the greatest ignorance and misery, and these affect the largest portion of the people. This arises from the aggressive nature of accumulated capital, the power of which is fearfully great, and against which production has no protection. The prodigious power of compound interest is well known, and when demonstrated by Dr. Price, at the close of the last century, was seized upon by Mr. Pitt, as the instrument which was to overcome the National Debt. It was shown, that a penny, put at compound interest at the birth of the Saviour, would, in 1775, have equalled in value a mass of gold 1,800 times the weight of the globe. The vast lever of geometrical progression, which had so long and so severely pressed upon debtors, he determined to employ against creditors, and would have succeeded, but for the subsequent enormous expenditure incurred for war purposes. Sinking funds, on the principle of compound interest, are now established in many of the states, and the extinguishment of debt by their operation is mathematically demonstrated. Realized capital in the hands of individuals is always at compound interest, and carefully employed, with all the skill and perseverance of its shrewd possessors, is continually eating into the national production at the expense of the producer. Thus, in the United States, if we estimate that there are \$300,000,000 at interest, at 6 per cent., the product will be \$18,000,000. This sum represents what is paid by producers of wealth to owners of capital. If one-half of this is reinvested, then labor pays \$270,000 interest for the use of what it had produced the year before. Production cannot keep pace with this enormous progress of capital; and the pressure upon industry increases annually with the increase of wealth.

Hence, although the greater the amount of realized capital in a country,

the more wealthy it is supposed to be, yet it follows that the greater the aggregate of this wealth, the more oppressive does it become to the mass of producers. Thus, in the United States are 20,000,000 of people, of whom 5,000,000 are producers. If each of these owned a house, and supported himself and family by his labor, the aggregate wealth might be estimated at, say, \$5,000,000,000. This would none of it, however, draw a revenue; it would all be employed directly in reproduction—that is to say, in the support and maintenance of the producer; and his revenue would consist only of the surplus of his production above the wants of his family. As each would, in such a case, possess his own capital, few would incline to borrow that of others, and as few would be able to lend at a rent. This is mostly the case with the settlers on the new lands of the west. When, however, the lands and tenements are not the property of those who labor, but many of them are owned by one person, then a part of the proceeds of the labor of each occupier is given him for rent, and frequently this portion is so large as to leave scarcely sufficient in the hands of the producer for his own support. The recipient of these rents, however, has the means of a large expenditure, and he maintains with it a number of servants and horses, who produce nothing, and he contributes, also, to the support of actors and other unproductive professions; and these consume the wealth produced by the tenant laborers. Sometimes the proprietor of the lands is a manufacturer, and employs his means, not in the maintenance of unproductive dependants, but in supporting laborers, who produce more than an equivalent for his outlay—that is, he advances them a certain portion of wealth, on the condition that they produce for him a larger portion. He thus extracts from manufacturing laborers, in the shape of profits, a share of their production, as he does from the tenants a portion of theirs, in the shape of rent. Again, he may borrow of a third party capital to apply to these operations, for which he agrees to pay interest. The laborers have then to reproduce the capital, in addition to their own maintenance, together with a profit to the employer, and 6 per cent. to his creditor, both these latter producing nothing; if the interest and profit are not forthcoming, the maintenance of the laborer is first diminished as a means of swelling the profit. If these economise, and save their profits, their means of employing more labor increases, and, consequently, their own revenues swell in amount. The wealth in the employers' hands, and in the nation in the aggregate, is thus enhanced; but labor is only kept alive: its condition is not ameliorated, nor its prospects improved. If a man with \$50,000 capital starts a cotton mill, and employs 500 persons, these produce as much wealth as supports themselves, pays the interest of the capital, and yields, say 25 per cent. profit to the owner. This product, in four years, suffices to build another mill, thereby doubling the profits of the owner, while labor remains as before. One of the largest mill-owners of Lancashire remarked, in relation to the growth of the factories, that "the mills built each other." The effect of this operation in England was to draw people from other employments, mostly the production of food, and cause them to produce goods which are, for the most part, sent out of the country, and sold for other wealth, which returns not to the producer, but to the coffers of the mill-owner, and is frequently expended on unproductive classes. There is, however, a very large and increasing class of persons, in all countries, who possess

considerable amounts of wealth, on which the productive labor of the country pays a rent; and this rent is spent, not in employing labor, but unproductively. The effect of this is to dissipate the national wealth. If, then, all the land is owned by a certain number of persons, a considerable further number are possessed of stock and other property which draws largely upon the annual national production, and this revenue, not spent upon those who reproduce it, but upon mere consumers, a state of things arises, when the producers of the wealth have a right to complain, and to question the right of any class to draw upon the actual annual production, and to contribute nothing towards that production. The anti-rent agitation in New-York is allied to this principle, and much of the land in the western states is held in a questionable manner. Thus, when it was undertaken to organize the north-west territory, a law of Congress existed, authorizing persons to select large tracts of land, and hold them upon the payment of a small sum down. The lands were then worth absolutely nothing; but it was known that as soon as emigrants came in and applied labor to the soil, the value of the tracts would rise rapidly. The rise of value thus brought about by the labor of others, enabled holders to sell small slips to meet instalments on the purchase due to Congress, and finally immense tracts remained in possession of speculators, who had done nothing towards production but forestal laborers in the lands. These persons now draw large revenues from the labor of the tenants, and these latter have most assuredly cause of complaint. Some of the largest fortunes in New-York and other Atlantic cities have been created in the same manner; that is, the property by heritage has been held by non-producers, who obstinately retain possession, and raise the rent annually upon producers according to the exigencies of the latter, as manifest in their competition for possession. The land itself, in the hands of the owner, would be valueless but for the exertions of producers around him, who give it value, and from whom he exacts a rent proportioned to their success. By what just right did the queen of England confer upon Trinity church large tracts, upon Manhattan island, to hold in perpetuity? That land has swollen enormously in value through the labor of the increasing population upon the island, and these occupants are taxed annually to an exorbitant extent to pay a rent upon capital created by their own labor. In the countries of Europe where land is scarce in proportion to the population, as compared with the United States, this evil is of far greater magnitude; and when the owners of the land and of stock expend their rents upon unproductive laborers, the mass of productive operators encounter great difficulties in having neither land nor capital.

If the sums paid for rent and interest, and expended by the recipients in an unproductive manner, were retained by their producers, they would be employed in the further prosecution of productive industry; and while labor would thus find employment, the national wealth would not only be enhanced in the aggregate, but be far better distributed. The capitals of Europe and Great Britain everywhere present the manifestations of wealth drawn from the producers by taxes, interest and rents, and expended upon all classes of unproductive persons—the civil officers of government, the army and navy, the clergy, the actors, as well as the nobles and private gentry, with their followers and retainers, while the vast majority of the producers are in abject poverty. This results from the fact that the proceeds of the labor of the many is by various means, mostly through

the aid of laws, confiscated to the service of the few. It is, no doubt, the case frequently, that a frugal and skilful workman will, by saving his small gains, accumulate a fund which will enable him, in time, to employ others less provident and skilful than himself. As soon as he is able to do this his gains increase, because each of those whom he employs will produce more for him than the amount of capital he outlays for wages and materials, but in so doing he dissipates no part of the aggregate wealth; that is to say, all capital is consumed, but under his guidance no capital will be consumed unless in the production of a larger amount. On the other hand, the capital consumed by the landlord and stockholder, is completely dissipated and abstracted from the aggregate of the national wealth. Ireland presents a remarkable example of the destitution to which a people, naturally industrious and inhabiting a most fertile soil, may be reduced, by the constant absorption of the proceeds of their labor in the shape of rent, which is expended in unproductive employments. It is the policy of the English to ascribe the evils that afflict Ireland to the idleness of her people. This charge is made on the same principle on which persons were formerly imprisoned for debt. The man who owed money was locked up in a close cell until he earned the money to pay. The whole of Ireland's capital is dissipated in unproductive employments, and then the destitute laborers are charged with idleness! In the last fifty years, at least 1,500,000 of Irish have settled in the United States; and the exemplary industry of them and their descendants, making at least 3,000,000, gives the lie to their former oppressors. It is manifestly the case, that if the large sums extracted annually from Ireland had remained in the hands of the producers, the native industry would have been developed, and the aggregate wealth of the nation would have equalled that of any other. The public mind of Europe has begun dimly to discern the cause of the evil, and busy minds are groping in the dark, seeking the path which the ray of truth is not yet sufficiently strong to illumine.

In the United States, from the first settlement of the country, the associative principle, in its practical and correct sense, has been strongly developed, and is each year progressive, producing new and more effective combinations and more satisfactory results. It has however to contend with the growing evil of swelling capital and more exorbitant rents. The very prosperity which the associative principle, under our free institutions, develops, enhances the rent of lands and swells the number of non-producing consumers, as well as their demands upon the proceeds of labor. This manifests itself in the increasing poverty of the lower class of citizens and in the splendor of the rich. A few years since a colonist, with £500 capital, was thought rich, while few persons really destitute could be found. Fortunes of \$1,000,000 are now not rare, and some reach \$20,000,000, while thousands of starving beggars through the streets and crowd the public charities. In France many theories of reform have been projected as a remedy for existing abuses; but all these are the emanations of feeble and inexperienced minds, brought up under the licentious immorality and irreligion that, distinguishing with infamy the court of Louis XV., descended through all ranks, until, at the revolution of 1793, republicanism was smothered amid the demoralization of the people. Against this demoralization republicanism has vainly struggled to the present time, and has again been defeated, because identified with infidelity, bad faith, and licentiousness of all kinds. Republicanism can

exist only amid a virtuous people. History shows that demoralization universally preceded the loss of liberty. How then, in our day, can barefaced infidelity, the wildest licentiousness, and the most infamous treachery, be supposed to contain the germs of the republican virtues?

Two sound principles have, however, been enunciated amid the filth and follies of the French reformers. These have been so closely interwoven with the absurd and wicked dogmas of all branches of the socialists, as to have been regarded with peculiar horror even by those who have human progress most at heart. So infamous are the men, and so exaggerated and bombastic their blasphemous language, that the plainest and soundest principles, enunciated by them, have an aspect that inspires horror, and repulses the inquirer by the hideousness that surrounds them. The declaration of the French socialists of the *droit au travail*, or "right to labor," that is, of an obligation on society to find work and wages for all persons willing and able to work, who cannot procure employment for themselves, was of this nature. The right of all to labor for sustenance is the most manifest of moral truths, and yet the revolting immorality of the socialists, and the hideous licentiousness with which they connected this indisputable right, caused it to perish for the moment. The system of "riding" bills, or passing an obnoxious measure by connecting it with one of imperative necessity, is well known to most of our legislators, and this seems to have been the tactics of the socialists. They put forward an obvious principle which, when seized and dragged forward by public opinion, is followed by a long train of impious and disgusting propositions.

It follows from our previous propositions that if capital, through the agency of rents, interest, and taxes, is diverted unjustly from the maintenance of productive labor, and made to pamper the luxury of a few in unproductive employments, that labor has a right to complain, and to insist that it shall be restored to its legitimate purpose of supporting labor. So just and obvious is this "right to labor," that, after ages of experiment, it finally forced itself upon the British government in the reign of Elizabeth, and for two centuries and a half the statutes of England have recognised the "right to labor," and of the obligation of the government to find employ or sustenance for all who apply. Under this system, \$45,000,000 are expended annually in 15,000 parishes, in support of poor and in wages for those who can work. The provisional government of France in February, 1848, simply copied this poor law principle which had existed 250 years in England, and recognised it as a principle. Yet it roused the indignation and contempt of almost all classes in all countries, simply from the extraordinary and dangerous results that the socialists sought to draw from it, and the clause was defeated in the Constituent Assembly, 596 to 187. A long course of bad government in France had reduced vast numbers to beggary. Similar causes had produced similar results in Ireland. In England, as we have said, the operation of the "right to labor," at an expense of \$45,000,000, covered up the evil. The English government, however, employed 740,000 Irish upon public works, at an expense of \$40,000,000 in time of famine, and the provisional government of France, in time of revolution, employed 200,000 in a similar manner, at an expense of \$25,000,000. These were temporary examples of that system which has for centuries prevailed in England.\* It may be interesting here to sketch the progress of the English poor laws.

\* The poor laws went into operation in Ireland first in 1840, and in 1846, before the famine, the number of paupers reached 243,000, and the expense per annum £435,000.

In the earlier stages of English society the religious houses were the chief means by which the poor were relieved, and the pretence of affording relief was that most urged upon the wealthy to induce them to endow the religious houses with their funds, and these ultimately reached a magnitude which wrought out their destruction. This simple mode of relief was closely associated with religious feeling, but greatly promoted a wandering and vagrant life. This became a great evil of itself; and when the religious houses were suppressed at the era of Henry VIII., it became necessary to suppress this growing vagrancy, and to that end the system of *compulsory charity* was introduced by law, 1536, the motive being the desire of repressing vagrancy. It recites a preceding act, and adds, that no provision is made for the support of the impotent, nor for setting and keeping in work the said valiant beggars; and then enacts, that the head officers of every city, shire, town, and parish, to which such poor creatures or sturdy vagabonds shall repair in obedience to that act, shall most charitably receive the same, and shall keep the same poor people, by way of voluntary and charitable alms, within the respective cities, shires, towns, hundreds, hamlets, and parishes, by their discretion, so that none of them of very necessity shall be compelled to beg openly, and shall compel the said sturdy vagabonds and valiant beggars to be kept to continual labor in such wise as they may get their own living by the continual labor of their own hands, on pain that every *parish* making default shall forfeit 20s. a month. It then directs the head officers of corporate towns, and the church-wardens and two others of every parish, who are to remain in office only one year, to collect voluntary alms for the purpose of relieving the impotent poor, and that such as be lusty be kept to continual labor. Every preacher, parson, vicar and curate, as well in their sermons, collections, bidding of the beads, as in the time of confession, and making of wills, is to exhort, move, stir, and provoke people to be liberal for the relief of the impotent, and setting and keeping to work the said sturdy vagabonds.

The punishment by this act for continuing to beg, was whipping for the first offence, cropping the ears for the second, and on the third conviction, *death* as a felon was inflicted. It appears that the severity of this act prevented its execution: such, at least, is the reason assigned for its repeal by the 1 Edw. 6. c. 3. (1547,) which recites, that partly by foolish pity and mercy of them which should have seen the said goodly laws executed, and partly from the perverse nature and long-accustomed idleness of the persons given to loitering, the said goodly statutes have had small effect, and idle and vagabond persons, being unprofitable members, or rather enemies of the commonwealth, have been suffered to remain and increase, and yet so do: and, as a milder punishment, enacts, that an able-bodied person who does not apply himself to some honest labor, or offer to serve even for meat and drink, if nothing more is to be obtained, shall be taken for a vagabond, branded on the shoulder with the letter V, and adjudged a slave for two years to any person who shall demand him, to be fed on bread and water and refuse meat, and caused to work by beating, chaining, or otherwise. If he run away within that period, he is to be branded on the cheek with the letter S, and adjudged a slave for life; if he run away again, he is to suffer death as a felon. If no man demand such loiterer, he is to be sent to the place where he says he was born, there to be kept in chains or otherwise, at the highways or common work,

or from man to man, as the slave of the corporation or inhabitants of the city, town, or village in which he was born; and the said city, town, or village shall see the said slave set to work, and not live idly, upon pain, for every three working days, that the slave live idly by their default; that a city forfeit £5, a borough 40s., and a town or village 20s., half to the king and half to the informer. If it appear that he was not born in the place of which he described himself as a native, he was to be branded on the face, and be a slave for life.

The statute also orders the curate of each parish, every Sunday after reading the Gospel, to exhort his parishioners to remember the duty of Christian charity in relieving them which be their brethren in Christ, *born in the same parish*, and needing their help.

These severe laws continued, with very little effect, in operation down to the time of Elizabeth, and the principle they embodied was, that a tax should be enforced *for the prevention of vagrancy*. In 1601, the famous 43 Elizabeth was enacted, and it embodied the present system, recognising the "right to labor." This act has been succeeded by numberless laws regulating its details; and although in 1834 many of them were repealed, there still remain 118 statutes regulating relief to the poor. The confining of the poor to certain localities or parishes where they belonged, and compelling the people of those parishes to support the impotent, and find work or wages for the able-bodied, as their right, were the great objects attained by the law; but many abuses from time to time crept in. Thus, the paupers would seek to be settled in the richest parishes where they would find the best free quarters; and in 1662, the following law was passed:—

"Whereas, by reason of some defects in the law, poor people are not restrained from going from one parish to another, and therefore *do endeavor to settle themselves* in those parishes where there is the best stock; the largest commons or wastes to build cottages; and the most woods for them to burn and destroy; and when they have consumed it, then to another parish: and at last become rogues and vagabonds, to the great discouragement of parishes to provide stocks, where it is liable to be devoured by strangers:"

And it proceeds to enact provisions *for the removal of persons so coming to settle* within forty days after their arrival, unless they have taken a tenement of the yearly value of £10.

The evil of vagrancy was becoming checked, and a new one engendered by these laws, viz: *permanent pauperism*. Well-settled paupers were not disposed to move, and when manufacturing industry developed itself in many counties, laborers were restrained by the poor laws from going to seek it, and as early as 1697 an attempt to remedy it was made by a law. It recites, that,

"Forasmuch as many poor persons chargeable to the place where they did live, merely for want of work, would in any other place, where sufficient employment is to be had, maintain themselves and families without being burthensome to any parish; but not being able to give such security" (against their becoming chargeable) "as will or may be expected or required, they are for the most part confined to live in their own parishes, and not permitted to inhabit elsewhere, though their labor is wanted in many other places, where the increase of manufactures would employ more hands."

This evil, though an attempt was made to remedy it in this statute, by making the parish from which the party went, liable to maintain him, if necessary, where he might reside, and numerous other attempts had been made with the same object, remained in full operation until the passing of the Poor Law Amendment Act; and is only now in course of reduction by aid afforded under that act to the migration of laborers to places where their labor is wanted, and where the increase of manufactures would employ more hands.

In 1723 a new principle was introduced, by enabling parishes to provide a workhouse, where the pauper *could receive wages for work, which, if he refused, he was not entitled to relief.* The administration of the law was placed in the hands of guardians, elected annually by the rate payers. An able English writer remarks:

“These principles seem to have taken a strong hold on the public mind, and at length to have led to a very general belief, that by a combination of several parishes, and a concentration of their poor in one large building, the paupers might, if systematically employed, be not only better and more economically kept, but might even be made *profitable.* This visionary scheme was elaborately propounded by a member of parliament named Gilbert, who seems to have procured a great number of adherents. He at length brought in the act, 22 Geo. 3, c. 83 (1782.) known as ‘Gilbert’s Act,’ which, although it does not openly profess the speculative views of its promoters, carries much internal evidence of the design in which it originated, and departs so widely from the sound principles of the statute of Eliz., and of the 9 Geo. 1, c. 7., that instead of rendering the workhouse a means of employing able-bodied paupers, and thereby deterring them from habits of pauperism by rendering their state less eligible than one of independence, it reverses the principle, and in fact provides, that the able-bodied shall not be required to enter the house, and proceeds to the absurd extent of *throwing on the guardian* the duty of finding work near their own house for such applicants as profess to be able and willing to labor, but are unable to get employment, and of *making up any supposed deficiency of wages out of the poor rates;* thus rendering this class of persons wholly independent of any motive to procure or keep work by their good character or conduct, and free from all restraint in the mode in which they receive relief, which they are enabled to demand and receive, as if it were the produce of their independent industry.”

The policy embodied in Gilbert’s Act was further carried out in “East’s Act,” 1815. This was somewhat modified in 1819, by an act which enables parishes to take land for the purpose of employing the poor in its cultivation. This provision recognises the principles of the older and sounder legislation, in as far as it admits the necessity of setting the poor to work; but, as applied in this act, it in fact amounts to nothing more than an attempt to render the poor independent of the skill and character by which they can alone secure private employment; for the act compels the parish to stand in the situation of a private paymaster; while it has no liberty to choose the laborers it employs, and is moreover, destitute of the means, as it is partly of the motives, to exact a fair return for the wages it pays. The provision adverted to, is that which requires the church wardens and overseers to pay to such poor persons as they may employ, *reasonable wages* for their work; and gives to their laborers “such and the like remedies for the recovery of their wages as other laborers in husbandry have.”

The abuses growing out of these laws attracted attention, and an investigating committee was appointed in 1832. The evidence collected by the commissioners from every district of England and Wales, seemed to show, that wherever the expenditure had most increased, there also the *morals and industry of the laborer* had proportionally degenerated; because, in such places, subsistence from the poor rates was more easily obtained than by labor—that under such influences his prudence and thrift were discarded; because they could, with the utmost success, only secure for him, by present sacrifice of enjoyment, the same future advantages of which the parish held out a prospect, without the necessity of any sacrifice, save that of independence; that his sobriety and temperance were thus left without encouragement; and, on the other hand, exposed to the temptations of comparative idleness, and the facilities for the indulgence in idleness and intemperance which always accompany the growth of pauperism; his respectability of demeanor was now useless, as respectability of character ceased to be relied on as a means of securing employment, itself no longer an object of desire; that in the same proportion as he became independent of regular industry, did he also become independent regardless of the comforts of his home, which are indispensable to the laborer after a day of toil, but are rarely sought or valued as a change after a day spent in idleness or dissipation. It was also observed, that as the habit of pauperism increased, the standard of subsistence of the laborers in the district was lowered, *the relief never being sufficient in itself to maintain the pauper independent of all work*; and yet, by rendering him partially so, constantly tempting him to forego that further portion of comfort which was attainable only on the comparative hard terms of earning by the sweat of his brow. The standard of *the pauper's subsistence being once lowered, that of the industrious laborers, amongst whom they lived, and who occasionally felt the effects of their competition, fell also. Where the system prevailed of allowing relief in aid of wages, there the operation was immediate, as all the laborers were at once pauperised, being equally exposed to the effects of a system which left all industry, beyond a certain point, without its reward, and therefore without object.* While these influences were destroying the industry and morality of the able-bodied laborers, the *bastardy law* was holding out encouragement to female unchastity, in the way of a money allowance for each bastard, which, by its amount, of itself elevated her condition in proportion to the number of her spurious offspring, *rendering a mother of several bastards better off than she would have been as a mother of as many lawful children, and securing her a dower which usually tempted some man to marry her*; while the same law, by subjecting the supposed father to punishment, often subjected him, at the woman's discretion, to the alternative of marriage or a gaol—the former of which was generally chosen as the least present evil. Under these influences female chastity had in many districts so far ceased to be valued as a virtue, that not only the woman herself, but her parents and her husband, seemed where the law had its full effect, to have become indifferent to it.

The report of the committee resulted in the poor law amendment act of 1834, which provides "that no person in England or Wales shall be absolutely destitute of the means of subsistence," essentially recognising "the right to labor." A different system pertains now to Scotland.

In the old United States of English origin, the spirit of the English poor laws have been sustained; as an instance, the Pennsylvania law, passed in 1836, contains the following passage:

"If such poor person be able to work, but cannot find employment, it shall be the duty of the overseers to provide work for him, according to his ability, and for this purpose they shall procure suitable places, and a sufficient stock of materials."

Enough has been here said, to show that the "right to labor" is no new discovery of the socialists, nor its application, in a common sense light, to be dreaded. It was the principle of this identical poor law of Elizabeth that the provisional government understood as the "right to labor." M. De Lamartine tells us, that as a member of the provisional government\*—

"He wished that the state, the providence of the strong and the weak, should in certain extreme cases, determined by the administration, furnish aid in the shape of work, to laborers who found it impossible to obtain bread for their families. He called for a poor-tax. He would thus have this ultimatum—work and bread."

Under its influence the English government maintains 1,500,000 paupers, at an expense of \$45,000,000 per annum.† The swelling numbers of the paupers and the increasing pressure of their support are now becoming serious evils; and the remedy is now to be found in removing the cause, which are the indirect taxes, all the ramifications of the protective systems, and the special privileges which capital enjoys. While £8,000,000 per annum is drawn from labor to support the poor, £30,000,000 per annum is drawn to support the stock-holders, £20,000,000 to support the government officials, £3,000,000 to support the hierarchy, and more than the aggregate of all these sums feeds the luxury of a pampered landed gentry. The idea of the repudiation of the debt and the reduction of the military, are already making headway in the popular mind. But still another has been broached, which is of deeper import and more sweeping results. We have seen that relief to the poor was first granted as charity to remove excuse for crime. It was then made compulsory upon labor to support paupers. This support was then acknowledged as the *right* of the pauper, and the admission and application of this right to live on the labor of others produced, from the love of ease natural to all men, great idleness. Now, the leading motive to industry at large, is to "earn an independency," that is to say, a property, the income of which will support the owner without further exertion. He seeks to become merely a consumer and to cease to be a producer or worker. Now in both these cases, that is, on the part of the pauper and on that of the capitalist, it is the aggregate productions of the industrious that support them. The first has "a

\* History of the French Revolution of 1848. By M. De Lamartine. Phillips, Sampson & Co., Boston.

† In 1842 an assistant poor-law commissioner placed the number of paupers at 1,072,973. In that year the Atlas newspaper advertised a premium of £100 for the best article on the causes of the prevailing distress. Of 158 articles offered, that of Mr. Samuel Laing took the prize. In that essay the number of persons supported by charity, public and private, was given at 3,000,000, or one-sixth of the population.

right," admitted, to support, and the second has "a right" to interest and rent on the money or house he loans to the use of the producer. Where a considerable portion of the land and houses are owned by one class, and another possesses government drafts upon the industry of the nation, which stocks simply are, where innumerable corporations are privileged to lend paper money or credits, at an interest, to the merchant, chargeable ultimately upon the producer, these accumulated rents and charges, in addition to the claims of labor and poverty, weigh so heavily upon industry, as to discourage the worker, and tend to make him contented with what he can realize from his "right to labor." Now it has been earnestly sought to remove many of these charges upon labor, and the mode most perseveringly pursued at the present moment is monetary reform, so called. This engages the "anti-gold law league" of England, and is the basis of multifarious schemes of paper issues, through which we will endeavor to follow the leading principle.

It is a sound and fundamental principle of political economy, that labor is the only source of wealth—the sub-division of labor increases the amount of its products. The extent to which the sub-division of labor can be carried, is limited by the extent of the market. The existence of free and unrestricted competition between man and man is both natural and beneficial to society. The results of labor are the natural property of the laborer. Security of property is an essential condition to the accumulation of property. Accumulation of capital is indispensable to all commercial undertakings. Men exchange one thing for another, because that which a man wants is of more value to him than that which he is willing to pay for it. Hence the result of every equitable exchange is a gain to both parties; and therefore, boundless freedom of exchange is a desideratum for all men and nations.

This requisite freedom of exchange is destroyed by the supposed absence of a proper medium. All men want comforts and necessaries, while at least one-half of those in civilized communities are destitute of them; and yet a common reason assigned for commercial convulsions is "over production;" the manufacture of *too many of those* things which every body wants and too few possess. It is obvious, that if labor could be as freely exchanged to the full amount of its value for that which it wants, there could by no possibility be over-production on the one side, or destitution on the other. The difficulty in the way of this exchange is, that gold and silver, and their representative paper, are the only mediums of exchange, and these are seldom to be had. The difficulty of converting labor and its products into money is always great; and the money which supplies trade is always taxed an interest of 6 a 7 a 8 a 10 per cent. per annum, when it enters into its channels. To obviate this difficulty, and to permit every possessor of property to convert it into legal money at sight, without interest, many plans have been projected. The most elaborate, and, perhaps, the earliest of these, was that published by Mr. John Gray, of Edinburgh, in 1831—reproduced in 1842, and repeated in 1848 in a series of lectures pronounced before the Edinburgh Philosophical Institution, March, 1848. In that plan gold and silver are treated simply as all other commodities, and not in anywise considered as money, which is to consist simply of the paper issues of a Standard Bank. The unit of this money to be based upon 10s. per week for labor in the factories: that is to say, a standard pound to represent two weeks' labor, the money to be

a legal tender, and receivable for all public dues. The Standard Bank prepared with this paper money, is to issue it without interest to whomsoever applies, conforming to the rules. These are specially, that he is a wholesale dealer, and has in store goods. The bank then advances to him in paper money, without interest, the whole amount of his goods at *their selling prices*. As he sells the goods he must replace in the bank the money he receives for them. This is all the plan in its main principle. Possessors of houses, gold and silver, and all descriptions of property, are admissible to bank. The result is, that every dollar of paper money will represent a corresponding amount of goods. It will be merely a certificate of the existence of those goods, and will go out of existence when they are consumed. This paper is measurably convertible into specie, inasmuch as it can procure specie from the bank. It is receivable for all public dues, and may be circulated as a medium of exchange. It will be remembered, that when the Bank of England failed in 1797, the merchants of London, in convention, agreed to take its notes as usual, and this public confidence kept the irredeemable paper afloat for 20 years. The first consequence drawn from this plan is, that there would be no interest; because as now no money is lent without security, that security would suffice to obtain the money from the standard bank *without* interest. In the next there would never be a *stagnation in the demand* for goods or labor, because as every man would readily command money for the property he possesses, and the money could be of no possible value to keep, he would promptly apply it to the purchase of that which he wants, and the production of industry would always govern the demand: that is to say, the more goods there were produced, the more would be the demand for others. Labor would always be available, because it could always realize the object of the laborer.

This plan, as we have stated, was projected in Edinburgh in 1831, and has been adopted by many French reformers, of whom the most bold and impudent, Proudhon, seized upon it as his own, although it had been given to the world eight years before he published his first book, and fifteen before he announced it as his own plan. The views of that person are thus described by V. Considerant, the leader of the Fourierists:—

“Proudhon would leave every one's property untouched. What he wants, and all he wants, is that *idle* capital should cease to produce; in other words, that he who cultivates the earth should have ALL the product of the earth,—and so on.

“No more debt to capital, under any form whatever. No more rent. No more toll on circulation paid to this despot under the title of interest or discount. Complete enfranchisement of personal labor, without any other direct change in the state of society. Such, in two words, if I understand it, is the entire system of Proudhon.

“The interest of money which was formerly more than a hundred per cent., has fallen to 5, to 4, to 3. It must, then, according to Proudhon, and as the St. Simonians had already very learnedly explained, keep sliding down until it gets to zero.

“It amounts to just this: that money no longer produces anything by itself; that capital is good for nothing but to be exchanged for products and consumed; that the idle man can only live by eating to the end of his possessions, and, when he shall have finished, by going to work; that capital, in short, can receive nothing in the workshop of production: society preserves its aspect, its forms, its separation of interests, its incoherence. Each by himself, each for himself; to each his rights, except to capital lent.

“Proudhon pretends that we can come to this in two ways; ‘1. By a financial centralization, through a national bank, the capital of which, being furnished by all the citizens, and forming a common property, should be productive for each person in the ratio of his negotiations,—consequently should be productive for nobody; 2. By the creation of a mutual bank, operating without the intervention of money:’ two means which, at bottom, are one and the same thing, *namely, credit founded upon a general association of values.* In all this there is nothing new, except the extraordinary consequences which the author draws from it.”

M. Considerant further remarks :—

“Now, I can easily comprehend the gratuitous exchange (so to say) of products against products, and the general, mutual and very cheap credit which might be realized through Fourier’s system of ‘communal counting-houses,’ or ‘commercial agencies.’ These agencies, receiving the products, forwarding them and selling them on account of the producers, in this way organize veridical and direct commerce, at the same time that, by means of *warrants or receipts* which represent the invariable part of the value of those products, they organize mutual credit. I find this much superior to the mere bank of exchange. But, I confess, I have not yet been able to comprehend how, in the one case or the other, things should so soon lose *their value that a man might have lands for nothing, houses for nothing, everything for nothing, as the citizen Proudhon affirms.* I fancy that the proposition is not an easy one to prove; otherwise Proudhon, who is not embarrassed by a trifling difficulty, would before now have made it clear to us.”

The difficulty which M. Considerant encountered is, doubtless, common to Proudhon himself, who stole the outline of the plan without understanding its principles, and dressed it up in his startling and blasphemous language, the trick of which is to surprise people, and thereby gain a reputation for *thought*, of which he has never given any indications.

Mr. Proudhon did not separate interest of money from rent of capital; he supposed them identical, and therefore concluded that if money could be borrowed without interest, houses could be had for nothing. Now, according to the plan, if a man owns realized property in the shape of a house, and wants money, he goes to the standard bank and procures it without interest. As long as his house remains there it is security for the money. In the present state of things he would execute a mortgage, and obtain the money at interest. The house is capital; the money is not capital: it only represents it. If a man has no house he must pay rent to the owner of one that he may dwell in it. Thus, the standard bank, which Proudhon calls an “exchange bank,” would do away with mortgages, bonds, and promissory notes, but it would not deprive a house of its value as capital. This sketch of the views of Mr. Proudhon contains all of his productions that ever approximated to any practical utility, and this is not his own. It is the essence of what he means by his bombastic announcement: “Property is robbery.” M. Considerant remarks justly of Proudhon :—

“His mind seeks and always finds the form which is the most paradoxical and hostile and repulsive of all others. An idea which you would accept, or treat as any uncontrovertible opinion, he arranges, merely by his way of formulizing it, in such a manner as to make you explode like a bomb. His books, his newspaper articles, his famous discourses, furnish at every line the proof of this literary

faculty. Essentially, all he says had been said before him; but he has a way of saying things which changes their temperament and makes them legitimately Proudhonian."

That is to say, he is the incarnation of socialist charlatanism.

The principle on which the plan of a standard bank is based is, that there should be no *credit* issues; all should represent actual, existing property: and this is the identical plan of the New-York general banking law, which requires that bankers shall deposit 6 per cent. stock, dollar for dollar, of the paper they issue. That law very improperly allows them to charge 7 per cent. interest on the paper thus issued, and which costs them nothing. The plan of Mr. Gray, carrying this a little further, admits all property, but disallows interest. It is obvious, that if all realized property were thus represented by money, that the volume of the circulation would be immense. The result of this would be a corresponding rise in all prices. Thus, if the money of the country is now one-tenth of its realized property, and prices are represented by flour at £1 or \$5, an increase equal to the whole value would probably raise the price to £10 or \$50. It is of little importance what the price is, so that all are relatively the same. The process of the change would, however, ruin creditors, unless their interests should be compromised. M. Proudhon talks of "credit" to operatives. Now, credit which means, the procuring of the products of industry without a return, is the evil sought to be remedied. The principle of the plan is, that all producers should make their property available, and enjoy the whole of it themselves: not that they are to get that of others without equivalent. Of what interest is it to the producer that the persons who have got his property without paying for it, call themselves an association of "tailors" instead of "bankers?" His loss is none the less on that account.

By allowing every producer in the country to procure a national money for his goods without interest, the whole system of notes and discounts would cease at once. In this country the annual production is estimated at \$1,000,000,000. In changing hands this becomes the basis of probably 2,000,000,000 of discounts, drawing, probably, 7 per cent. per annum; on an average of one-fourth the sum, \$35,000,000 per annum, and probably \$45,000,000 per annum of interest money is paid by producers to lenders of money, including mortgages, &c., and this is probably not one-fourth the true amount. From this charge it is that labor is sought to be released by the plan which, originating with Mr. Gray, forms the whole of Proudhon's "Property is Robbery." In this country many plans have been, without reference to or knowledge of those we have here sketched, projected to abolish interest upon money. The old and absurd plan of usury laws, which, we doubt not, were at first concocted by usurers themselves, have been clung to, and not a few suppose that capital may be had for nothing by preventing the owner from taking a rent. Now the right to forbid any rent for capital being taken at all, as well rent for houses as interest on money, is as perfect as to restrict the latter to 7 per cent. The New-York law forfeits a debt when more than 7 per cent. interest is charged. That is to say, where usury is proved, the creditor cannot collect the debt: now the right is as perfect to deny him a remedy if he takes any interest; or further, it is as just to abolish all laws for the collection of claims for money loaned, as to limit the right to collect

within a certain rate of profit. Houses and land are quite as important to the work-people as money. The rent of the former is unrestrained, while that of the latter is restricted to 7 per cent. A working citizen is charged 10 and 20 per cent. rent for a tenement to shelter his family, while the law forbids the capitalist to take more than 7 per cent. rent for money. In order to free commerce from the tax of interest, it has been proposed to establish Mutual Banks, in which all depositors shall be entitled to interest on their deposits, and to discounts, and the profits shall be divided among them *pro rata* of their operations.

This disposition of capital to absorb the products of industry, in the shape of interest, is singularly exemplified in a characteristic proposition recently put forth through the Hon. T. L. Clingman, of Georgia. When we consider it in its practical bearings, it is to be regarded, in effect, *a proposition to double the interest on the United States' debt, and perpetuate its existence for the benefit of the holders.* The proposition may be thus briefly summed up. It is known that what is called the "Free Banking Law of New-York," enacted April, 1838, after annual modifications to suit each class of borrowers, as they got the ascendancy in the State Legislature, at last assumes the shape of permitting any individual to deposit with the State Comptroller New-York state stocks, and to receive an equal amount in bank notes as money. These notes they generally lend at 7 per cent. interest, and appoint some place of business where they will redeem the notes, in specie, on presentation. If they fail to do this, the Comptroller sells the stocks deposited with him, and redeems the notes. The effect of this is, that a person who now receives 6 per cent. per annum on his stock, or in other words, on the capital he has lent the state, may lend again the shadow of that capital to the public as money, at 7 per cent. interest, thus making 13 per cent. interest on his capital; furthermore, he is allowed to redeem these notes at  $\frac{1}{2}$  per cent. discount. In the course of a year he will issue and redeem them six times. The result is this—the man who has \$10,000 may lend it to the state for 6 per cent. The evidence of this loan he deposits and gets \$10,000 notes, that he lends to the public at 7 per cent. per annum. These being redeemed six times in the year, will be equal to \$60,000, at  $\frac{1}{2}$  per cent. The revenue on the original \$10,000 will then be, for the year, \$1,600, or 16 per cent! The pretence is, to substitute a variable and deceitful currency for the beautiful coinage of California gold. The capitalists reaping a rich harvest from this operation, it became obvious to speculators that the plunder of labor might be extended by engrafting this system upon the United States' government. Their fuglemen sounded the public pulse, from time to time, on the subject; and the Vice-President Fillmore, in his Report, last January, as Comptroller of New-York, directly proposed, page 57 of the Report, that Congress should authorize the Treasury department to issue similar notes to all who should deposit United States stock with him as security, and that the Secretary of the Treasury should act in respect of the Union as does the Comptroller of New-York in relation to the state. This plan has now been reiterated by the Hon. T. L. Clingman, in a letter addressed to a politician of New-York.

As stated by Mr. Clingman, the plan proposes that the Treasury department prepare and issue to whomsoever will deposit United States stock with him, in the aggregate, say \$20,000,000 of Treasury notes, to

be circulated as money, and made receivable for all public dues; each individual who receives the notes, to endorse and redeem them in specie on presentation. Inasmuch as that all the United States stocks are redeemable in a few years, this, of course, involves the renewal of the debt from time to time, to prolong the system. That is to say—the debt is now \$60,000,000; the present issues of bank notes reach \$100,000,000, and to make the proposed currency national and uniform, would require an equal amount of stock. All the United States stocks now draw \$3,600,000 per annum interest, which is paid by industry, in a tax upon consumable articles to capital. It is now proposed that capital shall issue duplicates of this debt, in the shape of paper money, to be paid out for the products of industry, at a further tax upon labor of \$3,600,000. The owners of \$60,000,000 stock are thus to draw \$7,200,000 per annum from industry, because California gold, coined into half-eagles, won't answer for money. Such are the schemes of capital. The direct effect of an issue of paper credits is to transfer wealth from producers to speculators; thus, if this scheme were put into operation, an amount, say \$40,000,000 of paper, not worth one cent, would be issued to dealers, who agree to pay the lenders \$2,400,000 per annum. These borrowers pay the notes out to farmers and laborers, and receive therefor \$40,000,000 worth of real wealth, the actual production of labor, which grasps only a shadow in exchange. The actual operation is, that labor lends the real capital to borrowers, and is itself obliged to pay the interest. The main difference between the plan of Mr. Clingman and that of the New-York law is, that the former proposes the issues to be the obligations of the United States, endorsed by the issuer, while the latter merely causes the state officer to register the notes, without incurring responsibility. Mr. Clingman in short proposes for the United States to issue paper money on the security of its own stock, but in such a manner that the *borrower* receives the interest.

While labor is prevented from a free exchange of its products, or is continued to be charged with the enormous imposts which capital lays upon it, the mere "right to labor" is of little value. All labor now is for the benefit of the capitalist, and the mere right to continue to labor is but a poor satisfaction to the destitute. The true right which should be enforced is the right of the producer to all the products of his own labor. This can be insured only by some arrangement by which the laborer may promptly dispose of his own surplus wealth and procure that of which he stands in need, and at the same time destroy that machinery by which a constantly increasing proportion of the whole people is living at free-quarters upon the labors of the remainder and worse provided portion. We doubt not, that could such a state of affairs be arrived at, there would be enough for all, without the necessity, for which some reformers contend, of placing a restraint upon the capacity of numbers to increase. Not a few of those who admit the right to labor, and that every one of the living brotherhood of mankind has a moral claim to a place at the table provided by the common exertions of the race, deny that any one has a right to invite additional strangers thereto without the consent of the rest, and urge that, if they do, what is consumed by those strangers should be deducted from their own share. We apprehend that the earth's surface will produce enough for all who may be born upon it. The only problem being to insure to every one proper food and clothing before any one is allowed to eat the bread of idleness.

## BAPTISTE REDIVIVUS.

I WAS making my toilette rapidly, on Thursday morning, for a visit to Girardin, the famous journalist, when some one rapped at my door and came in. What was my astonishment, on looking round, to see the roguish face of my old servant, Baptiste, whose twinkling eye was directed upon me with an expression hard to describe. His hat was in his hand, and he saw that my gaze was rising from his face to his uncovered head. "Ah, *mon maitre*," he exclaimed, "you see me a good deal changed in two short years; my head is white, and my limbs a good deal less active; but I have had some hard trials since then. I have passed part of the time in prison, and have been dreadfully wounded in several street fights."

"Well, it has turned out a good deal better than I expected, Baptiste," I answered, not a little touched at his altered appearance, "for I would have wagered, readily, that you were shot last June, if you had not been knocked on the head already, in the previous February."

"Why, that might have happened, sir; for in spite of dodging, one is sometimes brought up with a round turn; but I missed the affair in June, by being thrown in prison last April, and a more shameful outrage was never committed."

"I should like to be the judge of that, for your own evidence is rather apt to be interested. How came you in the clutches of the law? But, tell me, first, what were you about during the revolution of February. Had you anything to do with that?"

"*Je le crois bien*," he replied, with a grim smile, "and if you had seen me at work that day at the *Palais Royal*, you would have been good testimony that I deserved the cross of honor. After I got fairly at it, I don't recollect much, until I found myself the foremost man in the Tuilleries, when the first thing I did, was to put up a placard inscribed '*mort aux valeurs*;' and I gave notice to all round, that I would run through every man I caught stealing."

"Nothing could be in better taste, Baptiste, though, from what I have seen of the French populace, there is no people in the world who, with so much provocation, behave so well in the hour of victory. On that very occasion their conduct was sublime. Appointing guards from their own body to watch over the Palace and its treasures, the rest of them made a holocaust of the Bourbon throne, by taking it in procession to the former scene of its disgraceful power, the *Place de la Bastille*, and there condemning it to the flames. It was a great act that—as dramatic as it was impressive. Did you see all that?"

"There was not much done that day that I didn't have a finger in; and I was tired enough at night to sleep soundly; only I was fighting in my dreams all the while, with some infernal *garde municipale*, or other, who came back to torment me without their heads, for that is the way I left most of 'em; but, *en toute*."

"You are a savage devil enough, I have no doubt, Maitre Baptiste,

when your blood is once up, but I forgive you such massacre when I think of the cause."

"Yes, sir, I forgive myself for the same reason; and the proof that nothing else inspired me is, that I sought no other reward than my conscience."

"But how did it happen that, only two months after that, you should be imprisoned by the authorities you created yourself. What brought you so soon in collision with a government of your own manufacture?"

"Why, sir, in less than that, I saw clearly enough that the Provisional Government were either fools or knaves; and from my experience of politicians, I inclined to the latter opinion. What did Lamartine do, with all his fine speeches? Before the revolution there was no counting the reforms he demanded of Louis Philippe; and when he had it all in his power to give them, what did we get?—plenty of poetry about the tri-colored flag, and a polite request to pay 45 centimes more of taxation, that the old king would not dared to have required."

"There's no denying, Baptiste, that the Provisional Government was either mad, or worse; for instead of setting honestly to work to take off taxes, they turned right round and put more on. The people must have seen at once that they were duped."

"Oh, we understood it, sir, perfectly. The moment Lamartine, Mar-rast, and the rest got office, and a chance to pay off their debts, what did they do, but sell us and all our hopes to the bankers and capitalists. They helped themselves to all the honors and emoluments, and then handed us the empty platter to lick. When we asked them to keep their word, and give us relief, they cried 'order, order,' and when we murmured and threatened, they shouted, 'treason, treason!'"

"You make out a strong case against these loud-talking republicans; and the contrast between their promises before, and their performances after, is broad enough to be amusing, were the subject not too grave to laugh at. But there is one thing which you French people ought to see clearly by this time—that if you expect reform from the upper classes, no matter whether they call themselves republicans, or royalists, you will be mistaken. If you expect them to dismiss the army; to disperse that vast legion of useless employeés who feed like locusts on the vitals of the land; or break down the system of centralization and give more independence to the provinces, you will be mistaken, I say again."

"We know that now, sir, to our cost, and you may depend on it, that if we get hold of the government again, and sooner or later, it is sure to happen, we will do our own business ourselves, and put no more faith in charlatans and rogues."

"You use very strong language, Baptiste; but people smarting under deep wrongs are not apt to pick their terms. But I must say a word for some of the provisionals. Louis Blanc, for instance, I know him well, and I believe, notwithstanding his wild theories, that he is honest, and means well by the people. Ledru Rollin, too, who has been so much abused by the aristocratic presses, is the only man who set to work in earnest to establish the republic on a democratic basis."

"That is *bien vrais, Monsieur*; and if Ledru Rollin had only been let alone, we should have had justice. But the moment it was seen what he was about, the royalists got up, and shouted him down. No, the Provisional men had not pluck enough for their task. It may be, they are not

such rogues, all of them, as we think sometimes they are; but they dared not take the monopolists by the throat, and choke them into a surrender of their unrighteous spoils."

"Why, Baptiste, you ought to go to the Assembly—you are quite an orator."

"That is just what I am trying to do, sir. I have an immense number of friends amongst the people, and they all urge to me try my luck. I might as well go there as another."

"Good luck to you, Baptiste. I will come and hear your maiden speech; but if you will take a friend's advice, you had better try and get a more profitable, if not quite so respectable a place."

"I quite agree with you, *Monsieur*, and that is why I am so enchanted to see you in Paris again. I have been hard at work for sometime past, but as fast as I climb up, I come down again for want of a little help."

"I don't know what good I can do you, Baptiste. But you have not told me how you got into prison, with all your chatter."

"*Pardon*, I forgot all about it. Why, the moment I saw how the game was going, I made up my mind, as did a good many others besides, that the sooner we got rid of the whole batch—"

"You mean the Provisional Government?"

"Exactly, sir—the better for us. *Ou revient toujours, a les premisses amours*; so I determined to leave no stone unturned to get the Prince Louis back to France. I little thought, *mon maitre*, when I followed you to Ham four years ago, that the day would come so soon, when I should have a chance to show my devotion to the Prince."

"Well, let me hear what famous things you did."

"I tried to do a great deal more than I accomplished. Last April I endeavored to take advantage of the demonstration then got up, and turn it in favor of the Prince. I headed, at least, ten thousand men, who were all well disposed, and echoed boldly my cry of 'Vive Napoleon.' But they were too much for us, *les gredins*, and we had to run. The worst of it was, that I was caught, and at the very moment I was a going to plaster up a proclamation, declaring Prince Louis First Consul."

"*Maladroit*, why didn't you tear up the proclamation at once?"

"I did better; I chewed it up, and swallowed it in spite of them."

"Very well, and so you escaped with a few months imprisonment. Your apparent misfortune was the luckiest thing possible, for you would have certainly taken part in the affair of June last, and likely have been shot. What have you been about since?"

"I worked like a fanatic for the election of the Prince, and not only spent what little money I had, but made away with every article of property that belonged to me in the world, even my father's old silver watch. I printed and distributed more than thirty thousand bulletins, and I doubt if any one man, high or low, did more for his cause than myself."

"So old, and really sincere a partisan, Baptiste, deserves some reward, and I am sure the Prince is much too generous to have overlooked you after his triumph."

"*Voila, juste l'affaire*. Therein you can render me a great service. The Prince told me, when I saw him at the *Hotel du Rhin*, before his election, that, if he succeeded, he would make me an officer of his private police; and, since he has gone to the *Elysei*, I have never been able, by hook or crook, to lay eyes on him. There is no possibility of getting

near him, and no letter ever reaches him. What! with his secretaries, his aides-de-camps, and his valets, you may pray to Peter and Paul in vain."

"I mistake your character, *mon Ancien Serviteur*, if you stop there. I shall be curious to see how the matter ends.—Have you managed to get hold of nobody?"

"Oh, yes; I have seen secretaries, and I don't know who all. I have written to the Ministers and the Chancellerie, but all to no purpose. They all put me off, and pack me about my business. But I won't give it up, and I will go on till I see the Prince. If he refuses me, then there is the end of it. But I count on a good word from you, my excellent master," continued the sly rogue, in his most insinuating tone.

"Then you reckon without your host, my boy; for, though I wish you well, still it is no business of mine. What right have I to interfere? and it would be a great impertinence in me to speak to the Prince on such a matter, even if the occasion offered."

"Thank you, sir," said the coquen, just as if I had declared the utmost zeal in his behalf. "Notwithstanding all you say, I know perfectly well, that if a chance occurs, you will give me a lift. You have no servant yet," he asked, changing the subject.

"No, I have not," I replied, hesitating.

"It makes no difference in the world, sir, about terms; I am too happy to serve you on any conditions. I will be at your orders to-morrow morning, at nine o'clock. Good morning, *mon bon Maitre*." And, before I could say yes, or no, to his presumptuous proposition, he was off, and I found myself hampered with this meddlesome, though amusing rogue, without my consent being called into question. It is astonishing what impudence will effect in this world of ours; and, though it is often obliged to give up what it takes by assault, yet quite as often it does not. If Baptiste only added to his audacity a little more consistency of purpose, he would die a Marshal of France, I have no doubt.

## TRANSLATIONS FROM HORACE.—ODE XXXVIII.

### THE POET TO HIS YOUNG SLAVE.

I HATE, my child, these Persian luxuries;  
I hate these garlands, with their linden ties;  
Forbear to seek them in what spot yet glows  
In tardy bloom some ling'ring rose.

Then simple myrtle, nought beside, I pray,  
Well it becomes thine office, well it may  
My brow adorn, as drinking, I recline  
Beneath this thick and shady vine.

## THE MOSQUITO KING AND THE BRITISH QUEEN.

THE foreign policy of the United States may be well defined to be, the policy of having no policy at all. In the infancy of the Republic, while still it was weak and sore from the travail of its war birth, and too diminutive to wield or wear the arms and armor of a full grown power, its guardians adopted for it the prudent maxim, concerning the international doings of the world at large—to see and know nothing, say and do nothing, but to attend exclusively to its own business—which business plainly was to grow as rapidly as possible.

Of this wise policy, the external fruits have been, that we have received very little harm from the monarchical nations—who, truth to tell, have generally well treated the modest and rising young republic that has so quietly deported itself—while the internal results are, the building up of a nation of some size and considerable strength, and the successfully carrying out of the system on which it was started.

Far removed as we have been from the scene of European transactions, it has not been difficult, with a little selfishness, to act up to our plan; like the prudent Brutus, when he also was biding his time, we have handsomely played the fool; and like him too, have in some degree earned the name of “brute,” as, with barely a shudder and a shrug we have allowed to pass by us the cry of murder and the sniff of blood, borne faintly on the wearied east wind all the way from Spain, from Greece, from Poland, Rome, or Hungary, and then have turned, with renewed diligence, to the work of “minding our own business.” None will deny that we have most stoically endured all these calamities of other people; nor will it be denied either, that we have “minded our own business” to some purpose.

In this long practice, on system, of ignorance concerning foreign affairs, we have become quite expert at knowing nothing; indeed, have attained a pitch of ignorance that is a little shameful, and for which we must sometimes blush, as now we do when suddenly the question is asked—what and where is Mosquitia, and who are the Mosquitos?

Besides Brutus, there was another classic hero and sage who assumed a temporary idiocy from prudential motives. Ulysses, preferring the comforts of a home, with his good wife Penelope, to a chivalric crusade for the rescue of his old flame, Helen, ploughed the barren shore and sowed it with fruitless salt. But Ulysses was compelled to be sane when they threw his own child in the plough-share's way.

It is *our* child that now lies right before us, and on the shore too; we must come to our senses and look about us!

The sudden up-springing within our territorial limits of a large community which must for a good while yet produce nothing but the abundant gold of ready payment, has created a commerce that will not long be allowed to find its slow way in a thousand bottoms, by the tedious six or eight months' voyage around Cape Horn, when by a short cut it might make the trip in four or six weeks, and has precipitated the question of intersecting the American isthmus. The vast and speedy returns which are promised, have stimulated the keen calculation and efficient action

of private enterprise, and so ensured the selection of the most practicable and profitable route. Certain American citizens, whose judgment, energy, and pecuniary responsibility need no better voucher than the designation of "CORNELIUS VANDERBILT and OTHERS," having carefully considered the various routes, are known to have chosen that which follows the river St. Juan and crosses Nicaragua lake, and to have obtained from the government of the state of Nicaragua, a grant of way for a ship canal or railroad, or both, from the noble port of St. Juan on the Atlantic to the noble port of Realejo on the Pacific, with valuable rights and privileges to assist in their operations. But while the American public, knowing the characters of the projectors, are confidently looking to see the opening of this new path to commerce at once begun, vigorously prosecuted and speedily ended, suddenly there arises a lion in the path—that is to say, a sort of a lion.

It is Mr. Barclay, the British consul at New-York, who publishes a warning notice to the grantees not to attempt their work, inasmuch as it would bisect the territory of his majesty the king of the Mosquitos; and that her Britannic Majesty is prepared to protect against all trespassers the soil of the kingdom of Mosquitia.

How is this?—Mosquitia, where?—King, who?—Mosquitos, what?—Where?—who?—what?—how?

Precisely so; these questions must all be considered and answered, and the answer given in writing—and that, too, without delay; for, until it is done, an immeasurably important work must remain at a stand still. With the assurance of protection from our government the projectors will at once break ground, in valorous disregard of the pretensions and power of his Indian majesty, *however protected*; but without it nothing will be done. In California affairs, a year counts as an age. Interests that will not admit of delay, the interests of the nation and of its commerce, saying nothing of the rights of the grantees, demand a speedy decision of this newly sprung Mosquito question, and for that purpose all possible light is called for. From the best materials at hand, something of the requisite information will here be attempted to be given.

From the consul's proclamation; from a well-written article in the Philadelphia North American, purporting to come from one long a resident at the scene, and no doubt an Englishman—and from a longer paper, copied with approval, by the New-York Albion, from the Dublin University Magazine, and written by Major Luke Smith O'Connor, a friend of the Consul Walker the principal actor in the Mosquito affair, and possessed of valuable data, are chiefly obtained the grounds and supporting arguments of the Mosquitian claim, together with many admissions of important use in controverting it. From such few documents on the subject as exist in this country, and from the testimony of intelligent persons, natives of, or long residents in Nicaragua, are derived the few data needed on the other hand.

The British Mosquitian claim is briefly this:—"The whole range, from Cape Honduras, near Truxillo, on the north, to King Buppan, opposite the island Escudo de Veragua (in New-Grenada) on the south, in length, and from the ocean to the central ridge of mountains in breadth;" embracing more than half of so-called Central America, and measuring forty thousand square miles, or nearly as much as England proper, of rich and beautiful country, has, from time immemorial, and with small

exceptions, continued under the sovereignty of the Mosquito king. The Mosquitos, numbering twenty thousand, are an intelligent and warlike people, who, by their exceeding prowess, "remain still unconquered, still free and unshackled, by the galling yoke of European power," having held at bay, and even crowded back to the mountains, the Spaniards and the Spanish race, even from the days of the conquest of Mexico down to the liberation of Central America—that this Spanish race, in consequence of their inability (though numbering half a million) to wrest any portion of this desirable country from these twenty thousand Mosquitos, have become justly despised by the latter, and received from them the contemptuous epithet of "little breeches," and now are compelled to the humiliation of passively witnessing and envying "the advancement and prosperity" of Mosquitia. It has of late become the benevolent will and pleasure of her Britannic Majesty to take these heroic Mosquitos under her protection, (lest, perhaps, in their growing prosperity and advancement they should prove unable to protect themselves,) and especially to watch over and protect their important sea-port of St. Juan, which, though the Mosquitos have as yet no need for it, is vastly convenient for her Majesty's subjects. Finally, as the State of Nicaragua has no sovereignty within the wide limits of Mosquitia, the grant to Messrs. Vanderbilt and others is inoperative within the largest portion of the territory it purports to cover.

The British writers describe the Mosquitos as being "well made, moderately tall, strong and active, with agreeable figures, high foreheads, noses inclined to aqueline, teeth good, eyes black, hair long and straight, in temper docile and grateful, and thirsty for information"—"excellent seamen in their way," being expert at paddling canoes, and "attached to the 'grey eyed' people, (the English,) of whose justice they entertain the most exalted opinion." In vindication of their claims to the name of a warlike nation, it is mentioned, that in former times they aided the English at the storming of Omoa, at the attack on Truxillo, and at the defence of Balize—that once upon a time, a great while ago, they invaded Yucatan, and took Backalar, a "strong fortress"—and finally, that fifty of them, jointly with the blood-hounds, served for six months in hunting out and killing the revolted negroes at the close of the Maroon war: the recounting of which deeds, if it does not make the soul thrill as at the recital of Greek heroism, at least causes the flesh to creep, as it revives the memory of the *aid* rendered to the same "grey eyes" against ourselves, by the Indians of our own border territories.

Those who controvert these claims, asseverate that they are untrue in every important particular, and that Mosquitia, and Mosquitian sovereignty, are but figments of diplomatic imagination stimulated by commercial interest.

Waiving, for the present, any inquiries into the ancient condition of these Indians, let us look for a moment at Mosquitia as she now is, and has been since the inception of British protection, in order that we may know what sort of material Great Britain has to work with in her enterprising undertaking of protecting into existence on the American shore, a monarchy for us to recognise and treat with.

The territory actually occupied by the Mosquitos, is a strip of coast a very few miles wide, and reaching from Cape Gracias á Dios down to a river sixty miles north of St. Juan. Trusting to the terror of their name,

and to the scare-crow effect of the Mosquito flag to preserve the remainder of their extensive and desirable territory from the intrusive tread of the "little breeches," the lords of all that soil restrict themselves to this narrow strip of coast, except when, in the season of turtle striking, they are found struggling "anywhere all along shore." They do not resort to the interior to cut their vast mahogany forest, as that would be unworthy of a warlike race, and besides, would be too hard work; nor do they occupy their valuable port of St. Juan, probably because a large number of the Spanish race have long resided there, whom they extremely dislike to mix with. In their fondness for the shore, and their disregard of arable country, they resemble the crabs, and seem to need as little territory to flourish upon as that crustaceous people. Indeed, when we consider their moderate numbers—counting in the whole only four hundred and eighty (480) souls—we must wonder how they ever came to assume the sovereignty over, and the trouble of fiercely defending for centuries, an area of forty thousand square miles, and feel disposed to liken them to the dog in the manger, unless we consider that it may have all been providentially ordered, for the purpose of keeping the land for the benefit of those same "grey eyes" that are now cast so longingly upon it, with a considerable squinting towards its ultimate absorption into the British Empire.

Our admiration for this "interesting people" must increase, when it is considered how simple have been the weapons with which they have protected their country—their implements of war being merely the spear and the bow and arrow; nor have they any forts or batteries, walled cities, or ships of war: yet, we should not despise them for this, when it is borne in mind that they have the Spartans for their exemplars; and furthermore, that besides yielding a crop of heroes, fully adequate for its defence, the soil of Mosquitia produces prolifically a very tall grass in which to hide when an enemy pursues.

Besides raising a few yams, they do not cultivate the soil; and except the barter of turtles for rum and a few iron and cloth substitutes for their old garments and utensils of skin, stone and wood, they are without foreign or domestic commerce; hence, they build no wharves or store-houses: they erect no manufactories, nor do they construct any roads or bridges, or apply steam to any purpose whatever.

Although their king is learning the catechism of the Church of England, yet the rest of the nation show no disposition to go abroad after strange gods, but confine themselves to deities of native productions, such as cows, serpents, birds, and other beasts and reptiles with which their country abounds, and to whose efficient patronage is doubtless owing its ancient glory and modern greatness and exemption from intrusion. Not having tasked their memories with catechisms, nor their minds with any particular system of belief, they are without any established church or priesthood; hence no temples of worship.

Their laws are beautifully simple, an illustration of which is, that each Mosquito may have as many wives, not exceeding twelve, as he can furnish with a cow apiece: and that the penalty for adultery is the forfeiture of a cow, with which an injured husband may easily supply the place of a false wife, a custom from which probably we derive the idea of a pair of horns as the cuckold's crest. How infinitely do they surpass in this respect the less enlightened nations who make so much fuss about conjugal rights! and how well does it show the mild charac-

ter of the Mosquitos regarding their domestic relations, in charming contrast with their vindictive anger, when assailed in their foreign relations. From this simplicity of laws it came that lawyers are dispensed with, and with them, court-houses, jails, and whipping-posts. Their system of medicine being equally simple, no physicians are needed. And so, dispensing with the three "black coats," there is no use for colleges or schools. Not the least benefit from this economy in works of architecture and internal improvement, is that Mosquitia has no public debt—none except that national debt of gratitude, under which she must forever lie, to the magnanimous British nation that has sent ships and guns and men, so far across the ocean, out of pure love, to protect Mosquitia against all the world.

Spartans as they are in heroism, the Mosquitos outgoes the Spartans in domestic economy. A very rude hut, a canoe, a bow and arrow, a simple waist cloth, or a shirt, a pot, a bowl, a knife and spoon, a blanket, a bottle and a cow, comprise all the worldly wealth of a Mosquito.

To procure these, and to supply their few animal wants, requires but little of their time, leaving to them a large leisure, which they improve in the cultivation of the social virtues and domestic pleasures, in meditation, in reclining on the beach, and reciprocating the kindly office of searching in one another's heads, to exterminate such of their hereditary enemies as lurk there—and in slumber.

Happy people!

Although they are said to be "thirsty for knowledge," yet their thirst remains still quite unquenched. They retain the primitive simplicity of their forefathers, and strikingly manifest that simplicity in all their dealings with the English agents. Yet before the English are done with them, they will learn several things of which they have now no conception whatever.

The claim of personal beauty, high foreheads, and aquiline noses, which their friends make for them, must be set down to a defect in grey-eyed vision, or to the partiality of violent friendship. The Mosquitos are not handsome; on the contrary, they are confoundedly ugly, having features of every shape, and complexions of every hue, in blotches of brownish, greenish, blueish, yellowish, redish, and whitish tinge; nor are their forms any handsomer than their faces.

They are greatly troubled with psora, which they solace with frequent scratching, and thereby occupy a considerable portion of their spare time.

Considering all this, it would be difficult to account for the strong friendship which Great Britain has conceived for Mosquitia, unless we consider also how large and rich a dowry the latter possesses. The mode by which the Mosquitos became enamored of the grey eyes, is not however quite so difficult to conceive. The English in their foreign intercourse have two methods of making people love them; one is a love powder, composed in great part of saltpetre, and this was used with the Chinese; the other is an elixir of love, pleasant to the taste, and known by the general term of "rum;" and this has been largely administered to the Mosquitos, who are very "thirsty" for it, and will drink it in any and all procurable quantities. It is under the influence of this elixir that the Mosquito becomes ardently affectionate towards the "grey" eyes, proudly defiant towards the "little breeches," completely con-

scious of the power and glory of his ancestors, and of the grandeur of modern Mosquitia, valorously loyal towards his king, and then staggers in his gait, falls on the sand, and sleeps profoundly.

From this little sketch of this "interesting people," some persons might infer that they were merely a handful of harmless, ignorant, naked, ugly, dirty, lazy, drunken, vermin-bitten, itch-smitten, contemptible savages, incapable of holding the simplest foreign relations, or of possessing national entity—even in the absence of any, the slenderest claim to sovereignty by a civilized race occupying contiguous territory—and incapable of being protected into sovereignty, or galvanized into nationality, by all the power and prestige of Great Britain herself.

It rather looks so, indeed.

If this account of their condition be true, or half true, the question is ended here, and without the trouble of considering how far the Spanish Americans have actually occupied the soil, or on whose banners victory has most usually perched in the talked of wars for its domination.

But is not this account true? and do not the admitted facts sustain it?

The stories of the former and latter day grandeur of Mosquitia, comes from British sources, being derived through the interested medium of the mahogany traders and those in their interest, who have had every thing to gain from establishing a British protected Mosquitia or territory where they had occasion to deal and to reside.

Waiving the *generalities* concerning Mosquitian might, majesty and dominion—Mosquitian beauty, intelligence and thirstiness for knowledge, we will very briefly give every *particular* fact in her history contained in the articles of both Major O'Connor and the writer in the North American, and without calling in one fact from the other side, leave it to be judged if their own testimony does not destroy the claims the British are now making.

And, preliminarily, let it be observed, that whatever the ancient Mosquitos may have been, before over a half century's close and continued intercourse with the English of Honduras and Blewfields, with its accompanying commerce and consumption of rum, to diminish, enervate, deprave and besot them, yet we have only to do with the state of their case since eighteen hundred and forty, as that is the earliest point to which the *present* British protection can be traced back. Considering the company they have so long kept, it is possible—probable—very probable—most probable, that the Mosquitos now are not the same Mosquitos as those of former days; for if it were desired to convert just such a race as the English claim the Mosquitos to have once been, into just such a handful of wretches as they are, on the other hand, claimed now to be, would not just such an intercourse have been, of all other conceivable modes, the very way to have done it? All experience, whether recorded in "the course of empire" or "the drunkard's progress," teaches this—nay, teaches that such a consequence must inevitably have followed such a cause.

The facts alleged by the British writers, that have been alluded to, are, briefly, but substantially stated, these:

In very early times the buccaneers fraternized with the Musquitos, who, living on the coast where they landed, it was as desirable for them to conciliate, as it afterwards became for the English, who succeeded the buccaneers in the Indians' affections.

As early as the time of Charles the Second, or thereabouts, the Earl of Warwick landed on the Mosquito shore, and carried one of the savages he found there, to England. It is vaguely mentioned that at or about this time, the Mosquitos put themselves under British protection. In 1749, or thereabouts, the British built a fort at Black river, on the Mosquito coast, and garrisoned it with a hundred men. In the treaty of 1763, England relinquished "her military and federal right over Mosquitia," which treaty, however, the narrator says, she repented of at leisure. Yes, very leisurely; but now, late though it be, we must acknowledge, that in her proceedings at St. Juan, she is doing works "meet for repentance." In 1780, there then being war between England and Spain, a Spanish force visited the remaining English settlement at Black River and broke it up, "overwhelming the feeble force that could oppose them," and destroying erections and plantations. In 1782, learning that thirty men were in garrison at the same place, the Spanish marched upon it an army of two thousand eight hundred and fifty men, who took possession and left a garrison of eight hundred—at least, we find that force there five months afterwards, when the English in turn invaded Mosquitia, with "one hundred and fifty loyal men and eight hundred *settlers, negroes and creoles,*" who ejected the Spaniards "neck and crop from every portion of Mosquitia, and restored the English settlers to their lands."—In the treaty of 1783 "it was agreed that Mosquitia should remain under the protection of the English, and partial aid was afforded to the *settlers* for the next two years." But in 1785 the several clauses of this treaty were discussed, "and owing," says Major O'Connor, "to the rotten policy of our ministry, or a polite deference to the assumed rights of Spain, in July, 1796, it was announced"—by treaty probably—"that *not only was the protection of her ancient ally withdrawn from Mosquitia, but that the settlers, after lavishing time, money, industry and constitution, were to be abandoned—nay, furthermore, that they must evacuate the properties handed down from sire to son, or formed by their own prudence and perseverance, and quit, for distant climes, the land of their birth, their birth-right or adoption. This cruel and unnatural resolution, struck the settlers with indignation and dismay. Spain was now armed with full authority to resume her usurpation of the Mosquito country, and would, no doubt, exercise a despotic power, and visit with retributive vengeance the opposition, losses and defeat she had sustained only a few months before.*" The most of the settlers retired. "A few, however, preferred rather trusting to the mercy of the Spaniards than undergo uncalled for banishment, and established themselves at Blewfields."

In 1825, Frederic, King of the Mosquitos, was crowned by the English at Balize. In 1840, he again visited Honduras, and put his mark to a will, "constituting the English superintendent there, and certain commissioners, a regency during the minority of his heir, and guardians to his children Princes George, William Clarence, and Alexander, and the Princesses Agnes and Victoria," and earnestly entreating that the British Queen, "would continue that protection to his heirs and nation which his forefathers had so long received, and which had preserved the peace and tranquillity of his dominions."

The Major goes on to add: "The patronage and protection so earnestly entreated by the deceased king, were feebly and fitfully bestowed on his son. The political position and commercial advancement of Mosquitia

continued at a low ebb among other nations until 1844, *when a new light dispersed the shadow that hung over her.*" In the spring of that year Patrick Walker, Esq., was appointed British consul-general, and agent at "the Mosquito shore." He went to Blewfields and found the incipient king "without an establishment, suite, or attendants—a kind of Punch and Judy majesty, brought out on particular occasions only, but generally employed in offices degrading to the little personage in whose veins flowed the royal blood of free and unconquered sovereigns, traceable for full three centuries and more." He was taken to Balize, and crowned on the 28th of April, 1845; remained there two months, and then returned to Blewfields. He was at this time fifteen years old.

At the port of St. Juan, the people of Nicaragua had established themselves, "*imposing harbour dues, &c., on all vessels trading there.*" In the autumn of 1847, a Frenchman, whose son was imprisoned by the Nicaraguan authorities there, requested the aid of Consul Walker, at Blewfields, for his release. Walker "wrote a spirited letter." The commandant, meanwhile, released the prisoner, but in his reply, refused to recognize the Mosquito flag. In consequence, Consul Walker and the king came to St. Juan in October, 1847, in the British frigate Alarm, landed a boat's crew, who hauled down the Nicaraguan flag, and hoisted that of Mosquitia in its place. The frigate then fired a salute, and departed. In December, 1847, Walker returned in a war-steamer, and installed at St. Juan Major Hodgson as governor, Commander Little as port captain, and Captain Dixon as town-major, and then departing, left these three white Mosquitian officials to their fate, which was, as there were no forces to guard, nor Mosquitos to back their pretensions, to be immediately thrown into prison, while the Mosquitian flag again suffered desecration—a result, probably well foreseen. On the 16th of January, 1848, the British war-steamer Vixen appeared off St. Juan, and her commander demanded an apology, which was refused. The Vixen departed, to return, however, on the 12th of February, in company with the Alarm, bringing a company of soldiers. Two hundred and sixty men landed, stormed, and captured the fort of Serapiqui.

Here we have *all* the data of the British Mosquitian connexion fairly stated from the British apologists themselves; and now, keeping in mind the claims of Mosquitia's immemorial and continued adverse sovereignty in connexion with these facts, conceded by those who make that claim—with these facts, too, embracing *all* the history of the connexion which they think proper to put forward, how do the positive and particular of the data sustain the vague and the general of the claim?

*Now, then:* In 1780, when the Spaniards invaded Mosquitia, and destroyed the English settlement at Black River, "overwhelming the feeble force that could oppose them," where were the Mosquitos? And in 1782, when they marched near three thousand troops upon the same settlement, traversing all parts of Mosquitia, where were the Mosquitos? And while, during five months that followed, eight hundred of these troops held possession of the post right in the heart of Mosquitia, where were the Mosquitos, and what were they about? And when this garrison was conquered by a force of 150 English soldiers, with 800 auxiliaries, consisting of "settlers, negroes, and creoles," where were those indomitable bow and arrow shooters? and why did not their names appear on the muster roll? And when, in 1796, upon the British

government's abandoning all claim to the country, either as holder or protector, why did most of the settlers abandon their Mosquitian possessions?—why did they feel such dismay at the withdrawal of protection from home?—were they not on *Mosquitia's* "free and unconquered soil," secure in the plighted faith of those ancient and indomitable allies, with the broad blanket of Mosquitian protection for their safeguard? Why did those who went, go quaking at the thought of Spanish "retributive vengeance," while those who remained "trusted to the mercy of the Spaniards?" And when, long after, and after a lapse of half a century, during which (excepting the crowning of a bare-legged Indian at Balize) there had been, in compliance with the treaty, no British interference or protection, the Nicaraguan lamb thrust its nose into the stream where another beast wanted to drink, a descent was made on St. Juan by a boat's crew from the frigate *Alarm*, a flag raised, and a salute fired—when soon afterwards, the three Mosquitian officials there were thrown in prison, and their flag trampled in the dust—and when, later still, 280 men stormed Serapiqui, where *were* the Mosquitos, and why *did* their forces play no part in these glorious achievements, done under their flag, and all for their gain and glory? And when we find that on no one of these occasions did they avail themselves of the rich opportunity of showing their might, gratifying their "vindictive hatred" of the Spanish race, and earning fame into the bargain, may we not reasonably enquire concerning the precise location where so soundly slumbered, the while, the memories of *Mosquitia's* ancient renown, and particularly what the shades of the ancestral Mosquitos said on the subject?

As it will do no sort of good to "pause for a reply," let us go on and complete the history with a few facts *not* narrated in the English accounts.

"All these things will I give thee, if thou," &c.

*New Testament.*

It was after the coronation of the young king that they took him down the coast to show him the extent of his dominions, which were pointed out as reaching quite to New-Grenada. On their way back, they touched at St. Juan, and demanded of the authorities to acknowledge the sovereignty of the Indian lad. This was of course refused; and an old general who happened at that time to be chief officer of customs at the port, got together what few men he could to resist their landing. But in face of a threat to bombard the town, he desisted, and under cover of the moral influence of this threat, an hundred men were landed, who seized the old general, and carried him off with them. It is due to the fair name of a magnanimous nation to let it be known, that though acting as allies to savages, they did not, when they caught their prisoner, adopt the savage mode of warfare, and scalp or kill him, but contented themselves with the civilized plan of cheating him. He was confined in irons, and stinted to a pint of water and a hard biscuit each meal, until the iron had entered well into his soul, and his poor teeth been nearly broken out of his head, when they promised him life and liberty, on condition of his signing a document which they had drawn up, *in English*. He unhesitatingly signed it, and was then set on shore hundreds of miles from his home. The document turned out to be an acknowledgment of the independence of *Mosquitia*, executed by him—He was collector of customs—on behalf of the State of Nicaragua.

And now, behold the independence of Mosquitia fully achieved, and formally acknowledged. It only remained for her decently and gracefully to take her seat among the nations of the earth, which she accordingly did.

The poor old half-starved collector, who had thus in his sore hunger sold his country's birth-right for something good to eat, found his way back to St. Juan, to inform the inhabitants of what he had done. Things then went on as has been detailed, down to the storming of Serapiqui, which was on the 12th of February, 1848. Following up their success, the British forces proceeded up the river, nearly two hundred miles, to Grenada, meeting with no opposition from the weak and unprepared state, and there had a conference with the government. The result was that a stipulation was signed, the substance of which was that while refusing to acknowledge any such power as Mosquitia, the Nicaraguan government consented that the British forces should temporarily hold St. Juan in deposit, until it could be ascertained by diplomatic negotiation with the court of St. James, whether there was a Mosquitia, and if so, whether or not St. Juan belonged to her. The English then withdrew, with the exception of a force left in garrison at St. Juan.

In order to speedily extricate so important a port from this questionable custody, and in the confidence of being easily able to show the nothingness of Mosquitia and her claims, and in the hope of speedy redress from a generous power, Signor Castel Leon was forthwith dispatched to London duly accredited, and provided with documents to prove to the conscience-keepers of England, *that* the realm of fancy called Mosquitia, was non-extant in reality; *that* the Mosquito Indians were merely a wretched remnant of degraded savages, less than five hundred in number, whose actual occupation of the soil had never extended beyond a narrow strip of poor coast, reaching at the very furthest from Cape Gracias a Dios, on the north, to a river sixty miles, short of St. Juan, on the south, without practicable ports, low, marshy, and undesirable; *that* the Spanish Americans having never met with serious resistance of their dominion from these Indians, nor needed to occupy their lands, had not sent armies of conquest to chase them through their bogs and creeks; but while appropriating such portion of Central America as was useful to them, (with what respect or disrespect of Indian titles is not important,) had paid about as much regard to the five hundred or twenty thousand savages who built their huts, and caught turtle on the wild and profitless Mosquito shore, as her Majesty's government pays to the known or unknown tribes of Labrador, or as that of the United States does to the numerous tribes of the far north-west, whom it would disgrace to compare with the poor Mosquitos; *that* all the extensive country between the coast and the mountains, so far as it is needed or desirable, was and had long been peaceably occupied by the proper population of Central America, whether white, red, black, or mixed, all as completely ignorant of any claim of tribute, or sovereignty over them, on the part of His Mosquitian Majesty, George Augustus Frederic, as are the Turks of Jerusalem of the dominion of the two European monarchs, who take the title of kings of that city, but who had conducted themselves as good (or bad) citizens of the states, within whose limits they resided, bearing their due portions of the taxes, imposts, impositions, and other public burthens, and suffering their due

share in the earthquakes and revolutions to which they are so frequently subjected, and so thoroughly accustomed; *that* the valuable port of St. Juan de Nicaragua, containing about five hundred inhabitants, had been held and occupied by the Nicaraguans from the first settlement of Central America without any one Mosquito residing within its walls, or claiming dominion there, until, in 1847, they were aroused to the knowledge that they had so long been trespassers on the free and unconquered Mosquitian soil, by the descent upon them of Mosquitia's ally, who then so suddenly assumed the benevolent duty of redressing wrongs to which the good natured Mosquitos had so long and patiently submitted. *That* the British Consul General to Mosquitia, for the first time appointed in 1844, had always resided at the little settlement of Blewfields, a place occupied by the agents of the mahogany traders of Honduras only, during wood chopping season, and never at St. Juan; and finally *that* it was incredible that even twenty thousand Indians, (even taking the extravagant claim of British informants) could have held against the two millions of Central America, forty thousand square miles of beautiful country, reaching down to New-Grenada, wholly cutting off Nicaragua from the Atlantic sea-board, and forcing them westwardly two-thirds of the way to the Pacific.

Castel Leon, so fully prepared with proofs of his righteous cause, and as fully confident of a candid hearing from the great government of the "grey eyes," of whose justice we are told the Mosquitos have so lively a sense, was furthermore prepared to argue to Lord Palmerston, Secretary of Foreign Affairs—*that*, to set up against the well known claims of a civilized state the separate sovereignty of a border tribe of savages, even allowing them to be all that the English claim the Mosquitos to be, would establish a principle of international law, whose consequences could be more easily foreseen than encountered—giving life all over the globe to innumerable nationalities to be recognised and treated with, but incapable in their natures of acting the parts of nations, or of understanding and observing treaties; and breaking the well marked boundary lines on the map of the world into the uncertain waves of savage dominion: *that* it was the high duty of the mistress of the seas to respect the rights of the feeble states, and shield them from the aggressions of her wrong-doing agents, and that it was for her interest to act fairly in this case, lest she should get a bad name in the world; *that*, inasmuch as the only Atlantic port of the Nicaraguans was in an anomalous custody—in a sort of chancery, under stipulation, which, saving the rights of both parties, left the question of its ownership to the arbitrament and award of the British government, to be made on a full hearing of the case—it was highly proper to give a speedy hearing and decision; and, in case of his state being found in the right, that a prompt restoration be made of the territory so held in *custodia legis*; or *that*, in case England wanted St. Juan and was resolved to have it, that she had only honestly to say so—boldly to reach forth her hand and take what could not be withheld, and so give to the plundered nation the poor consolation of having it openly known and plainly understood that they lost their property by irresistible highway robbery, instead of leaving them in return only the stinging, the highly unpleasant sensation which always follows being cheated.

In fine, our Nicaragua diplomatist was loaded down with proofs, arguments and persuasions potent to convince the reason and touch the con-

science of a hungry bull-dog, and coax the half-gnawed bone from between its paws; but he had to deal with an animal of quite another sort—one that is particularly fond of just such nice bits as this very bone of contention, and which is never known to relinquish its grasp or retreat from its prey, except in the face of very heavy artillery indeed, and such as is not found in Nicaraguan arsenals.

Thus commissioned and prepared, Signor Castel Leon arrived in London, and was admitted to an interview with Lord Palmerston. He opened the business, but was suddenly checked by her Majesty's minister laughing in his face, and telling him that *the question was already closed!* Yes, Castel Leon reports that the noble lord did actually laugh in his face. True, it was impolite, but then how could it be helped? Ministers are but men, and some jokes are to good for human nature to resist. Why, if Joe, the New-York market loafer, after being entrusted by a fresh countryman, just from the verdant banks of the Hudson, with a five dollar bill, to go and get it changed, should, an hour later, see the victim on the same spot, patiently waiting for his change, Joe would have laughed. And the famous Confidence Man, if he had been called on by some simpleton for the restoration of a watch deposited with him a week before, on trust and confidence to return it next day, would have laughed, too. But here was an apparently intelligent gentleman, fully accredited as a minister, fitted out and sent at much expense by the not wealthy state of Nicaragua, who had come all the way across the ocean on the sublimely simple errand of asking of the British Government the restoration of a valuable piece of territory of which it already had possession—obtained no matter how!

Signor Castel Leon is still at London.

The British are still at St. Juan.

Poor Castel Leon!

Poor little Nicaragua!

Great Britain!

#### A MADRIGAL.

TRANSLATED FROM THE FRENCH OF FRANCIS I.

By yonder casement as I stood alone,  
 Early one day, to watch the morning's dawn,  
 Aurora's beauteous form I chanc'd to spy  
 As, stretching forth her fingers tipp'd with light,  
 To marshal Phœbus on his pathway bright,  
 With purple hues she tinged the eastern sky.  
 But looking back, I saw my lady fair,  
 Binding in simple knot her golden hair;  
 And then I cried, "ye deathless deities!  
 "Oh keep the sun-gilt azure of your skies,  
 "Your blazing orbs, your bright Elysian fields,  
 "Their beauty to terrestrial beauty yields!"

## FLOGGING IN THE NAVY.

## PART IV.—SUBSTITUTES DETAILED.

Our desire, in this Part, is not to dictate a code, but to draw attention to the subject of Naval Re-organization and Reform, in a definite and intelligible manner. Many of the articles we have inserted are of doubtful propriety to our own minds, and hence the whole matter invokes discussion rather than criticism.

The form of Col. O'Brien's "suggestions for the improvement of American Military Law," has been adhered to as closely as the differences between the land and sea-services would appear to justify. Even his language has been used in very many cases, but generally so much modified in order to adopt it to our purposes, that an acknowledgment cannot be made by the usual quotation marks, without disfiguring the text. He should not be held in any degree responsible, however, for the *spirit* of the articles to be presented. The method of the last section, which refers to crimes and their penalties, is that of the British army articles of war, and has been selected more for its conciseness than for any essential merit considered to be its due.

Many of Colonel O'Brien's "suggestions" have been for a long time in actual operation in the French army or elsewhere, and hence should not be regarded in the so much dreaded light of novel innovations. The rational discipline of the French military service dates from the downfall of monarchy, in 1789. The republican of this day may revert with a just pride to the characteristic qualities of humanity and justice, contained in such articles as the following, which are a part of an ordinance of 22d September, 1790. Contrasted with the relics of feudality which still disgrace our institutions in the government of the American navy, they relieve the Assembly of much of that odium which the arrogance of conservatism delights to cast upon a body that has done so much for human liberty.

"1. No *militaire* can be condemned to an afflictive, or infamous punishment, except by the judgment of a military or civil tribunal, according to the nature of his offence."

"5. Every violation of military law is a punishable offence; but every fault of this kind is not a crime: it becomes so only when accompanied by the grave circumstances announced in the law. Faults are punished by the penalties of discipline; crimes only can be punished by afflictive or infamous punishments."

"77. Care will be taken that the penalty awarded is not aggravated in its execution by any accessory, and that its severity be not added to by the arbitrary will of any man."\*

Doubtless this liberal movement was regarded, at the time, by the adherents of ancient custom, as not only subversive of all military propriety,

\* O'Brien's American Military Law, p. 390.

but calculated to destroy the efficiency of the army. The successes of Domouriez, Moreau, Napoleon, and his illustrious marshals, have proved, what events always prove, the falsity of conservative predictions when opposed to enlightened progress.

In accordance with universal precedent, a distinct set of punishments is inserted for officers and privates. True republicanism would mete out the same punishment to both; and we venture to prophesy, at the risk of being accused of ultraism, that in the progress of democratic sentiment, "to this conclusion we will come at last;" for if an officer and private commit similar acts in violation of the same law, why should the one party be subjected to a more degrading punishment than the other? If privates attached the same value to their situations, that officers do to their commissions, there would be no difficulty whatever in punishing all alike.

Our suggestions are put in the form of sections and articles, which will generally be intelligible without comment.

#### *Section I.—Punishments.*

ART. 1. Officers are liable to be punished by—1st, admonition; 2d, reprimand; 3d, simple arrest; 4th, close arrest; 5th, fines; 6th, simple suspension; 7th, full suspension; 8th, reduction; 9th, discharge; 10th, dismissal; 11th, cashiering; 12th, death.

ART. 2. Petty officers and privates are liable to be punished by—1st, admonition; 2d, reprimand; 3d, simple arrest; 4th, close arrest; 5th, fines; 6th, reduction; 7th, imprisonment; 8th, discharge; 9th, dismissal; 10th, cashiering; 11th, death.

Slight faults of discipline may be punished by demerit marks, on a conduct roll, to serve as a basis of classification.

ART. 3. Cashiering severs the connexion of the culprit from the navy, and incapacitates him from future employment there.

ART. 4. Dismissal also severs the connexion of the culprit from the navy, but it does not carry with it a permanent future incapacity for the service. A private may re-enter three years after being dismissed, provided he can produce satisfactory testimonials of his good conduct during the intermediate period.

ART. 5. Discharge strikes the officer or private from the rolls of the navy, but, being usually inflicted in consequence of the misfortune of the individual (incapacity for instance) rather than his fault, it is never disgraceful. On the contrary, it is often honorable, as in the case of the expiration of the term of service.

ART. 6. The effect of imprisonment is to restore the culprit to duty in the capacity of a convict on board ship. He will be distinguished by wearing clothes without ornament. The privilege of "liberty" is withheld from him. He will, as far as practicable, be kept aloof from the crew, and employed under the immediate inspection of the officers. No one will be sentenced to imprisonment but for crimes of a disgraceful character, nor for a longer period than the cruise. A court of inquest is authorized to sentence a refractory prisoner to not more than twenty lashes, under the same regulations as with the minor punishments to other classes.

ART. 7. The effect of reduction upon an officer is to place him lower

in the list of promotion by seniority. In cases of officers who even if put at the foot of the list of their grade, would not suffer the punishment awarded; such officers will remain at the foot of the list of seniority, until the requisite number of officers have been promoted, or appointed to their grade, and been placed above them on said list. Reduction, applied to a petty officer, or "picked man," reduces them to the grade and privileges of the crew generally; and applied to other privates, it reduces them to a lower grade.

ART. 8. Suspension has the effect of depriving the officer of the right to exercise the duties, or wear the uniform of his grade, as long as the suspension continues. Simple suspension takes from the officer one-third of his pay. Full suspension takes from him two-thirds of his pay, and also suspends him from promotion, so that he can neither be promoted to a higher grade, nor advanced in his grade a single step nearer the head of the list.

ART. 9. Fines can only be imposed for specific offences, and their amount must be made known before-hand.

ART. 10. Close arrest, for an officer, is confinement to his quarters, or to any place that may be named, or set aside for the purpose. A reasonable time may be allowed for exercise. When close arrest is in consequence of the sentence of a court-martial, it suspends an officer for the period for which it continues in force, and all the consequences of full suspension follow. Close arrest may, also, at the discretion of the commanding officer, be resorted to as a means of safe keeping for trial, if necessary; but no commanding officer can, on any pretence, aggravate the confinement of an accused person by adding to it any kind of punishment or privation not indispensable for his safe-keeping.

Close arrest, for privates, is confinement in any place that may be set aside for the purpose. Irons may be used if necessary for the security of the culprit, but not as an aggravation of the punishment, unless by the sentence of a general court-martial. Close arrest takes from privates twenty-five per cent. of their pay, when inflicted by a court of inquest, and fifty per cent. when inflicted by a court-martial. An offender, under sentence of imprisonment, placed in close arrest by sentence of a court of inquest, forfeits all pay during the continuance of such close arrest.

ART. 11. Simple arrest, for officers, is confinement to the ship. It excuses them from no other duty than such as requires their absence from the ship. For privates, simple arrest is being placed under the surveillance of the master at arms, and excuses from no duty. Liberty is withheld during the period of simple arrest.

ART. 12. Reprimands, for both officers and privates, are put in orders and read by the commander from the quarter deck, all hands being called when a private is reprimanded; but the officers only of equal or superior grade, when an officer is reprimanded.

ART. 13. Admonition may be given privately by the commander in presence of the messmates of the offender.

ART. 14. Slight faults of discipline, in which no wilful design of disobedience is supposed to exist, may be punished by marks of "demerit," on a numerical scale, varying from one to ten for each fault. These numbers are marked upon a conduct roll, to serve as a basis for the selection of "picked men." The demerit marks shall be imposed, and the conduct roll kept by the commander, who may delegate this power to officers

in charge of a watch, or division, or any other detail of duty, but always subject to such commander's revision on appeal.

ART. 15. In case a private, who has been legally cashiered, shall wilfully re-enter the service, a court-martial is authorized, on full proof being submitted, to discharge him, and have placed on his right hip a small mark in India ink, that he may not again return.

*Section II.—Duties and Powers of Commandants.*

ART. 1. The power of a commanding officer of a station, squadron, or a ship, acting singly, extends to the infliction of admonition, reprimand, simple arrest for not longer than two weeks, and close arrest for not longer than one week. But close arrest, unless by sentence of a court, does not reduce the pay. The punishment of privates who are "picked men," may be doubled as regards arrests. Commanders may likewise impose fines for offences hereafter to be specified.

ART. 2. A book of punishments is to be kept by every commander, and an abstract sent quarterly to the commander-in-chief to be transmitted to the Navy Department. No punishment shall be inflicted which is not reported; and in all reports of punishments, the name of the person who made the report which occasioned the punishment, will be stated.

ART. 3. One of the most essential duties of commanders of squadrons is supervision of the punishment inflicted in the ships composing his command. If punishments are too frequent, it is their duty to inquire into the cause of this state of things, and endeavor to remedy it. They should make commanders and other officers feel that a paternal solicitude, seasonable advice, their own example, and equitable exercise of their authority, are the means of preventing faults, and of establishing discipline on a more solid basis than punishments can do. They must prevent every deviation on any pretence from the laws of Congress; and it is their duty to call the attention of the Secretary of the Navy to the ship or ships wherein the faults are in fewest number, and of the slightest kind.

ART. 4. All punishments inflicted by commanders of ships may, at any time, be called for by the commander-in-chief. The latter may, within the limits of his legal power, increase or diminish, remit, or change them. In case of any change, he must explain to him who has inflicted the punishment, and what is deemed the error of his proceedings. He will take means to have the commander of the ship duly punished, if he finds any abuse of power on his part.

ART. 5. The discretionary punishments inflicted by the commandant must be proportioned, not only to the faults, but also to the habitual conduct of each man, to the time he has been in the service, and his acquaintance with the rules of discipline.

ART. 6. Any commandant, whether commanding a squadron or a single ship, may annex by order any minor punishment for any specific offence, provided such order is not contrary to law, and does not violate the orders of any of his superiors in command over him.

ART. 7. A commandant issuing any regulations of police, or discipline, to the station, squadron or ship, under his command, shall declare at the same time, the punishment to be awarded for a violation of them, in such manner, however, as not to violate the provisions of law.

ART. 8. In cases where a commandant is of opinion that the punishments in his power to inflict, or in that of a court of inquest, are not sufficient to produce the desired effect on the accused, he will, after ordering the infliction of such punishment as it is in his power to award, report the whole case fully to the next higher commander. The latter may, if he thinks the case demands it, order a general court martial for its trial.

ART. 9. Any one punished, who deems the punishment unjust, or disproportionate to the offence, may appeal from the decision of the commandant. The latter will direct a court of inquest to try the case, agreeably to the requirements of law; and if the decision of the court of inquest is not satisfactory to the accused, he may, through the proper channel of communication, appeal to the next superior authority, and may thus carry the case to the President of the United States. But in all such cases he will undergo the punishment until relieved from it by the proper authority. If the result of his appeal is his entire acquittal, he will be freed from all ill effects or disgrace otherwise resulting from the punishment, unless on appeal, made to a still higher authority by his commanding officer, his punishment be confirmed. The appellant in either case may be punished, should the higher authority deem his appeal groundless and vexatious. Appeals must be made within ten hours after the reception of the award or decision appealed against.

ART. 10. When punishments by arrests are awarded, the day of their expiration will be designated. They cease at 9 A. M., on the day fixed for their duration. The person punished, on the expiration of punishment, must report in person to the commanding officer.

ART. 11. When from circumstances the minor punishments specified in the law cannot be resorted to, in other cases which may seem to demand it, other minor punishments may, when necessary, be resorted to on the following conditions:—1st, that they are of no greater severity than the punishments which the commandant is authorised to inflict; 2d, that they do not degrade the accused; 3d, that they have not been prohibited by superior authority; 4th, that their duration does not exceed the duration fixed by law, to the duration of similar punishments, when inflicted by the same authority; 5th, that they be reported to the next superior as soon as possible, in the regular channel of communication to the Navy Department; 6th, that they be instantly and entirely discontinued when disapproved; 7th, that if approved, they be only inflicted to the extent, and in the cases allowed for their infliction.

ART. 12. The Secretary of the Navy is authorised to prescribe a system of minor punishments for ships of war. But no part of such system shall be in opposition to the laws, or the plain intent thereof.

ART. 13. The punishments which a commandant is authorised to inflict may be imposed for any faults against discipline. Among these faults will be included, and punished as such according to their gravity, on the part of the superior, every injurious word, every act of abeyance towards a subordinate—every punishment unjustly inflicted. On the part of the inferior, every murmur, improper language, or want of obedience, no matter what may be the alledged cause of complaint, infraction of punishment, drunkenness, however slightly it may disturb the public tranquillity, irregularities, or improprieties of conduct, quarreling, failure, or want of punctuality at muster, violations of the internal rules and regulations, in fine, every fault against duty, arising from neg-

ligence, laziness, or bad will. These faults will be always the more severely punished when they are reiterated, and especially when they are habitual, or accompanied by any disorderly or dishonorable conduct.

ART. 14. For the following offences the commander is authorised to impose a fine not exceeding the amount of pay for one day, to wit: irreverent behavior at divine worship, a profane oath or narration, indecent language or conduct, quarrelling, slight intoxication, want of personal cleanliness, sleeping on look out, tardiness, or absence from muster without sufficient cause, slight insubordination, want of obedience, not attended with aggravating circumstances. For a repetition of the offence, the penalty may be doubled. When an offender has been punished by order of the commander, or the sentence of a court of inquest, three times with fines, for the same offence, the case may be referred to a court martial, to be punished at their discretion, if, in the opinion of the commander-in-chief, the discipline of the service demands it.

ART. 15. No one will be subject to punishment, when, in fact, the acts or omissions alledged against him are not attributable to any fault on his part.

ART. 16. The punishment to be inflicted by order of the commandant shall not be designated, or begin to take effect until the forenoon after the day on which the offence was committed. During this period the offender may be relieved from duty, or, if necessary, confined.

ART. 17. When a subordinate feels himself aggrieved, or has any cause of complaint against a superior, or other, he will make the same known to his immediate commander; or if the cause of his complaint is against his immediate commander, he will make the same known to his next superior in station through the commander aforesaid. Any commanding officer failing to listen to, or to afford the just means of redress, or to convey such complaint to his superior, shall be liable to the punishment awarded to oppression. The complainant himself will be liable to the punishment of disrespect, or mutinous conduct, if he conducts his complaint in a manner calculated to impair the proper authority of his commanding officer. It shall be the duty of the commander-in-chief to send for the complainant, and hear from himself a statement of his grievances, to redress them if founded in justice, and protect him from the consequences of having made them.

ART. 18. Every commandant who shall refuse, or wilfully neglect to keep good order in his command, or redress abuses and wrongs committed by those under him, as far as he can lawfully do so, shall be dismissed; and every commander who shall conduct himself oppressively to those under his command, either by words or actions, or shall permit his subordinates to oppress in any manner those under them, shall, on conviction before a court martial, be cashiered or dismissed, at their discretion.

REMARKS.--The position of the commander of a ship-of-war is one where due power must be conferred, but at the same time a proper responsibility should be imposed. The present law does neither the one nor the other. Unless a captain violates the law, he cannot punish an officer at all, for the ministers of Charles who concocted the English navy laws, which for two centuries have laid in pickle, and are now found as hard and indigestible as "salt junk" of equal age, in our act of 1800, did not intend

that the pets of Nell Gwyn should be in the power of one man. The 30th article of the act for the better government of the navy of the United States, in imitation of the rules of discipline to be observed by British commanders in the 17th century, declare that the commander shall not punish a warrant or commissioned officer, otherwise than by suspension and confinement, which are simply preliminary steps towards a trial by a court martial. But officers as well as "men" may be guilty of indiscretions, not of sufficient magnitude to be brought before a tribunal of that kind. These the captain should have the means of correcting. A reprimand inserted in orders, read in the presence of other officers, and then reported to the Navy Department, would exercise such a check upon their general conduct, that courts martial would less frequently be called upon to take cognizance of serious offences. Commanders would then be less likely to violate the law by resorting to extemporary reprimands in moments of excitement, and those acting thus would be liable to punishment by a process more easily and surely arrived at than at present.

Protection is afforded to the subordinate in this section from the abuse of arbitrary power, in various ways—as by the commander being required to report all punishments; by the commander of the squadron having the power to interfere between his common subordinates; by the right of appeal clearly defined; by the delay in awarding the sentence, and finally by the character of and limit to the punishments. Yet, discipline is not to be jeopardized, as sufficient means of punishment are still left to the commander; besides which, authority is given him to substitute others under checks necessary for the subordinate's protection.

Let it not be supposed that laws which shielded the sailor from the abuse of arbitrary power, would impair the standing and authority of the captain, by the introduction into the service of a levelling system, or, as some are pleased to term it in horror, a *democracy*! The captain is not exposed to this risk from the privates. It is between the captain and his officers, where this levelling tendency is more apt to be perniciously felt. Nor is this even the result of social equality, but proceeds from the tyranny of opinion which numbers, united to superior intelligence, can exercise. Captains who conceal their weakness by the most tortoise-like exclusiveness, are more restive under that ward-room sentiment which makes and unmakes navy reputations, than those of a contrary character. We are of the opinion that the present want of a system often causes the captain, unless possessed of peculiar force of character, to be too far subservient to the prejudices, predilections, and wishes of his officers. It will not, we presume, be denied that the commander, in his efforts to befriend and protect his crew, has sometimes brought upon himself unjust imputations from his officers; or that, from a too facile disposition to listen to the complaints of the latter for fear of giving offence, he has rendered himself obnoxious to charges of oppression he otherwise would have avoided. The remedy for this will be found in a law which acknowledges what is now denied—the existence of rights in all classes, and that protects all in their enjoyment of those rights.

### *Section III.—Courts of Inquest.*

ART. 1. Courts of inquest will consist of three members. The minor member will be president, who will appoint one of the other two re-

order; or a fourth person may be appointed recorder at the option of the court. The members of the court will be selected from among the most experienced officers, at least one of whom shall be a staff officer.

ART. 2. Any commanding officer may detail a court of inquest. If a commanding officer has not a sufficient number of suitable officers to sit on a court in any particular case, he will apply to a superior, if one is present to order a court.

ART. 3. There will be a court detailed monthly, and no change will be made in this detail during the month, unless rendered necessary by some members being prevented sitting on it from any cause, when his place will be supplied by the captain.

ART. 4. The powers of courts of inquest, in awarding punishment, include all those within the discretion of the commander of a ship, to inflict also simple suspension for officers, reduction for privates, and the imposition of fines not to exceed the amount of the offender's pay for one week. The effect of close arrest, when inflicted by a court of inquest, is to reduce the offender's pay for the duration of the arrest, twenty-five per cent., unless he is under sentence of imprisonment, when the sentence of close arrest carries with it the withdrawal of all pay. The duration of close arrest under sentence of a court of inquest is limited to twenty days, to other classes than those under sentence of imprisonment.

ART. 5. No one can sit on a court of inquest in which he is a party interested. The accused has the right to challenge any member. In deciding upon the validity of the challenge, the challenged party shall have no right to vote. In case the two remaining members disagree respecting the challenge, the opinion of the senior of the two will prevail, and a record of such being the case, be made. The challenge will be made to but one member at a time, and the causes of such challenge will be stated.

ART. 6. Courts of inquest are instituted, not only for the punishment of offences, but for the selection of those whose meritorious conduct shall have entitled them to reward. These shall be termed "picked men." Such selections shall be made monthly, and not less than ten per cent. of a ship's company shall be thus distinguished, unless it should appear upon examination that there were not that number on board, who had conducted themselves with sufficient propriety to merit such a distinction, in which case it will be reported to the commander-in-chief, by the commander of the ship. The former will immediately institute a full inquiry into the causes thereof, and report them to the Secretary of the Navy. No one will be made a "picked man," who is in debt to the government.

ART. 7. A picked man shall have the same privileges of "liberty" as the officers of the ship. He shall be distinguished by a badge, to be designated by the Secretary of the Navy. On being discharged, he shall be entitled to a leave of absence pay (ten per cent. less than full pay,) one-half of which he may draw monthly, as it falls due, and the residue when he reports for duty, within four months. Other privates, who may be recommended by the court of inquest to be continued on the seaman's register, shall, under like circumstances, be entitled to furlough pay, (one half the full pay,) on reporting for duty, if within four months. A private who is not a picked man shall be permitted to go on liberty at least twelve days of twenty-four hours each, in every year, at such times and places as the commandant may elect.

ART. 8. It is competent for a court of inquest to remove the sentence of imprisonment, after an offender has served as a convict for one-half the period for which he was sentenced, provided he be recommended to the favorable consideration of the court by the commander, and it be shown on due investigation that his conduct has been, under the sentence of imprisonment, commendable.

ART. 9. All matters which a court of inquest are called to act upon, must be brought before it by the authority and with the sanction of the commander of the ship, or some higher authority.

ART. 10. The sentence of a court of inquest to give it validity, requires the commander's approval.

ART. 11. It is optional with the commander to punish within the limits of his authority, or to refer the case to a court of inquest.

ART. 12. Courts of inquest are likewise courts of appeal from the award of the commander. In cases of appeal, the appellant may be punished by the confirmation of that awarded by the commander, together with such punishment as may be within the power of the court to inflict for making a vexatious or improper appeal. If the captain's punishment shall not be ratified or reduced, the accused shall be restored without disadvantage; but if the commander is dissatisfied with the verdict, he will report the case with the evidence, and his opinions, to the next highest authority, who may confirm the decision of the court, or invalidate its proceedings; or, if in his opinion the case demands it, he may submit it to a general court martial; but this shall not be understood to interfere with the right of the accused to carry his appeal up to a higher authority, if he sees proper. A commander failing to submit an appeal to a court of inquest, shall be punished as for oppression.

ART. 13. If, in the investigation of a criminal matter before a court of inquest, it appears that the case is one which should be brought before a court martial, the court will stop further proceedings, and direct that a proper accusation be preferred before a court martial.

ART. 14. The accused will be allowed the assistance of a friend to advise him, if he desires it.

ART. 15. The awards of the court of inquest shall be included in the commander's quarterly return of punishments, and a fair copy of the court's record be sent to the Navy Department, through the commander-in-chief of the squadron, annually.

REMARKS.—The articles of this section incomplete, as they professedly are, explain sufficiently the nature of the proposed ship's court, or court of inquest.

The punishment of faults against discipline may safely be left to the commander, when the right of appeal is allowed; but there are offences which it is best not to send up to a higher tribunal, that may be investigated with more propriety by an inferior court. "All violations of military law," says O'Brien, "may be divided into faults, offences, and crimes. And as not merely the punishment of crimes, but the very tribunal which has the power to inflict them, should be held in awe, it seems most proper to establish minor tribunals, for the trial of offences. We shall also gain the advantage of having the means of awarding military justice on the spot for violations of military law, which, next to faults, are of the most frequent occurrence."

A form of oath was purposely omitted, as we have some doubts of their

policy. Full publicity will better ensure justice. Distinct provision is made in the constitution of the court, that one of the members at least, should be a staff-officer. There is a propriety in this from the age, experience and intelligence of these classes. But besides these considerations, there exists a peculiar call for it in the fact that so large a portion of the crew are under their personal and immediate superintendence. This is more particularly the case in steamers, where the engineers have charge of the most important department of the ship.\* If inferior courts were established, and nothing said respecting their constitution, it would be against all former experience to place upon them any others as members than those of lineal rank, or as they are absurdly termed "sea officers," as though all other officers of the navy were not sea officers. The studious policy of the "service" has been to make the duties as well as the privileges of "sea officers" as exclusive as possible.

#### Section IV.—Courts Martial.

ART. 1. Courts martial may be convened by authority of the President of the United States, or of a commander-in-chief of a squadron, while acting out of the United States. They shall consist of seven, or of five members, or commissioned officers, and if practicable, of the department to which the accused belongs. The staff officers will preferably be taken from the same department of the staff as the accused.

ART. 2. Supernumerary members, not exceeding four, may be added to courts martial, who will be sworn as other members, and will be allowed to take part in all the proceedings, except that they will not, while supernumerary members, be entitled to vote. They will replace, according to seniority, any vacancies which may occur among the members, and will then become actual, and not supernumerary members.

ART. 3. An officer will be appointed to act as public prosecutor before the court, whose duty it will be to see that the prosecution is fairly conducted in behalf of the United States, without taking any undue advantage of the prisoner.

ART. 4. A judge advocate will also be appointed to the court, whose duties will be to object to any illegal or improper procedure, and to assist the court when called on by his legal advice. The judge advocate should be an officer of the navy, well versed in military law.† He should so far be counsel for the prisoner as to caution him on the effect of any disclosures, or admissions on his part. He must keep a record in which he may be assisted by another.

\* Yet engineers have neither an assimilated rank, nor a uniform of military respectability. If a propriety existed for either, in the case of surgeons and parsers, there is certainly not less in the case of engineers. Have they been withheld because their duties are of a mechanical kind, and approximates a species of labor repulsive to aristocratic fastidiousness. The attention of the democratic representatives of the people are invoked in their behalf, for without such aid, we apprehend that this class will get neither a uniform nor a rank, until tidings are received from England, that her gracious Majesty has been pleased to confer this boon upon the steam engineer of the Royal Navy.

† The secretary to the commander-in-chief might, with propriety, be *ex officio* judge advocate. Under these circumstances, he should be appointed by the President, and be a man learned in the law. His appointment should terminate with the cause, and for that period the compensation should be larger than secretaries now receive.

ART. 5. The accused will, in all cases, be permitted the assistance of a friend to advise him if he desires it.

ART. 6. The judge advocate will administer to the members the following oath:

“ You do swear that you will faithfully perform all the duties required of you, as members of this court martial, without partiality, prejudice, favor or affection; and that in all questions submitted to you in relation to deciding matters of fact, you will well, truly and impartially, try and determine the matter according to evidence; and that you will duly administer justice according to the provisions and enactments of law.”

ART. 7. The jurisdiction of a court martial extends to all cases where the crime requires severer punishment than that in the power of courts of inquest to inflict.

ART. 8. It is not competent for a court martial to inflict any other punishment than death, cashiering, dismissal, discharge, imprisonment for privates, reduction for officers, full suspension for officers, close arrest for not less than thirty days, and forfeiture of pay for not less than one month, unless in cases specifically provided for.

ART. 9. When a court martial, on investigating an accusation, is of the opinion that it is within the legal power of a court of inquest to award the punishment, it will direct the matter to be referred to said court, and will not award a sentence unless the accusations for such offences are joined with accusations for offences punishable by a court martial, said court, if it convicts the accused on any of the accusations, may proceed to a finding, and award a sentence on the other accusations if it chooses to entertain them. In all cases of accusations before any naval tribunal, the sentence will be given separately on each accusation that is proved, and if they are compatible, the accused will suffer them all in succession. If they are incompatible, the most severe punishment of them will be the one which the accused will be sentenced to undergo.

ART. 10. The accused is allowed to challenge any number of members of the court, but only one challenge can be entertained at one time. The member challenged will not be present when the vote is taken on said challenge.

ART. 11. No person to whom a sentence has been awarded by law, by a legal court, whether court martial, or court of inquest, or who has been acquitted by said court, can be tried again on the same accusation. And no trial can be had before a naval court for any offence which shall appear to have been committed more than two years before the date of the order, unless on account of the absence of the accused, or from some other manifest impediment, a trial has become impossible.

ART. 12. Vague, and indefinite accusations will not be entertained; and if in the course of judicial proceedings, it is found that accusations are so framed as to try greater offences under the name of inferior ones, the accusation will not be proceeded with, but a proper accusation will be preferred for trial before a proper tribunal. Accusations will be so framed, as far as practicable, as to charge the accused with certain facts, leaving the criminality of those facts to be determined by the court. But before proceeding to an investigation, it is the duty of the naval tribunal to determine if the facts of the accusation, if true, do amount to an offence cognizable by such tribunal; and if they do not constitute such an offence, the accusation must be referred to the tribunal having jurisdiction, or if the case requires it, be entirely dismissed.

ART. 13. Where the sentence of a court martial, after been duly ratified, is to sever an officer from the navy, or to reduce his position upon the roll lower than he formerly stood, it will not be competent for the President of the United States to restore him, unless with the advice and consent of the Senate.

ART. 14. In case a person on his trial before a court, objects to the legality of the court, or to the legality of any of its proceedings, or after trial, to the legality of the sentence, such person being sentenced may appeal from the sentence on the ground of the illegality objected to. Said appeal, with any arguments thereon deemed pertinent, will be forwarded to the Attorney-General of the United States. If the Attorney-General can produce a decision of the Supreme Court of the United States on the very points raised, these points will be decided accordingly; and if thus decided against the prisoner, the sentence of the court will stand. If decided in favor of the prisoner, or if the Attorney-General cannot produce a decision on the very points raised, the whole record of the case, with the appeal and accompanying documents, will be referred to the Supreme Court for its final decision, either to confirm, or annul the whole proceedings of the court martial, or to order a new trial, and to give a decision on the points raised. Said decisions on the points raised, will be published to the Navy in the very words of the decision, with such limitations and exceptions as are made in the decision. The determinations thus made will be binding on courts martial, in all cases where they are truly applicable.

REMARKS.—The fourteen articles contained in that section are thrown out as hints for supplying a small portion of deficiencies in our courts, as constituted by the Act of 1800. That law prescribes but little for their government and regulations, and most of that little is of doubtful propriety. Other articles might have been added, such as one requiring the attendance of civilians in courts martial, who may be summoned as witnesses. For this purpose, the judge advocate might call in the assistance of any United States judge to issue summons against a citizen wanted as a witness. For the want of this, a difficulty is now experienced in proving specifications, when the only witnesses are civilians whose attendance is voluntary, and not to be expected where their testimony will prejudice the case of one claiming their sympathy.

The minute attention to legal rights, contained in some of the articles, especially the 14th, copied almost verbatim from O'Brien, may excite the ridicule of those whose repugnance to "sea lawyers" is not less than Hallock tells us is felt for Yankee pedlars by Virginians, who "look upon them with as favorable eyes as Gabriel upon the devil in Paradise."

This is no reason, however, why the principle may not be a correct one.

The 1st article will excite animadversion in allowing accused persons of the staff to be tried by officers of the staff. No instance of a staff officer being a member of an American Naval Court Martial, has ever been brought to our knowledge, although by Art. 35 of the existing naval code, it might, at any time, have been done. Upon this wrong, a writer in the *Southern Literary Messenger*, for June, 1843, remarks:

"Among the instances of injustice complained of by the commissioned officers, composing the associate grades of the navy, there is not one more

remarkable perhaps than the usage which excludes them from sitting as members of courts martial. There is no law against appointing them to perform this duty; and there is no good reason why they should not be represented, when one of their respective grades is tried. Why should a surgeon in the navy be denied the right of trial by his peers? It is conceded to medical officers of the army, and every citizen."

Had this able writer been less exclusive in his efforts to correct naval abuses, and instead of looking solely to the wrongs of his own class, taken the part of the oppressed of every grade, his pen would have been more powerful in breaking up the aristocratic and oppressive usages of the English navy, which have been fastened upon the American navy and upon the American legislation. Justice and propriety alike demand the abrogation of the present law of usage here complained of. There is no way so effectual as a special statute, and we know not why the provisions of Article I should not be adopted. We presume that it will not be denied that the staff officers of the navy, composed principally of the engineers, pursers, and medical officers, are as intelligent and as patriotic as those of the lineal ranks, or that they would as promptly punish crime and maintain the honor of the country.

*Section V.—Special Mandates, &c.*

ART. 1. It is earnestly recommended to all officers, and others in the navy, diligently to attend divine service, and at all times show a becoming respect to the forms of religion. Commandants will afford the chaplain, or whoever may be designated for the performance of sacred duties, all proper facilities for their faithful discharge.

ART. 2. A "naval fund" is hereby authorized to be created under the general superintendence and management of the Secretary of the Navy, for the intellectual and moral improvement of seamen, from the following sources: 1st. The proceeds of fines and forfeitures; 2d. The proceeds of the sales of *slush*; 3d. The half of all sums derived from freights upon money, jewels, &c.; 4th. Amounts due from intestates and from deserters. Private donations and bequests, whether of money or property, may likewise be received for its use. In pursuance of the object of this fund the Secretary of the Navy is authorized to purchase books, charts, or such other property as may be designed to enlighten the minds, and improve the conduct of men; and as far as the state of the funds shall admit, he may employ "instructors" on board ships in commission, and at the principal naval stations; but such instructors shall be of the religious denomination, or sect most acceptable to a majority of all persons attached to such ship or station. Said instructors shall mess in the ward-room, and be entitled to a ration and nine hundred dollars, when on duty, except in frigates and ships of the line, where they shall receive twelve hundred dollars and a ration.

The instructors to be thus appointed shall be competent to perform the duties of chaplain, and will be required to give instruction to all persons who may require their services in such studies, including book-keeping and navigation, as will best fit them for advancement in the vocation of the sailor. The grade of chaplains is hereby abolished, and the sum hitherto appropriated for their pay will be transferred to the naval fund until otherwise ordered by Congress, provided the amount so transferred does not exceed \$25,000 per annum.

ART. 3. No person in the navy who has not been specially engaged for the purpose, shall be compelled to do menial offices as a servant of, or for the private benefit of another. This prohibition is not intended to forbid proper duties as laborers, such as cleaning the ship, rowing of boats, &c. ; nor is it intended to prevent an officer from employing a private, with the consent of the latter, to attend to his bedding, clothing, or perform for him other services at a proper compensation; but no one shall be excused from any public duty on account of any private agreement for his services.

ART. 4. For sending or accepting a challenge to duel; for being a second, promoter, carrier, or conveyor of such challenge: for upbraiding or reproaching another for refusing a challenge; for, when in command of a ship, or as officer of the deck, or in command of a boat, or under any other circumstances, knowingly, or willingly permitting any one to go forth to fight a duel, and not doing his utmost to prevent the same, the punishment will in all cases be dismissal. But this article gives no authority to take cognizance of the giving or receiving a challenge when one of the principals is not subject to military law.

ART. 5. The people, by the voice of Congress, and executive of the United States, hereby discharges all persons in the navy from any disgrace, or opinion of disadvantage, which might arise from their having refused to accept of a challenge, and declares that in so refusing they act in obedience to the laws, and do their duty as gallant sailors who subject themselves to discipline, and who know that their lives are pledged for the defence of the country.

ART. 6. A deserter to an enemy will be punished with death.

ART. 7. Desertion will be punished according to the circumstances of its aggravation, at the discretion of a court-martial. A deserter, unless severed from service by sentence of court, is bound to make good all time lost by desertion, as well as the time he may lose by the sentence of close arrest, when inflicted as a punishment for desertion. The court not only may forfeit his pay to the extent of their power in other cases, but charge him with all reasonable and lawful expenses of his capture.

ART. 8. A court of inquest can in no case take cognizance of the crime of desertion. A court-martial is to be the sole judge of the fact of desertion, which differs from absence without leave, in being an unauthorized abandonment of the service, and not a mere absence therefrom without any design, or purpose of abandonment. But in time of peace, unauthorized absence of more than — days, if in the United States, and — days if in a foreign port, will in all cases be tried as desertion.

These provisions are not to be so construed as to prevent an accusation of desertion for even the shortest illegal absence, when accompanied by circumstances showing a design to desert. A court-martial on a trial for desertion may acquit the accused of desertion, but declare that there appears to be ground for an accusation of absence without leave, which will be investigated by the proper tribunal.

ART. 9. A deserter will, in all future time, be liable to be tried and punished for desertion; and it is enjoined on all persons belonging to the navy, to use every effort to make such known, and cause them to be brought to trial.

ART. 10. In cases of revolt, resistance, or combined disobedience against superiors, those who have excited it, and those who are the chiefs and leaders of the revolt, will be punished with death. Those who take

part, or join in it, will be punished at the discretion of a court-martial. Officers present, who have in any way connived at the mutiny, or who have not faithfully and honestly opposed by all means in their power, to the best of their ability, will be punished with death. If the combined disobedience consist in inert resistance, the sentence may be awarded against the chiefs of the revolt, at the discretion of a court-martial.

ART. 11. In case of a riotous, mutinous, or seditious assembly, the superiors will command it to disperse in the name of the law, and that each one withdraw. If they are not instantly obeyed, they will name or designate those who they deem to be the authors or chiefs of the assembly. If those designated do not at once return to their duty, they will from that moment be deemed chiefs of revolt, and punished accordingly.

ART. 12. If the assembly is not dissolved on the command given in the name of the law, or if violence be used, it is the duty of the superiors to employ such means in their power as they may deem necessary promptly to suppress it, without prejudice to the penalties declared by law. The superiors can never be disturbed, or disquieted on account of the means used to make the law prevail. Officers, or petty officers, joining or taking part in any mutiny, will be deemed chiefs of revolt, and punished accordingly.

ART. 13. By mutiny, the law means combined revolt or resistance against lawful military authority. Generally the law requires three, at least, to constitute the crime of mutiny; but even two combined may be guilty of the crime of mutiny, when said number constitutes not less than one-third of the command.

ART. 14. No naval tribunal can attach any criminality to the disobedience of an unlawful order; but if the order be lawful, the mere opinion, or even conviction, in the mind of the accused, that the order was illegal, will not be deemed a mitigating, or even extenuating circumstance.

ART. 15. Prompt and unhesitating obedience being so essential in the navy, and disobedience being, in most cases, a serious crime, and as such, severely punished, it is enacted that no one, subject to the law of the navy, shall be punished by any civil or military tribunal, for an act done in obedience to an order of his superior officer in the navy, even though said order be illegal; unless it appear from the nature of the case, or from the circumstances attending it, that the accused, at the time of the obeying of the order, knew that he was acting illegally. But in all such cases of illegal orders, he who gave the order, and he who having the order brought under his notice, does not countermand it, having the power to do so, will severally and jointly be held answerable for all wrongful acts done in pursuance of such illegal orders, in like manner as if such acts had been done by themselves in person.

ART. 16. When a court-martial is of opinion that the accusation against an officer is true, but the offence arose from the incapacity of the accused, such court will recommend that he be discharged the naval service without disgrace, or have the privilege of resigning; and, in either case he shall, if he has served in the navy thirty years, receive furlough pay for life; if he has served over twenty years, he shall receive furlough pay for ten years, over ten and under twenty years, he shall receive furlough pay for five years; and if under ten, he shall receive furlough pay for two years.

ART. 17. Will be deemed incompetent, and discharged with the advantages allotted in the preceding article, any commandant, the station,

squadron, or ship under whose command affords evidence, by its condition, of his incapacity for his post; or any officer whose ignorance, habits, temper, idiosyncrasy, or any peculiar mental character, disqualify him for the discharge of the duties of his station; or any person whose physical infirmities incapacitate him for a sea life, provided those infirmities or maladies arose from vicious indulgences, or faults of his own, or were contracted before entering the service, or were the consequences of hereditary or constitutional taint. Otherwise he will be honorably discharged (if declared incompetent) on half duty pay for life.

ART. 18. The Secretary of the Navy will cause this act to be published in map form, and direct that a copy in frame, or on rollers, be kept suspended in some public place at each United States rendezvous of seamen, and at such other places as will bring it under the observation of seafaring men. He shall likewise direct that one be suspended on board every ship of war belonging to the navy, in a part of the ship where it may at any time be read by the crew, and that such articles as refer to faults, offences, crimes, and the punishment thereof, shall be read once in every three months on board every ship in the navy and at every naval station.

ART. 19. The Secretary of the Navy will have published, annually, a "Seaman's Register," to contain the names of all privates in the navy, designating their rate, length of service, (dating from the passage of this act,) actual duty, place of birth, and present residences, also such as are picked men.

REMARKS.—The experiment of affording the means of instruction to seamen ought not to meet with opposition, if it can be made without cost. Article second aims at this object. The transfer from the treasury to the Naval Fund, to the full extent of the limit named, \$25,000, would be 1,800 less than chaplains now receive, as employed according to the last register. This transfer would not necessarily deprive them of their present means of support. Many of this grade, now in a position where they can do no good, and where Congress has not the constitutional right to put them, have every qualification for usefulness, and would doubtless enter on a proper field of labor with renewed zeal.

The money obtained from the sale of *slush*, or the grease skimmed from boiled pork, has been the occasion of unpleasant feeling, if not sometimes of discreditable conduct. The crew have sagacity enough to perceive that it properly belongs to themselves; and some commanders devote a portion of it to procure extra comforts and little luxuries for them; but the most usual application of this fund is to purchase gewgaws for the vessel, such as ornaments to go on boats and certain conspicuous parts of the ship, musical instruments, uniforms for musicians, &c. As the allowances for our ships are ample to meet the necessary wants for actual service, all these could be dispensed with, not only without injury, but with actual advantage, as its expenditure for these purposes only fosters the pernicious feeling in the minds of those directing the expenditure, that the national property is to be used for the gratification of their own personal vanity. In the English navy, we believe the proceeds of *slush* is paid to the cook, in lieu of other emoluments. As this has not yet obtained with us, the cook being otherwise compensated, the present is a favorable time to give the slush fund a direction, which will most benefit its proper owners.

(To be Continued.)

## EDUCATIONAL FACILITIES:

UNITED STATES AND BRITAIN.

A PAPER READ BEFORE THE MONTGOMERY (ORANGE COUNTY) LITERARY AND SCIENTIFIC SOCIETY, MAY 19, 1849.

THE subject for consideration this evening is of vast extent and of deep interest. Exclusive of the interest of the subject itself, it has been clothed with additional interest from the circumstance, that European philosophers, and especially many English authors, have pertinaciously endeavored to disparage our country, in all the particulars relating to the ability and facility of obtaining knowledge. It is true, they no longer insist on the truth of the dictum of Buffon, that animal nature degenerates in America; but they still assert that our progress is "stern foremost"—that we "have done nothing but propagating the species and chopping down forest timber, without advancing the cause of good government, or any branch of human knowledge, science, or art, one jot." Happily, although there was a time when such sneers irritated us, that time has been succeeded by the consciousness of power too great to be affected by manifestations of malevolence, or by the sycophantic parasites of royal favor. It was natural that, when we were struggling for a place in the family of nations, before the beauty and power of our institutions became manifest to the world, we should exhibit some little impatience at the reproaches so illiberally bestowed upon us; but it is just as natural now, when our condition in every respect is among the foremost, and in some respects in advance of them, we should regard such reproaches with the pity due to jealousy, rather than with the contempt due to malice.

I regret to be compelled to say, that, in part, we have contributed to the rise, progress, and continuance of these aspersions. The absence of an international copyright law, and the interest of American publishers, have contributed, in a very great degree, to depress American literature. We are now rapidly obtaining a literature of our own; but it is growing in despite of difficulties and opposition, because the vigor of American genius is too strong to be subdaed. The discussion of the subject proposed for consideration this evening, will, probably, assist us to form a more correct opinion of our condition as a people than we have heretofore entertained; and I shall be exceedingly mistaken if it should not also make us rejoice that our lots have been cast where the facilities for obtaining knowledge abound to a degree unexampled in the most favored nation of Europe.

The question is—"Which country presents greater facilities for obtaining knowledge—the United States or England?"

The first thing to be determined is, what are "*facilities for obtaining knowledge*?" What are the influences which operate to produce a desire for knowledge among a people? These I think are, 1st, Political influence, or the nature of the institutions under which a people live. 2d, Physical influences, or the climate, soil, rivers, mountains, extent of ter-

ritory, and political power of a people. In short, all the physical causes which contribute to make a people happy, contented, independent, and respected, and which, consequently, elevate the character of, and give a higher intellectual aim to the people. 3d, Intellectual influences, or the means of obtaining knowledge in seminaries of learning,—in the social condition and industrial pursuits of a people, and all the peculiar social influences, which, in every country, give direction and activity to the mind. 4th, Moral influences, or the general tendency of institutions, pursuits and education, to the practice of virtue in its largest sense. The first two bestow the *capacity*, and the two last the means for obtaining knowledge. It is of the first importance that these should bear a relation to each other. Let us examine the advantages of America and England, and compare them in these respects with all the impartiality of cosmopolites.

*First.* In regard to political influences, or the nature of the institutions, social and political, under which the people live.

Under this head I will present to you, side by side, the chief features of the American and English institutions, that they may be more easily compared :

## UNITED STATES.

The supreme power in a Constitution, clearly defined by a written instrument constituting the departments of government.

The executive power in a President, elected every four years, having a salary of \$25,000 annually.

Senators elected every six years by the states from the mass of citizens.

Representatives elected every two years directly by the people.

The Church distinct from the State, and wholly dependent on the voluntary support of the people.

The municipal laws of the country enacted by State Legislatures entirely distinct from the general government, the members of which are chosen directly by the people, according to State constitutions.

All the people on an equality in regard to power, privileges, and distinctions, except when the people temporarily confer power on those they elect to office.

## ENGLAND.

The supreme power in a King, Lords, and Commons, defined by the laws of Parliament, and changeable by it.

The King hereditary, with an annual salary of \$3,500,000, including allowances to the Prince of Wales and members of the royal family.

House of Lords, composed of the hereditary nobility, and clergy, appointed by the King.

House of Commons, elected during the King's pleasure, by privileged constituents and ancient boroughs.

The Church incorporated with the State, independent of the voluntary support of the people, and the clergy enjoying revenues varying from \$150 to \$150,000 each, annually.

The municipal, as well as all other laws of the country, are enacted by the Parliament, in which the people have only a partial representation in the House of Commons.

The people divided into distinct classes, with distinct powers and privileges hereditary in families.

These are the prominent fundamental features of the political institutions of the two countries. The consequences flowing from them will furnish the best data upon which to form a comparative judgment of the facility of the political and social institutions of these countries to promote knowledge in the mass of the people.

## UNITED STATES.

A public debt recently incurred, amounting to about \$3 per head for each inhabitant.

Taxes on the people wholly collected through the customs from duties, about \$25,000,000 annually, being about \$1 25 per head for each inhabitant.

The executive, senators, and representatives, responsible to the people, from whom they are periodically taken, and to whom they speedily return, and with whom they must have an identity of interest.

The income of the people free from the compulsory support of religion.

Land and wealth generally equally distributed among all the people, and no laws to perpetuate them in the hands of a few.

A tendency of the whole genius of the government to place every person on the same level; or rather the absence of all laws creating distinctions, leaving to every person to find a position according to worth.

## ENGLAND.

A public debt of long standing, amounting to about \$281 per head for each inhabitant.

Taxes on the people collected from customs, excise, stamps, assessed and land taxes, about \$270,000,000 annually, being about \$12 50 per head for each inhabitant.

The executive and senators irresponsible to the people, having interests adverse to them, and only kept in check by the right of the Commons to withhold supplies.

The income of the people taxed one-tenth for the support of the Established Church.

Land and wealth generally confined to the aristocracy, and laws to perpetuate them in these families.

A tendency of the whole genius of the government to make distinctions among the people, and to separate class from class, and laws enacted to maintain such distinctions.

I pass over a comparison of the poor rates of the two countries for the want of proper data. The poor rates of England amount to about \$45,000,000, a sum nearly twice the whole expense of our government; but the taxes for the support of our poor are assessed and collected in the counties of the respective states, and I do not remember ever to have seen the aggregate for all the states published. It is, however, a very small item compared with the poor rates of England, and would, if we had the data, exhibit a very decided difference in the condition of the people of the respective countries. Compared with England, we may be said to have no paupers, as a large majority of them are not natives, but foreigners.

The legitimate inferences from the facts stated are all favorable to the United States. The history of the progress of arts, sciences, and literature in England, is in itself proof that our political and social institutions are more favorable for the cultivation of knowledge. The only feature of the institutions of England which resembles the entire fabric of those of America, relates to the commons; and the only portion of the people of England which resembles the entire population of the United States, are the commonalty. Abate some peculiar characteristics imposed by the power and example of their aristocracy, and the political and social condition of the commonalty of England would be an exact representation of the citizens of the United States. Now it is a historical fact, that England owes nearly all her intellectual glory to commoners—to her people and institutions, which so nearly resemble those of the United States. Take from England the glory of her commoners, and

you deprive her of almost all she possesses of modern date; for where would be her glory without Hampden, Cromwell, the Pitts, Burke, Sheridan, Shakspeare, Milton, Dryden, Pope, Bacon, Hale, Newton, Davy, Herschell, and hosts of others whose names are the brightest stars in her firmament? What would be her present condition if, since the age of Elizabeth, her fame had depended on her aristocracy? If the republican element of England has accomplished so much, clogged and fettered as it has been by debt, the Church and the aristocracy, may we not look for more glorious results to the same element in this country, free from debt, the Church and the aristocracy? Nay, can we not now, while our nation is in its infancy, point to a galaxy of names whose light is as clear, as large, and as strong, as any of those which shine in her firmament? It is true, we can exhibit no Shakspeare, Milton, or Bacon; but the world is at least six thousand years old, and among the millions of human beings who have successively lived and died, there has been only one Shakspeare, one Milton, and one Bacon. So, too, nations have been revolutionised, and founded throughout all time; but they have produced only one Washington, and one Congress, composed of a body of men such as the patriots who surrounded him, and founded our institutions. By the side of her statesmen, orators, philosophers, and scholars, we may place Jefferson, Madison, Patrick Henry, Hamilton, Franklin, Calhoun, Clay, Webster, Rittenhouse, Marshall, Edwards, Noah Webster, Anthon, Irving, Prescott, Fulton, Morse, Morton, &c., without any fear of suffering by the comparison.

If the people of England may justly boast of their love of liberty, and its happy influence on the intellectual character of the nation, in comparison with any European nation, we may, with propriety say, that what the institutions of England are to those of any other nation in Europe, those of the United States are to England.

I now pass to the consideration of the second item I have mentioned, viz, physical influences, or a comparison of the physical geography of the two countries in respect to influencing a desire for knowledge. Nothing can be more true than that the intellectual character of every people is very importantly modified and influenced by the physical nature of the country they inhabit. Climate, soil, productions, and the general physiognomy of a country, have a plastic power over the mind. Even a balmy day and beautiful scenery put the mind in cheerful activity, which produces thoughts in harmony with the emotions. That mind controls matter is a common remark; but it would be much nearer to a general truth, if we should say, that mind and matter reciprocally act upon each other. The benevolent Creator, when he made man in his image, surrounded him with influences of beauty, grandeur, and utility, to give activity, progress, and happiness to his mind. What would be the present condition of England, were it not for her mineral wealth and her ocean coasts? Instead of occupying the present elevated position, she might figure as some German Duchy, or as a province of France.

It is impossible, within the limits prescribed to me in this paper, nor is it necessary for the object I have in view, to compare the physical influences of the two countries minutely. It will be sufficient to present the principal features of comparison in parallel columns.

## UNITED STATES.

Timber of every description necessary for a great maritime, commercial, and manufacturing nation, is abundant, and of excellent quality.

Every useful variety of minerals in abundance, except tin, which is compensated by gold, silver, and quicksilver, not present in England.

Soil fertile; adapted for the production of almost every variety of edible vegetables, including rice and sugar; also for the production of cotton, wool, indigo, various naval stores, hemp, &c.

Every variety of climate embraced between 25° and 43° north latitude, and covering an average width from the Atlantic to the Pacific of about 46° of longitude, diversified with immense rivers, mountains and lakes.

The rivers and lakes are the largest in the world, and admit of the most extensive inland navigation. The general physiognomy of the country presents a slope to the Pacific, and another to the Atlantic Oceans, having a great central valley between the Rocky and Alleghany Mountains drained by the vast Mississippi, to which nearly all the rivers are tributary.

Bounded by the Pacific Ocean on one side, and by the Atlantic on the other, with the great Gulf of Mexico in the south, presenting an ocean outline unequalled by any other nation in extent, importance, and number of harbors.

The magnificence, variety, beauty, and utility of the botany of this region, is in perfect keeping with its geographic features. The forests contain about 170 species of trees, about 100 of which attain a height of from 60 to over 100 feet. Many of them produce valuable fruits, as the pecan-nut, walnuts, shell-barks, persimmons, plums, hazlenuts, oranges, mulberries, &c. Herbaceous, climbing, and aquatic plants abound in the greatest variety, presenting everywhere objects of beauty or magnificence to the eye, and gratifying to the palate.

The fauna, terrestrial and aquatic, of the United States, is as varied, as beautiful, and as valuable as might be expected in such a country. Buffalo, elk, antelope, deer, bear, cougar, turkey, grouse, pheasants, are a few of the many species which abound in the prairies and woods. Ducks and other swimming tribes are also abundant, among them the delicious canvass-back duck, the best of the whole tribe.

## ENGLAND.

Timber scarce, chiefly oak, and chiefly supplied by importation, particularly firs, deals, and masts.

The useful minerals, including tin in abundance, except gold, silver, and quicksilver.

Soil fertile for all grain and necessary edible vegetables, except maize, rice, and sugar. Does not produce cotton, hemp, indigo, or naval stores, but does wool.

Placed in the north part of the Temperate Zone, and small in extent, the climate is moist, chilly, subject to frequent and sudden changes, and is more favorable to the growth than the ripening of vegetation.

The rivers and lakes are comparatively small, the Thames being said to be navigable 133 miles. The country is well watered, and all its features may be called beautiful, but not grand.

Bounded by the Atlantic, having several important harbors.

The native trees of England are so few that I can afford to enumerate them, viz.: oak, elm, beech, ash, maple, sycamore, lime, horbeam, alder, birch, poplar, Scotch fir, and Mountain ash. "Nuts, acorns, crabs, and a few wild berries, were almost all the variety of vegetable food which its woods could boast." In herbaceous, climbing, and aquatic plants, it is not proportionably more rich. In short, England is indebted to other countries for esculent fruits and roots.

The terrestrial fauna of England is, and always has been, comparatively unimportant. The only ruminants indigenous to the country are the Scottish ox and roebuck. Bears, wolves, beaver, and wild boars, were once inhabitants of this country; but the wild quadrupeds are now limited to the fox, badger, marten, otter, hare, rabbit, squirrel, and the like small animals.

## UNITED STATES.

It is unnecessary to mention the fishes of the two countries, as both are abundantly supplied with them.

## ENGLAND.

The indigenous birds of England are as few as her quadrupeds. Fishes abundant.

A peculiarity which exhibits in a very striking manner the greater variety of species of trees in the United States, not only as compared with England, but with any part of Europe, is observed in the magnificent autumnal foliage of our forests, so celebrated by the lovers of the superbly beautiful. It is then that the red maple, the scarlet oak, yellow birch, and all trees according to their specific natures, exhibit the gaudy dresses, which excel in beauty and magnificence the most tastefully cultivated gardens. Nor is it foreign to the physical comparison I am making, to notice a beauty so peculiar and striking; for whatever excites the imagination—whatever increases the flow of animal spirits—whatever draws the heart and the thoughts to Him who unites beauty with design,—enlarges the mind, gives it elasticity and power, and facilitates the acquisition of, as well as begets the desire for, knowledge.

It is apparent that the United States possess many advantages over England in the physical influences which incite to, and facilitate the acquisition of knowledge. Except tin, I do not know a single object or subject of industry, or one which demands the skill and mind of the operator, that is not equally as abundant in the United States as in England. Nay, it is evident, that while we possess all that she has, with one exception, we possess also all that she lacks to make her an independent nation in her ship timber, and the various raw materials necessary for her immense manufacturing establishments. And who will pretend that we are deficient in any mental or physical qualification necessary to use these abundant and various materials skilfully and properly? No well-informed and honest Englishman. If there should be one, whose mind has been perverted by travellers' tales, or a reviewer's flippancy, I refer him to American successful competition with English mind and skill in some of the important articles in which they take great pride, and on which their prosperity depends. Is it in seamanship, and ship-building? Ask the underwriters at Lloyd's, where both of these things are practically tested by the hope of gain, and the fear of loss. Is it in the manufacture of hardware and cutlery? I refer him to the manufacturers of Birmingham, to learn whether we can manufacture fine edge-tools, locks, &c. Is it in machine-making? I refer him to Russia for our steamboats and locomotives, and to several German States for our locomotives—nay, to the Liverpool and Manchester road engineers. Is it in mechanical and scientific skill to apply and invent? I refer to Whitney, Fulton and Morse. Is it in industry and enterprise? Ask on the London Exchange, where our ships are not, and where our productions do not compete with the industry and enterprise of England.

But it is unnecessary to enumerate particulars. What is there in any particular of the physical condition of the United States unfriendly to the development of human mental or physical power? That the climate is as healthy, and as favorable to longevity, is proved by the unerring fact, that life insurance risks are calculated from the same Carlyle tables which form the basis of the London offices, and result in equally large profits to the companies. It is also proved by the fact, that we have a clearer atmosphere, more sun, and consequently, our vegetation ripens

more certainly than in England. But although I can discover nothing more unfriendly to human nature in our physical condition than exists in England, I can perceive many favorable influences which must operate beneficially for a higher development of mental power. The immense extent of our territory—the magnificent scale and grandeur of our scenery—the seas, lakes, rivers, mountains, and prairies, expand—give tone and sublimity to the mind contemplating them. No man can step on a steamboat on any western river, without feeling that he has an ocean before him in length. Ocean rivers are never thought of in Europe, and certainly not in England. The privileges enjoyed by these extensive rivers, enable the inhabitants of all parts of our country to have rapid, easy, and cheap intercommunication. A journey of a thousand or two miles is nothing to an American. Hence, we have few citizens with the rust of the fireside—with the contracted ideas of a vegetative life about them. The faculties of all have experienced the benefit of wide and extensive travel; the freshness, the elasticity and vigor bestowed by new scenery, new climates, new men, new manners and new interests.

Nor do I esteem it of less consequence to the favorable development of mind, that our country exhibits none of the hoary remains of ancient civilization, to bind and fetter reflection to former men and things; none of the police regulations, which require passports to be constantly in the hand; none of the fastidious etiquette, which draws lines of separation between man and man. On the contrary, it everywhere exhibits the freshness and magnificence of nature, which fill the mind with joy for the present and hope for the future, instead of reflections on the past; every where the government reposes confidently on the people, because treason is unknown, a stranger to our judiciary, and a crime scarcely within the range of possibility; everywhere the manly frankness and open bearing of nature's noblemen measure intercourse by the conduct and intellect of men, rather than by artificial distinctions.

I now pass to the consideration of the third item, viz:—Intellectual influences, or the means of obtaining knowledge in seminaries of learning, in the social condition and industrial pursuits of the people, and all the peculiar social influences which, in every country, give direction and activity to the mind.

No single element of modern society will exhibit the progressive condition of a people so perfectly as the number of seminaries of learning among them, and the facility afforded to youth to be instructed in them. I will endeavor to present a very condensed view of the condition of the United States and England in this most important particular, but, at the same time, sufficiently comprehensive for a general comparison.

In the United States there are one hundred and eighteen colleges scattered through the different states, for the education of youth, from which about 3000 graduates issue yearly. The annual expense for education, including board, in these seminaries, averages about \$150. In all of these institutions, a competent classical education is given to youth, embracing, in general, the branches taught in the universities in England.\*

In England, the two universities of Oxford and Cambridge, the London University and King's College, particularly the two first, are the

\* It is not pretended that as highly finished educations are obtained in our colleges as at the universities of England; but the courses adopted in a few, as Princeton, Yale, Cambridge, &c., will suffer very little by a comparison.

wealthiest, the most ancient, and, probably, the most celebrated in Europe. I do not know the number of annual graduates; but the expense for education, boarding, &c., with every economy, will amount to \$750 per annum. It is doubtful whether the greater number of our colleges is an advantage in every respect; but their number and wide diffusion accord better with the desire of the people and the genius of our institutions, by the greater cheapness and facility of collegiate educations, than if the whole were concentrated in three or four institutions, as in England. With us, the great object is to afford a collegiate education to as many as possible; while in England, the aristocracy is almost exclusively benefited by her public educational institutions. Even her public schools, such as Eton, Westminster, Winchester and Harrow, although originally founded as charity schools, are now appropriated to the aristocracy.

But the most important element of modern civilization, that which, more than any other single feature, so advantageously distinguishes modern from ancient civilization, is the facility afforded for the intellectual cultivation of the whole of the people, rather than the few. It is to this element, particularly, we must look for the comparative facilities of the two countries for obtaining knowledge. Universities and colleges, whether on the exclusive and expensive plan of England, or on the general and economical plan of the United States, are, in a greater or less degree, seminaries for the wealthy. They are, therefore, under the most favorable circumstances, seminaries for the few. The academies, grammar and primary schools, are the instruments for moulding the great body of the people into good and useful citizens. It is in these, chiefly, that the great practical elements of life are developed and prepared for activity; and it must be in these, if anywhere, that the substantial knowledge must be acquired to enable mechanics, artisans, agriculturists and laborers, to give power and glory to a nation, by the fidelity, skill and ingenuity with which they perform their respective duties.

In the United States, the Federal government has no authority to interfere with the internal policy of the respective states; consequently it has only been directly instrumental in creating the noble Military Academy at West Point, and the Smithsonian Institute in Washington City. But, although this branch of our government has been thus restricted by the nature of our institutions, it has laid a noble foundation for establishing common schools, by the endowment of one section of the public lands in every township for educational purposes, besides making other reservations for colleges, academies, and internal improvements.

But it is to the state governments we must look for provisions for education. The regulations, and the funds for education, are very different in the different states. As a general remark, it may be said, that no public system of education prevails south of South Carolina, east of the Alleghany Mountains, and south of Tennessee, west of the Alleghany; but that the whole of the extensive and populous region north of these lines, containing four-fifths of the white population of the country, enjoy the advantage of a more or less perfect system of public instruction from funds provided by the state. In the state of New-York are fifty-seven incorporated academies and seminaries, in which are taught the classics and many of the higher branches of learning, which annually receive a portion of the public funds. Every town is divided into a suitable num-

ber of districts, in each of which a school-house is erected, and provided with furniture and fuel by the district. From the income of the Common School Fund, \$275,000 are annually distributed among the school districts, according to the number of scholars, the towns being required to raise, by tax, an equal amount. The number of school districts in the state is 10,990, and the whole number of scholars taught in them 709,156, for which the public pay nearly half the whole expense.

Connecticut, in proportion to population, is more amply provided with the public means of education than any other state in the Union. The school fund amounts to about \$2,000,000, the interest of which is sufficient to provide every child in the state a good English education.\* She is also abundantly supplied with academies and colleges for those who desire a finished education. It is unnecessary to detail the particulars in each state. In some, I know not how many of the states, libraries are established in every common school district, from the funds of the literature fund, for the free use of the people. In the state of New-York, these libraries contain an aggregate of 1,310,986 volumes, at a cost of nearly eighty-seven cents per volume. The aggregate in Michigan is 36,988 volumes. No returns from other states.

Newspapers and periodicals present another vast engine for distributing knowledge among the people of the United States, nearly all of whom read, and feel a deep interest in passing events. There are about 1500 of these published, nearly 100 of which are daily, and the editions of several range from 15,000 to 40,000 copies each. It is said, that the number of newspapers and periodicals published in the United States, exceed the number published in the whole of Europe, which, in proportion to population, gives to the people of the United States an advantage in this particular of thirteen to one.

England is lamentably deficient in primary schools for the people. The only schools of this description are a few in London, the principal of which is the celebrated Bluecoat School, in which about 1,100 children are maintained and educated. There are also 3,898 other charitable foundations in England, with an income of \$326,000, which, from various abuses and neglect, do very little for education. In addition, they have endowed new schools 302, and unendowed new schools 820. The result of this state of things is, that a large majority of the mechanics, artisans, and laborers of England, can neither read nor write.

The English periodicals are more ably edited than those of the United States. The subscription price for them are, on an average, at least ten times the subscription in the United States. The stamp duties, which amount to more than \$3,000,000 annually, absorb a large part of this enormous charge; but after paying very liberally for the best talents employed in the various departments of these papers, the net profits of some of the largest circulation are known to be large. Those of the Times have been estimated at \$120,000 per annum. There are about 225 periodicals published in England. But this information is of little value, unless we also knew the total number of copies issued in each year. I

\* Connecticut, however, should require, as in New-York, that the several townships raise a sum equal to the state fund for the support of schools. The absence of this requisition induces the authorities to require frequently of a candidate no other qualification for teaching than that he will be satisfied with the state allowance.

have no means of ascertaining this accurately, but can approach it sufficiently near to answer the purpose of comparison. The total annual number of stamps consumed by the press of England, is 25,000,000, including issues for copies for advertisements. Deduct 8,000,000 of these stamps for advertisements, which will leave 17,000,000 for the number of copies of periodicals circulated annually. But deduct nothing, and give to the English periodicals a circulation equal to the total consumption of stamps, and it does not amount to as many copies for the whole of England as are issued by the periodicals of the city of New-York.

It must be admitted, that in the facilities for obtaining knowledge from these great and inexhaustible fountains of modern discovery and use, the United States present advantages much superior to those of England. The intellectual and social condition of the people manifest this superiority. It is a rare thing to find a citizen north of the lines mentioned, and especially in the northern section of the region, who cannot read and write. In the Southern States, where there are no public schools, the white inhabitants are also generally educated. From the peculiar nature of their social institutions, nearly the whole white population of the south are planters, merchants, traders, and mechanics, nearly all of whom read and write, and many of whom are highly educated.

I now proceed to the consideration of the fourth and last item of the facilities enjoyed by a people for obtaining knowledge, viz.: moral influences, or the general tendency of institutions, pursuits, and education, to the practice of virtue in its largest sense.

The first, and by far the most important element of these influences, is the Church.

Whatever may be thought of religion in the abstract, by those who are regardless of its sanctions, they cannot, if they are men of any observation, deny the fact, that the state of civilization and prosperity of every nation, bear a direct relation to the state of religion in such nation. The moral principle of a people is "the breath of life"—"the living soul" of their political institutions and mental energy. This great truth is marked on the history of nations of all periods, and has never been more strikingly manifest than it is now. From Fetishism through Buddhism, Lamaism, Foism, and Mahommedism to Christianity, the gradations are as regular as the proportion of the moral element which enters into their compositions. The same remark will apply to Christian countries; for, although the religion of all of them is founded on the same Scripture, the moral element infused into each differs vastly in amount, and, of course, in efficiency.

It is not only the boast of our country that we have devised, and given an example to the world of new political institutions, but also that we have set the scarcely less important example, that the moral principle will be more highly developed without than with the coercion of the law—without than by the union of Church and State. In short, that the religion, the moral condition of a nation, may be safely entrusted to the keeping of the people.

Although morality does not embrace all required by the Christian religion, yet this last unquestionably includes all embraced in morality. But the Church is not a less valuable instrument to promote worldly advantages, because, while she eminently promotes them, she pays regard to our relations to a future world.

The Church in the United States is founded on the voluntary motions of the people. It is unsupported by law—by the slightest coercion of any political authority, except what incidentally arises from the nature of the laws, and popular opinion. But popular opinion can only be favorable in a community in which the majority of the people are favorable to virtue—favorable to religious influences; consequently popular opinion does not support the Church, until the Church inculcates the principle to value her influence.

Remembering that the Church in the United States is entirely a voluntary institution, and conceding that its whole tendency is to promote and diffuse knowledge of every description among the people, a statistical statement of its condition, and of the various beneficial institutions which it has originated and promoted, will be one of the best evidences of the moral tone of the people. Exclusive of the Quakers, the communicants of the different churches in the United States are 4,456,727. If the Quakers were included, and they are among our most moral people, I think the communicants would amount to 5,000,000, or nearly one third of our white population.

The churches in the United States, exclusive of Methodist and Quaker, amount to 30,051. Ministers, exclusive of Quakers, 25,287.

Theological seminaries connected with the various churches amount to 41. I will not attempt to detail the Foreign and Domestic Missionary Societies, Sunday-schools, Bible Societies, Maternal, Education, Tract, Seaman, Temperance, Prison Discipline, and other Societies, which owe their origin to the churches, and their support to the voluntary contributions of the people. Besides these, which originated directly from the churches, are Asylums for the insane, for widows and orphans, for the deaf and dumb, and for the blind, &c., which originated from the same spirit so widely diffused among the people, although they did not directly from the bosom of the Church.

To exhibit in a condensed form the active moral element of the people of the United States, they have voluntarily taxed themselves as follows, viz :

To support and promote religion, - - - - -	\$11,000,000
Common School Fund, \$20,338,246. Income, - - - - -	1,500,000
Supplied from other sources exclusive of the School Fund, viz : }	3,500,000
voluntary taxes in towns, &c., to support public education, }	
	\$16,000,000

To the above add the amount expended for education in colleges, academies and other seminaries, at the cost of the parents, say ten million dollars, (which is certainly much below the actual amount,) and we have a grand total of twenty-six million dollars voluntarily expended by the people of the United States, annually, to sustain and promote religion and education—a sum about equal to the whole annual expenditure of the Federal government. This sum employs, annually, viz :

Ministers, as above enumerated, - - - - -	25,287
Professors in colleges—literary, theological, medical, &c., - - -	1,371
Teachers in Academies and private seminaries, in which are taught the classics and higher branches of education, (estimated) -	6,500
Teachers in public and primary schools, (estimated) - - - - -	80,000
	113,158

The number in the two last mentioned estimated items is evidently much too low; but I have no returns of the actual number of teachers in all the public schools, and therefore made a designedly low estimate to be certainly within bounds. That it is low, is evident from the returns of the number of teachers employed in the public schools. In New-Hampshire 2,126, Vermont 2,276 and Massachusetts 7,675; making an aggregate of 12,077, or more than one-seventh of the whole number in three states alone. New-York and Pennsylvania employ about 25,000 teachers. To estimate the whole number of teachers in the primary schools of the United States, from the data furnished by these states, would give the number employed 156,803, which would be evidently too high; and yet the number of children in the United States which require to be taught, (and with few exceptions they are all taught,) amount to about 4,200,000, which would give to each of the 156,803 teachers 27 scholars. I mention these facts to show that the estimate of 80,000 is certainly within bounds.

I much regret that I cannot exhibit the moral influences prevailing in England with as much exactness as I have those in the United States. I have not the statistical tables for the purpose; but think I can perform the task with sufficient accuracy to answer the general object we have in view.

Ministers of the Established Church and Dissenters, (estimated)	-	15,000
Teachers in endowed and unendowed schools,	-	25,000
		<hr/>
		40,000

The estimate of ministers is based on the number of parishes, which are estimated, for England and Wales, at ten thousand seven hundred, and the belief that every parish has at least one rector or vicar. Many of the rectors and vicars do not perform parochial duties, which are discharged by curates; but this does not materially affect the estimate, as it is only the substitution of one for the other. There are, no doubt, many instances in which the rector or vicar and the curate are actually employed in parochial duties. For these, and for dissenting clergy, I have allowed four thousand three hundred, which, it is believed, is amply sufficient.

I have not been able to learn the number of professors in the universities and colleges of England. I will estimate them at the same number as in the United States, viz: one thousand three hundred and seventy-one, which is probably much too large. The University of Oxford has nineteen colleges and five halls; and Cambridge thirteen colleges and four halls. The University of London and King's College are also large institutions; but it is scarcely possible that these, together with their medical colleges, should employ 1,371 professors.

In respect to primary schools for the great body of the people, I am enabled to be a little more particular, as the Parliamentary investigations at the instance of Lord Brougham, have placed many important facts within my reach.

There are in England eighteen thousand four hundred and forty-nine schools, endowed and unendowed, exclusive of five thousand one hundred and sixty-two Sunday-schools. The number of teachers in these schools I have estimated at twenty-five thousand; an estimate I think, beyond the truth. Of the endowed schools, three thousand eight hundred and sixty-five are old charity foundations, the funds of which are absorbed by

various modes, other than by teaching, and consequently employ but few teachers. The whole number of scholars in all these endowed and unendowed schools in England, were 644,282; being 104,105 less than attended the common schools of New-York, last year. The aggregate of all these estimates gives the number 41,371 persons in England, employed in moral and intellectual education, being 71,787 less than those employed in the United States for the same objects.

I have made no estimate of the expense of supporting the moral and intellectual establishments of England, because nearly the whole is compulsory—a part of state machinery, and consequently furnishes no comparative evidence of the moral tone of English and American society.

The population of England and Wales is about equal to the white population of the United States; consequently, it is fair to presume her scholastic population is also equal. The returns of the number of scholars in the common schools of the United States are very incomplete, though we possess the official returns of the most populous states in which the school system is in the highest perfection. These give the number of scholars attending the common schools to be a few over 2,200,000, exclusive of scholars attending the numerous private seminaries. The report of the Education Committee of England, to Parliament, gives a grand total of scholars attending schools, as follows:

Endowments,	{	Free scholars, - - - -	145,952
	{	Pay scholars, - 19,481	
Unendowed day schools,	}	Free scholars, - - - -	168,064
	}	Pay scholars, 310,785	
		330,266	314,016

Thus, in the endowed schools of less than half the states of the Union, two million two hundred thousand children are taught, against three hundred and fourteen thousand and sixteen children in the endowed schools of England; that is, that in a little over one-half the population of the United States, seven children are taught in the common schools of this country for every one taught in the endowed schools of the whole of England.

I have omitted, in my estimates, Sunday-schools, which, in England, are esteemed important instruments for education; but I have also omitted these schools in the United States, because, although they are highly valued as moral influences, day schools are so numerous that they are not much valued for their intellectual influences. But here, too, if a comparison should be made, the advantage is greatly in favor of the United States. The report of the Education Committee to Parliament gives the number of Sunday-schools in England, 5,162, and the total number of scholars 452,817. Dr. Baird, in his "Religion in America," p. 156, says the Sunday-schools in the United States "were reckoned seven years ago at 16,000; the teachers at 130,000, or 140,000; and the scholars, comprising, it was supposed, 100,000 adults, at 1,000,000."

It is proper to say, that I do not know whether Lord Brougham's laudable efforts to increase the facilities for education in England have been followed by any very important results. It may be, that the condition of England, in respect to general education, is a little more favorable than it was at the time of the Parliamentary investigation, from which

the above facts are taken; but I believe it remains substantially unaltered.

I may concede, without materially impairing the wide contrast between the United States and England, in educational facilities, manifested by the above facts, that the universities of England afford, for the very wealthy portion of her inhabitants, more favorable opportunities for obtaining a thorough and finished education, than can be readily obtained in the United States. This concession is really of very little importance. The rich can always obtain facilities in proportion to their desires. The real question is, what are the relative facilities of the *whole of the population* of the two countries for religious, moral, and intellectual cultivation? It is on the great body of the people that national prosperity and glory must depend. If all the poor of a nation possess at least elementary educations—can read, write, and cypher, no fear need be entertained that the rich will not acquire all the higher branches of knowledge required by their positions. Reading, writing, and arithmetic, simple as they appear to be to many persons, are instruments of incalculable power, if their combined effects on a whole nation should be estimated. They constitute the essential elements of civilization and progress; for while they enable the laborer to perform all his duties more skilfully and efficiently, he is conscious of the dignity of possessing the elements of accurate knowledge, of estimating public measures and men, and of contributing his mite to national prosperity and glory. He knows he is a man, not a mere machine, surrounded by religious, moral, and political responsibilities, in the discharge of which he has as deep an interest as any member of the community.

I will now conclude without a summary of the preceding facts. It is unnecessary. Every member of this society must be convinced, that England, great and glorious as she is, possesses neither natural nor artificial qualities to constitute her an exemplar for the United States. We may say, with all sincerity, we envy our old mother nothing she enjoys: on the contrary, we rejoice with the natural and lively feelings of children, at her very eminent position among nations, in respect to everything which constitutes this glory of the very remarkable age. Nor do I desire to boast of the advantages we possess over her. We should remember that we are indebted for more than half of what we enjoy to the numberless superior physical influences which the great Creator has bestowed on our highly favored country, its remote position from European counteracting influences, the highly favorable time of the origin of our happy institutions, and the Anglo-Saxon blood as the foundation element of our prosperity. But the powerful natural and artificial instruments at work among us must accomplish great results; and when I look at the immense theatre on which they are acting, and the powerful influence they must exercise on the destiny of mankind, I cannot withhold the expression, that a new spectacle in the grand drama of civilization is here exhibiting, which will form a great epoch in history, to which posterity will point with joy as the first great embodiment of the truth, that a representative democracy is the best and cheapest form of government for a large as well as a small nation.

EARNING A LIVING;  
A COMEDY IN FIVE ACTS.

—  
ACT IV.

SCENE I.—OLD HOLLYBUSH'S house. CHARLOTTE and MARY and JACOB HOLLYBUSH.

*C.* Oh, uncle Jacob, what a strange arrangement.

*J. H.* It's Minetta's doing, not mine—

*C.* That you should go with us, you and Minetta—indeed we were very glad of that. That seemed a sort of sanction to the very bold step we are taking. But Mr. Glumly! Oh, dear, dear, and Nancy Dubarre!

*M.* How could you consent to it, Uncle?—

*J. H.* I consent to nothing, propose nothing, oppose nothing. My affair is to marry Minetta, when and where she pleases. I take no cognizance of the parties that may go along.

*M.* Have Hartington and Rupert been informed of this?

*J. H.* Yes, and they behave, about it, much as you do. They do not like it; but to get rid of it now, it would be necessary to change the whole arrangement, and perhaps make a mortal quarrel.

*M.* Nancy Dubarre has no occasion to run away. She is her own mistress.

*J. H.* Neither has Minetta—neither have I. We are all amateurs.

*C.* We are not. Papa has driven us to this. Oh, uncle! you have no idea how he has treated us the last day or two.

*J. H.* Haven't I? Indeed I know my brother well, and I love him well; but I have never seen caprices of temper like his.

*M.* Charlotte, have you that letter?

*C.* Yes, here it is.

*J. H.* For your father?

*C.* Yes.

*J. H.* Let me see it.

*C.* It is sealed; but I can tell you what is in it.

*M.* It is a letter of adieu—of deprecation—of excuse, so far as we can offer any without offending him too much.

*C.* It represents to him that we are under solemn promises already, which he has given us no sufficient reasons for recalling—that our faith is plighted to our future husbands, and our highest duty is henceforth to them.

*J. H.* It won't be his opinion.

*M.* Dear uncle!

*J. H.* Dear girls, don't argue the matter with me. I'm only a spectator.

*C.* Well, Mary, carry the letter to papa's room, and leave it on his table.

*M.* He's there himself.

*C.* Asleep?

*M.* Yes, on the sofa—and the door open. I saw him as I came down.

*C.* Well, no matter; only don't wake him. (*Exit Mary.*) What o'clock is it, uncle Jacob?

*J. H.* Ah! that begins to be an important question. It is near half past three. I must call on Minetta again, and then to the rendezvous at Thompson & Weller's. (*Exit.*)

[Scene closes.]

## SCENE II.—THOMPSON &amp; WELLER'S shop. HAY and HARTINGTON.

*Hay.* We are a little before our time.

*H'n.* Not much. It's a bore, this—about Glumly.

*Hay.* Why, Glumly is not to blame. Miss Campion managed the whole matter for him, and forced it upon him: so says uncle Jacob.

*H'n.* You have it quite pat already—"Uncle Jacob."

*Hay.* He and his intended are a couple of originals. I don't know two people who care so little what anybody says or thinks.

*H'n.* Unless it be Glumly and Miss Dubarre.

*Hay.* Miss Dubarre, yes; but not Glumly. Glumly is vain and sensitive. Don't be savage to him now. Remember he does not intrude here by his own choice.

*H'n.* Four elopements together! When was that known before?

(Enter GLUMLY.)

*G.* Good day, gentlemen.

*Hay and H'n.* Good day.

*Hay.* We are to have your company, Mr. Glumly, in this rather extraordinary party?

*G.* Yes, if you will accept it—and I believe you must; for the ladies have so decreed.

*H'n.* Have you seen Mr. Jacob Hollybush?

*G.* Here he comes.

(Enter J. H.)

*J. H.* Well, gentlemen, I bring you the very last news. The ladies are all ready; my nieces are to call for Miss Campion, and Miss Dubarre is waiting for them with her. In fifteen minutes, or half an hour at farthest, they will be here.

*Hay.* What shall we do in the meantime?

*G.* Take a cup of chocolate and make ourselves comfortable. Here are the evening papers. [*They seat themselves, and the scene closes.*]

## SCENE III.—OLD HOLLYBUSH'S house. MARY and CHARLOTTE, with their hats on.

*C.* Ah, Mary, it is time to go.

*M.* Why, let us go then.

*C.* I cannot. This dear old home, when shall we see it again? Do you think papa will let us come home?

*M.* Yes, Charlotte, I do. But let us go. I have thought about all that, and cried about it, too, and now that's over—let us go.

*C.* Dear father—he has been very unkind just now, but he loves us dearly, and we shall grieve him deeply.

*M.* Yes; but he will send for us again to comfort him, and we shall come. He will forgive us, and all will be well. Come, Charlotte, cheer up, and let us go. (*As they pass toward the door, it opens, and old Hollybush comes in with the letter open in his hand.*)

*C. and M.* Oh!

*O. H.* (*looking at them a moment, then speaks.*) Still here, my daughters? I thought you had eloped.

*C. and M.* Oh, papa!

*O. H.* I had a dream, or warning of some sort.—Ah, I believe it was a letter. It said you were going to quit the poor, helpless old man, and look for gayer quarters.

*C.* (*sobbing, and throwing herself upon his neck.*) Oh, dear papa, dear papa. (*Mary stands apart, and silent.*)

*O. H.* (*putting Charlotte into a chair.*) There was a time, when I did not expect this; there was a time when I thought I had a treasury of love in my children's hearts that would last out my days, and the days of mourning after them. But no.

*C.* Oh, yes; dear father, yes.

*O. H.* Fathers should know their place; they should not give advice, nor exercise authority; they should not check folly, nor foretell misfortune; they should first let the mischief be done, and then sacrifice themselves to remedy it.

*C.* Oh, father, you will break our hearts.

*M.* Not mine; at least, not in that manner.

*O. H.* Not yours, hard-hearted girl! Do you stand there, like a statue, and defy me? Do you contrive a plot to ruin yourself—to run straight into perdition, from the shelter of your father's house, and then look me in the face and justify it?

*M.* I can justify all I have done, and all I intend to do. It would be well for you and for us, father, if you could do the same.

*O. H.* Justify!—I—justify! Shall I stand up before my children, like a criminal, and take my trial for having exercised a parent's authority? And receive sentence, I suppose, on my knees?

*M.* I don't know how to answer exclamations, nor irony. But if I should confess that we had been wrong, would you allow me then to ask you to judge yourself—to seek in your own bosom for evidence, and see if you were not wrong first?

*O. H.* (*walks up and down in silence, then stops and addresses Mary with affected calmness.*) How have I been wrong?

*M.* In attempting to govern us by force—by absolute commands—without reasons—and by restraints upon our personal liberty.

*O. H.* Was it not all for your own good?

*M.* You thought so, but we differ as to that.

*O. H.* We do, indeed. Indeed, indeed we differ. And you should have had your way, and I was wrong, of course.

*M.* (*taking his hand.*) Father, if you meet me with sarcasm, my courage will break down, and we shall never understand each other. Let me speak plainly, and answer me kindly.

*O. H.* Proceed.

*M.* Nay, father; you have been very unkind to us. You have not been consistent. You allowed us to form these intimacies first, and then the intimacies to ripen into attachments, and the attachments became engagements, before we ourselves were fairly aware of it. You should have spoken sooner,—a great deal sooner.

*O. H.* Had I not distinctly reserved my right to veto?

*M.* Yes, long ago; but you let it sleep until it died. You let the time go by till your silence became a sanction.

*O. H.* And that sanction cannot now be retracted?

*M.* No; certainly.

*O. H.* Not if I had discovered circumstances never known to me before? Not if I had the proof that you had made your engagements, not with poverty merely, but with perpetual misery and dishonor?

*M. & C.* Dishonor!

*O. H.* Yes; with dishonor. I did not intend to speak out to you so soon; I meant to have investigated more deeply, and to have shown you proofs when I should speak; but I tell you, your faith is given to dishonorable men.

*C.* Oh, Mary, what will become of us?

*M.* Let us know the truth. Tell us what is this dishonor? Dear father, you have said too much now to leave us further in suspense.

*O. H.* I will tell you. These young men have wasted their means, and they pick up a dishonorable living by borrowing. Borrowing what they cannot pay, and accumulating hopeless insolvency. Will you wed yourselves to debt, and for your lives? It is the veriest fiend that walks in the ways of men.

*M.* How do you know that this is so?

*O. H.* I have had hints from several quarters. But the confirmation came from Vansitart. They attempted to get a loan of money last week, through him.

*M.* Does Vansitart say so?

*O. H.* I said it to him, and he could not deny it. He prevaricated—he showed a wish to deceive me—but he could not deny it.

*M.* It is not conclusive; but it is enough to make us pause.

*O. H.* It is, indeed. You may well pause and hesitate before you make your households with such an inmate. The debtor's pillow is all thorns—his food is all spread with bitterness. His daily walks are a perpetual humiliation; the conversation that is addressed to him, a continual insult. He sickens at his life; he hates the morning, because it brings back mortification; and the evening, because his fireside is a reproach to him. All this he suffers; and he revenges it all upon—his wife. [Exit.

*C.* (*kissing, and throwing herself into Mary's arms.*) Oh, Mary, what shall we do? what shall we do?

*M.* Bear up, Charlotte, or I shall sink too. (*Bursts into tears, Charlotte sustaining her, and sinks into a chair.*) Oh, Charlotte, my strength gives way, but not my spirits. I do not believe it. I do not believe it. There is some dreadful mistake. [Scene closes.

SCENE IV.—THOMPSON & WELLER'S. HAY, HARTINGTON, GLUMLY and JACOB HOLLYBUSH.

*G.* (*to J. H.*) Here is the Herald.

*J. H.* Thank you; I've read it through twice.

*G.* A pretty preparation that for your wedding.

*Hay.* I'm afraid something has happened.

*J. H.* I don't understand it. It's half-past five.

*G.* Mr. Hay, was that a Philadelphian I saw talking to you, to-day, in Wall-street?

*Hay.* Before the Exchange?

*G.* Yes.

*Hay.* Yes.

*G.* I thought so. I can almost always tell them.

*J. H.* How?

*G.* Oh, they look so band-boxy. That is, you know, the society men, the stars of Chestnut-street.

*Hay.* Yes; Philadelphia is the only place I know where the men of fashion are generally dandies.

*G.* Yes; that's the word—dandies. Men that look rigged; that seem to be thinking about their clothes.

*J. H.* Every city has its peculiarities.

*H'n.* What are ours?

*J. H.* Oh, this is the metropolis. I mean the provincial cities.

*G.* In Boston, it is the inner man that they rig.

*Hay.* And the inner woman?

*G.* Oh, certainly! Logic and Latin, instead of ruffled shirts; and transcendentalism instead of Miss Lawson's hats and feathers.

*J. H.* Well, I think I can always tell a Boston woman when I hear her talk.

*H'n.* So can I.

*G.* They are so well informed, and so informing. So sure of what they say; and so precise and emphatic.

*J. H.* Even so. (*Looks at his watch.*) Ain't you tired of this conversation?

*G.* Thank you; very. But what the devil can we do?

*J. H.* I don't think we need stay here any longer. Something has certainly gone wrong. Let us all walk up to Mr. Campion's. You three stop in there, and I will bring you word if anything has happened at my brother's.

*All.* Agreed.

[Exit.

SCENE V.—*Old HOLLYBUSH's house. CHARLOTTE and MARY with their workbaskets. CHARLOTTE rings. (Enter JOHN.)*

*C.* John, is papa still in the breakfast room?

*John.* Yes, madam. There's a gentleman with him on business.

*C.* Tell him we want to speak to him before he goes down town.

*John.* Yes, madam,

[*Exit.*]

*C.* He is very angry with us still, Mary.

*M.* Yes. I was afraid at breakfast he would make a scene before the servants.

(*Enter OLD HOLLYBUSH.*)

*C.* Papa, will you send Mr. Vansittart here this morning.

*O. H.* Yes, if you desire it. You are going to examine witnesses and take depositions, and sift out facts for yourselves, are you?

*M.* Yes, sir.

*O. H.* Very well. Anybody else that I can summon to appear before you? Vansittart is below stairs now.

*M.* Yes, sir; after we have seen Vansittart, we wish to see Mr. Hartington and Mr. Hay.

*O. H.* Do you, indeed? Then I must inform you that Mr. Hartington and Mr. Hay shall never enter my doors again. I will send Vansittart up. He will convince you of the truth if he won't speak it. And then, if you are not satisfied, you ought to be; and there is an end. [*Exit.*]

*C.* Oh, Mary; how violent and unreasonable!

*M.* Yes, Charlotte; but let us keep calm, and search this matter out.

(*Enter VANSITTART.*)

*V.* Good morning, ladies.

*C. and M.* Good morning.

*V.* Your father mentioned that you had something to say to me. Can I be of any use?

*M.* Yes, Mr. Vansittart; we want a piece of information, which, we are told, it is in your power to give us.

*V.* On what subject, Miss Mary?

*M.* It concerns Mr. Hay and Mr. Hartington. You must be aware by this time that we have reason to interest ourselves in what relates to these gentlemen.

*V.* I am well aware of it.

*M.* Well, Mr. Vansittart, the fact is this—do they owe you money?

*V.* No.

*M.* Have you not borrowed money for them?

*V.* If I have, Miss Mary, they would not owe me, but those from whom I borrowed.

*M.* You do not answer the question. Do these young men get their living by borrowing?

*V.* Certainly not.

*C.* That is not the question, Mary. The question is, do they borrow money at all that they cannot pay.

*V.* Certainly they do not.

*C.* Did they never do such a thing?

*V.* Never. I think I may safely guarantee that.

*M.* But, Mr. Vansittart, papa says they did—and through your agency.

*V.* Oh, no, Miss Mary; your father could not say exactly that. You have misunderstood him.

*C.* But he is exceedingly displeased about it; and has forbidden their visits here in consequence.

*V.* That is very strange. There was a transaction, a loan of a very large sum of money; your father lent it to Mr. Duperu. I negotiated the loan. Bu'

your father had most ample security for the repayment. I cannot imagine how that should have displeased him.

*M.* Was that money for Hay and Hartington?

*V.* Oh, I forgot. Your father seemed to suspect it was; and he asked me some questions about it. Now, all that I knew in the matter, I knew professionally and confidentially. Of course I could say nothing.

*C.* But can they pay this money again?

*V.* My dear Miss Charlotte, it was Mr. Duperu that borrowed the money, and he gave full security for the repayment.

*C.* But if he gave it to Hay and Hartington, perhaps they cannot repay him.

*V.* You are a searching cross-examiner, Miss Charlotte; but in this matter I am not at liberty to enter into details. I must ask you to take my word for it, that it was an honorable transaction throughout and for all the parties.

*C.* Hay and Hartington included?

*V.* (*laughing.*) Yes; if they had anything to do with it. And what you tell me about your father surprises me very much. I thought the suspicions he had would have raised those gentlemen in his estimation very much, instead of the contrary. Can I be of any further service?

*C.* Not now, Mr. Vansittart; thank you. (*Exit.*) Now Mary, what do you think of that?

*M.* Why, that papa is entirely mistaken.

*C.* So it seems to me.

*M.* And he is determined not to be set right.

*C.* It does appear so. What must we do?

*M.* Leave this house, Charlotte. I never would do it, so long as papa was reasonable, and allow us free intercourse with our friends. But total separation, and by force, too! It is not to be thought of.

*C.* Where is uncle Jacob?

*M.* I don't know. But he will not raise his finger for us. We must send a message to Hay and Hartington, and the only messenger I can think of is Mr. Glumly.

*C.* That is true. He is not the confidant I should choose; but he is in so deep already, it is better trusting him than telling more.

(*Rings. Enter JOHN.*)

*M.* John, step over to Mr. Glumly's rooms, and say, we should like to speak with him, and as soon as convenient.

*John.* Yes, madam.

*M.* John, say as soon as possible.

*John.* Yes, madam. [*Exit.*]

*C.* Now, Mary, what are you going to say to Mr. Glumly?

*M.* I am going to ask him simply to deliver a note to Hay, and to bring me back the answer.

*C.* And what will you put in the note?

*M.* Let us consider. (*Arranging paper and pens.*) "Dear sir: (*writing.*) Last evening we were detained at home, by papa, until it was too late to walk out, as we proposed."

*C.* Very well; and besides—

*M.* (*writing.*) "And besides that, papa said some things to us which Mr. Vansittart can explain to you, which made us hesitate at the step we were taking."

*C.* Yes; but we have seen Mr. Vansittart.

*M.* (*writing.*) "But we have seen Mr. Vansittart, and are satisfied with the statements he has made to us."

*C.* And we wish you to know—

*M.* "Yes; (*writing.*) and we wish you to know that our sentiments have undergone no change. Yours, &c., M. H."

*C.* That will do. Only there is not a word there about what we are to do next.

*M.* Runaway again.

C. Oh, Mary!

M. Certainly. Is there not a plain promise in the note?

C. Why, Mary, there is not a word about it.

M. Certainly. "Our sentiments have undergone no change." Were not those our sentiments?

C. Well; but the proposal at least ought to come from them.

M. So it will; and I will go up stairs and get ready.

(Enter GLUMLY.)

G. Good morning, ladies.

C. and M. Good morning, sir.

G. Can I be of service to you, ladies? John brought me a message.

C. Yes, Mr. Glumly; there is no time just now for explanations; but will you hand this note to Mr. Hay?

G. Certainly.

M. And will you do us the favor to bring his answer here?

G. Certainly.

C. Because papa has given orders that he and Mr. Hartington are not to be admitted here. (To Mary.) You should have put that in the note.

M. They knew it yesterday.

G. Good morning, then, and au revoir. I will make all the haste I can.

[Exit. Scene closes.]

SCENE VI.—VANSITTART'S rooms. VANSITTART, HAY and HARTINGTON.

Hay. So, that makes all this trouble. I cannot imagine what he finds amiss in that. He said at the time, the voyage was most excellently planned.

V. Yes, he certainly said that.

H'n. And he is not the man to think the worse of us for getting up a good voyage. Was it the smuggling part on the west Coast of Mexico, think you?

V. No—he rather chuckled over the smuggling. I remember his remarks about that.

Hay. What did he say?

V. Why, he said we should teach the Mexicans, after a while, that to lay extravagant duties was the way to get goods brought in free of any.

H'n. Yes, he goes strong for free trade. But he had an idea, too, about slave trading.

V. Oh, he did not think that. Such an idea crossed him, but he did not entertain it for a moment.

Hay. If he did, we could easily set him right.

V. Set him right, indeed! No you couldn't; let him think what he might. You might as well set the vane the way you wanted the wind to blow. You don't know him.

H'n. That would'nt change the wind, eh?

V. No; you know not whence it comes, nor whither it goes, and his opinions are just as unaccountable.

Hay. And just as perverse, or a little more so.

(Enter GLUMLY.)

G. Mr. Hay, I have been looking for you. Here is a note that will interest you, and I am requested to take charge of your answer.

Hay. (reads it and hands to Hartington.) What is to be done?

H'n. (after reading.) All that was left undone last evening.

Hay. It is now eleven o'clock—shall we say twelve?

H'n. Yes.

Hay. (to Glumly.) Same place—same arrangement—only let the ladies go first. Do you understand?

G. Perfectly. I'll go and make up the party. [Exit.]

H'n. Hay, you had better write.

Hay. Perhaps so. I will go down to my room with him and give him a note with all the particulars. [Exit.]

V. Mr. Glumly seems to be deep in your confidence.  
*H'n.* Deeper than I wish, a good deal. But the fates seem to thrust him upon me. I shall get used to him, I suppose.  
 V. Certainly. Apothecaries get fond of rhubarb.  
*H'n.* Rhubarb has some virtues; but I doubt about Glumly. (*Exit.*)  
 [*Scene closes.*]

SCENE VII.—HAY'S rooms. HAY alone. (*Enter HARTINGTON.*)

*H'n.* Hay, have you arranged all that?  
*Hay.* Yes.  
*H'n.* For twelve o'clock?  
*Hay.* Yes.  
*H'n.* I've ordered the coaches. I hope we shan't make a miss of it this time.  
*Hay.* No; I hope not.  
*H'n.* Are we to be encumbered with Glumly, and his bride as well, and Mr. Hollybush and his?  
*Hay.* Yes. I don't see any objection. On the contrary, I rather like the joke.  
*H'n.* I'm anxious, and not in a humor to take jokes. How do we proceed then, exactly?  
*Hay.* Why, Charlotte and Mary leave their father's house about twelve, they pass by here, we shall see them. They go on and call for Minetta Campion—Miss Dubarre is to be there, then all four go to Thompson & Weller's together.  
*H'n.* And we follow immediately?  
*Hay.* We go down to Glumly's rooms and take up him and Jacob Hollybush; then we four go also to Thompson & Weller's.  
*H'n.* Immediately?  
*Hay.* Yes, the ladies will take a cup of chocolate, and we shall be there before it is finished. The rest follows of course.  
*H'n.* Yes, when we once get as far as that, I believe we shall know what to do. Have you seen Duperu to day?  
*Hay.* No.  
*H'n.* The Sarah Sands is in; her letters I suppose are not distributed yet. I wanted to go round and see what news, but now there will be no time.  
*Hay.* Oh, don't start off on any expeditions. It would not be very pleasant for those ladies to be kept waiting at Thompson & Weller's after they ceased to have any apparent reason for staying.  
*H'n.* Indeed it would not. I have time, too, to go down to Duperu's. But you are right, and I won't. But I am a little anxious still about those Calcutta bills.  
*Hay.* They were all accepted.  
*H'n.* Yes, but perhaps the house they are drawn on may fail. I want to hear that they are paid. There have been so many failures.  
*Hay.* Does this vessel decide it?  
*H'n.* Yes.  
*Hay.* Well, we have other matters in hand now. I imagine it will all be right. The house was safe up to the last steamer, and that brings it pretty near.

(*Enter GLUMLY.*)

G. Miss Mary requested me to say to you, gentlemen, that in case of any possible accident or detention preventing us all from arriving in time, the ladies will positively wait only a quarter of an hour at Thompson & Weller's.  
*H'n.* That shows forethought; but I believe we shall be in time.  
 G. Most probably, but the ladies are still a little nervous from yesterday.  
*Hay.* Well, we shall remember. [*Exit G. Scene closes.*]

## SCENE VIII.—OLD HOLLYBUSH'S house. CHARLOTTE and MARY.

C. There, I believe all is now arranged and ready.

M. I believe so.

C. I feel more composed than I did yesterday—more resolute. Papa's intemperate behaviour seems to me to justify what we are doing. When he spoke kindly once or twice, yesterday, I thought my heart would break.

M. He might have conquered me, if he would have used gentle means.

C. I would bear anything, if he would not insist on interdicting all intercourse with Hay and Hartington. But what are we to do? We have given them our hearts irrevocably, and we must keep our hold on their's. Absence might change them.

M. I hope not; but I am no more disposed to try it than you are.

C. Farewell, old mansion; we have had some happy days here.

M. Yes, and we will come back here and have some more.

C. Oh Mary, do you think so? Will papa forgive us?

M. Yes, Charlotte; and you know it well enough. I would not leave him even now, with all the good reasons I can give myself for doing it, if I were not certain of coming back to him. No, nor would you. You know you would not.

C. He is very stern sometimes, but I do hope he will soften. Where is the trunk?

M. John has it in charge.

C. What did you tell him?

M. I told him it was a trunk uncle Jacob would probably send for, and if he did, to deliver it. Uncle Jacob will do as much as that for us, after we are fairly married.

C. Yes, but he won't raise a finger for us now.

M. No—he observes the most conscientious neutrality possible.

C. Come, Mary, the hour has arrived; let us go forth and meet our destiny. Adieu, adieu! (*looking around, and waving her hand to the various objects in the room.*)

M. (*doing the same.*) Adieu. [*Exeunt.*]

## SCENE IX. HAY'S Room. HAY and HARTINGTON.

Hay. It is twelve o'clock.

H'n. Yes; and there come Charlotte and Mary down the street.

Hay. Let us wait awhile, and not go out till they have had full time to get in and arrive before us.

H'n. No; I suppose just now we may as well avoid being seen even near them in the street. The old man may possibly be on the watch.

Hay. Oh, if he is watching, he'll trap us to a certainty. But let us avoid accidents. (*Knock at the door.*) Come in.

(*Enter Boy.*)

Boy. Here's a note from Mr. Duperu.

Hay. Ah, give it me. (*Reads.*) "Dear sir,—I regret to say that the Sarah Sands brings news of the failure of Chapman's house; and our Calcutta bills have all come back protested." Is it possible?

H'n. Is it possible?

Hay. (*reads.*) "You see this makes it necessary for us to raise \$30,000 more, as we must take up these bills ourselves; and the money we raised on the loan is all wanted for our second batch of notes, which fall due to-morrow."

H'n. Yes; all but seven hundred dollars.

Hay. (*reads.*) "I wish you to come to me immediately. If I am to save my credit to-morrow, there is not a moment to be lost." Indeed there is not; but what can we do about it?

H'n. Duperu must stop payment.

Hay. (*throwing himself into a chair.*) What a dreadful blow!

*Boy.* Any answer, sir?  
*H'n.* Yes; tell Mr. Duperu we will come immediately. No—stop. Do you know Mr. Glumly's room?

*Boy.* No, sir.

*H'n.* It's the white house on the corner below here, over the barber's.

*Boy.* And a toy-shop in the same building?

*H'n.* Exactly. Run down there, (*writes a line, and gives it to him*) and give that to Mr. Glumly. We will go to Mr. Duperu, and deliver our own answer. [*Exit boy.*]

*Hay.* What did you write?

*H'n.* I wrote that an affair had occurred, involving a friend of ours, which called on our instant attention—that it was so important, that even in these circumstances, the ladies would approve our failing in our appointment, as soon as we could see them and explain.

*Hay.* Very well. They will be astonished; but they will certainly pardon us when they know all. Come. [*Exeunt.*]

### MALHERBE.

HERE is a gem, and an exquisite one, too, from the pen of Malherbe, the Beranger of the sixteenth century. The lines were addressed to Du Perrier, on the death of his daughter.

Malherbe was born at Caen, in 1555, and in his fiftieth year was received into the service of Henry IV., who liberally pensioned him. He was the founder of that severe school of purity and taste, which has given such elegance to the poetry of France. Although a ripe scholar, his works were principally odes, sonnets and stanzas. They are all marked by beauty and vigor, and the most fastidious critic admits their power and elegance. It is related of Malherbe, that such was his zeal for the purity of the French language, that in his dying hours he reproved his nurse for incorrectly using a word. Boileau says of him, that he was the first poet in France who gave to verse its harmony, grace and strength, and that,

“ Tout reconnut ses lois, et ce guide fidèle,  
 Aux auteurs de ce tems, sert encore modele.”

He died in the year 1627. A beautiful edition of his works was published at Paris in 1757.

“ ‘ Mais elle était du monde, où les plus belles choses  
 Ont le pire destin  
 Et, rose, elle a vécu ce que vivent les roses :  
 L'espace d'un matin.  
 La mort a des rigueurs à nulle autre pareilles,  
 On a beau la prier,  
 La cruelle qu'elle est se bouche les oreilles,  
 Et nous laisse crier.  
 Le pauvre en sa cabane, où le chaume le couvre,  
 Est sujet à ses lois ;  
 Et la garde, qui veille aux barrières du Louvre  
 N'en défend pas nos rois.’ ”

## POPULAR PORTRAITS WITH PEN AND PENCIL.

ALBERT G. BROWN, OF MISSISSIPPI.

ALBERT G. BROWN is the second son of Joseph Brown, a respectable planter, who settled in what is now Copiah county, in the state of Mississippi, in the winter of 1823. The country was then a wilderness. The white man had not yet taken possession of the "new purchase," and the fire of the red man was at that time smoking, so recent had been his exit from the country.

In indigent circumstances, Joseph Brown had sought this forest home, consented to brave its hardships, in the hope of rearing his children to better fortune than his own. His two sons, Edwin and Albert, then small boys, performed such labor in opening the farm as they were able to endure. Albert, then ten years of age, was a sort of man of all work. It was his business to mind the stock, work a little on the farm, go to mill on Saturday, and attend school occasionally when there was nothing else to do.

If it should be thought by any that this was an indifferent method of opening the way to the boy's fortune, it must be borne in mind, that the family was surrounded by the most trying circumstances, and the future promised nothing but what industry, honesty, and the most rigid economy might yield. Pitching his tent in the unbroken woods, not a tree missing from the dense forest, far from the settled parts of the country, without provisions, and almost without money, and not an acquaintance or a friend on whom he could call for help—it will be readily seen that the whole business and cares of the elder Mr. Brown's life were founded on the single word "bread."

After the first two or three years, thanks to industry, economy, and a fertile soil, hard fortune began to relax her iron grasp. Well stored granaries, sleek herds of cattle, fat hogs and horses, attested the thrift which followed on the heels of retreating poverty. About this time attention was given to Albert's strong inclination for books, and he was kept pretty steadily at such inferior neighborhood schools as may be found in a frontier country—that is, barring the interruptions which going to mill and working on the farm in times of great need, would occasionally interpose.

In February, 1829, having made tolerable proficiency in the rudiments of an English education, and given evidence of sprightliness, his father consented with as much readiness as was consistent with his limited means, to send him to Mississippi college, then a respectable school, under the management of that excellent man and pure Christian, the Rev. D. Comfort. Here he remained three years, endearing himself to a large circle of class and school-mates, almost all of whom have since been his fastest and truest friends, and winning the confidence and affection of his venerable teacher, who still survives to witness the success of his pupil, and to enjoy the happy consciousness, that his parental cares and sage counsel has lifted a poor boy to distinction, and placed him on the high

way to fame and fortune. The writer has often heard the subject of this notice confess with deep emotion his gratitude to his old preceptor, and declare that to him he owed, in a great measure, whatever of success had attended him through life. From Mr. Comfort's school, young Brown was transferred in the winter of 1832, to Jefferson college, where he remained six months—when, becoming dissatisfied with the institution, he left it and went home, under a partial promise from his father to send him for a regular collegiate course to Princeton or Yale. But after counting the cost, and making allowance for the care of a then rather numerous family of sons and daughters, Mr. Brown (the father,) concluded that he should be unable to send his son to college. Thus closed the school-boy days of Albert G. Brown. With an education very imperfect, suddenly disappointed in his cherished hope of prosecuting his studies in one of the old schools, he was at the early age of nineteen years left to select his future course. This was a critical period, and few young men thus suddenly crossed and thrown back upon their own resources would have behaved better. Mr. Brown not entirely desponding, but greatly chagrined at being thus cut off with an education scarcely commenced, went of his own choice to the county village, Gallatin, entered into an arrangement with a lawyer of high standing, (E. G. Peyton, Esq.,) and the next day began the study of the law. In less than a year, he was examined before the Supreme Court of Mississippi, and admitted to the bar with appropriate evidences of his qualifications. Though closely pursuing his studies, Mr. Brown found ample time in his hours of recreation to extend his acquaintance among the people, and by his bland and courteous deportment to lay deep and solid foundation of that singular personal popularity, and which no change of parties or political convulsion has ever shaken.

During his six months' stay at Jefferson college previously mentioned, he underwent a course of military training; and, recommended by this circumstance, the people of his county attested their confidence in him by electing him a colonel of militia before he was nineteen years old. This was the first office he ever held. The next year he was chosen a Brigadier-General of Militia.

Mr. Brown was scarcely twenty years of age when he applied for admission to the bar, and the writer has heard him speak of his extreme anxiety, lest the usual question (where there can be any doubt)—“are you twenty-one?” should be propounded. This was the only question to which he could not have given a satisfactory answer, and by singular good fortune (for him) it was not asked.

He began the practice of his profession in the autumn of 1833, and succeeded at once. He took rank with the oldest and most distinguished professional gentlemen at the bar where he practised. His business steadily and rapidly increased to 1839, when he withdrew from the profession, in the enjoyment of the fullest and most lucrative practice, being professionally employed in nearly five hundred causes during the year in which he retired from the bar.

In October, 1835, Mr. Brown, (or General Brown, by which title he was then better known,) was married to Elizabeth Frances Taliaferro, a Virginia lady of accomplishments, of great personal worth, and of excellent family. She survived the marriage only about five months. Her family have subsequently been among the most steadfast of General B.'s numerous friends and supporters.

In this year, 1835, began the political career of General Brown. At the November election, he was chosen a representative to the State Legislature, to fill the first vacancy occurring after he was twenty-one years old. It was an interesting period in the Legislation of Mississippi, and there was great competition for the seats. In 1835, Copiah, the county of Mr. Brown's residence, was entitled to three representatives, and he was one of nine candidates, nearly all democrats, or as they were called, "Jackson men." Great pains were taken to defeat him, as the aspiring and ambitious thought he would be in their way on future occasions. Some maintained that he was too young, but the great bulk of the opposition rested upon an alleged unsoundness in his political views. For this change there was no better foundation than that General Brown's father was a whig, or, as he was not ashamed to call himself, a federalist of the old school. The election transpired, and General Brown was successful, being the second successful candidate, and leading his next highest competitor about 75 votes. His representative duties were discharged with marked fidelity, and so entirely to the satisfaction of his constituents, that at the next election he was returned without a struggle, the opposition being only nominal. He took an active and leading part in the debates, and in all the business of legislation; and before the expiration of his first term, the speakership having been vacated by the indisposition of the presiding officer of the house, he was chosen speaker *pro tem*, by acclamation. It is to be regretted that the debates in the Legislature of Mississippi at that period were not preserved, as they were intrinsically valuable, and if now in existence, would throw a flood of light on the political history of the state. A record of these debates would exhibit in relief admirable and bold, the political forecast of General Brown. Though almost the youngest member of the house, he counselled his more aged compeers in many an earnest speech, against that system of banking which has since rendered the financial policy of Mississippi so remarkable throughout the world.

General Brown took his seat in the Legislature under his second election in January, 1838. The banking system had already given way, and was tottering to its fall. Just then, Governor Lynch, the first and last whig Governor of Mississippi, recommended the Legislature "to express its opinion on the subject of a National Bank," and entered himself into an elaborate argument in favor of that institution. This recommendation was referred to a committee of which General Brown was chairman, and his report contains many strong views in opposition to the bank, both on the ground of unconstitutionality and of its inexpediency. We have only room for one or two short extracts, as follows:—

"Chief Justice Marshall, in delivering the opinion of the court, in the celebrated case of McCullough against the state of Maryland, lays down the principle in broad terms, "That when the law is not prohibited, and is intended to carry into effect any power entrusted to the government, Congress is to be the exclusive judge of the degree of its necessity." Suppose this to be the settled doctrine upon this subject, the abolition of slavery is not expressly prohibited in the District of Columbia, nor any of the states where it exists, and among the enumerated powers of the general government, is one authorising it to provide for the common defence and general welfare. Suppose then that the abolitionists of the north, whose strength, disguise it as you will, is increasing with frightful rapidity, should, under this rule of construction adopted by

jurists, and sanctioned by politicians, insist that in all cases it was their duty to provide for the "general welfare," in obedience to the power given them, and that to carry into effect this specific grant of power, if it was "necessary" to abolish slavery in the District of Columbia, and the states where it exists—We ask, whether it might not be competent for them to do so, or how this case is distinguished from the one immediately under consideration, to wit, the power to charter a National Bank, because it is a measure "necessary" for the "general welfare;" and if the Supreme Court thought it incompetent for them to inquire into the degree of necessity involved in the first case, could they undertake to make the inquiry in the latter? We think not. Again, suppose the nation, in the present enfeebled state of its treasury, be suddenly involved in a conflict with Great Britain, or some other foreign power, Congress is called upon to furnish money to carry on the war; this she refuses to do, by levying a direct tax which shall bear equally upon all portions of the United States,—but incorporates a company, and invests them with exclusive power to navigate the Mississippi River for fifty years, in consideration that the company will pay the government a bonus of twenty-five millions of money. The power to have such action on the part of the general government is well questioned; it is not however expressly prohibited, and Congress asserts that it is "necessary" in providing for the "common defence and general welfare" to charter said company, and invest them with such powers, for the consideration of the twenty-five million bonus; and the Supreme Court, if appealed to, says, Congress is to be the judge of the necessity, and we will not interfere.

"We ask if such rules of construction, with such arguments to sustain them, may not, indeed if they are not likely to lead to the most disastrous consequences—consequences portentous of great evil to the rights of the states, and threatening at once the stability of our excellent forms of government? Your committee are of opinion, that this clause of the Constitution furnishes no warrant for the establishment of a National Bank."

The report continued with various other views of the constitutional question, chiefly in answer to the arguments urged by the friends of the bank. It set forth many and strong arguments against the expediency of the bank, and concluded as follows:

"If, then, it does not render the labor of the citizens more valuable, we are at a loss to discern the great advantages which the working man is to derive from its creation. But we are satisfied of its effects, when the redundancy of paper money which it circulates has swelled in a twofold relation the value of every horse, plough, harrow and other articles of husbandry or family consumption which the laborer buys. Then we find it is an institution which, instead of lightening the poor man's toils, in fact levies a heavy contribution upon the wages of his industry. It is an institution which make the weak weaker and the potent man powerful; ever filching from the poor man's hand to replenish the rich man's purse. Your committee have mistaken the duties of legislators, if it is their province to guard over the peculiar interest of the speculator and gambler, who live by the patronage of banks, to the detriment and ruin of the honest yeomen, whose toils have raised our happy republic from a few dependant colonies, to the highest pinnacle of national fame, causing Indian wigwams to give place to splendid cities, and the whole wilderness to bloom and blossom as the rose. It is well said that 'the laborer is worthy of his hire;' and the illustrious Burke never uttered a sentiment which better deserved to be embalmed in the hearts of freemen, than that the workingman should feel the wages of his labor in his pocket and hear it jingle.

In conclusion, we recommend as an expression of this body on the subject of a National Bank, the adoption of the following resolutions:

"1. *Resolved*, That the government of the United States has no constitutional right to charter a National Bank.

"2. *Resolved*, That it is inexpedient and improper to charter such an institution at this time, even if Congress had the constitutional right to do so."

This report elicited the warmest commendation on the part of the anti-bank press and party, whilst all the bank interests assailed it with denunciation, attempts at ridicule, and occasionally with something like argument. It was extensively published at the time, and is believed to have had a salutary influence in awakening public inquiry on the subject in Mississippi.

In the fall of the same year (1838) Gen. Brown being absent from the state, the bank party took advantage of a general panic in the public mind, growing out of the existing pecuniary embarrassments in Mississippi, to get up written instructions requiring him to vote for a bank U. S. Senator, or resign. He chose the latter alternative. Although in a moment of panic, 750 out of 900 voters had signed these instructions, Gen. Brown did not hesitate to present himself as a candidate to fill the vacancy occasioned by his own resignation. He issued a short address from which we present an extract.

"To stand in the way of a free disposition of the elective franchise by the people, in the selection of their representatives, I should conceive the greatest moral and political disgrace which could befall a republican citizen. I am a democrat in practice as in principle, and it is one of the first articles in the *Koran* of that political sect, that the people should be represented by whom they will. If my services are no longer desired, I should cease to feel contented in the seat which has been assigned me by your preference. And whenever you shall determine at the ballot box to dismiss me from your service, I shall retire with a sense of pleasure equalled only by the satisfaction which I experienced in entering upon it, and surpassed only by the gladness which I now feel, in having performed at all times as I best could the trusts confided to my care. I have a right to ask in abdicating my seat in the legislature, that the articles of my condemnation may not be signed and sealed by the people, and handed over to be ratified, confirmed and executed by my political enemies, before I am heard in my own defence. All I ask, is a free conference with the people. *Come set ye down and let us reason together.*"

He at once entered upon a close and searching canvass of the county. The result was, his triumphal return to the Legislature by a majority of one hundred and fifty odd votes over his bank competitor. The opposition was confounded. They had counted on success as a matter of course. The anti-bank friends of Gen. Brown in his own county, and throughout the state, were of course greatly elated at this signal triumph. The democratic State Convention assembled soon after, and although not then twenty-five years old, he was unanimously nominated for Congress. The chances for success were anything but flattering. The whigs had swept the state at the election previous, and the bank interest in Mississippi was in the zenith of its power. Not dismayed by these unfavorable circumstances, he entered at once upon an active and vigorous canvass of the whole state; and before the election in November, 1839, he and his colleague, Mr. Jacob Thompson, had thoroughly canvassed every nook and corner of the state. Though met at every step by the most unscrupulous opposition; assailed with vituperation and slander—with denunciation, personal and political, Gen. Brown and his colleague moved steadily forward, calling the people together, challenging their opponents to meet them in debate, and carrying conviction to the mind of their auditors. The result did ample justice to their zeal and fidelity. The state was redeemed; bank thralldom was ended. The whole democratic

ticket was elected by an average majority of three thousand; Gen. Brown leading the Congressional ticket by large odds.

He took his seat in the U. S. House of Representatives, Dec., 1839, being *then* a little over twenty-five years of age. His speeches while in that position compare favorably with those generally made in the lower House of Congress. He entered boldly into the defence of the Independent Treasury, and the other leading measures of the administration. His opposition to the bank and to whig measures generally, was maintained with his accustomed zeal and ability. If we had space we should like to make extracts from these speeches, and especially from one in which the policy of the administration in power at that time is defended and whiggery reviewed. To those desirous of seeing with how much zeal and ability Gen. Brown defended his favorite measures at that term, we commend this speech. It concludes with a glowing tribute to the moral and intellectual worth of Mr. Calhoun, a perusal of which cannot be otherwise than gratifying to the numerous friends of that distinguished statesman and patriot.

After the adjournment of Congress in 1840, Gen. Brown went home and entered immediately and with singular activity in the Presidential canvass. He traversed the state, defending Mr. Van Buren, as the regular nominee, against this growing distrust of his people, and appealing to them to stand by the measures of his administration. Many of his speeches at this time were remarkable specimens of stump oratory; and though they failed to carry the state under the weight of Mr. Van Buren's name, they did not fail to add greatly to Gen. Brown's character as a speaker.

On the 12th of January, 1841, Gen. Brown was a second time married. The lady, Miss Roberta E. Young, had been known in society at Washington as one of the most fascinating and intelligent ladies of the gay metropolis. She has directed with great dignity and propriety the domestic affairs of her husband's household, and especially during his gubernatorial term. She is the mother of two sons.

At the close of his term in 1841, Gen. Brown was again put in nomination by his party friends. But having taken upon himself the cares of a family, and finding his pecuniary interests seriously involved from long neglect, he was constrained to decline. This he did, in the full confidence that his party, though temporarily defeated, were sure to rise at another election. He was not disappointed. The democrats of Mississippi at the November election, 1841, nobly redeemed their state from the ban of whiggery. At this election Gen. Brown consented to stand a poll for a judgeship of the Circuit Court; and it is among the remarkable evidences of his singular popularity, that he was voted for by men of every shade of opinion, political, social and religious. He was barely eligible to the office on account of his youth; but he was elected, beating his able and distinguished competitor, Judge Willis, the former incumbent of the same office, nearly three votes to one. He served in this position nearly two years, when he accepted a nomination from his political friends to run for Governor, and thereupon resigned. Judge Willis was chosen his successor. Judge Brown entered the canvass for the governorship early in the summer of 1843, being then just thirty years old, and consequently barely eligible under the constitution of Mississippi. The opposition was fierce and exceedingly powerful. In addition to the whole

strength of the whig party, Judge Brown had to encounter the stern opposition of a large number of the most talented and influential men of his own party. The ostensible reason for this opposition was a difference of opinion in regard to the state's liability to pay a class of bonds issued in her name, and known as the "Union Bank Bonds." Judge Brown maintained that the bonds had been issued in violation of the state constitution, and that the people were therefore under no sort of obligation to pay them *by taxation*. In this contest he had two opponents—Mr. Clayton, the regular whig nominee, and Col. Williams, "the independent bond-paying democrat." Both were gentlemen of high character. Mr. Clayton, a lawyer of distinction, belongs to the Georgia family of that name; and Col. Williams was an Ex U. S. Senator from Mississippi. For many weeks after the canvass opened, Judge B's chances seemed desperate. Almost single handed, he encountered the whole opposition, whigs and democrats. How he bore himself, may be judged of from the fact that his competitors were *together* beaten by two thousand three hundred votes. He entered upon his new duties as Governor, January 10, 1844. The bond question having been the principal topic of discussion in canvass, Gov. Brown availed himself of the privileges incident to his inauguration, to state succinctly his views on that subject. The reader may find it interesting to examine those views, which we here extract from the inaugural speech of the Governor.

After some general remarks upon the value of the constitution, and the absolute necessity for its inviolable preservation, he continues :

"I have been led into these reflections by the too common expression, that although the constitution was manifestly violated in the issuance of the Union Bank bonds, yet, inasmuch as a *majority* of the people approved it at the time, therefore the *whole* people must submit to taxation to pay them : thus declaring that the will of the majority, and not the constitution, shall be the measure of power, and virtually making one acknowledged wrong the pretext for committing a still more grievous wrong. But how, it may be asked, will the constitution be violated in levying a tax to pay a debt, even though that debt was contracted in violation of the constitution? It has been assumed that the taxing power resides with the Legislature, and that they may exercise it for any purpose within their discretion, not positively prohibited by the constitution. This construction of the powers of the Legislature, is by far too comprehensive. Under it, the legislative department may tax *ad libitum*. No such authority, in my opinion, was ever conferred. The Legislature may rightfully tax the citizen to defray the economical expenses of the government, and to pay the debts of the state; but it would be going far beyond the authority delegated to them to levy taxes to pay the debts of any one, or all the corporations within the state. If the Union Bank bonds constituted a debt against the state, then would it be constitutional to tax the citizen to pay them; but that these bonds do not constitute such a debt, will, I think, be made sufficiently manifest by a candid review of their origin, and of that clause of the constitution under which they could alone issue."

He then proceeded to state the facts connected with the creation of the bonds in a most clear and able manner, to show that the plainest provisions of the state constitution had been deliberately and wilfully violated. That the bonds, having no legal existence, are not a debt against the state, and that the legislature, if it had the will, has no power to levy taxes for the payment of those bonds.

The administration of Gov. Brown will be long remembered in Mis-

Mississippi as one of the most fortunate which that state has ever had. With his first election ceased the "Union Bank bond" controversy, and he was left without hindrance to look after the other long-neglected and suffering interests of the state. He found the treasury bankrupt, and the officers and servants of the state paid in a kind of paper, known as "auditor's warrants," then at a depreciation of fifty to fifty-five cents on the dollar. He set himself earnestly at work to revive the drooping credit of the state, and had the satisfaction, at the end of two years, to see "auditor's warrants" at par with gold and silver, and at the close of his second term, to leave a surplus of several hundred thousand dollars in the treasury.

Gov. Brown zealously advocated the cause of education. His messages, and other papers, are interspersed with reflections, suggestions, and earnest appeals on this interesting subject. Several schools grew up under his auspices. The Common School system was adopted on his earnest and repeated recommendations; but so shorn of its best proportions by the legislature as to be a mere caricature of the system recommended by him. He entered earnestly and zealously upon the task of establishing the State University. Under his direction the funds were secured, and by his advice the institution was put into operation. In every matter relating to the local interests or the honor of Mississippi, Gov. Brown was a faithful guardian. So well satisfied were the people of this, and indeed with his whole administration, that at the end of his first term all opposition had ceased, and no one was found to enter the list against him for another election. His second term, like the first, was marked by an unceasing care for the local interests of the state which he governed. The feature in his administration, which distinguished it perhaps as much as any other, was its constant fidelity to the payment of the "Planters' Bank bonds." In his first inaugural speech, after disposing of the Union Bank bond question, he continues:

"Wherever there exists a debt against the state, contracted in good faith and with a proper regard to the constitution, it *must* be discharged to the last mill. Of this character do I regard the bonds issued on account of the Planters' Bank; and come what may, the state can never shrink from the payment of them. Let prompt and efficient action be taken for their settlement. A speedy liquidation of them will afford what every good citizen is anxious to see—a fitting opportunity to manifest to the world, that in rejecting the Union Bank bonds we are actuated by no mean or sordid principles of dollars and cents, but by a more elevated impulse—that of adhering faithfully to our written constitution."

And in his message to the legislature he reviewed the whole subject of these bonds, showing, that as they legally existed, that the state would never, for an instant falter, in the payment, and advised by all means their prompt discharge.

And again, in 1848, in alluding to the same subject, he remarked:

"In estimating the indebtedness of the state, the bonds issued on account of the Planters' Bank, have been included. My last general message conveyed to the legislature and the country, my views as regards the state's liability to pay these bonds. These opinions have undergone no material change, but a reiteration of them is uncalled for, and would be unprofitable at this time. Having long since settled in my own mind, that the state is bound by every obligation that the constitution and the laws can impose, to pay the debt, it has only re-

mained to devise some means acceptable to the people, and not too oppressive, by which it could be done. The whole subject has been calmly considered, and however it may be regarded by others, there is, to my mind, but one course to be pursued worthy the character of a great and growing state, and that is to raise the money by taxation and discharge the debt as rapidly as possible. That course is respectfully but earnestly recommended. The debt now stands as follows:

Bonds issued in March, 1833, - - - - -	\$1,500,000
6 per cent. interest from March, 1839, to Jan., 1848, - - -	795,000
Bonds issued in July, 1831, - - - - -	500,000
6 per cent. interest from July, 1839, to Jan., 1848, - - -	255,000
	<hr/>
Total, - - - - -	3,050,000

Gov. Brown's second term being about to expire, he accepted a unanimous nomination to run for Congress, in the 4th Congressional District; and although it was known that his term as Governor would not end until near the middle of January, and that he would not in consequence take his seat until the first two months of the session had passed, he was elected without opposition. He took his place in the House of Representatives in the latter part of January, 1849, in the midst of the excitement growing out of the discussions on the Mexican war. In the course of two or three weeks he spoke in review of the conduct of the administration, and generally in defence of his own country. Speaking for himself and his constituents, he said,

"We believe the war to have been just and constitutional in its commencement; that it has been vigorously prosecuted thus far, for wise and proper ends; and that it should be so prosecuted until we have the amplest reparation for past wrongs, and the fullest security that our rights as a nation are to be respected in future. To this end, we are prepared to vote such number of troops, and such additional sums of money as, in the judgment of the commander-in-chief, may be necessary to attain these objects."

In the course of a discussion on the President's proposition to tax tea and coffee as a means of raising money to carry on the war, Governor Brown indulged in some severe but deserved criticisms on the conduct of the opposition, saying:—

"When, sir, did these gentlemen first learn to sympathize with the poor man? Was it at a time when they were taxing cotton cloth, leather, iron, coal, and salt? Was it, sir, when they were levying protective duties on these articles, all of which enter into the poor man's consumption? The gentleman from Vermont [Mr. Marsh] pours out the fulness of his sympathetic heart over the poor man's tax on tea and coffee, and then he bewails the downfall of *protection*. You, sir, sympathize with the poor man's tax! you who would tax all the necessaries of life to give protection to some overgrown manufacturer! Strange and incomprehensible logic, that we must tax the poor man's hat, his shoes, his shirt, his plough, his axe—everything, in short, which he consumes, for the benefit of the manufacturer! but your sympathetic hearts will not allow you to tax his *tea* and *coffee* to support your government in time of war. You would send him shoeless, hatless, and shirtless, to cultivate his ground without implements, unless he pays tribute to the manufacturers; only give him tea that is not taxed, and you are satisfied. You would lay his diseased body on a pallet that is taxed; give him taxed medicine from a spoon that is taxed; you give him untaxed tea in a cup that is taxed; he dies, and you

tax his winding sheet, and consign him to a grave that is dug with a spade that is taxed, and then insult his memory by saying that you gave him untaxed tea. Why, sir, if I thus outraged the poor man's common sense during life—insulted him in his last moments, and whined a hypocritical sympathy over his tomb when dead, I should expect his ghost to rise up in judgment against me.

“Other gentlemen may do as they please—for me and my people, we go for our country. We write on our banner millions for defence, but not one cent for tribute. Tax our property, tax our supplies—ay, tax us millions on millions for the defence of our country's flag and our country's honor, and we will pay it; but if you ask us to pay one cent of tribute to your lordly manufacturers, we rise up in rebellion against you. Take our property for the defence of our national honor, but do not plunder us to make a rich man more rich.”

At all times and under all circumstances, Governor Brown has proven himself the steadfast friend of the toiling millions, opposing whatever tended to retard their prosperity, and advocating with energy every measure which promised to advance them intellectually or otherwise. In a debate on the subject of the public lands in the House, he said:—

“I am for disposing of the public lands freely. To the soldier who fights the battles of his country I would give a home, nor would I restrict him to very narrow limits. To every man who has no home, *I would give one*, and, so long as he and his descendants choose to occupy it, they should hold it against the world, *without charge of any kind*. The government owns more than nine hundred millions of acres of land, and yet thousands of her citizens, and some of them her bravest and best soldiers, are without homes. The dependence of the government and people should be mutual. If government relies on the people for defence in time of war—if she expects them to fight her battles and win ‘empires’ for her, the people should expect in return to be provided with homes; his reasonable expectation ought never be disappointed.

“I have no objection to the government selling lands to those who are able to pay for it, at a moderate price; but I protest my disapprobation of national *land-jobbing*. The nation degrades her character when she comes down to the low occupation of exacting the hard-earned dollars of a poor citizen for a bit of land purchased, it may have been, with the blood of that citizen's ancestors. To my mind, there is a national nobility in a republic's looking to the comfort, convenience, and happiness of its people; there is a national meanness in a republic selling a poor man's home to his rich neighbor, because that neighbor can pay a better price for it.”

This and many similar extracts might be adduced to show his constant care for the interests of the masses and the great body of the people. But his whole life, public and private, attests his attachment to the laboring man, and his ceaseless care for his prosperity and happiness. The writer once heard him asked, how it was that success had so constantly attended him. He replied, “I never forgot that I was one of the people.” Ah! there is the secret—he never forgot that he was one of the people. As the man of all work on his father's farm—as the “mill boy,” he was one of the people—as a member of the legislature and of Congress, he was one of the people. Electing him judge did not change his character; and as Governor, he was still one of the people. Faithful to all his pledges, frank in the expression of his opinion, open and decided in his course, tolerant towards his opponents, and cordial towards his friends, he has always been sustained, and is now the unanimous choice of his party for Congress in his district.

Governor Brown is now thirty-six years old. He has been a candidate

at every general election in his state since he was nineteen, and has never been defeated. It is not the least remarkable feature in his history, that he has been elected to all the offices he has filled at the first election after he became *eligible*. He is the first and only man who was ever elected Governor of the State of Mississippi, or to Congress from it, without opposition. His political course has always been decided, and his personal intercourse with the people familiar and frank. In the county of his residence, Copiah, but one or two attempts have ever been made to draw the party lines on him, and they have failed.

The people, without reference to party opinions, and with singular unanimity, have sustained him for every office to which he has aspired. He has, we understand, given notice of his intention to withdraw from public life at the expiration of the term of this Congress, and to resume the cares and duties of his profession.

## FINANCIAL AND COMMERCIAL REVIEW.

THE state of affairs in the money circles gives evidence of great prosperity throughout the country. The fall business has been unusually extensive and lucrative, while the various avenues of trade have increased in receipts—the corporate institutions in profit, and the federal government in revenues. Money has continued abundant, too much so for individual capital in the great cities to draw its accustomed interest. The great industrial interests of the country have in the last few years been wonderfully promoted by the mutual ameliorations on the part of the United States and England, in relation to commercial restrictions, and the large supplies required by Great Britain in the year 1848, have, to a very considerable extent, been supplied from the United States. The famine which overtook Ireland in 1847 was the main cause of a very considerable increase in the demand for food, and it also accelerated the introduction of Indian corn to the use of that people as food.

According to official tables, the quantities of breadstuffs entered Great Britain for consumption in twelve months ending August, 1849, was as follows:—

### BREADSTUFFS ENTERED FOR CONSUMPTION IN GREAT BRITAIN, YEAR ENDING AUGUST, 1849.

				Export from U. S. to G. B. same time.
Wheat.....	quarters.....	4,323,645.....	equal to bush.....	33,589,160...\$1,034,385
Barley.....	“.....	1,323,827.....	“.....	10,588,616...—
Oats.....	“.....	1,221,883.....	“.....	9,774,664...—
Rye.....	“.....	220,829.....	“.....	1,766,836...—
Peas.....	“.....	266,475.....	“.....	2,131,800...—
Beans.....	“.....	531,177.....	“.....	4,249,416...—
Indian corn... “.....	.....	2,287,283.....	“.....	18,298,264...12,721,626
Flour, 3,508,375 cwt., or qrs. 1,002,393.....	.....	.....	“.....	8,019,144... 5,570,080
Total,.....	qrs.....	11,177,512.....	bushels.....	89,420,096...\$19,376,091

The flour and Indian corn were, it appears, mostly derived from the United States, while but a very small proportion of the grain went hence. Now these immense supplies imported into Great Britain were in aid of what is called a

good harvest; yet it is probably the case, that the production per acre was much short of the usual yield. The agricultural wants of Great Britain, and the probable demand upon the United States, is matter of exceeding interest; and the importance of obtaining information upon the subject is felt on both sides of the Atlantic. In furtherance of this information, returns of the agricultural produce of Ireland were made, by order of Lord Clarendon, for the years 1847 and 1848, and they present results of the most extraordinary character—and to no parties are they more interesting than to the farmers of the United States, from whom Ireland must draw her largest supplies.

The following table will show the number of acres sown with different descriptions of grain, and the arable produce in both years:—

## ACRES SOWN IN IRELAND, AND THE PRODUCTION IN BUSHELS PER ACRE.

	1847.		1848.	
	Acres.	Yield.	Acres.	Yield.
Wheat.....	742,187	31.4	564,062	22.0
Barley.....	238,228	39.0	247,876	37.3
Oats.....	2,227,872	41.8	1,949,408	37.6
Beans.....	—	44.6	—	39.7
Rye.....	—	40.6	—	39.2
Potatoes.....	286,739	7.28	745,522	3.87
Total cultivation.....	4,778,347	—	5,103,062	—

The total number of acres under cultivation given is exclusive of the counties of Waterford and Tipperary, where the disturbances prevented returns. The aggregate quantity of land under cultivation not only increased, but the number of small holdings had much diminished. Thus, the number of farms classified was as follows:—

	1847.		1848.		Decrease.	Increase.	Pigs.	
	1847.	1848.	1841.	1847.				
Farms not over 1 acre	62,447	44,262	18,185	—	295,048	19,108		
“ from 1 to 5 “	125,926	101,779	24,147	—	251,587	21,422		
“ “ 5 “ 15 “	253,630	225,251	28,375	—	350,825	30,098		
“ “ 15 “ 30 “	150,999	146,725	4,274	—	215,340	113,864		
“ over 30 “	137,147	140,817	—	3,670	240,301	282,984		
Total,.....	730,149	658,834	—	—	1,353,101	517,476		

Thus, although the quantity of land under cultivation increased, the number of farms greatly diminished. What horrible evictions took place and bloodthirsty oppression was practiced to produce this result is partly known. Cots were pulled down, and the tenants driven forth to starve, when their little patches were resumed by the landlords. The yield of the land does not appear, under the change, to have improved; on the other hand, the deficit was large. In stock, the change was as follows, for the year 1847, as compared with 1841:—

	1841.	1847.	Decrease.	Increase
Pigs.....	1,353,101	517,476	835,625	—
Sheep.....	2,106,189	1,996,624	109,565	—
Poultry.....	8,334,427	4,956,148	3,378,279	—
Horned cattle.....	1,863,116	2,390,230	—	527,114
Horses.....	576,115	521,867	54,348	—

This great havoc in the stock of the country shows the awful consequences of the famine, which compelled the poorer classes to consume the means of their future improvement. This state of affairs among the small farms was much worse than the figures show, as thus: the aggregate diminution of pigs is 835,625, while the decrease on farms, below 30 acres, as seen in the above table, was 878,312, there being an increase of 42,643 on farms over 30 acres. This arose from the buying and seizing for rent, as well as robbing for tithes on the

part of the large proprietors, when they drove the tenants forth, or, in other words, "cleared the lands." The decrease in the other stock presents the same features. Thus, the decrease in poultry on farms less than 15 acres was 4,427,253. The increased culture of potatoes in 1848, produced but about 50 per cent. of the usual quantity. This root yields the largest quantity of food to the acre in usual years, but the short crop of 1848 caused the continued demand for corn. The decrease in stock also diminished the consumption of food. The great evil with Ireland has been the constant and steady drain upon its productive industry, in the shape of interest upon mortgages, tithes and rents. The capital which should have accumulated in the hands of its producers, has been drained for the uses of absent owners, and for the benefit of the shopkeepers of London and Paris.

It is matter of conjecture in how far the diminished yield of land per acre in Ireland extended to England and Scotland. The result is, however, that the immense importation of the year by no means exceeded the wants of the consumers. It is to be regretted, that these returns for Ireland, which are the first that can approach to accuracy, ever obtained of two consecutive harvests in a country, do not embrace all the British Islands. The importance of the subject is, however, now become so paramount, that measures will doubtless be taken to ascertain annually the breadth of land under each description of cultivation, as a guide to the wants of the community for the year. It is to be hoped, before long, that census regulations in the United States will become so efficient as to place before the community each year the actual number of acres cultivated, and the manner in which they are employed, so that they can be concentrated for the harvest of each year, and form a guide to all agriculturists in succeeding operations. The telegraph will aid in centralizing and condensing returns which ought to be made locally at least once a year. The United States, as events now tend forward, will soon be called upon to add the vast manufacturing operations of Great Britain to the "home market." It was ascertained by the census of 1841, that 1,000 persons in Great Britain were engaged as occupiers and laborers in raising food for 2,984 persons, besides themselves; and this proportion had increased from 1,000 producers to 2,200,000 consumers, besides themselves, in 1830. The abrogation of the corn laws and the navigation laws, it is supposed, will still further tend to change labor from agriculture to manufactures, and therefore rapidly to promote that operation which has been going on so long, while the rapidity of communication with the United States, and the greater liberality in relation to the interchange of commodities, offers to the laborers of England the fields of the United States for a supply of food, and to the farmers of America the wants of 30,000,000 persons added to the "home market." Canada, under the operation of the laws of trade, is about dropping into the Union; and the same irresistible laws will gradually sweep away all restrictions between England and the United States, when the vast wants of those islands, supported by its accumulated capital, will be at the disposal of the industry of the United States.

For the moment, the prospects of the foreign market for produce, for the coming year, is not flattering, by reason of the considerable estimates of the yield of the present harvest. From the increased extent of potatoes sown, however, should the fears entertained in relation to the rot turn out to be well founded, an approximation to the horrors of 1847 might be anticipated. The large and lucrative sales of Indian corn which have been made in the last year to Great Britain and Ireland, and amounting to \$7,000,000 in value, has been of the greatest benefit to the western farmers, being, in fact, a realization of so much property, which, but for that demand, would have remained upon the farms, scarcely worth the labor of harvesting. This important addition to their means has exerted its influence upon the whole trade of the country, animating every portion, and none have profited more from the general excellence of the export trade than the manufacturers of the country—those at the west more particularly. The indications of the general prosperity are found in the returns of public works. The most important of these compare in all sections of the Union with last year, as follows:—

	1848.	1849.	Increase.
Pennsylvania Canal Tolls to July 1.....	\$ 733,001.....	798,370....	65,369
Ohio Canal Tolls, nine months to August 15.....	406,537.....	462,594....	56,057
New-York Canal Tolls, year ending Sept.....	3,006,285.....	3,101,761....	95,476
“ Rail roads, state tolls “.....	95,476.....	123,534....	33,058
“ & Erie rail road, 3 qrs. “.....	224,437.....	526,761....	302,323
Baltimore & Ohio, “ 1 year “.....	1,213,665.....	1,241,205....	27,540
Harrisburg & Lancaster, “ “.....	121,800.....	123,193....	1,393
Madison & Indianapolis, 6 mos. “.....	99,703.....	118,686....	18,983
Massachusetts Western, for Sept.....	126,160.....	129,825....	3,665
Macon and Western, “.....	12,143.....	12,590....	447
Norwich and Worcester, “.....	20,741.....	24,419....	3,677
Long Island, “.....	15,727.....	16,916....	1,188
Total, 11 lines.....	\$6,071,675.....	6,685,855....	814,180

The average increase is ten per cent., and derived generally this year from larger movement of freights, and less from passengers. Every important line in all sections shows the same result. The government revenues at the three leading ports, for the quarter ending Sept. 30, are as follow :

UNITED STATES REVENUES—QUARTER ENDING SEPTEMBER 30.

	1848.	1849.	Increase.
New-York.....	\$6,446,080.....	7,329,177....	893,097
Boston.....	1,444,971.....	1,798,167....	350,196
Philadelphia.....	905,403.....	983,338....	77,935
Total, three ports.....	\$8,796,454.....	10,110,683....	1,311,228

All these are indications of that enhanced activity of trade, which has eminently resulted from the removal of restriction on the external trade, and which has so improved the finances of the western states.

The state of Ohio, as an eminent example, has \$5,918,658 of stocks falling due after 1850—that is to say, she has the right to redeem after that time. Of these, \$1,500,000 of 7 per cent. stock falls due in January, 1852. This stock was negotiated in 1843, in order to close up the state's indebtedness, and stop further loans. It was taken at *par* in New-York, for Ohio funds, and is payable in New-York in New-York funds. Now, the state passed a law that the United States surplus revenue fund, amounting to \$1,653,084, which had been loaned out in the several counties on real estate, should be called in in instalments, and placed with the fund commissioners for the redemption of the 7 per cent. stock. A considerable portion of this fund has been paid in, and the commissioners are now in New-York, prepared to invest the money to advantage until the stock matures, or to purchase the stock at a fair premium—perhaps two per cent. It is thus seen that New-York is getting back the money formerly loaned by it to western states; the prosperity of which, growing out of the extended foreign market for produce, enables them not only to cease borrowing, but to pay up. Illinois is paying back the \$1,608,000 loaned to it in 1843 to complete its canal; and this makes over \$3,000,000 which these two states return. Their wheat crops threaten badly this year, but the corn is very abundant; and as the market for it abroad extends in volume, their prosperity will increase. It is to be remarked that, including this seven per cent. stock, which the state has the means to pay, Ohio has reduced her debt since July, 1845, from \$20,018,515 to \$17,396,596, say \$2,621,920. Of the aggregate debt, \$6,507,828 was held abroad January, 1848. These favorable changes in western state finances call up reflections upon the state of the country now and at the time, (1843.) under the whig dynasty, when those short loans were contracted. Then all was discredit, insolvency and ruin. The federal government could not borrow a dollar; its revenues did not, under the tariff of 1842, half meet a peace expenditure; commerce was paralyzed, trade depressed, and all the in-

debted states struggling against repudiation. The lapse of four years ending with last March, saw the federal credit restored simultaneously with the conquest of new empires, commerce and credit revive, the revenues rise to an excess over expenditures, and the produce of the western states pour out of the country to profitable markets; their internal resources so increase that they come forward to pay their debts, and pave the way for diminishing taxes, while farmers and merchants participated with manufacturers in the general prosperity. Although Ohio strove against the general policy which has wrought out these wonderful results, she does not the less reap its advantages. Pennsylvania has also not only recovered her credit, and promptly met her interest, but the operations of the newly-established sinking fund already begins to diminish her debt. By releasing capital from stock investments for terms of years, the facilities offered to general business by the competition of funds for employment are enhanced. This may operate in favor of New-York business. While the Boston money market is cramped, by the insatiable demands of railroads, for funds for permanent investment, the New-York dealers are freely supplied with the means of operating to advantage. The enterprise of Boston has thus, in some respects, outrun itself; by making too much haste, it makes less speed. There is undoubtedly now more means at the command of New-York to advance upon the produce of the West sent hither, and to influence that trade in this direction, which, in a different state of things, might have sought Boston. The operations of the Independent Treasury, large as they have been, have ceased to attract attention; and the most impudent cannot, in the present state of affairs, charge upon it any adverse influence. The amount now in hand at the New-York Assistant Treasury is \$3,830,638, against \$2,386,436 last year, and \$5,291,554 at the same time in 1847. This sum of nearly four millions paid into the government vaults by the importers of goods in New-York, has already been repaid to them from the sales of the goods taxed. Hence, this money has not been drawn from the city from the pockets of the consumers of goods. The dividends of the Boston banks for the six months ending with October, show results as follows:

## BOSTON BANK DIVIDENDS.

Year.	Capital	Dividends, April.	Dividends, October.	Total.	Per cent. per annum.
1846.....	\$13,180,000.....	\$593,000.....	\$603,000.....	\$1,196,000.....	6.57
1847.....	18,180,000.....	620,000.....	658,300.....	1,281,300.....	7.04
1848.....	18,920,000.....	702,800.....	725,550.....	1,428,350.....	7.52
1849.....	19,280,000.....	736,800.....	745,000.....	1,481,800.....	7.70

These dividends have constantly increased, as has also the bank capital; and it will be remembered, that although the rate of interest is limited in Massachusetts to 6 per cent., these institutions, chartered with special privileges as money-lenders, earn nearly 8 per cent. per annum; that is to say, the law forbids the individual to take more than 6 per cent., but chartered companies may take 8 per cent!

The New-York bank dividends have also been large; most of those which declare dividends in November, have made 5 per cent. The dividends for the first six months of 1849, on an aggregate capital of \$24,457,890, was 4.14 per cent., or \$991,494. This amount was increased for the last six months. The accumulation of deposits was so large with the institutions that the lounding of it raised their profits. It is time, however, that the mercantile community gave their attention to the subject of interest, and the present system of banking. The means with which the banks operate being mercantile deposits, why should not a mutual system be devised by which those deposits should be applied exclusively to mercantile wants?

## POLITICAL MISCELLANY.

**THE FALL ELECTIONS.**—The result of the fall elections everywhere evinces the awakening of the people from that singular apathy which enabled one clique of unprincipled politicians to defeat Gen. Cass, and another to elect Gen. Taylor. The masses of the people seem all at once to have aroused themselves to the danger and disasters which threaten, in consequence of the ascendancy of Federal principles in the national councils, brought about by free-soil defection, and the Taylor delusion. The weakness and dishonesty of General Taylor, falsifying, as President, every pledge made by him as a candidate, together with the incapacity and unscrupulous corruption of those whom he has selected as advisers, and at whose narrow-minded and small rogueries he connives, have awakened a contempt in the public mind, singularly manifest in the Pennsylvania election. When that election was coming on, the chief magistrate did not blush to leave his official duties to go and stump the state, affording a most degrading example of official interference in local elections. The popular response has been an overwhelming majority against him. Precisely in those places where he exerted himself the most, his party has met with the greatest loss. When in Pittsburgh, he made a tariff speech; the consequence was, that his own majority of 3,521 in the county, has been reduced to one thousand. In every spot where he insulted the people by his presence his party lost ground, and the democratic canal commissioner carried the state by an immense majority. This untoward effect prevented his stumping New-York state as he had intended. The state will, nevertheless, regain her natural democratic position. The utter demoralization of the federal party, resulting from the election of Gen. Taylor, must of necessity restore the tone of the democracy. No thinking citizen will follow the fortunes of a party destitute of principle, and which shows itself ready, on all occasions, to abandon avowed policy for availability. The broad fact is everywhere recognized, that the Federal party never established a principle; on the other hand, the democracy have always triumphed in the cause of popular progress.

**CANADA**—The movement in Canada towards annexation to the United States proceeds with steadiness. At Montreal, on the 10th, a declaration in favor of annexation to the United States was drawn up, and in the short space of five hours, received the signatures of three hundred of the first merchants, land-holders and professional men—including two members of the Provincial Parliament, and two of the Queen's Counsel.

The advantages of a subordinate relation to Great Britain have passed away, and even the most superlatively loyal are fully prepared, we sincerely believe, to adapt themselves to, and accept, in good faith, the institutions under which they have seen their neighbors in the United States attain a degree of prosperity and social advancement infinitely surpassing their own.

A new paper has been started to advocate the cause of independence, as preliminary to that of annexation. The New-York agent, Mr. R. R. Boyd, has put out a prospectus for subscriptions.

**NEW MORMON STATE—DESERT.**—It is known that the Mormon people, having penetrated the wilderness in search of a resting place, and being "headed" in their passage to the Pacific by the adventurers whom gold stimulated to settle California, located in the valley of the Great Salt Lake, and built the Mormon city, which, being two or three miles square, is located in a fine valley, 150 miles long by 20 or 30 broad, with a gradual descent to the lake—so much so that the whole may be, and much is, watered by the streams and rivers which

issue from the high mountains above them. They have now about 6,000 inhabitants. The city is laid out in large squares; and every man can and must have  $1\frac{1}{4}$  acres of land for garden use, which can be readily irrigated. The Mormons are a very regular, well-informed, well-disposed and hospitable people. They are building a fine State-house, or Council-house, as they term it. Their dwellings are small—mostly made of sun-dried brick, with some few log huts, and are quite comfortable.

In February last, notice was given to all the citizens of that portion of Upper California lying east of the Sierra Nevada mountains, that a convention would be held at the Great Salt Lake City, on the 5th of March, for the purpose of taking into consideration the propriety of organizing a territorial or state government.

Accordingly, on the day appointed the Convention met, "consisting of a large portion of the inhabitants of that portion of Upper California lying east of the Sierra Nevada mountains." Daniel Spencer was elected Chairman; William Clayton, Secretary; Thomas Bullock, Assistant Secretary; and Horace S. Eldridge, Marshal.

After several addresses, a committee of ten was appointed to draft a constitution, under which they could govern themselves until the Congress of the United States should otherwise provide.

## COMMITTEE:

Alfred Carrington,  
William W. Phelps,  
John S. Fullmer,  
John Taylor,  
John M. Birnhisel,

Joseph L. Haywood,  
David Fullmer,  
Charles C. Rich,  
Parley P. Pratt,  
Erastus Snow.

The Convention then adjourned to Thursday, the 8th, when they met to receive the report of the committee.

This report was then made, in the shape of a preamble and constitution for the government of the new state. The first clause is as follows:

"We, the people, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependance on him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the State of Deseret, including all the following boundaries, to wit:—Commencing at the 33d deg. north latitude where it crosses the 108th deg. longitude, west of Greenwich; thence running south and west to the northern boundary of Mexico; thence west to and down the main channel of the Gila river, on the north line of Mexico, and on the northern boundary of Lower California, to the Pacific ocean; thence along the coast north westerly to the 118th deg. 30 min. of west longitude; thence north to where said line intersects the dividing ridge of the Sierra Nevada mountains; thence north along the summit of the Sierra Nevada mountains to the dividing range of mountains that separate the waters flowing into the Columbia river from the waters running into the Great Basin; thence easterly along the dividing range of mountains that separate said waters flowing into the Columbia river on the north from the waters flowing into the Great Basin on the south, to the summit of Wind river chain of mountains; thence south-east and south by the dividing range of mountains that separate the waters flowing into the Gulf of Mexico from the waters flowing into the Gulf of California, to the place of beginning, as set forth in a map drawn by Charles Preuss, and published by order of the Senate of the United States, in 1843."

The powers of the government are then divided into three departments—Legislative, Executive and Judicial.

The article in relation to the Legislative Department is not essentially different from the constitution of the several states. Members are required to be free, white male citizens of the United States, and to take an oath to support the constitution thereof. The first Senate is to consist of seventeen members, and the House of thirty-five members.

In the Executive Department provision is made for the election of Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, and Treasurer. The judicial power is vested in a Supreme Court and such inferior

tribunals as the Legislature shall establish. A Chief Justice and two associates compose the Supreme Court.

The fifth article provides for the election of all the officers named in the constitution, on the first Monday of May, [last] and for a vote for, or against the adoption of the constitution; "and if a majority of all the legal votes shall be in favor of its adoption, the same shall take effect from and after said election."

In the Declaration of Rights, it is declared—"that all men have a natural and inalienable right to worship God according to the dictates of their own conscience, and the General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or disturbing any person in his religious worship or sentiments—provided he does not disturb the public peace, nor obstruct others in their religious worship."

This Constitution was adopted on the 10th of March, 1849.

The first General Assembly met on the 2d of July.

*Speaker of the House.*

MILLIARD SNOW.

*Clerk.*

FREDERICK CARRINGTON.

*Assistant-Clerk.*

JOHN D. LEE.

*Sergeant-at-Arms.*

GEORGE D. GRANT.

After the organization, the Chairman announced to the House, that a majority of all the votes of the people had been given for the adoption of the constitution. The following persons were announced as elected State officers:

*Governor.*

BRIGHAM YOUNG.

*Lieutenant-Governor.*

HEBER C. KEMBALL.

*Secretary of State.*

WILLIAM RICHARDS.

*Auditor of Public Accounts.*

WILLIAM CLAYTON.

*Treasurer.*

JOSEPH S. HAYWOOD.

On the 3d, a resolution was passed providing for a joint committee to memorialize Congress for a State or Territorial government, which was afterwards reported and adopted.

On the 5th inst., according to previous resolutions, the Legislature met in joint session, and proceeded to ballot for a Delegate and Representative to Congress, when Almon W. Babbitt, Esq., having received a majority of all the votes, was declared duly elected.

On the 9th, the Legislature adjourned *sine die*. Before doing so, they adopted a memorial to Congress, in which they set forth the reasons which have induced them to organize a state government. They cite the failure of Congress to provide a government for the territory acquired from Mexico, the abrogation of the Mexican law, the anarchy which has followed; "the revolver and the bowie-knife, (they say) have been the highest law of the land; the strong have prevailed against the weak—while persons, property, character and religion have been unaided, and virtue unprotected." Finally, they represent that there is now a sufficient number of inhabitants residing within the State of Deseret to support a state government and to relieve the general government from the expense of a Territorial government; and they therefore ask that the constitution accompanying this memorial be ratified, and that the State of Deseret be admitted into the Union on an equal footing with the other states, or that such form of government may be given to them as may be deemed expedient; and that their delegate may be received, and their interests properly represented in the Congress of the United States.

Not a word is said in the constitution about slavery, or the Wilmot Proviso, such things not having entered into the imaginations of the law-givers as important for their welfare, and intriguing politicians do not yet stir up local strife upon

abstractions. The constitution will be pressed upon Congress, and, if ratified, two new Senators and a Representative will soon appear in that body from the State of Deseret—a state which was without a settled inhabitant four years ago, and which is some twenty-five hundred miles from the seat of the Federal Government. The new state is quaintly styled the “State of Deseret,” which implies, according to the Mormon history and interpretation, the “honey bee,” and is significant of industry and the kindred virtues.

**CALIFORNIA**—The convention for framing the constitution of California, preparatory to its admission into the Union, met at Monterey, on the 31st August. The original number of delegates, as fixed by the proclamation of Gen. Riley, was thirty-seven. To this, the proclamation requested each District to add such number of supernumeraries as might by them be deemed just by reason of their increased population. The District of San Francisco, Sacramento, and Pueblo de San Jose, have responded to this suggestion by electing supernumeraries, as follows:—In San Francisco, 5; in Sacramento, 6; in Pueblo de San Jose, 3. Total, 14.

If we presume that these delegates will be admitted to seats in the convention, that body will then consist of fifty-one. To this may probably be added five or six supernumeraries from the District of San Joaquin, which will make the whole number of delegates fifty-six. The composition of the body, as far as known, is as follows:—

*District of San Francisco.*—*Regular*—Edw. Gilbert, Myron Norton, Wm. M. Gwin, Joseph Hobson, Wm. M. Stuart. *Supernumeraries*—W. D. M. Howard, Francis J. Lippitt, A. J. Ellis, Francisco Sanchez, Rodman M. Price.

*District of San Jose.*—*Regular*—Joseph Aram, K. H. Dimmick, J. D. Hoppe, Antonio M. Pico, Elam Brown. *Supernumeraries*—Pedro Sansevain, Julian Hanks, A. M. Pico.

*District of Monterey.*—*Regular*—H. Wager Halleck, Thomas O. Larkin, Lewis S. Dent, Charles T. Botts, Pacificus Ord.

*District of Sonoma.*—*Regular*—Joel P. Walker, Robert Semple, L. W. Boggs, M. G. Vallejo.

*District of San Diego.*—*Regular*—Miguel de Pedrorœna, Henry Hill. *Supernumeraries*—Cave J. Coutts, John Forster, William Richardson.

**ART UNIONS**—It is proverbial with individuals that prosperity is harder to bear than adversity, and it would seem that corporations and states are amenable to the same rule. Under the able and disinterested management of several public-spirited gentlemen, the American Art-Union has become a powerful institution. The worthiness of its object, and the general esteem entertained of its managers, have filled its sails with the breath of popular well-wishes, and it has not ceased to prosper. As is always the case, success has produced emulation, and an International Art-Union has been started. All institutions of this nature are open to criticism, and the moment that the disposition to criticise becomes aroused, enough to find fault with can always be discovered. By some unfortunate means this disposition to find fault has been awakened. The natural censoriousness of mankind, which has slumbered in respect of the American Art-Union, has most unfortunately been directed towards the International, and as a consequence has produced reaction against the American Art-Union. The most unseemly recriminations have degenerated, in some quarters, into gross personalities against estimable citizens. We are pleased to know that those gentlemen to whom the American Art-Union owes its success, have not consented to lower the dignity of their position by entering the arena, either to detract from a worthy rival, or to pronounce judgment upon an unworthy one.

**FAIR OF THE AMERICAN INSTITUTE.**—This attractive Fair, held at the Castle Garden of New-York, has been open during the month of October. While it has given evidence of the great and increasing skill in the mechanical arts among

our countrymen, it also operates as a sort of exchange, where ideas are interchanged and the mind enlarged upon subjects of practical usefulness. No one can visit the Fair without being struck with the gross absurdity of those who pretend that American skill and industry are dependent for existence and success upon the paltry laws of Congress and the ridiculous theories of protectionists. For our part, when we look around and see the multiplied samples of American ingenuity, we feel a spirit of exultation rising within us, at the independence of American labor. It owes naught to the silly cobweb theories of politicians. It stands on its own broad and impregnable foundation of superior genius in conception and skill in execution. We hope that, as the great Fairs of Europe are instrumental in bringing together merchants from every quarter of the world, who fix, by competition, the prices of staple commodities, the number and importance of Fairs will multiply here, promoting a perfect intercourse among industrial interests, until, ultimately, they will overcome their great enemy, which is not foreign competition, but the devouring operation of private capital at home.

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## NOTICES OF NEW BOOKS.

- 1.—THE WORKS OF MICHAEL DE MONTAIGNE; comprising his Essays, Letters and Journey through Germany and Italy; with Notes from all the Commentators, Biographical and Bibliographical Notices, &c., &c. By William Hazlitt. J. W. Moore, 193 Chesnut-street, Philadelphia.

This edition of the immortal confabulations of "the dead old Gascon gentleman," does great credit to the publisher, and is very acceptable to the reading public. The translation is that of Cotton, than which none can be more agreeable, with emendations by the editor, Mr. Hazlitt. In those occasional passages where the sense of the author was not fully rendered, the original meaning has been restored. It is, doubtless, to that rare intelligence and kindness of heart, which placed the great writer centuries ahead of his time, that his continued popularity may be ascribed; although his unrestrained vivacity, energy and liveliness, must be always attractive. The father of the modern essayists, he has scarcely been equalled by the numerous authors that, in three hundred successive years, have followed in his train. There is an inexpressible power and frankness in his *talking* at once convincing and agreeable—the more so, when we reflect, that he was the first to open the world of philosophy to the unlettered public, and to divest of superfluous mystery, that humanity, of whom he was so profound an observer, and which occupied so large a space in the benevolence of his character. The present beautiful edition, we doubt not, will have a wide circulation, provided as it is with a complete analytical index, and an index of the authors quoted by Montaigne.

- 2.—COOPER'S WORKS—THE PILOT; A Tale of the Sea. By the author of "the Spy," &c., &c. Revised, Corrected and Illustrated; with a new Introduction, Notes, &c. By the author. George P. Putnam, 155 Broadway.

This is the second volume of the very acceptable series of Standard American Works, issued by Mr. Putnam, uniform with the standard edition of Irving. The "Pilot," on its first appearance, met with universal favor, and became the model for a large class of sea stories, a taste for which was awakened in the public mind by the grace and vividness with which Mr. Cooper introduced his seamen to the reading public. In the present preface he informs us, that the admirable story was the result of an impulse derived from conversation with a friend, whose unqualified praise of Scott's Pirate, roused in the author the desire to produce a story founded on accurate seamanship. Certainly no works in the United States or Europe have been more deservedly popular. The standard edition of Mr. Putnam is that which must grace every library.

3.—**SARONI'S MUSICAL TIMES.** Saroni & Co., 253 Broadway.

This is a weekly paper devoted to musical interests as well as those of the fine arts generally, and appears to be conducted with much ability. It contains, each week, music by the last masters, arranged with taste.

4.—**HISTORY OF THE FRENCH REVOLUTION OF 1848.** By A. De Lamartine. Translated by F. A. Durivage and William S. Chase. First American edition. Phillips, Sampson & Co., Boston.

M. Lamartine is certainly among the most remarkable men of the age. Called by circumstances to take a leading part in the regeneration of France, he won, in the first few weeks of power, an ascendancy over the public mind, superior to that ever before exercised by a single individual. The elections of May, 1848, showed almost a unanimous response in his favor from 36,000,000 of people, whom he rescued from anarchy, and governed without other authority than that which springs from necessity. These great results were produced by a few well-turned phrases, happily timed. The ability to utter phrases seems, however, to comprehend the whole of M. Lamartine's faculties. Having gained the confidence of the wild revolutionists for the moment, it was easy to give an impulse to affairs in the right direction, indicated by the popular voice. The moment, however, that the hopes excited in time of anarchy were sought to be fulfilled, and the people who had set aside monarchy demanded to realize, visibly, the benefits of the Republic, the self-constituted government fell miserably short of its mission; and, from the most popular man in the nation, M. Lamartine became the most contemptible individual in the community. A man of excessive vanity, absolute ignorance of human nature, and abandoned to impulse, but possessed of great beauty of language and of personal courage, he was far better for a crisis than for the material duties of statesmanship. His book on the Revolution is, however, one of the most valuable of the day. It is the freshly written notes of the chief actor in that extraordinary drama, in which a government, established by eighteen years' successful reign, apparently as firmly seated as any then in Europe, was in a few hours subverted—the first capital in Europe made a prey to anarchy, out of which, in a most miraculous manner, a poet and a few journalists formed a provisional authority, which restored order, and saved society until the will of the nation should be expressed. The authority of these men rested alone on their recognition by a few insurgents who had taken possession of the Chamber of Deputies, and affected to speak for France. The only excuse for the movement was necessity. The evil was, that none of these men understood the nature of a Republic—and, least of all, the means of its application to a nation like France. Those of the most just ideas were of the least firmness, and they gradually gave way to the energy of the more unscrupulous, dissolute and reckless members of the government.\* These, by their follies and wickedness, disgusted a people who, having a predilection for free institutions, but ignorant of their aspect, were presented with the most extravagant corruption, and the most destructive licentiousness, allied to open villainy and bad faith, as things that were promised in the name of political freedom. Universal suffrage was illustrated in the ridiculous letter of a miserable strumpet, issuing from the Home Department, authorising the packing of the ballot-boxes. It was little wonder that monarchy found the means of reaction in the dissatisfaction created by these mountebanks, or that republican progress should yet await in France the leaderships of more honest friends of the people.

5.—**ICONOGRAPHIC ENCYCLOPEDIA OF SCIENCE, LITERATURE AND ART;** systematically arranged, by G. Heck. With five hundred steel engravings, by the most distinguished artists of Germany. The text translated and edited by Spencer F. Baird, A. M., M.D., Professor of Natural Sciences in Dickinson College, Carlisle, Pa. Rudolph Garrigue, publisher, 2 Barclay-street, Astor House, New-York.

This great and valuable work is to be produced in twenty-five monthly numbers, each of eighty pages letter-text, and twenty engravings, done in the most exquisite style. The letter-press, of the royal octavo size, does, in its typographical appearance, the highest credit to the enterprising publishers.

The Iconographic Encyclopedia will embrace (in a series of 500 quarto steel engravings, and upwards of 2000 pages of letter-press in large 8vo.) all the branches of human knowledge which can be illustrated by pictorial representations, viz.—1. Mathematics. 2. Natural and Medical Sciences. 3. Geography. 4. Ethnology. 5. Military Sciences. 6. Naval Sciences. 7. Architecture. 8. Mythology, &c. 9. The Fine Arts. 10. Technology, with all their respective subdivisions. There can be no question but

such a work, appealing to the eye in so agreeable a form, is admirably suited to the public taste at this moment, when the physical sciences are so rapidly gaining favor. As a work of reference, it is unsurpassed in beauty and utility, and must be indispensable to every library, being, in fact, a library in itself, in the choicest, most comprehensive, and useful form.

6.—CLARENCE; OR, A TALE OF OUR OWN TIMES. By the author of "Hope Leslie." Author's revised edition. George P. Putnam, 155 Broadway.

This volume is in appearance uniform with the standard edition of Irving's works and of Cooper's, commenced by Mr. Putnam. The authoress in her preface informs us, that the selection of "Clarence," which has been considered inferior to her earlier productions, as the first of the new edition, was accidental, and that the others will follow in due course. That is, we suppose, (and we trust it will be the case,) if the sale of the edition promises well. It is now nearly twenty years since "Clarence" first made its appearance, and it was then received with great favor. Since that time the public taste has undergone a considerable change, and perhaps not for the better. The licentious novels of Geo. Sand, and others of the French school, with their sophistical philosophy, shallow philanthropy, and attractive vice, have imparted a morbid desire for excitement, that has more or less vitiated the public taste, and we fear, rendered less attractive the American spirit, moral tone, and amiable philosophy, which distinguish the works of Miss Sedgwick, clothed though they are with a grace of style, the want of which, in some of the foreign works to which we allude, is supplied with rose-colored vice. We trust, however, that the picturesque delineations of New-England manners will not, in our moral and sober-minded community, be abandoned for the tinsel of British society, or the glare of Parisian vice.

7.—THE LITTLE SAVAGE. By Captain Marryatt, R. N. Harper Brothers.

This story, by the popular writer, is of a boy cast upon a desolate island, and left to his own resources. The story is in the main interesting, but full of singular incongruities; as an instance of which, the book opens by the hero stating, that his first recollections were being, at about the age of five years, upon a desolate island, with a man of morose and taciturn habit, who seldom spoke, and replied to repeated questions with a blow.

"I should imagine that I was about five years old at the time I first recollect what passed. I may have been younger. I may as well here state what I gathered from him at different times relative to our being left upon this desolate spot. It was with difficulty that I did so; for, generally speaking, he would throw a stone at me if I asked questions, that is, if I repeatedly asked them after he had refused to answer. It was on one occasion, when he was lying sick, that I gained the information, and that only by refusing to attend him, or bring him food and water. He told me that about twelve years before, (not that I knew what he meant by a year, for I had never heard the term used by him) an English ship (I did not know what a ship was) had been swamped near the island in a heavy gale," &c.

Now, here is a child, five years old, on a desolate island, where it had been borne, so ignorant as not to know the meaning of the words "ship" and "year," yet so anxious to know how it came on that desolate island, as to encounter threats and blows to procure this information. Under such circumstances, how did it know that the island was desolate, or that there was any other portion of the globe less so? This wonderful abstract knowledge is the more apparent from the affectation of ignorance in other matters; and this silly—profound style, is that which mostly characterise the writings of Marryatt, whose works are nevertheless popular.

8.—THE HISTORY OF PENDENNIS; his fortunes, misfortunes, his friends, and his greatest enemy. By W. M. Thackeray, author of "Vanity Fair," &c. Harper Brothers.

This highly interesting work, by this popular author, is being published in illustrated numbers by the Messrs. Harper. It is possessed of all that surpassing interest and wonderful knowledge of London society, so conspicuous in "Vanity Fair." There is a quaintness of humour and a *nonchalant* recklessness running through the story, which keeps the reader perfectly at ease with himself, and confident of an unflagging interest in his acquaintance with the tale. In force of imagination and manliness of conception, as well as vigor of delineation, Mr. Thackeray surpasses most of the other London novel writers, not excepting Dickens, whose insufferable conceit and affectation destroy the effect of some of his finest passages.

- 9.—FRANK FORRESTER'S FISH AND FISHING OF THE UNITED STATES AND BRITISH PROVINCES OF NORTH AMERICA, Illustrated. By W. H. Herbert, author of *Field Sports, &c.* Stringer & Townsend, New-York.

This is a very elegant volume, from the press of Messrs. Stringer & Townsend, and does great credit in its appearance, to those enterprising publishers. We, however, regard with small respect that perfection of idleness called fishing, and more particularly that frivolous wisdom and laborious indolence called "scientific fishing." It is the miserable resource of a roué and decayed English gentry, brought up to regard with contempt every useful employment, to eschew every means of advancing the human race, or promoting the general welfare. It would seem that these persons try every employment by one test only, viz.: "is it useful? does it in any degree tend to profitable results, mental or physical?" If it is convicted of any such tendency it is promptly voted a bore, decidedly vulgar, and not what can be called "scientific." Fortunately there are in this country but very few persons who take an interest in such unmeaning and idle pursuits; nor does there exist a class of aristocracy who are privileged for their idle amusement to set at nought the rights and interests of the people. Thus, the author of the compilation before us coolly laments, that in the northern and eastern states, "the jealousy of the farmers in regard to trespass on their lands, and the breaking of their fences, combine to render it (fox hunting) impracticable." The English of which is, that, in this "damned democratic" country, a gentleman may not ride down a field of grain, destroy fences, and ruin property with impunity in the pursuit of his pleasure. Several attempts have been made to apply English notions of "scientific fishing and gunning" to American streams and fields, but without any success. There are very many gentlemen, who, in the relaxation of the summer months, both 'gun' and 'fish'; but we have ever found that the most successful of these regard with unmitigated contempt the barren "science" of English books upon the subject—more particularly when those books are but impudent compilations from irrelevant works.

- 10.—WORDSWORTH'S POEMS.—The Excursion. By William Wordsworth. C. S. Francis & Co.

The influence of the genius of Wordsworth, in correcting the poetic taste of the age by weaning it from the pompous inanities that marked the close of the last century, and enlisting the sympathies, feelings and tastes in favor of nature and that kindly philanthropy which does honor to human nature, has been immense. While the influence of nature upon man was his theme, he was frequently as just as profound. In a late number of *Blackwood*, Christopher North (Professor Wilson) remarks of Wordsworth's poetry, that "it stands distinct in the world: That which to other men, is an occasional pleasure, or possible delight, and to other parts an occasional transport, the seeing this visible universe is to him a life—one individual human life—viz., his own—travelling its whole journey from the cradle to the grave; and that life—for what else could he do with it? he has verified, sung, and there is no other such song." The "Excursion," by far the noblest production of the author, was first printed in 1814, and contains passages of sentiment, description and pure eloquence, not excelled by any living poet. The principal character is a poor Scottish pedlar, who traverses the mountains in company with the poet, and is made to discourse with profound philosophy of the beauty and grandeur of nature. The edition of Messrs. Francis & Co. is a very beautiful one, and we doubt not but that the taste of the public will encourage the reproduction of others of the sterling writers of the language.

- 11.—SHAKESPEARE'S DRAMATIC WORKS; with introduction, remarks and notes, original and selected—Illustrated. Phillips, Sampson & Co., Boston.

The first number of this magnificent edition has come to hand, containing the "Tempest" complete, embellished with a beautiful steel engraving of *Miranda*. The edition is based on the text of that of 1623, with the notes of Mr. Singer, abridged in some respects, and extended and improved in others. The typographical appearance is very fine, and the large size of the type is very acceptable to readers of Shakspeare. The project of the edition is to publish semi-monthly numbers, each adorned with a steel engraving, and containing a play, complete, at 25 cents per number, an incredibly low price for the expensive and beautiful style in which they are produced.

- 12.—COMMERCIAL RELATIONS WITH FOREIGN COUNTRIES; with a Synopsis of the Laws regulating the Foreign and Coasting Trade of the United States. John B. Satterthwaite, Wm. R. Brown, New-York Custom House.

This little work is most valuable—that gives at a glance a view of the laws regulating our intercourse with all nations. It is indispensable to the ship-master and merchant. The work is compiled by Joseph T. Talman, Esq., Deputy collector.

- 13.—THE HISTORY OF THE UNITED STATES OF AMERICA, from the discovery of the Continent to the Organization of Government under the Federal Constitution. By Richard Hildreth. 3 vols. Harper Brothers.

The history by Mr. Hildreth has already acquired deserved reputation for the comprehensiveness of its facts, and the clear and attractive style in which the narrative is given. So comprehensive and accurate are the details of the story, accompanied by a complete analytical index, as to make a complete book of reference to all matters, facts and incidents, connected with the subject. This feature, of itself, would be an immense acquisition to any library, did not its literary merits and attractive style interest the general reader. The mere series of events does not alone occupy the author, but collateral subjects of more general interest are treated in an able, philosophic manner, while a romantic interest is thrown around them. The fullest information in respect to the aboriginal occupants of the soil is given with the various origin and character of the first colonists from Europe, and the ideas and modes of organization which they brought with them; the administrative, legislative, judicial, and ecclesiastical systems of the several Colonies and States; the origin and gradual development of our existing codes of laws; slavery; indented service; religious sects; freedom of conscience and religious equality; education; arts; manufactures; navigation; trade; the paper money system in all its forms and modifications; civil divisions, especially the boundaries of the States, when and how they became fixed as they are; the relations of the English Colonies to the mother country, to each other, to the Indian tribes, and to the neighboring Spanish and French settlements; the breach with the mother country; the Continental Congress; the Continental army and navy; the articles of confederation; the national administrative departments; the public debt; foreign and Indian relations; the State Governments; the Federal Constitution; including a full analysis of the debates of the Convention by which that famous instrument was framed. The table of authorities given at the close of the volumes, presents a broad field for enquiries for those who wish to pursue the extensive research which characterises Mr. Hildreth's work. The three volumes which compose the history are admirably got up, and do credit even to the world-renowned typography of the Messrs. Harper.

- 14.—MEMOIRS OF THE LIFE OF WILLIAM WIRT, Attorney General of the United States. By John P. Kennedy. Lea & Blanchard.

This is one of the most valuable books of the season—certainly one of the most interesting books ever published in this country.

Although Mr. Wirt was by no means a politician, his memoirs have peculiar attractions for young men, from the hints in which they abound concerning public life and public men, and the interesting personal incidents, anecdotes, &c. &c., which have been interwoven with the narrative. The editor, the Hon. J. P. Kennedy, has evidently had access to a very great variety of useful material, and has well performed the compilation and selection of the very agreeable letters of Mr. Wirt. If he had omitted his own, far from opportune or profound remarks upon those party organizations to which Mr. Wirt was a stranger, the interest and value of the work would in no degree have been lessened. The work is, notwithstanding, one which should be in the hands of every young man in the country. Its intrinsic interest will insure it a very general popularity.

Want of space in the present number excludes several extracts which have been reserved for the next number. They will be found highly entertaining.

- 15.—POSTHUMOUS WORKS of the Rev. Thomas Chalmers, D. D., LL. D. Edited by Rev. William Hanna, LL. D.

- 16.—INSTITUTES OF THEOLOGY. Vol. vii. Harper Brothers.

These two volumes of the Institutes of Theology, comprise vols. 7 and 8 of the edition of the Posthumous Works of Dr. Chalmers, and they are probably of most interest to the general reader. The rare energy of his mind, and the singular power of multiplying views of the ideas he presents, are well illustrated in these volumes.

- 17.—SUCCESS IN LIFE. A series of books, six in number—each complete in itself. The Successful Merchant, Lawyer, Mechanic, Artist, Physician, Farmer. To consist of biography, anecdotes, &c. By Mrs. L. C. Tuthill. G. P. Putnam.

This little volume illustrates by examples from real life, the means by which the eminent of all professions have reached superiority in the paths they have chosen, and is designed to point the way to the young mind, and to stimulate energy in pursuing it.

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Tiberias.	Wady Mojeb.
Ruined Bridge of Semakh.	Greek Archbishop.
Jum'ah.	Tomb of Absalom.
View on the Jordan.	Garden of Gethsemane.
Sherif Massa'd, Emir Nassir, and Beni Sûkr Sheikh.	Tombs in the valley of Jehoshaphat.
Pilgrims Bathing in the Jordan.	Greek Priest at Nazareth.
Shore of the Dead Sea.	Fountain of Nazareth.
Ain Jidy.	Great Sheikh of the 'Anazeh Tribes.
Pillar of Salt.	Baalbec.

C O N T E N T S .

Chapter I.—Introduction. II.—From New York to Port Mahon. III.—From Port Mahon to Smyrna. IV.—From Smyrna to Constantinople. V.—Constantinople and Voyage to Syria. VI.—From Beirût to departure from St. Jean D'Acre. VII.—From St. Jean D'Acre to departure from the Sea of Galilee. VIII.—From the Sea of Galilee to the Falls of Bûk'ah. IX.—From the Falls of Bûk'ah to the Fourth Camping Place on the Jordan. X.—From the Fourth Camp on the Jordan to the Ford of Sckâ. XI.—From the Ford of Sckâ to Pilgrim's Ford. XII.—From Pilgrim's Ford to First Camp on the Dead Sea. XIII.—From Ain el Teshkhhah to Ain Jidy (Engaddi.) XIV.—Expedition around the Southern Sea. XV.—Excursion to Masada. XVI.—From Camp to the Capital of Moab. XVII.—Cruise along the Arabian Shore. XVIII.—From the Outlet of the Hot Springs of Callirhoe to Ain Turâbeh. XIX.—From the Dead Sea to the Convent of Mar Saba. XX.—From Mar Saba to Jerusalem. XXI.—Jerusalem. XXII.—From Jerusalem to Jâffa. XXIII.—From Jaffa to Nazareth. XXIV.—From Nazareth to the Source of the Jordan. XXV.—From the Source of the Jordan to Damascus, Ba'albek, Beirût, and Home.

From this summary of the Contents, it will be seen that the Expedition explored all of the most interesting spots of the Holy Land. They were examined with great care, especially those of which there is little or no authentic information; and the results will be found embodied in this volume. As the official account of an expedition which has attracted no small share of public attention, it has much interest for the general reader, while to the biblical student it will be necessary for the proper understanding of the Geography of the Holy Land. As a work of art, too, it merits attention; neither care nor expense has been spared to render it worthy its national character. It is printed on large type and fine paper; the illustrations are very numerous, presenting the most interesting points connected with the Expedition, and have been engraved in the best style of the art; and the whole may confidently be presented as equal, if not superior, to any original work of the kind as yet attempted in this country.

## LYNCH'S DEAD SEA. (Continued.)

This book, so long and anxiously expected, fully sustains the hopes of the most sanguine and fastidious. It is truly a magnificent work. The type, paper, binding, style, and execution, are all of the best and highest character, as are also the maps and engravings. It will do more to elevate the character of our national literature than any work that has appeared for years. The intrinsic interest of the subject will give it popularity and immortality at once. It must be read to be appreciated; and it will be read extensively, and valued, both in this and other countries.—*Lady's Book, August, 1849.*

Lieut. Lynch's book must be pronounced of great value, not only for the additions which it makes to our knowledge, but as the authentic record of an enterprise in the highest degree honorable to all the parties concerned. In our esteem the value of the work is greatly enhanced by the engravings. The interest of these lies in their representing subjects mostly new to those who have been wearied with the five hundredth repetition of the same scenes and objects. The views on the Dead Sea are of special and remarkable interest, and the costume figures are also striking and suggestive.—*North British Review, August, 1849.*

A large and elegant volume of marked interest and of decided value. The Expedition, as our readers are aware, was conducted under the authority of the United States, and resulted in a much more satisfactory exploration of the region visited than had ever before been made. The book is very handsomely printed, and contains numerous spirited pictorial illustrations.—*N. Y. Courier and Enquirer.*

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BROUGHTY FERRY, near Dundee, Sept. 12th, 1849.

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