

CHARGE OF JUDGE McLEAN. In reference to Military Expeditions against Foreign States.

In the United States circuit court, October term, in session at Columbus, Ohio, on the 23d ultimo, the Hon. John McLean delivered a charge which was altogether worthy of his high forensic reputation...

CIRCUIT COURT UNITED STATES, OCTOBER TERM 1851.

Charge of Judge McLean to the Grand Jury. After presenting to the jury certain violations of the laws of Congress, which ordinarily come under the consideration of the Grand Jury, he remarked: "A sense of duty requires me to call your special and serious attention to an act of Congress of the 20th of April, 1818, which is entitled 'an act for the punishment of certain crimes.'"

The 1st section of that act provides: "That if any citizen of the United States shall within the territory or jurisdiction thereof, accept and exercise a district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, he shall be deemed guilty of a high misdemeanor, and on conviction shall be fined not more than two thousand dollars, and imprisoned not exceeding three years."

The 2d section declares, "That if any person shall, within the territory or jurisdiction of the United States, enlist or enthrall himself or hire or retain another person to enlist or enthrall himself or go beyond the limits or jurisdiction of the United States, with intent to be enlisted or entered in the service of any foreign prince, state, colony, district or people, as a soldier, &c. shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years."

Sec. 6. "That if any person shall, within the territory or jurisdiction of the United States, begin or set on foot, or provide or prepare the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years."

To this section your attention is specially solicited. You will observe that the enumerated acts which constitute the offence are all in the disjunctive. To begin the military expedition spoken of is an offence within the statute. To begin it is to do the first act which may lead to the enterprise. The offence is consummated by any overt act which shall be a commencement of the expedition, though it should not be prosecuted; or if an individual shall set the expedition on foot which is scarcely distinguishable from beginning it. To set it on foot may imply some progress beyond that of beginning it.

Any combination of individuals to carry on the expedition is "setting it on foot," and the contribution of money, or any thing else which shall induce such combination, may be said to be a beginning of the enterprise. To provide the means for such an enterprise is within the statute. To constitute this of fence, the individual need not engage personally in the expedition. If he furnish the munitions of war, provisions, transportation, clothing, or any other necessities, to men engaged in the expedition, he is guilty, for he provides the means to carry on the expedition. It must be against a nation or people with whom we are at peace.

In passing the above law, Congress has performed a high and noble duty. A nation by the laws of nations, is considered a moral being, and the principle which imposes moral restraints on the conduct of an individual applies with greater force to the action of a nation. "Justice," says Vattel, "is the basis of society, the sure bond of all commerce. Human society, far from being an intercourse of assistance and good offices, would be no longer anything but a vast scene of robbery, if there were no respect to this virtue, which secures to us our own."

"It is still more necessary between nations than between individuals, because injustice produces more dreadful consequences in the quarrels of these powerful bodies politic, and it is still more difficult to obtain redress."

These remarks are made and the law cited in reference to the late military expedition against the island of Cuba. That expedition was organized in this country, and was composed principally of our own citizens. Its object was to subvert the government of Cuba—a part of the Spanish dominions—With the Government of Spain we have a treaty of peace and amity. A foreigner has at the head of the expedition. He seems to have been a credulous and weak man. He was impetuous, but was wanting in sagacity and judgment. His melancholy fate may excite our sympathy, but his memory is loaded with the execrations of thousands. He was instrumental in corrupting the minds and withdrawing from their allegiance, many of our youth, who have paid the penalty of their treachery and recklessness. Their conduct admits of no other mode. They were induced to believe that a considerable portion of the people of Cuba were in arms, with the determination to overthrow their government. Those who were instrumental in creating this delusion have an awful account to render to their country and their God.

The invading force, instead of meeting friends, met determined enemies with arms in their hands. At every step the invaders were opposed; and it is not known that a single Cuban joined the enemy. As might have been anticipated, the career of the invaders was short and extremely disastrous. Their sufferings were almost without a parallel; and with two or three exceptions, those of them who were not taken prisoners and executed, were sentenced to an ignominious imprisonment in Spain.

This second expedition terminated more disastrously than the first one. That was fitted out by the same leader, and the force was also raised and organized in our country, in defiance of its laws. The leaders and men were alike guilty in each, but as, in the first expedition, but few were killed, it created less unpopularity in the country than the late one. These unlawful enterprises have cast a shade upon our national character in the opinion of the civilized world. They unjustly, more or less, connect our Government with the outrage, and they ascribe it to a lust for power and national aggrandizement. The Chief Executive, by proclamation, from time to

time, warned the country of the unlawfulness of the enterprise, and of the punishment to which those engaged in it would be exposed. The Executive and ministerial officers of the Government were admonished to be on the alert, to check and defeat the nefarious designs; and a part of the navy was charged with the same service. But these efforts were ineffectual; in their madness and folly, those who were embodied trampled upon the laws of their country, and rushed upon their own destruction. To suppose that they could, under such circumstances, have been impelled by any justifiable motive in their own views, is to suppose them to have been laboring under a most extraordinary mental aberration.

The duty of giving effect to the law devolves upon the judiciary, and you, gentlemen, for the time being, constitute an important part of that branch of the Government. And now that the excitement growing out of the late expedition has subsided, and its fatal results are fully known, it becomes us, from the positions we occupy, to take a calm, a considerate, and legal view of the circumstances which led to it, and of the acts of our own citizens. In this respect your inquiries will be limited to the district of Ohio.

Our own history may show in what light our Government has considered those who opposed to us, who placed themselves beyond the limits of civilized warfare. General Jackson, while engaged in the subjugation of savages in the South, captured two white persons who were banished with them, and great measures controlled their depredations. Arbutnot and Ambriester were British subjects, who having been taken in arms fighting on the side of the Indians against our army, and within our territory, were summarily tried and summarily executed; and the commanding general was sustained by his Government. Great Britain was too well acquainted with the laws of nations, and with the justice of the punishment, to make it a subject of serious remonstrance.

Compare the acts of these unfortunate men with the invaders of Cuba. Arbutnot and Ambriester united themselves with the weaker party, and took part in the war. They were associated with savages, but savages who, to some extent, were allowed to possess the attributes of a nation. Treaties were made with them, and they had always exercised the right of carrying on war against the whites. These men identified themselves with this people in the war, and in doing so, did not, it is believed, violate any express law of their own country. They incurred the hazards of such a war, were taken, and justly condemned.

Our citizens, in the invasion of Cuba, put at equal defiance the laws of their country and the laws of nations. They were covered by no flag; protected by no public opinion; governed by no general law. They placed themselves beyond the pale of civilization, and in doing so became pirates and outlaws. They invaded a nation who were protected from outrage and injustice by the solemn guaranty of a treaty—a treaty in which our national honor was deeply concerned. No nation could be bound by a more solemn or higher obligation than our Government is bound to maintain the most friendly relations with Spain.

And the expedition was directed against an unoffending people. A people who were content with their government, and not desirous of a change. Neither in the landing of the invading army, nor in its progress through the country, was there found a traitor or to the Cuban government. This is a most extraordinary fact. It could scarcely be realized by the invasion of any other country under similar circumstances. The liberating army found no one willing to be liberated. They were everywhere received and treated as enemies. It is not known that any cruelties were perpetrated by the invaders on individuals. It is believed there were none. But their way was marked with blood—blood shed in skirmishes and in more general engagements. There never was an invasion among civilized nations more atrocious and less excusable.

Let us suppose a similar invasion of our own country. And here it may be premised that no complaints against our Government and a determination to overthrow it, in a certain quarter, afford any excuse for the combination of a foreign force against us, a strong case could be made out. But suppose an armed force acknowledging allegiance to no government or people, should invade any part of our country with an avowed intention of overthrowing the Government, how speedily would it meet destruction. Such an indignity and outrage would cause the blood to thrill through the veins of every American.

Gentlemen, our Government must be just to herself and just to other nations. A government is responsible for the acts of its citizens, when, in the first instance, they commit depredations upon a friendly nation. But if such citizens are not punished, or given up to the injured government, for punishment, the nation to whom they owe allegiance becomes a party to the wrong. This is an acknowledged principle in the law of nations. But the duty we owe to ourselves is of the highest obligation. No free government can be sustained which does not enforce its laws.

A deep and abiding respect for the law has heretofore been the glory of our country. In that consists our strength. Those who are unacquainted with the principles of our Government seem naturally to conclude it is wanting in energy and power. But they do not comprehend the secret of its strength. The majesty of the law pervades every part of the nation, and operates unseen; but its effects are visible. It has, heretofore, required no military display of men-at-arms to carry it into effect. But I am concerned to say that our late history in this respect will not compare with the past. There is, I fear, a growing indifference to the laws. When Aaron Burr was suspected of being engaged in an enterprise against the adjacent provinces of Spain, connected, as was apprehended, with a dissolution of the Union, the country was greatly excited, and he was pursued, arrested, and indicted for treason.

Does the same deep feeling for the Union and its laws now pervade our country? If it shall appear, from the evidence that shall be given, that any of our citizens have violated the above law, it will be your duty to indict them. Laws that remain upon our statute-book should be operative, or they should be repealed. The national standard is lowered, and licentiousness is increased, by failure to enforce the penalties of the law.

Our institutions can be sustained only on a moral basis. This is wanting in France, and they cannot maintain a free government. They have the form, but the substance will be wanting. At this moment the public of France, as it is called, is restrained and governed by physical power. And if our Government, in our external and external affairs, shall be so managed as to destroy its moral basis, we may as well attempt to build

a structure in the air as to sustain it. I fear this great fact may not be properly appreciated. It depends, not only the prosperity of our free institutions, but their existence.

THE WHIGS OF GUILFORD. The Whigs of Old Guilford, ever brave and true, have recently held a public meeting in which resolutions were passed favoring the re-election of Mr. Fillmore, and respecting the nomination of the Hon. Wm. A. Graham as the Whig Candidate for Vice President.

SOME GOOD THINGS. We were greatly amused the other day by some matters told us, and think they are worthy of being repeated.

In a neighboring district a plain, though strong minded man, went into the printing office to discontinue his newspaper. The editor seemed greatly surprised that any one who had ever been a subscriber to his paper should wish to quit it and inquired the cause. The countryman informed him that he did not like his politics, and on that account could not continue his subscription to the paper. Then, said the editor, who has been persuading you to this course? "No one," was the reply given. Who has been talking to you against secession, and trying to scare you into submission? "Nobody," was the laconic answer. Then, what newspapers have you been reading? "None but yours," was the reply of the honest man. "I have been convinced by reading your own paper that you are altogether wrong." This produced such conservation and indignation in the mind of the sapient editor that no further questions were asked. We have no doubt hundreds have been convinced in the same way.

A gentleman from the lower country—perhaps one of those little parishes where they poll thirty six votes, and have the same influence and representation in the Senate which Pendleton district has with four thousand voters—was returning this summer from Cesar's Head, and fell in company with a citizen of the mountains. A political conversation was commenced between them, and the lower countryman held forth with great eloquence on the wrongs and oppressions of the Federal Government, and the absolute necessity on the part of South Carolina to resist by separate State action.

The mountaineer, who had been reading some anti-secession documents and newspapers—perhaps the Southern Patriot—put a few hard questions to the eloquent gentleman, to know how and in what way secession would remedy any of the wrongs of which he had complained? Whether it would extend the area of slavery, abolish the Mexican laws prohibiting slavery in Utah and New Mexico, divide California, restore the dismembered portion of Texas, repeal the District laws of Columbia, or enforce the Fugitive Slave law? These were hard questions, and not easily answered, and therefore not attempted. But with a burst of indignation, the gentleman said, "I wish to quit this damned Union any how. I am tired of it." Well, said the Union man, you can do so soon as you please. I presume there is no law compelling a man to live in the United States. He can go out and stay out if he wishes. But I don't think it right for him to carry others with him who desire to live in the Union." This broke up the conversation.

A friend of ours returning from Georgia the other day, before the election, and when it was thought South Carolina would certainly secede, saw a man lying in the road on the Georgia side of the Savannah river. His wife, and children, and wagons, and horses, all stopped, waiting his movements. Our friend rode up and inquired what was the matter. He ascertained that they were moving from Chester district, South Carolina, into the upper part of Georgia, and that the old man had taken too much of the "overjoyful," and would not budge a step. He listened to the explanation given by his wife, which was not altogether satisfactory to his mind; but the old man was not in a condition himself to enter into particulars. Raising himself up, however, he was able to say, with a most profound sense of gratitude, "Thank God, I am once more in the United States." It seemed that he was flying from secession, and on crossing the line had determined to celebrate the event by hearty potations to Bacchus. "Once more in the United States, thank God."

We think the whole people of South Carolina, since the recent elections, ought to return thanks, not in the same manner, but in the same language, "Thank God, we are once more in the United States."

A BASE SENTIMENT.—We have not seen the speech delivered at the Locooco Meeting at Tammany Hall, New York, on the 22d ult. by Mr. Forney, Editor of the Pennsylvania, the leading Locooco paper in Philadelphia; but the Raleigh Register quotes from it the following passage:—"I have no hesitation in deliberately announcing this as my doctrine. THAT I HAD RATHER VOTE FOR THE BEST WHIG THAT EVER LIVED THAN FOR THE BEST DEMOCRAT THAT EVER LIVED THAN THE BEST WHIG THAT EVER LIVED. If that doctrine had been followed, THE WHIGS WOULD HAVE TAKEN YOUR PLACES AS THEY HAVE DONE FOR THE LAST TWO OR THREE YEARS."

In all our experience we do not remember to have known a baser sentiment avowed—one more imbued with the very worst spirit of Locoocoism—one that strikes all considerations of personal and political integrity, of decency, of honor and honesty, of patriotism, in the sordid consideration of "THE SPOILS," which the speaker appears to consider as the property of the Locooco party—"your spoils." And men entertaining such sentiments are recognized as leaders of the Locooco party which, in conclave assembled, received such an infamous avowal without any marks of disapprobation!

This man Forney is a candidate for the important office of Clerk of the House of Representatives of the ensuing Congress.—May we not hope there will be found in his party enough of decency to rebuke such a sentiment by giving an overwhelming majority to some one else? One of his party must be elected, but let it be one who has the feelings of a man.—Fayetteville Observer.

FREE BLACKS.—The Raleigh Register, in contemplation of the natural effect of legislation in the free States, to drive the free blacks, anticipates that they will endeavor to find homes in the Slave States, and calls upon the Magistrates strictly to enforce the laws against such immigration. Whilst we are not of those who are inclined to adopt harsh measures against those of that class of people who were born within our State, and have continued to reside here, we heartily concur with the Register, that every consideration of justice to ourselves demands that none should be allowed to come here from other States, and especially from the free States. The strictest watch should be kept in every county, and prompt measures taken to enforce the law in this respect. If necessary, let the Country Courts offer a reward for every offending immigrant. Fayetteville Observer.

EVERY CURIOUS PERSON has calculated that if every article in the Crystal Palace were examined for three minutes, it would occupy twenty-six years to examine all.

THE WHIGS OF GUILFORD.

The Whigs of Old Guilford, ever brave and true, have recently held a public meeting in which resolutions were passed favoring the re-election of Mr. Fillmore, and respecting the nomination of the Hon. Wm. A. Graham as the Whig Candidate for Vice President.

Let these notes of preparation for the next year's struggle catch the ear of every Whig. There is work to be done both for North Carolina and the Union; and the country expects every Whig to put on his harness and do his duty.—Salisbury Watchman.

THE GEOLOGICAL SURVEY.

A week or two ago, when the appointment of the individual to take the Geological Survey of the State was announced, we inquired if the office had been offered to any of her citizens, and their names. Our natural curiosity has not yet been gratified. We found no fault either with the appointee or the Governor, for the presumption was, that the interests of the State had been zealously subserved; it was a work of vast importance destined perhaps to effect great results in the future. It was not inaptly the unlocking, the bringing to light of the countless treasures, within the soil and boundaries of our favored State, and there seemed to us a peculiar fitness in the selection of one of her own sons for its performance; a filial devotion as it were in ascertaining the hidden qualities and virtues of the mother. If, however, the State could not furnish the requisite intelligence and experience, then the services of a stranger could be properly engaged.

Will the Standard have the courtesy to state the names of those North Carolinians to whom the appointment was tendered? Wil. Her.

PROPOSED DIVISION OF OREGON.

A movement has lately been set on foot by the settlers in Oregon Territory, which has for its object the organization of a separate Territory. Government for that portion which lies to the North of the Columbia river, and is bounded by the Columbia Territory, and throughout its vast extent is well adapted to agriculture, commerce, and manufacturing. The total absence of all municipal law and civil officers, the great distance from the seat of the present Government, and the isolated situation of this part of the Territory, formed the basis of the reasons, as urged in the propriety of the organization of a separate Territorial Government. For the promotion of this object a Convention of twenty-five delegates assembled at Corvallis, Lewis county, on the 29th of August, and after discussing the matter, unanimously adopted the following resolution:—"That a committee of three be appointed by the President of the Convention to prepare a memorial on that subject to Congress, and that the same be forwarded to the Delegate in Congress from Oregon Territory, requesting him to use his influence to procure the organization of a separate Territorial Government."

Previous to the session of the Convention, a committee on districts and counties having been appointed, the territory north of the Columbia river was divided into twelve counties, as well prescribed boundaries. The Convention is to meet again at Olympia some time about the middle of next May, there to form a State Convention, preparatory to asking admission into the Union as one of the States thereof, provided that Congress has not at that time organized a Territorial Government.—National Intelligencer.

MR. GORRELL'S ADDRESS.

We have been politely furnished by the Editors of the Greensboro Patriot with a copy of the Address delivered by Ralph Gorrell, Esq., before the Literary Society of Davidson county, on the 13th August last. The subjects, "the influence of education upon society," and a hasty personal as satisfied us that the author has done justice to the theme. His production is, we think, superior to Mr. Avery's delivered at Chapel Hill, where there is a stout array of designs in both. The author, after depicting the situation of North Carolina, and alluding to her inferior grade among the States of the Union, declares "that the disease of the State require a prompt and extensive remedy, and never will its constitutional vigor be restored till the whole of its territory is covered with the network of roads, and the means of improvement, extending into every remote section of its territory." He likewise alludes to "the depressed condition of her agricultural interests and pursuits, and the want of a proper stimulus to her industry," and introduces the following sentiment which commends itself to favor:—"To give energy to her agriculture, and to improve her system by the dissemination of enlightened views, the formation of agricultural associations, the application of science, and the force of enlightened example, will be a public benefaction." Wilmington Herald.

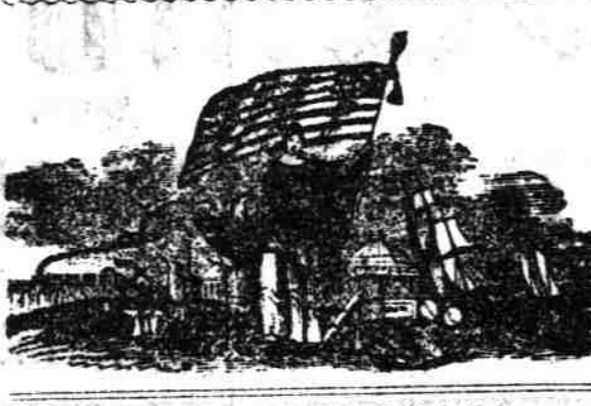
DESTRUCTION OF A SHIP BY A WHALE.—The following remarkable case of the prodigious power of a whale is told by a gentleman who has arrived in Boston from New York, where he was in company with Capt. Deblow, the master of the unlucky ship, who arrived in that city, Saturday afternoon, in the steamship Cherokee. Capt. Deblow, of the whaleship Ann Alexander, of New Bedford, stated that on the 20th of August, when in latitude 5 degs. 50 min. S., and longitude 103 degs. W., while in pursuit of whales, two of his boats that were out in pursuit were attacked by a large sperm whale, and completely demolished. The captain promptly ordered out a third boat and proceeded to the assistance of the men, who were thrown into the sea by the destruction of their boats. He succeeded in rescuing all of them, and reached his ship in safety. But the whale being more frantic with rage, immediately directed his course for the ship and struck her abreast of her foremast, injuring her so badly that she instantly filled. All hands took to the boats on the 22d, and were subsequently picked up by the ship Nantucket, Capt. Gibbs, of Nantucket, and arrived at Paya, Sept. 15, whence the captain took passage for New York, on his way home.

This is certainly an extraordinary instance of the fearful capabilities of the whale, and we believe the like has occurred but once before, which happened in the case of a Nantucket ship many years ago.—Boston Journal.

Gov. Reid has appointed, by and with the advice and consent of the Senate, of New York, Dr. Ebenezer D. Johnson, of the same State, Geological, Mineralogical, and Agricultural Surveyor of North Carolina, and has appointed Dr. Johnson as the person to be in charge of the survey. It is hardly worth while to notice such a thing as the above; but we suppose we may as well say, that the Editor of the Chronicle, "by and with the advice and consent" of his "Satanic Majesty," has perpetrated a falsehood.—Standard.

Why, Billy! "His Satanic Majesty" for it was you who first informed us that Gov. Reid had made the appointment, and did you not say that Governor Reid consulted Ed. Gov. Marcy (by letter) on the subject of the appointment, and that Ed. (Marcy) recommended and advised the appointment of Prof. Edmonson? For all the "criticisms" that you were concerned you have done me a bad turn by this. I had considered you an able 'imp' of old Beelzebub—ever ready to do his bidding—we ask pardon for mistaking you. For the future the situation must be "His Satanic Majesty," the Editor of the Standard.—Milton Chronicle.

RALEIGH REGISTER.



Our are the plans of fair delightful peace, Jewwarp'd by party rage to live like brothers

RALEIGH, N. C.

Wednesday, Nov. 12, 1851.

DEATH OF THE HON. RICHARD HINES.

It is with feelings of the most poignant regret that we have to record the death of the Hon. RICHARD HINES, which occurred in this City, on Monday afternoon last, after his lingering illness of several weeks.

By the death of Mr. Hines, the State has been deprived of one of its purest and most prominent citizens, society of one of its most valuable members, and his family of one whose place cannot be filled. Endowed by nature with a clear head and a vigorous intellect—bleeding decision of purpose with great kindness of heart and the most generous disposition, and firmness of principle with the utmost sincerity of feeling, he commanded respect and regard wherever he was known. Others have had a more brilliant career, but none in whom the mild and gentle virtues have shone more clearly, nor by whom they have been more steadily and effectively inculcated. He has gone down to the grave in the ripeness of manhood, and in the midst of his usefulness, leaving his family the proud inheritance of an unblemished name, and the encouraging example of a useful and honorable life.

Mr. Hines was a native of Edgecombe county, and represented in the 19th Congress, the District of which Edgecombe then comprised a part. He was also for many years Chairman of the Whig Central Committee of the State.

Few men have passed through life more universally acceptable in all the various public and private stations which he was called to fill. Mr. Hines was, we presume, about 60 years of age.

THE MEETING IN GRANVILLE—THE TRUE SPIRIT.

We cordially commend to the perusal of our Whig brethren throughout the State, the proceedings of the recent glorious Whig Meeting in Granville County, and the glowing letter of our correspondent, in connection therewith, which appear in another part of to-day's REGISTER.—We would that we could infuse into the breast of every timid and faint hearted Whig in North Carolina a part of the staunch spirit and patriotic enthusiasm that those proceedings breathe. Let every one such read them, however, for himself, together with the abstract of the eloquent speeches on the occasion, and, if he be a true Whig, he cannot fail to be revived, encouraged, and incited, by them, to similar feelings and a similar determination.

Will not the Whigs of Wake come up, on Monday next, and respond, with a like spirit, to their brethren in Guilford and Granville? We feel assured that they will.

It is time for those who have crept into power in this State, through unfortunate dissensions in our own ranks—dissensions, the memory of which, we are confident, will be buried—to begin to tremble in their shoes. The cry is commenced, which will be echoed before long from every hill and valley, and shore and stream in our borders, THAT NORTH CAROLINA MUST AND SHALL BE REDEEMED!

RALEIGH ENTERPRISE.

We were not aware, until within the past week, when we made a hasty visit to the establishment, of the extent and completeness of the Iron Foundry, which that enterprising and laborious artisan, SILAS DENNS, has recently established in this place. It is situated in the western part of the City and comprises three spacious buildings—in each of which a different branch of the business is prosecuted; and each branch, too, in all its ramifications—and in all of which a large number of skilful operatives are employed.

The establishment will compare favorably with any similar one elsewhere, and can doubtless turn out quite as good a specimen of work. We hope to see most of the Engines for our new Rail Roads manufactured—where they ought to be—in North Carolina; and both in Raleigh and Wilmington they can be manufactured.

Mr. DENNS deserves great credit for his enterprising public spirit, and merits all the encouragement that the public have to bestow.

The New York "Express" truly says that Kosciusko's abandonment of the Mississippi, and the way in which he did it, have thrown a cold damp upon the ardent aspirations we all had as to his welcome in the United States. We have given him the use of one of our finest steamers, and provided him and his friends with the means of being independent, but he leaves us on a mission to England, evidently in anger that our steamer cannot be used as he will!

It is hard, very hard, to give up the warm sentiments we have cherished for this distinguished Hungarian; but we see in him, we fear, only what we almost always see among the reformers of Europe, their incapacity to separate the principle of Republicanism from licentiousness or civil war.

JAVA COFFEE RAISED IN NORTH CAROLINA.—The Editor of the Milton (N. C.) Chronicle has recently shown a parcel of Java coffee, fully matured, that grew in Dr. John T. Garland's yard, about a mile from that town. It looked as natural as the imported article. The shrub that produced this coffee is but two years old, and bears prolifically. The tree sprouted from a grain of coffee which was planted on the north side of the house.

DEMOCRATIC CONSISTENCY.

There could not be presented a more striking instance of the inconsistency of the Southern Democracy than the one afforded by the contest which is now going on in Virginia for Governor and Lieutenant Governor. Their Candidate for the first office, Col. JOHN JOHNSON, voted, whilst a member of Congress, for the Oregon Bill with the Wilmot Proviso incorporated in it. It is well known that in reference to the passage of this Bill, Mr. Calhoun declared that "it was done professedly to assert the unlimited control of Congress over the subject of slavery—that it was the first bill of the kind ever passed, and worked an important change in the progress of aggressions and encroachments in reference to slavery in the territorial aspect of the subject. It had given a new and powerful impulse to the abolitionists."

This is the character given of that measure by Mr. Calhoun. It received the vote of Col. Johnson, the Democratic Candidate in Virginia for Governor. On the same ticket they are running Mr. Leake, who was also a member of Congress at the time that Bill with the Proviso was adopted. He delivered a violent speech against them. From that speech we extract the following:—"Mr. Leake presented reasons which would induce him to vote against the bill, and against all similar legislation. He complained that THE HOUSE SEEMED TO HAVE BEEN CONVERTED INTO A MAGNIFICENT ABOLITION SOCIETY, and expressed his fears that the abolitionists, after laying their profane hands on the altars of religion, and the halls of legislation, would next assault the bulwarks of the Constitution itself, and BREAK IN LIKE AN AVALANCHE ON THE PEACE AND SECURITY OF THE ENTIRE SOUTH. He was sick and tired of compromises; the South had entered into many and they had all been violated. HE CONSIDERED THE VOTE OF THIS MORNING AS AN INDICATION THAT THE MISSOURI COMPROMISE WAS CONSIDERED AS NO LONGER OF ANY OBLIGATION AS AN INTIMATION THAT THE INSTITUTIONS OF THE SOUTH WERE NO LONGER TO BE RESPECTED."

Mr. Leake went on to state what he considered as the ultimatum of the South, which amounted to this—that if the present attempt to impose limitations with respect to the extension of slavery should be persisted in and should prevail, the South must stand in self defence, for they could not and would not submit to it. He went into a review of the adoption of the Wilmot Proviso—complained of the North for having thrown a firebrand into the House—appealed to their justice and patriotism, and warned them to abandon their crusade against the rights of the South, or they might see before long the "beginning of the end," but God only would see its termination."

A Janus faced ticket, indeed, this is! If Mr. Leake's course deserved approval, Col. Johnson stands condemned. Yet the Democracy regard both these gentlemen as true representatives of their political faith and will support them with laudable zeal! The Democratic Excellency de jure of this State, no doubt, feels a deep sympathy for the success of Col. Johnson, as they thought alike on the Oregon Bill; but he would hardly wish the denunciation of Mr. Leake, that, in carrying through that measure, with the Wilmot Proviso in it, the House of Representatives "had converted itself into a magnificent abolition society!" How would he like to be told by a brother Democrat that he voted for a Bill with "a Northern firebrand" in it? Were a Whig to say so, and be denounced by the "unterrified" as propagating a calumny against His Excellency, de jure? Yet, Mr. Leake has said so, and he and Col. Johnson and Col. Reid are all marvelously proper men!

THE DEMOCRATIC PARTY.

What are the principles of the Democratic party? An answer is furnished by the following paragraph from the Philadelphia Times:—"The idea that the Democratic party of the country has but 'one faith' on national questions is obsolete. It may be, and at times is, tariff in Pennsylvania, free trade in Virginia, river and harbor improvements in the West, a strict construction and opposition to all improvements in the South. Col. Bigler, its candidate in Pennsylvania, was elected because he was friendly to the compromise measures. Governor Wood, its candidate in Ohio, has been re-elected because he declared himself opposed to them. In Pennsylvania, it is for the Union; in Georgia, Mississippi, and Alabama, it is for Secession, while in Wilmot's district it is all Free soil, and in Philadelphia all Pro-Slavery."

THE WILMINGTON RAIL ROAD.

By the Report of Gen. McRae, President of the Company, we learn that the expenditures of the Company, during the past year, were \$377,255.20, of which over \$50,000 were paid for new Locomotives and Cars, to meet the wants of the increasing travel and transportation of the road, and for the thorough repair, or rather renewal, of the Steamers Vanderbilt. The company certainly has never been in as good condition to carry on its operations as at present. But fourteen miles of the road remain to be relaid with heavy iron, which is daily expected. Still another locomotive has been ordered, besides one now in process of construction in the shops at Wilmington.

The President is not alone in the opinion that "The Road, so far as it has been relaid, compares favorably with the best roads in our country, and instead of the complaints and denunciations of travellers which have been heaped upon us for years without stint, and which were to some extent deserved when our old flat bar road was in use, we hear from all commendation at the speed with which they are transported over our line."

FROM HAVANA.

By the accounts from Havana brought by the steamer Empire City, being to the 30th ultimo, it appears that Mr. Thrasher has not been released, as was announced by the New Orleans "Delta." A letter to the Journal of Commerce says that he is to have an open trial the present week, and that the American Consul will appear in his defence. The same writer says that Mr. T. is not permitted to confer with friends or the Consul.

The Consul has asked to be permitted to visit him, but it is told that the case is out of the control of the Captain-General, and in the tribunals; and that the interdiction of communication cannot be removed.

The prisoners that yet remain at Havana for transportation to Africa are in tolerable condition, and supplied with good clothing and other comforts. Five are in the hospital improving, and nine are in the castle at "Punta." It is not known at what moment transportation will be provided for them, or whether any more will meet with the clemency of the Captain-General and be permitted to return to their homes.

A PICTURE AS IS A PICTURE.—An old lady who had her Daguerreotype picture taken gives the following description of how it was done:—"I sat down and had my head squeezed between two iron prongs till I thought I should get a dislocation of the brain; then I was told to look right at a speck on the wall; then Mr. McBride unscrewed the end of a brass pipe that was in the side of a mahogany box, and pined it right at me; then after a minute he told me that I might get up for the picture was done, and it wasn't long as he brought it out, from behind the apparatus, all panned in a leather case, and looking as natural as life. He had even took the mole on my chin, and the four gray hairs grown out on it were as instinct as possible."

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State Elections.

NEW YORK. The State elections in New York, it is well known, took place on Tuesday last. From the multiplicity of Candidates for the various State offices, and the confused state of the returns, it is useless as yet to advance any positive opinion as to the result. The probability is, however, that it is likely to be a drawn battle in the State, and the Whigs electing their Candidates for Attorney General, Treasurer, Canal Commissioner, and Secretary of State, and the residue of the ticket being uncertain, or possibly Loco Foco.

The Whigs have the State Senate, but the Assembly is yet uncertain; the majority being very small either way.

MISSISSIPPI. Returns from all but sixteen Counties give to a Telegraphic dispatch in the "Intelligencer" that there is no doubt of Gov. FORT'S election by a large majority. Nearly all the Union Congressional Candidates are elected.—though we are without any particulars as yet. We will give them when they come to hand.

Mississippi has thus repudiated Secession over again, and that, too, though it was upheld by one of her favorite sons, whose great personal popularity counterbalanced and overcame, in many quarters, the opposition of the people to the doctrine of which he was the champion. This is evident from the fact, that, as it stands, the aggregate majority for the Union Congressional ticket is much larger than that over Davis. Had QUINMAN not backed out from the field, there is no doubt but that the gallant Fort's majority would have been two or three times greater.

Whatever be the majority, however, this new defeat of the Secessionists—this final and killing blow to their present nefarious purpose—a "glory enough!" Three times three cheers, thrice repeated, for Mississippi!

LOUISIANA.

The Election took place in this State, on its 7th, for Representatives in Congress, and Members of the State Legislature. Both