

them is rapidly passing away. There is a melancholy pleasure in shewing our gratitude and esteem for the remainder of that band of patriots, to whom this nation owes its independence, and all of us owe our individual enjoyment of political rights.

DELAWARE.

The Legislature is now in session, and we have seen the Message of the Acting Governor (Caleb Rodney) to the Legislature. It is of a graver cast than such documents usually are, and contains some impressive religious as well as moral and political admonitions. There is one passage of it which reminds us of the unanimity which pervades those Messages or Exposés of the State Executives, in which any allusion is made to the subject of our National Constitution. The attachment which is evinced to it, and the reluctance to attempt even to improve it, for fear of injuring it, are pointedly expressed in the following passage from Governor Rodney's Message:

"We have additionally a standing theme of praise and thanksgiving, that we live in a land of equal liberty, that we are protected in the enjoyment of our rights, civil and religious, by a constitution which impartially sheds upon every citizen of the United States, the radiance of its glory, and the beneficence of its most wholesome provisions. And gentlemen, so inviolable ought that constitution to be held, that, although it may have some slight blemishes, like the spots on the Sun, yet, for fear of planting in its seeds of its own destruction, it should be preserved with its imperfections (if imperfections it has) rather than to risk its existence by attempts at amendment. There is great danger that every alteration will suggest and require some correspondent deviation from its original plan, and that finally its beautiful symmetry will be so distorted, and its several parts will operate so unharmoniously, that its greatest admirers and firmest friends will have to acknowledge its premature decay and old age. Whenever the constitution of the United States shall have lost the veneration of the people, it will cease to be a bond of Union, and discord, and its attendant train of evils, will inevitably follow; and in such a train of things who can limit the calamities of the country, or what wisdom can again draw round us the bands of brotherhood?"

These disastrous consequences, the Governor goes on to say, may flow from what he considers the very condemnable practice of the Members of Congress nominating a candidate for the Presidency previous to an election by the People, which he adds, and truly too, is done "without the least shadow of authority to select or nominate a person for the office of President." "So dangerous does this course appear to me," says he, "that I think it is a duty which every man in a public station owes to his country solemnly to denounce it, and if possible to arouse the whole body of the people by all legal means in opposition to it." He goes on at some length to show how dangerous this practice is. But admitting the force of his argument on his own premises, we cannot admit it standing on its own true ground. We do not like caucuses, but as a choice of evils. We should abhor them, if like Governor Rodney, we regarded them as an assumption of authority. If a caucus of other men, say, for instance, of the editors of newspapers convened from every nook and corner of the Union, were to nominate a person for the Presidency, and support that nomination (which nomination would be very apt to prevail)—it would be an innovation, we admit; an assumption, if you will, but not an assumption of authority. It would be merely doing collectively what they freely exercise the right to do individually. It is precisely the same with the Members of Congress. They are respectable individuals chosen from equal portions of our population all over the country, and supposed to concentrate here the wisdom and intellect of the country. Where there are more than two candidates, we do not see any danger, present or prospective, from their canvassing the merits of the candidates, and declaring a preference for one of the number. Where there are but two candidates, we consider such a nomination worse than merely supererogatory. It becomes an improper interference with the freedom of election. Abstractedly considered, it is wrong at any time but when chosen as one of two alternatives, the other of which will be readily understood without our mentioning it—much more to be dreaded, we assure the worthy Governor, than that which he so solemnly deprecates.

MARYLAND.

We have from time to time taken notice of what is doing in the Legislature of this State. There has been going on in the House of Delegates, for several days past, a Debate, said to be very interesting, on the question of incorporating several Manufacturing Companies, in which the policy of those incorporations—the effects they produce on society—the extent to which manufactories should be encouraged, and the effect of making the stockholders of corporations liable in their individual capacities for all obligations of the company, were debated

much at length. The first bill was rejected in the house. The principal debate ensued upon the second bill, which passed the House, 36 to 31, on Friday. It is yet doubtful whether these bills will finally pass.

A number of resolutions have been offered in the Legislature, very good ones too, if they were but passed; but they are laid upon the table, and there they lie. There are more than one on the subject of internal improvement; but we candidly confess we had rather see one good act on the subject, than forty flowery resolutions. The remainder of the very important Report to the Legislature, from the commissioners who have lately surveyed the Potomac, has reached us. Upon such a foundation as this Report, we trust the building of a correspondent superstructure will at least be commenced, though rumor speaks of apathy and listlessness on this subject, when energy and perseverance ought to be the order of the day. The Test-bill is yet in suspense!

CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, JAN. 20.

After the presentation of about forty-two petitions, which were appropriately referred—among which was the Memorial of the Board for Internal Improvements in North-Carolina, praying the aid of Government in the removal of certain sand bars at the entrance of Cape-Fear River—

Mr. Plummer, of N. H. from the Committee on the Judiciary, reported the following bill:

Resolved, &c. That in all suits instituted, after the passage of this act, for the violation of the rights of patents, their executors, administrators or assigns, under the several acts of Congress concerning Patents, costs shall be allowed such patentees, their executors, administrators or assigns, in all cases where the sum recovered by them or any of them in damages shall not be less than fifty dollars.

The bill was twice read and committed. Mr. Sterling, of New-York, offered for adoption the following resolution:

Resolved, That the Committee on Commerce be instructed to enquire and report to this House, whether the provisions of an act of the Parliament of Great-Britain, passed the 5th day of August, 1822, so far as they impose certain duties, upon the products of the United States passing into Lower Canada, down the River St. Lawrence, or otherwise, with a view to exportation, are not repugnant to existing treaties between this country and Great-Britain, or a violation of our right to the free navigation of the river St. Lawrence, and what measures are expedient to be taken to obtain a repeal or modification of said act, or of any other said act of parliament, so far as their provisions shall be found detrimental to our commerce, or repugnant to rights secured to us by treaty or national law, or what countervailing provisions may be expedient on the part of the U. States.

Before the question was taken on agreeing to this resolution, Mr. Walworth proposed an amendment, and the resolution and amendment were both ordered to lie on the table.

On motion of Mr. McNeill, it was

Resolved, That the committee on the Post Office and Post Roads, be instructed to inquire into the expediency of so arranging the post route from Fayetteville to Wadesborough, that it will return by Beard's store, Allenton, Steel Mills, and Bethune's store.

Mr. Mallory moved the following:

Resolved, That the committee on Naval Affairs be instructed to inquire into the expediency of providing for an equal selection of midshipmen for the Navy, from the different States of the Union.

[In submitting this resolution, Mr. M. said his object was to attach every part of the nation to that essential arm of national defence, the Navy, by giving to every part of the nation an interest in its prosperity, &c. so far as that effect might be produced by the equal distribution of the offices among the population of our country. Such a distribution, he believed, would have the further effect to strengthen the Government. With these views, he hoped to be indulged in the proposed inquiry.]

The resolve was agreed to. Mr. Reid, of Geo. moved that the House do now proceed to the consideration of the resolution for amending the Constitution, submitted by him a few days ago (to give Congress expressly the power to make roads and canals)—with a view to committing it to a committee of the whole. But the house refused to consider the same, by a vote of 55 to 50.

The House then again resolved itself into a committee of the whole on the State of the Union, on the unfinished business of Thursday last, being a bill regulating the duties on imports.

The gentlemen who took an active part in arranging the details of the bill, and discussing the various amendments proposed to it, in the committee, to day, are Messrs. McKim, Cambreleng, Golden, Little, M'Lane, Tracy, Wright, Ingham, Walworth, Barstow, Rhea, Whipple, Tomlinson and M'Gov.

Before going through the details of the bill, the committee rose. The Speaker communicated a letter from the President of the United States, transmitting a report of the Secretary of the Navy, respecting the cost and expediency of fortifying Thompson's Island, or Key West; which was referred to the committee on naval affairs, and ordered to be printed.

TUESDAY, JAN. 21.

Mr. Fuller, from the Committee on Naval Affairs, to which was re-committed the bill for the relief of the mother of the late Lieut. Wm. H. Allen, with instructions to report a bill for the relief of his sister, reported the same, with sundry amendments, which go to substitute the daughter's in the place of the mother's name; which bill was committed to the committee of the whole House. Mr. F. from the same committee, reported a bill for the relief of Sarah Perry, mother of the late Oliver H. Perry; which bill was twice read and committed. Mr. Hamilton, of S. C. rose and said, the melancholy intelligence which was announced in the Gazette of yesterday, of the death of my distinguished predecessor, the private advice which I have received from South Carolina have but too fully confirmed—

When, Sir, (said he) it is recollected that Mr. Lowndes was constructively a Member of this House at the period of his death, for I believe that his resignation at that time had not then reached his home; but, above all, sir, when we consider the station which he occupied on this floor, with such remarkable honor to himself, and advantage to his country; when we are sensible that he was here as it were but yesterday, occupying that place which I now so feebly and inefficiently fill; that the impression left by his delightful character and commanding intellect, is yet almost animated by the vigor of life, I am sure you will not regard the few observations I shall offer on this mournful occasion, as an unseasonable trespass. I know too well how you cherish the recollection of his virtues, not to be certain of your kindest and most respectful sympathy.

It might, Sir, be seemingly presumptuous in me to descant on his public virtues in this assembly, where they were so conspicuously exercised for a period of ten years in which the richest and most various knowledge was successfully blended with the purity and ardor of an ingenious spirit, and the intelligence of a lofty intellect. But, of his private virtues, I may be permitted to speak—At home, "where we knew him best and loved him most;" where our opportunities were most abundant for observing the delightful sway which the simplicity and modesty of his character exercised over the higher faculties of his nature it will be allowed us to indulge in an affect on for the individual which is quite equal to the admiration which accompanied him abroad. In the softer charities of human life, in the relations of a husband, parent, friend, and master, he was amiably and conspicuously loved and distinguished.

There was belief in which public opinion is supposed to have indulged, in regard to Mr. Lowndes, which was radically unsound; that he was deficient in decision of character. The mistake naturally grew out of the extreme facility of his disposition, in relation to all objects that were personally advantageous to himself; out of an habitual acquiescence in the postponement of his own interests and distinction to make room for the aspirations of the more sanguine and confident. But, in any of those delicate junctures which arise in morals and patriotism, where it might be expedient to be wrong, but honest to be right, he did, and would, uniformly have evinced the triumphant resolves of an undimmed and inflexible spirit. He had emphatically less self love and more self denial than any man who ever came within the sphere of my experience. These virtues were exemplified in a remarkable degree, in the manner in which he received, and invariably treated, the nomination which was made, in his behalf, by his native state, to the first office in the gift of this people.

Whatever opinion he might have entertained, as to the propriety of this measure, he could not but be sensible of the favorable estimation of those who had a right to know him most intimately, but his generous sensibilities were principally aroused, by the ill omens which might possibly be gathered from fingering another competitor into the perilous and troubled arena. Whilst he was conscious that "the office of President of the United States was one neither to be solicited or declined," he would have regarded it as the greatest misfortune of his life, if he could have won it, by afflicting upon his country the example of successful intrigue and profligate ambition—if he could have obtained it even by one harsh collision, which could have shaken the foundation of this Union.

In this review of an interesting era of his life, I am doing little more than giving utterance to those sentiments that fell from his own lips.

Alas Sir, when I contemplate the void his death has produced at home, that in a state, not absolutely sterile in the production of able men, it will be long, if ever that we can hope for the proud distinction of furnishing such a contingent of genius, worth, and knowledge, so large in its amount, so estimable in its qualities for the service of our common country. I cannot but sink under an invincible dismay. Good men do not die, however, without bequeathing something to posterity. I have some where seen a remark, which appears to me to be as philosophically just, as it is consoling to humanity. However feebly, I will attempt its illustration. Vice in its immediate operation is undoubtedly pernicious. The bad man poisons the atmosphere in which he lives, contaminates, "frets his busy hour on the stage," dies and is forgotten. But the virtuous man, such a being as our deceased friend, not only is a blessing to the age in which he lives, but his virtues visit the remotest posterity in a thousand impressive shapes, giving "ardor to virtue and confidence to truth." From his grave there arises a halo of un fading brightness!

I would now tender to you a resolution which would seem naturally to follow the few observations in which I have indulged; but, I give way to the gentleman from Virginia, whose fortune it was to have and deserve the abundant confidence, friendship, and esteem of my distinguished predecessor whilst it comports best with my own feelings, that any testimonials of respect you may accord to the memory of my deceased friend should not come from the State I have the honor to represent.

Mr. Archer, of Va. rose to follow, with the resolution which had been intimated by his friend from South-Carolina, the feeling announcement which had been just addressed to the House. That gentleman might well feel and speak more strongly than any other member of the House could do, on the subject of this melancholy event, from his more intimate association, both by residence and friendship, with the eminent man whose loss we deplored; and the peculiarity of whose character and fortune it was to be esteemed and beloved in the exact proportion in which he was known. It was, indeed, a character, Mr. A. said, in which the qualities which won esteem, were blended in the happiest union with those which commanded it. He had no intention of entering into any minute delineation of his character, for many reasons. The most important was, that he felt he was not equal to the office. Nor was it necessary, after the picture which had been presented to us to-day, to which, if he attempted to add any coloring, he should only contribute to deface, perhaps, that which did not require to be improved. Paucity, on this occasion, was indeed rendered unnecessary by the settled feeling and opinion of this country in relation to Mr. Lowndes. He had been, for a considerable time, conspicuously before the public, a part of that time comprehending a very trying period of our history, and the judgment of the public had been awarded in relation to him. He was already ranked with the eminent names which had passed by, & been

consecrated to national respect. He was already ranked as a man superior in worth as he was in mind—as one of the purest, and ablest, and most faithful of the statesmen who might claim from our country the meed of honor—as combining a large share of the highest titles to human deference and estimation, talent, and public service, & virtue. Mr. A. said that the House would be deficient in the discharge of its appropriate office, if it would not reflect the sentiments and the wishes of the people whom it represented, if it omitted the testimony of respectful regret which was due to this afflicting occasion. The face of this country was clothed in mourning, and this countenance ought to be reflected in its proper mirror, the proceedings and language of this House. The House would be wanting in true respect to itself, if it omitted this last tribute to a man who had filled so large a space in its service, and brought to it so great an accession of reputation. The House had, he knew, no disposition to withhold the tribute. Their feeling, on the subject, was in a true accord with the feeling of the country. Some gentlemen might suppose, however, that the case was not comprehended by the rule of usage of the House, in this respect. If it were not so embraced, Mr. A. had no hesitation for himself, in saying this was a case in which he would make a rule for the occasion. He acknowledged himself the obligations of precedent in no other place than a court of justice; conceiving, in all other places, a higher obedience, to be due to the sources of precedent, the justice and reason from which it was presumed to spring. But the case did fall within the principle and intendment of the usage. We had been told, by his friend from South-Carolina, that Mr. Lowndes was constructively a member of this House at the period of his lamented demise. But for the near approach and prospect of this event, his seat would never have been vacated; and because he refused to hold an office of which he was unable to discharge the duties, and had given, in his last public act, a new and farther proof of his just claims to our esteem, was the testimony of our respect to be withheld from him which would otherwise have been accorded? This could not, Mr. A. knew, be the sentiment of the House. It was among the first duties of patriotism, especially in a free state, to accord a due testimony of public sensibility to eminent public service. It was the most unquestionable dictate of policy, in such a state, to hold out the incitements, at once so cheap and so splendid, to public virtue, which were afforded by the prospect of posthumous honor and reputation. A case could scarcely occur, calling more loudly for action, in reference to this duty and this policy, than that which was now presented. Mr. A. had no doubt that the House duly appreciated its obligation; and that there would be an unanimous accord in rendering the last office of respect which he was about to propose, to a man whom it would long be a subject of our pride to remember, and of our regret to have lost; and that, too, at a period of life at which he might have been expected to render still farther services to his country, and to establish a still larger, though not more undoubted title to its esteem. He should, therefore, move that this House do

Resolve, That the members of this House will testify their respect for the memory of WILLIAM LOWNDES, late a member of this House, from the State of South-Carolina, by wearing crape on the left arm for one month.

Mr. Taylor, of New-York, addressing the Speaker, said, I rise to second the motion of the gentleman from Virginia, and to tender to him sincere thanks for having made it. To omit this homage of national respect, could in no wise impair the exalted and well-earned fame of our lamented friend, but it would indicate a want of sensibility to the greatest bereavement in the loss of a citizen, which has befallen the Union since I have held a seat in its councils. The highest and best hopes of this country looked to WILLIAM LOWNDES for their fulfilment. The most honorable office in the civilized world—the Chief Magistracy of this free people, would have been illustrated by his virtues and talents. During nine years service in this House, it was my happiness to be associated with him on many of its most important committees. He never failed to shed new light upon all subjects to which he applied his vigorous and discriminating mind. His industry in discharging the arduous and responsible duties constantly assigned him, was persevering and efficient.

To manners the most unassuming—to patriotism the most disinterested—to morals the most pure—to attainments of the first rank in literature and science—he added the virtues of decision and prudence, so happily combined, so harmoniously united, that we knew not which most to admire, the firmness with which he pursued his purpose, or the gentleness with which he disarmed opposition.

His arguments were made, not to enjoy the triumph of victory, but to convince the judgment of his hearers; and when the success of his efforts was most signal, his humility was most conspicuous.

You, Mr. Speaker, will remember his zeal in sustaining the cause of our country in the darkest days of the late war. You cannot have forgotten—who that heard him can ever forget, the impression of his eloquence in announcing the resolution of thanks to the gallant Perry, for the victory of Lake Erie? Alas! alas! the statesman has joined the hero—never, never again shall his voice be heard in this Hall. We shall hear him no more, until the voice of the Archangel shall summon the grave to surrender its dead.

When Mr. Taylor sat down—

Mr. Archer rose again and said that there was one topic of especial recommendation to the regard of this House possessed by Mr. Lowndes, which, through inadvertence, he had omitted, and which he would now, in reference to his own feelings, and not for any purpose of aid to the resolution, ask permission to supply. It was that, although the highest allurements had been held out to him to do so, as Mr. A. had good reason to believe, he could never be induced to change for any sphere of public service generally regarded as more honorable the service of this House. There was nothing, Mr. A. said, which could have separated him from us but the grave.

The question was then taken on agreeing to Mr. Archer's motion; and it was determined in the affirmative, *nem. con.*

On motion of Mr. Reid, of Geo. the House then immediately adjourned.

WEDNESDAY, JAN. 22.

Mr. Lincoln, of Maine, submitted for consideration the following:

Resolved, That the Committee on the expediency of establishing, by law, such compensation for which bills usually are provided for by appropriation bills with any other act of legislation; and such other duties of which have been usually compensated by extraordinary and per diem allowances out of contingent funds.

In offering this motion— Mr. L. stated that, as the resolution embraced a view of facts which might not have been considered by the members of the House, he thought his duty required him to explain the objects which he had in view. It would be recollected, that, on the discussion of the appropriation bills, for several years past, there had been much debate on the abstract question of the propriety of providing for certain offices which had no legal existence. At a late period of the session, and we had been obliged, from the necessity of public service might suffer from the neglect to make appropriations, to provide for such offices. In this manner we had been obliged to appropriate into office a clerk to the Attorney General, a clerk to the Surgeon General, a clerk to the Treasury Department, a clerk to the Clerk of this House, &c. The subject had been embarrassed, not only by the consideration of the abstract questions before mentioned, but by contradictory statements and opinions, in reference to the necessity of the offices mentioned. The Committee on the Judiciary is not oppressed by much business, and might conveniently enquire into the duties discharged by the officers thus loosely provided for, and into all the facts and opinions bearing any relation to the subject. On their report, we might act definitively; and the Committee of Ways and Means, by providing for the officers by general, rather than specific appropriations, would put an end to useless discussions. The measure would also secure another advantage, that the officers concerned would be relieved from a painful uncertainty as to the continuance of their offices, and would know what to depend upon.

Mr. Williams, of N. C. made a few remarks on the subject of the multiplication of Clerks in the Public Offices. It was not in proportion to the increase of business, but to the decrease of it, he said, that Clerks had been employed in the Departments. The business which grew out of the accounts, &c. of the late war was now nearly gone through with, and the necessity of employing additional Clerks must have ceased, if it had ever existed. If it be necessary, however, to employ these officers, let it be done by a regular law of the country, and not by the mere process of inserting a clause in an appropriation bill. We were told, in debate, last year, said Mr. W. that we could not legislate a Clerk out of his office by withholding his salary. If that be true, it is equally true, that you cannot employ him by voting it. If you cannot put him out by an appropriation bill, you cannot put him in by an appropriation bill. Mr. W. hoped, therefore, that this resolution would be adopted, but that the subject would be referred, not to the Judiciary Committee, but to the Committee of Ways and Means, to which it seemed more properly to belong.

Mr. Lincoln did not consider it material to which Committee the subject was referred; though, as the question did not involve an appropriation of money, but an enquiry into mere matters of fact and law, he thought the Judiciary Committee would be more proper than the Committee of Ways and Means.

Mr. Ingham rose to suggest that the subject must be given in charge to the Committee on Public Expenditures, rather than the Committee of Ways and Means, and quoted the rule establishing that Committee, to show that the proposed inquiry would fall more within the province of that Committee than of the Committee of Ways and Means.

Mr. Williams declined varying his motion. Mr. Williams' amendment was agreed to; and, thus amended, the resolve was agreed to, *nem. con.*

The House took up, on motion of Mr. Walker, of N. C. the report in the case of Benjamin Perry; and the resolution, unfavorable to the petitioner, appended to the report, was concurred in by the House. The petitioner, on Mr. W's motion, then had leave to withdraw his papers and documents.

Mr. Wright rose and remarked, that yesterday we had paid a just tribute of respect to the memory of the Hon. Wm. Lowndes, late a member of this House, and he felt great pleasure, as it was a new case, that it was unanimously adopted. It had established a precedent which he presumed the House would consider itself bound to observe. He therefore, moved the following resolution, which was unanimously adopted:

Resolved, That this House will testify its respect for the memory of Thomas Van Swearingen, of Va. Ludwig Workman, of Pennsylvania, and James Overstreet of S. C. late members of this House, by wearing crape on the left arm for one month.

THURSDAY, JAN. 23.

On motion of Mr. Cocke, it was resolved, that the Committee on Military Affairs be instructed to enquire into the expediency of further reducing the Staff of the Army of the United States.

On motion of Mr. Conner, it was resolved that the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a line of stages for the transportation of the mail from Chowan South-Carolina, by Wadesborough N. Carolina, Charlotte, Tuskegee ford on Catawba, Lincolnton, Morganton, Asheville, Warm Springs, and to intersect the western stage, at Newport, Tennessee.

The resolution was agreed to. On motion of Mr. Sterling, of New-York, the House took up the resolution, laid on the table some days ago, relative to the Canada trade, when the amendment proposed by Mr. Walworth to it was withdrawn, in order to give Mr. S. an opportunity of submitting his. Which was agreed to, without opposition.

On motion of Mr. Bassett, the House took up the amended bill from the Senate, entitled "An act concerning the disbursements of public money."

Mr. B. then moved that this House agree to the sundry amendments to the bill by the Senate; when,

On motion of Mr. Newton, of Va. the bill, as amended in the Senate, was ordered to lie on the table.

The House then resolved itself into a committee of the whole, on the bill from the Senate making provision for the preservation and repair of the National Road leading from Cumberland to Wheeling; when

Mr. Trimble moved to amend the 3d section, by striking out all after the word "section,"