The Press.

FRIDAY, JANUARY 27, 1860.

FIRST PAGE.—Prospects of Italy; Letter from Washington; Second Annual Message of Mayor Henry, &c. FOURTH PAGE.—What Shall be Done with the Free Blacks; Marine Intelligence, &c.

Reform of the Penal Code.

The Report of the Commissioners to revise the Penal Code has been presented to the Legislature, and will soon come up for discussion there, preparatory to its adoption as part of the law of the land. In the mean time, it has been submitted to almost all the judges, and it is brought home alike to lawyers and laymen, by the vast importance of the subject, by the necessity of a thorough and entire comprehension even of its minutest details, and by the novelty and striking character of the proposed changes. The general scheme of the Commissioners has taken the form of two acts, one relating to the penal laws, the other to criminal procedure and pleading. The former is divided into ten titles, subdivided into one hundred and eighty-seven sections, and its main heads are offences against the State, public justice, public peace, public morals and decency, public policy, economy, and health, against the persons of individuals, personal property, real property, and forgery. The second act is made up of six titles, and eighty-two sections, and goes over the whole ground of process and pleading with such energy and freedom that the changes are vastly more striking and important than the more numerous alterations suggested in the first act; for while these are rather intended to strengthen and supply the common law, by lopping off excrescences, reconciling incongruities, and introducing the improvements that appertain to an advanced state of arts and manufactures, the main scheme of this second act is entirely to change the system under which we now carry out our penal laws, and it is therefore a subject hardly fitted for a general and popular discussion.

But a summary of the labors of the Commissioners will serve to give some evidence of the important nature of the work entrusted to them, of the ability with which they have executed their task, and of the great obligation incurred by all of us at their hands. One hundred and forty-one laws, registered in our statute-books between 1700 and 1859, thus covering the whole period of our existence as a law-making community, are supplied and consolidated in the new act, and their repeal will, of course, systematize and complete the task of the Commissioners. Of the whole number of two hundred and sixty-nine sections included in the two acts, seventy-eight are, by the introduction, pointed out as either entirely or partly new. Now, small as is the information this gives us as to the merit of the whole work, it is still a merit, when we remember that the famous French code was for over twenty years in hand, while the British criminal code has been for twenty-five years under way, and is still merely a fragmentary mass, counting many blue-books, and but a few statutes, here, at the end of a little over eighteen months, the three Commissioners named under the act of April 19th, 1858, report, in a pamphlet of one hundred and twenty-nine pages, the result of their labors. Whatever changes may be made, in the course of the legislative discussion preceding the enactment of the new laws, whatever action may subsequently be had, either in modifying or enlarging these labors, either at the suggestion of the Commissioners themselves, or such as the experience of judges, lawyers, or laymen may advocate, the bench and the bar, the people and the executive, may well be proud of such a commission and such results.

One of the most striking changes is the entire abolition of all *minimum* punishments, and the reason given for it is very simple and conclusive: "The duty of a criminal judge is not simply to punish an offender within the limits prescribed by law, but it is equally his duty to graduate the punishment according to the criminal capacity, general intelligence, past conduct and character of the culprit, and the aggravating or extenuating circumstances of each particular case. All positive and arbitrary minimum punishments necessarily interfere with the free and full exercise of this judicial duty, and should find no place in a truly philosophical code of crimes and punishments. Besides, *minimum* punishments do *but* restrain judicial mercy, whilst within the maximum limit fixed by law judicial severity is left without control. All the members of this commission have been, more or less, extensively engaged in the administration of criminal justice. The principle advocated is not, therefore, with them an abstract and untried theory, but the conviction of long experience and observation in actual criminal administration." Another change is the abolition of all distinction between grand and petit larceny, so that we shall never, henceforth, be troubled with "estimating the magnitude of the crime by the value of the property obtained by it!" Two sections, the eighty-eighth and eighty-ninth, provide effectually for the punishment of the horrid crime of abortion, and it is to be regretted that the shield of protection thus throws over erring women had not been further extended, so as absolutely to prevent fortune-telling, that miserable cloak of more sinful trades.

In the 96th section there are some objectionable clauses, that can easily be stricken out by the Legislature, in the exercise of a power which was not entrusted to the Commissioners; for we are sure that they never could willingly aid in retaining on our statute-books any law which conflicts with the Constitution, or renders our good old State liable to the charge of disloyalty. The refined distinctions between larceny, as defined by the common law, in the case of servants and carriers, and that common sense which fixes the crime as actual larceny, in spite of technical and artificial casuistry, are all swept away, to the credit of our criminal justice, and to the final security of owners of property, and merchants and dealers of all kinds. It seems strange that only in 1860 the Legislature should be called on to provide a law against "forgeries, by means of photographic plates of any kind," and yet such a clause is for the first time introduced and proposed to be enacted by the 168th section. Some of the inconsistent and anomalous pieces of hasty legislation, thrust into our statute-books, have been quietly corrected, so that judges will no longer be compelled to punish attempted, more severely than successful efforts to accomplish some one of the long list of crimes. In short, the whole of the act consolidating, revising, and amending the penal laws, is worthy the most careful and attentive study of our thinking readers, and we hope that as they read, they will offer either through our columns, or directly to their Representatives at Harrisburg, the fullest and freest discussion of every one of its provisions, old and new. As the act relating to process and pleading is much more technical, and more suggestive in its frequent changes, we propose to call attention to it at some later day.

The Mayor's Message.

The second annual message of Mayor HENRY will be found upon our first page this morning. It is a well-written and interesting document, and merits an attentive perusal, as it contains much important information in regard to our municipal affairs.

Lawrence Mill Calamity.

On Tuesday last Mr. John E. McDonough liberally gave a free benefit, at his "Gaieties," in Race street, the proceeds to be applied to the fund which is being raised for the relief of the sufferers by the recent awful calamity at Pemberton Mill, Lawrence, Mass. The evening's performances included some of his most popular pieces. The company also contributed their aid on that occasion in a gratuitous manner. The sum realized—the whole receipts, without any deduction whatever—amounted to one hundred dollars. The Mayor of Lawrence having intimated, in a letter which has been published, that no more assistance was needed, Mr. McDonough remembered that charity begins at home, and has handed over the $100 to the treasurer of the Sons of Malta, to be applied by them to charitable purposes designated by himself—that is, to be equally divided among the following benevolent institutions in this city: The Penn Widows' Association, the Magdalen, the Northern Home for Friendless Children, and the Society for the Relief of Disabled Firemen.

SALE OF ELEGANT RESIDENCES, &c.—Elegant residence, large lots, irredeemable ground rent, stocks, &c., Tuesday next, at 12 o'clock, noon, at the Exchange.

SALE OF PAINTINGS, &c., this morning, at the auction rooms. See Thomas & Sons' advertisements of both sales.

The Girard College Playground.

It is with regret that we feel compelled to call public attention in the way of censure to any of the public charities of Philadelphia, and especially to one so generally well managed, and so highly useful, as the Girard College. A decent regard for the welfare of the little ones under the care of that institution, whose misfortunes have made them the children of the public, and especially the wards of the public's newspapers, requires that we should speak out about a matter that we only wonder that the Board of Directors can have overlooked or neglected. There is a rule at the College which requires every pupil, not so sick as to be confined to the nursery or hospital room, to take a certain amount of outdoor exercise, daily, in the playground. This regulation, under proper circumstances one of the wisest that could be devised, is at present most cruel and barbarous, owing to the condition of the playground. The sheds, apparently erected for protection from rain and storm, are entirely too small, and inadequate for any such purpose. The water from the water-shed, on which the College is built, flows down upon the low land of the playground, which, under the effects of the late thaw, has been deep enough in water and mud to reach above the ankles of the little fellows whom the regulations turn out into it to play. The natural consequences of this state of things are to be found upon the list of fevered patients under medical treatment, during the winter—half of the year. Inflamed bowels and lungs follow the exposure of weak and delicate children to such influences as these, as certainly as night follows day, and the transition from the playground to the cemetery often becomes fearfully sudden.

Some years ago we heard a good deal of the beneficial results upon children of the "hardening process," whose advocates pointed to the hearty, robust children of the poor, exposed, bare-footed and in rags, to the frozen ground and the winter's blast, and claimed that the exposure caused the health and strength. The investigation of those who looked beneath the surface soon showed that the *hardening* process was a *killing* process, under which all the delicate and weaker children of the poor were carried to early graves, leaving upon the streets the more fortunate subjects, whose constitutional strength enabled them to resist all ordinary causes of disease and death.

The gentlemen in charge of the Girard College have too much sense to be the apostles of such a false system as that which expects the constitution to be strengthened by the means which ordinarily destroy it, and yet the practice at that institution seems directly in accordance therewith. We trust that efficient measures will at once be taken to put a stop to this crying evil. Let the playground be so provided with drainage that it can never again, by any possibility, become such a swamp as it has been for the past week; and above all, let there be a large covered place where the pupils of the College may take their out-of-door exercise, protected from the elements. The directors should go, from time to time, to the nursery room, and inquire into the practical effects upon the health of the pupils of the laws they make, and frequently go by day to the College to see that the rules which the children are required to live by are such, and such only, as they would like to make for the government and welfare of their own children. The city has put them in the place of parents to its orphan children—let them discharge their duties to the full extent of their fatherly and truly paternal manner.

Public Amusements.

ARCH-STREET THEATRE.—We have but to say of the performances here that the new comedy, called "Everybody's Friend," will be played only *twice* more—to-night and to-morrow. It has been so successful as the most anxious managerial desire could anticipate.

WALNUT-STREET THEATRE.—It is doubtful whether, since the time when the Woods created quite an *estro* of enthusiasm, with their admirable execution, there has been so good an English operatic company in this country as the *troupe* now performing at Walnut-street Theatre. We remember the popularity of the Seguin troupe, and also of Louisa Pyne, (with a poor company), but the positive merit of the Cooper opera *troupe* equals theirs—at the very least. This company will remain here only two nights more. This evening, Miss Annie Milner, the prima donna, takes her benefit—sustaining the parts of *Adina* in the "Elixir of Love," and *Marie* in "The Daughter of the Regiment." This lady, who is young and well-looking to boot, first appeared in this city, not long ago, as a concert-singer, and her pure style and fine execution were greatly admired. She is not yet as good a dramatic singer as a little practice will make her. But she sings with great taste, skill, and judgment. What is more, the other performers are also very good. This lady ought to have a most overflowing house.

LOLA MONTEZ'S LECTURE ON FASHION.—Previous arrangements, which draw Madame Lola Montez successively to Baltimore and Washington, prevent her from giving more than two lectures in this city. The first, upon "John Bull at Home," she delivered to a crowded house, at Musical Fund Hall, on Wednesday evening. The second, on "Fashion," she will give *this evening*, at the same place. The subject seems to recommend it, more particularly, to the attention of the fair sex, though the piquante and acute lecturer does not limit herself to the consideration of female fashion only. The lecture, which is quite new, is lively and sarcastic, historical and anecdotal, philosophical and personal. Believing that Lola Montez is by far the best female elocutionist on the lecture-stand, in this country, we know that the entertainment this evening will be worth attending and attending to.

THE LAWRENCE SUFFERERS.—This evening, Mrs. D. P. Bowers will give an illustrated lecture on "Song and Passion," with musical interludes, at Concert Hall, for the benefit of the sufferers by the recent calamity at Lawrence, to which most worthy object the entire proceeds will be devoted. The proprietor of the hall expressed his willingness to afford its gratuitous use, and Mrs. Bowers at once expressed her earnest desire to avail herself of the opportunity of exercising her talents in the cause of a charity so great and needed—that to enlarge on its claims to public attention would be a superfluous waste of time. The illustrated lecture to be given by Mrs. Bowers is entirely new, and is, we understand, deeply interesting and peculiar in its illustrative character; and from Mrs. Bowers' well-known ability as an elocutionist, a rich mental treat is anticipated. This entertainment will be given under the patronage of the civic authorities and numbers of the most eminent of our citizens, who have taken a great interest in the success of the undertaking. By a telegraphic despatch from the Mayor of Lawrence, it will be seen that he expresses a wish that the proceeds should be devoted to the Widows' and Orphan's Fund. Who will refuse to subscribe their mite towards such an object, whilst, at the same time, participating in an intellectual feast?

Letter from Washington.

[Correspondence of The Press.]

WASHINGTON, January 26, 1860.

For near an hour and a half after the House met, the time was taken up in roll-calls to kill time. After that exercise of the Clerk's lungs, Mr. Winslow proposed a ballot, whereupon Mr. Hickman said he would have opposed the ballot which was taken last evening had he been present, and he came to-day to prevent, if he could, any ballot being taken; but as he had learned that an understanding had been entered into by all the members to ballot for two weeks, as an honorable gentleman had said an organization could be effected in that period, he would not object, but he would withhold his vote until it could be of service. He condemned the doings in which the House was engaged. To him it was a farce, and he would not vote.

During the call of the roll, Mr. Hamilton, of Texas, a tall, placid, not remarkable, but evidently good-tempered-looking gentleman, addressed the House briefly but pertinently. The result of his observations was that dissolution was upon us. He did not well see how it could be averted. He represented a Constitution-loving constituency, a peaceable constituency, but they would be more willing to stop forever the wheels of Government just where they are now stuck than go on and submit to the election of the present candidate of the Republicans to the Speaker's chair. This was a set-off against the declaration of Thaddeus Stevens yesterday, and induced some applause from the Administration and ultra benches. The ballot resulted in 109 for Sherman, 58 for Boocock, and the rest scattering. The whole number cast was 226, making Sherman short five. Hickman and Morris did not vote, which would leave Sherman, as of old, still lacking three.

There was a sharp passage between Judge Douglas and Jefferson Davis to-day. Davis found fault with the construction given by Senator Douglas to the letter of the President to Governor Wise.

Douglas denied having made any criticism whatever on that letter, and only intended to fill up an omission made by Mr. Buchanan with regard to the powers of the Constitution.

EZEK RICHARDS.

A NEW PAPER.—We have received the first number of *The Herald of Progress*, edited by A. J. Davis, of New York, devoted to the advocacy of the harmonial philosophy, including spiritualism. The paper is well got up, and will, no doubt, furnish interesting matter to those who are attracted to this movement. It is a weekly paper, and will be delivered to subscribers in this city regularly by Mr. Robinson, No. 307 North Eleventh street.

Letter from Harrisburg.

[Correspondence of The Press.]

HARRISBURG, Jan. 26, 1860.

The Board of Revenue Commissioners meet in the Supreme Court room, at the Capitol, on next Thursday, the 2d of February, to ascertain the fair value of the property in the city of Philadelphia, and the several counties of the Commonwealth, made taxable by law, equalizing the same as far as possible, so as to make all taxes bear as equally as practicable upon all property in proportion to its actual value; and having determined this they are to make a fair record of the valuation in duplicate, and file one copy, duly attested by the signatures of the revenue commissioners, in the office of the State Treasurer, and another in the office of the Auditor General, to remain, as the valuation of the said property, till the next meeting of the board. Up to this time all the commissioners have been appointed except in the Twenty-first district, and are as follows:

Judicial Districts. — *Judicial Districts.*
1. Alexander Cummins. 14. Daniel Kauffman.
2. Joseph Kontz Smacher. 15. B. Lagorio.
3. Philip Johnson. 15. Hon. S. Robeson.
4. Wm. A. Williams. 17. George W. Gotwals.
5. George Darsie. 18. Raymond Laughlin.
6. David Morton. 19. B. F. Roller.
7. A. S. Eby. 20. James N. Davis.
8. A. J. Dietrich. 21. A. G. Brodhead.
9. J. A. Christy. 23. Hiester Clymer.
10. J. W. Watt. 24. Theodore H. Cremer.
11. H. B. Wright. 25. D. R. Jackman.
12. A. S. Ely. 26. Thomas Osterhout.
13. Samuel B. Thomas.

Mr. Pierce, of Chester, read in place "a supplement to an act entitled an act relating to the lien of mechanics and others upon buildings, approved June 16, 1836." Under the present law, so far at least as it applies to Chester county, a mechanic's lien will only stand good against an entirely new building, but will not hold upon any improvements, additions, machinery, &c., added to an old building. This bill is intended to remedy that oversight. Last year it passed the House, but was not reached in the Senate. Mr. Pierce, who, by the way, is never absent from his post, but always looking after the interests of his constituents here, will see that the same thing does not occur this winter.

Mr. Fleming a bill to incorporate the Clarion County Bank, with Samuel Duff, George W. Arnold, Wm. L. Corbett, Jacob Black, John Keatty, B. J. Reid, as corporators. Capital stock $100,000, with the privilege of increasing it to $200,000—in shares of $50 each—and to be organized under the general banking law. Who would have supposed that the Democracy of such an unswerving anti-bank Democratic county as Clarion would want "a rag mill?" But such is life.

Mr. Graham, of Washington, "an act to increase the revenues of the Commonwealth," which is the same bill as that of Mr. Miller, of the Senate, to tax brokers, except that the tax is only two per cent. instead of four on the profits. There seems to be a strong feeling in both Houses in favor of some such bill

In the Senate, Mr. Parker introduced "An act to incorporate the Republic Fire Insurance Company." The corporators are William A. Nowell, Martin Coryell, E. H. Coryell, A. Seward, Joseph Dungan, A. H. Cheesbrough, H. H. Horstman, Charles G. Imlay, and S. Henry Norris. Capital $10,000, with the privilege of increasing it to $50,000, to be located in the city of Philadelphia, and to be placed under the provisions of the general law of April 2, 1856.

The same gentleman, "*An act to incorporate the Farmers' and People's Market Company.*" The corporators are Joseph Cooper, G. T. Gordon, J. H. Randall, Charles Jewell, Henry Mather, Samuel H. Rothermel, W. W. Wilbur, C. S. Peall, John N. Hutchinson, Thomas H. Rice, James Freeborn, F. Frank Cooper, Samuel S. Fox, and James S. Chambers. The capital stock is to consist of $400,000, in 4,000 shares of $50 each, and they are also authorized to issue bonds to the amount of $200,000, bearing six per cent. interest.

Mr. Laudon, of Bradford, read in place "An act to incorporate the Susquehanna Valley Railroad Company," which is to run from the town of Pittston to the New York State line. The capital stock is to be $200,000, and bonds bearing 7 per cent. interest to the amount of $1,500,000 may be issued The corporators are *H. W. Tracy, David Wilmot, Jacob Real, and others, of Bradford county*; Burton Edwards, Bradley Winchester, and A. C. Ivory, of Wyoming county; J. Harvey, Wm. Reynolds, and C. Horrance, of Luzerne. PENN.

Letter from New York.

THE WOOD DELEGATES TO CHARLESTON—THE BELGIAN PAVEMENT—SUPPLY OF MONEY AND COAL TO THE POOR—MOVEMENTS IN THE SPORTING WORLD—COST OF MAINTAINING OUR PARKS—BIRTH OF JAMES C. BARNET.

[Correspondence of The Press.]

NEW YORK, Jan. 26, 1860.

The delegates elected by Congressional districts from this State, to the National Democratic Convention at Charleston, in opposition to those appointed by the State Convention, are formally called upon to meet at Syracuse on the 7th of February, for the purpose of organization and of selecting four delegates at large and four alternates. Thus far, the persons chosen under the "Mozart Hall" call do not seem to have made much headway in securing sympathy or support from any considerable portion of the party. The gentlemen selected for delegates, however estimable and respectable they may be in private life, are not sufficiently known in State or national politics to give them special weight at Charleston, and it will need the very best timber Mr. Wood can obtain for his delegates at large to bring it up to the average strength, personal and political, of State delegations generally. A glance at the *personnel* of the delegates appointed by the regular State Convention presents you the names of many of the most distinguished men of the State. A report has been somewhat extensively copied, that forty-five of the delegates from New York are pledged to go for Judge Douglas. Gratifying as it would be to know that this is true, I apprehend that no pledges have been given for any one, and I have high authority for saying that none will be given. You may take for granted that a majority of the delegation will concur in whatever action Dean Richmond and his inner circle of friends and counsellors may determine upon. What that action will be can only be decided after the delegation reaches Charleston.

Our Common Council have decreed one improvement that meets universal approval. *Hereafter*, every street to be paved in this city will be paved with Belgian pavement, and where cobble pavement is, to be taken up, the Belgian will be put down instead.

The following table may not be without interest to the authorities of Philadelphia, as showing the comparative number of paupers—men, women, and children—*who were provided with money and coal by the governors of the Almshouse since the year* 1849, of this city:

Year.	With Money.	With Coal.
1850	11,985	23,959
1851	12,208	25,852
1852	11,348	25,101
1853	10,341	23,348
1854	8,791	33,345
1855	15,689	69,847
1856	14,624	84,037
1857	16,185	57,025
1858	20,313	60,018
1859	22,836	75,568

During the year 1857, the number of Irish supplied with money and coal was 20,685; Germans, 2,600; Americans, 2,773. During the year 1858, Irish, 28,797; Germans, 7,621; Americans, 4,758. During last year, Irish, 22,322; Germans, 5,681; Americans, 3,745. Of the above none were ever counted twice the same year. The number of children averaged two to each foreign family, and three to native families. Every family applying for aid is visited by one of the regular visiters, and if found worthy objects of charity, they receive $1 per week, and sometimes a little coal.

The *sporting gentry are in high feather*. In May next, after the usual spring races at the Fashion Course, billiards are to be done on a scale truly "gordious" and American. A billiard tournament is to come off, the chief participants in which are to be John Roberts of Liverpool, the English billiard champion, Claudius Berger of Paris, the French champion, Phelan, the American champion, Seereiter, Tieman, Kavanagh, and all the other great players of this country. Berger and Roberts are invited here by two responsible gentlemen of this city, who propose to give a grand tournament, which shall last five or six days, with the view of grouping the eight or nine of the best players in the world. The game to be the American four-ball carom game, each player to play against all, and the prizes (which will amount to $5,000) to be distributed according to order of merit, and so arranged that each player will be sure to win something, except the last. On this basis, Roberts, of England, and Berger, of Paris, have been offered, in addition to their chances at the game, for a leading sum of money, a free passage here and home, and expenses paid at a first-class hotel during a month's residence in this city. To this proposition answers have been received from Berger and Roberts, both of whom regard the matter favorably and promise a final answer after a few days' reflection. The prospect is that both of these great players will accept, and if they do, an excitement will be seen in this city in the month of May next that has never before been equalled in the billiard way.

It costs a little something to keep our city parks in creditable order. The amount expended for that purpose last year was $27,389, of which amount more than one half was devoted to Tompkins Square, on the east side of the city.

James C. Barnet, for many years treasurer of Burton's Theatre, died yesterday. He was a man of strict probity, and highly esteemed by members of the theatrical profession.

ARCTIC TRAVELS BY AN AMERICAN.—"AN Arctic Boat Journey in the Autumn of 1854." The new volume of Arctic life and experiences, by Dr. Isaac I. Hayes, the surgeon of the Kane expedition, is announced in our advertising columns to be ready February 15th. We have been assured by those who have read the proof sheets that it is the most exciting and intensely interesting work which has been published for a long time. Its appearance will be welcomed by numerous readers, who never tire of reading all that is wonderful and strange connected with Arctic navigation. Brown, Taggard, & Chase are the publishers of the work.

AT DAN RICE'S GREAT SHOW, the Magic Ring, Herr Cline, and the aerom performances continue to draw great audiences. The spectacle, it should not be forgotten, is to be played to-morrow afternoon with all its magnificent effects.

The Hartung Murder Case.

ALBANY, Jan. 23.—Rhineman, the paramour of Mary Hartung, has been acquitted as principal in the murder of her husband, but will be tried as an accessory before and after the fact.

THE LATEST NEWS BY TELEGRAPH.

XXXVITH CONGRESS.—FIRST SESSION.

U. S. CAPITOL, WASHINGTON, Jan. 26, 1860.

SENATE.

Mr. RICE, of Minnesota, introduced a bill for the relief of the mail contractors.

Mr. BENJAMIN, of Louisiana, introduced a bill authorizing a Missionary Society to the Episcopal Church to enter a certain tract of land in Wisconsin. Referred.

Mr. BRIGHT, of Indiana, introduced a resolution to increase the Committee on Claims to seven members. Adopted.

The Vice President was authorized to appoint the two additional members.

Mr. HUNTER, of Virginia, requested that Mr. Douglas' resolution on invasions, &c., be called up and made the special order for Tuesday next, at half past one o'clock, as he wished to speak on it.

Mr. DAVIS, of Mississippi, objected, on the ground that a committee had been appointed to investigate the circumstances attending the Harper's Ferry raid, and to suggest the legislation which may be found necessary on the subject.

He referred to the remark made by Senator Douglas in his late speech, that President Buchannan's letter in reply to Governor Wise was regarded by the South as an official announcement that the Constitution and laws of the United States conferred no power on the President to protect one State from invasion by another. For himself, he would say that he had formed no such impression.

He thought it put the President in a false attitude, and desired that the Secretary should read the correspondence.

The request was complied with.

Mr. DAVIS remarked that it was evident from the letter of the President that he did not deny the power of the Federal Government to pass necessary laws to protect the States from invasion. He only said that no power had been conferred on him to do what the Governor of Virginia asked. The power belonged to Congress, and not to the Executive. The President had no power to call out the militia, and the policy of the founders of the Government was to restrict the executive power. Never would he be willing to grant the President power to call out the militia, or invade a State. The President's letter did not deny the power of Congress to pass all laws necessary to carry out the provisions of the Constitution. He never would *consent, from motives of temporary expediency* to invest the Executive with a great centralizing power.

Mr. DOUGLAS, of Illinois, said the Senator from Mississippi certainly could not have read his speech. He made no criticism on the President's letter, and made no issue with him. His impression, on *reading the President's letter*, was, that he thought the Constitution conferred no power on the Federal Government to interfere, though he might have meant that the Constitution and the laws gave him (the President) no power. Still he designed no reflection on the President. His only object was to secure the enactment of efficient laws to the extent of the constitutional power of Congress. He had carefully avoided putting any construction on his letter. He had no disposition to embarrass the President or make any issue with him. The Senator from Mississippi had intimated that he wanted such legislation as would prevent the invasion of States, and then went on to show that he (Douglas) did not differ with him.

Mr. DAVIS asked the Senator if he wished the President to be clothed with authority to enter the States and to suppress conspiracy?

Mr. DOUGLAS replied in the negative. He only wished the Grand Juries of the United States courts to indict, and the courts to punish conspirators when convicted. He never wished to put any one at the head of an army to seek out and punish offenders. He would confer on the courts jurisdiction over these cases. But if a military force from one State, in act, should invade another, then he would authorize the employment of the Government military force to repel the invasion.

Mr. DOOLITTLE, of Wisconsin, asked the Senator if he wished to include the conspirators which might be formed to attack or overturn the Government of the United States.

Mr. DOUGLAS replied—Certainly. He would punish such conspiracies to the extent of the constitutional power of the Government. He explained his letter in the letter of the instruction to the Judiciary Committee, because he understood that the chairman of the Harper's Ferry Investigating Committee had doubted the power of Congress to pass the law which he had proposed.

Mr. DAVIS said the committee had not committed itself to any opinion on the subject. The chairman had merely expressed his doubt, under the existing laws against treason, that the crimes referred to could be punished.

Mr. DOUGLAS denied the interpretation put on his speech. The law against treason did not meet the case which he proposed to punish.

Mr. DAVIS was glad he had got a clear explanation from the Senator from Illinois. He repeated that the invasion of one State, by the citizens of another, could be punished under the existing laws. It was not necessary to attack every one of the States to constitute treason. An attack on one State was an attack on the Union itself, and was treason. Mr. Douglas conceded that an attack on Virginia, without design to affect the Federal Government, was only treason against Virginia. He would not, however, debate that point now. He was glad to see that such patriots as the Senator from Mississippi and himself were so near an agreement.

Mr. HUNTER's motion to make Mr. Douglas' resolution the special order for Tuesday, was then agreed to.

Mr. CLAY, of Alabama, moved that when the Senate adjourn, it be till Monday. Agreed to.

Mr. WADE, of Ohio, asked for seven weeks these halls have rung with angry menaces. The Union has been threatened in the event of the triumph of the Republican party. He had sat here and listened coolly to these arguments and violent threats of disunion. He was glad to see that when he recalled these threats yesterday they produced a proper feeling on the other side. He expected before this session closes a retreat from the threats made by the Democratic party to stand on the platform of Washington and Jefferson. The Democratic party had adopted a new reading of the Constitution, and the Union was threatened with dissolution unless it prevailed. He had been attacked by gentlemen because he attended an Abolition festival at Boston and made a speech. He was ready now to stand by that speech. He told Garrison and others that he disagreed with them in relation to their view of the Constitution, State rights, and the Union. Never in his life had he breathed hostility to the Union. He did admire Garrison for his devotion to what he believed to be a just cause. He had paid the same tribute of respect to the Senator from Mississippi, with whom he differed as much as with Garrison, for fidelity to principles he believed to be correct. He had never hesitated for advocating the slave-trade party of England, which held power for many years. He did pay tribute to the Reform party of England, which had liberated eight hundred thousand slaves in the West Indies, and who had spent their money in homes and amid a hailstorm of abuse just such as the Republicans were subjected to here. What was meant by slave power was the political influence of slavery in the Government, which had grown from a small influence to its present proportions. The present Congress was made up mainly on the other side of the disciples of Calhoun.

Mr. WILSON then proceeded to enumerate the aggressions of the slave power. He spoke of the denial of the right of petition, the examination of the mails by the postmasters of the Southern States, the annexation of Texas in order to extend slavery, the violation of the neutrality laws to acquire Cuba, the repeal of the Missouri Compromise, the outrageous laws passed by the pro-slavery Legislature of Kansas, the outrages in Kansas, the passage of the English bill, &c. The same power, he said, was now threatening the destruction of the Union under a Constitution of her own choosing, and now we were asked to pass a slave code for the Territories. He next referred to the doctrine of the Cincinnati platform, and contended that the efforts to obtain Cuba greatly injured the trade of a large portion of the States of the Union. He next referred to the laws of South Carolina, which imprisoned the colored citizens of Massachusetts who came to Charleston, &c.

Mr. HAMMOND, of South Carolina, said these were police regulations necessary for their personal protection.

Mr. WILSON said that when South Carolina passed laws to protect herself she should not infringe upon the rights of others. She had no right to imprison the citizens of Massachusetts who had committed no offence.

Mr. HAMMOND said no person was not citizens of the United States, and the law complained of had been modified.

Mr. CHESNUT, of South Carolina, compared these police regulations to the quarantine laws of other States.

Mr. WILSON said the laws had been declared unconstitutional by Wm. Wirt and Judge Johnson. Massachusetts had sent a lawyer to Charleston to bring the matter in the courts, and he was driven away.

Mr. CHESNUT said the circumstances justified the act. An insidious warfare had been waged by Massachusetts against the institutions of South Carolina. He believed the law to be constitutional. If, under the excitement, the agent of Massachusetts was ejected, the fault lay with Massachusetts herself, who had created the excitement.

Mr. HAMMOND said that he was Governor when Mr. Hoar came there. He knew him when in Congress and took measures to protect him. He was escorted to the boat by the most respectable citizens of Charleston. Massachusetts had no right to send an agent there to create excitement. Lawyers could have been got there to undertake the case.

A discussion then occurred between Mr. WILSON and Mr. CHESNUT as to the nature of the aggression on the part of Massachusetts of which the latter gentleman complained.

Mr. WILSON said no aggressions on the part of Massachusetts could be shown. He then referred to the law of Virginia by which vessels were searched by the State officials and then forced to pay the expense of the search. These he characterized as unjust and unconstitutional. He next spoke of the threats of dissolution in case of the election of a Republican President, and wanted to know if the Democrats from the free States were prepared for this.

Mr. FITCH, of Indiana, said, if the notion of the Republican party caused a dissolution, the West would not remain with New England. They would have nothing to do with their free love and higher law.

Mr. WILSON wanted to know if the Senator would resist the inauguration of a Republican President.

Mr. FITCH said that he would not regard the mere election as a cause for dissolution; but if the Union was dissolved on account of the Republican policy, the West would not remain associated with the South. Her natural association was with the South.

Mr. WILSON asked if the Senator did not write a letter in favor of the repeal of the fugitive-slave Law.

Mr. FITCH said he could not divert his attention from present issues, by making a personal one. When young, and acting under early prejudices, he had entertained views, which experience and observation had changed.

Mr. WILSON thought the Senator might then have more charity for those who had not changed their first impressions.

Mr. FITCH had no charity for those who, with long experience, were daily connected with violations of the Constitution.

Mr. WILSON asked for the specification of this charge, and after some further desultory debate, contended that Mr. Fitch had not been able to sustain the allegation.

Mr. DAVIS said that because he was born free he would not submit to the rule of any party seeking to overturn the Constitution and the laws. He reviewed at length Mr. Wilson's position, and defended the South from the charge of aggression. In the course of the debate,

Mr. FESSENDEN, of Maine, inquired if the Senator from Mississippi would consider the election of a President, by the people, on a Republican platform, a sufficient cause for the dissolution of the Union?

Mr. DAVIS replied that he had not read the platform of that party, and could not tell. But if, for instance, the honorable Senator who now presided over the Senate (Mr. Foot, of Vermont,) should be elected, he would not consider it a cause, for he regarded him as a sound conservative man who would not swear to uphold the Constitution and then violate his oath.

Mr. WIGFALL, of Texas, defended the State of Texas from the charge of having received ten millions of dollars for territory to which it had no title. He reviewed the history of the matter, and contended that the claim of Texas to all territories east and north of the Rio Grande was clear and indisputable.

The Senate then adjourned till Monday.

HOUSE OF REPRESENTATIVES.

On motion of Mr. ETHERIDGE, of Tennessee, there was a call of the House with the view of affording the absentees time to arrive, preliminary to a vote being taken for Speaker.

The proceedings connected with this subject occupied nearly an hour.

Mr. WINSLOW, of North Carolina, in order further to procure the attendance of the absentees, moved an adjournment.

This motion was negatived—yeas 32, nays 190.

Mr. WINSLOW moved that the House proceed to a vote for Speaker *viva voce*.

Mr. BICKMAN, of Pennsylvania, said he came into the hall this morning to resist a vote to-day; but having learned that there was a general understanding yesterday that the House would vote without interruption for two weeks, unless a Speaker was sooner elected, he was not disposed to break through the arrangement, though he would not concede that he was bound by it. He would withhold his vote until he found that there was some reason to change his determination. He would not engage in this ridiculous farce, and worse than farce. When his vote could be of any service it should be had.

Mr. CRAIGE, of North Carolina, said the gentleman was mistaken. He (Mr. Craige) had entered into no such arrangement.

The House then proceeded to a vote.

When the name of Mr. Hamilton, of Texas, was reached, that gentleman referred to the fact that some friends had, without consultation with him, put his name in nomination for Speaker. It was done, doubtless, with the hope that the conservative element would rally around him to defeat their common political enemy. He came here with no expectation or desire to preside over this deliberative body, nor did he conceive himself competent for so responsible a duty. Being satisfied that the use of his name could do no good, he begged leave to withdraw it, thanking his friends for their favorable regard. He wished to say one thing: he did not deal in harsh language. Much had been said about secession. He would not now give his views on the merits of that question, but would content himself with the remark, that, whatever sentiments may exist on the other side as to maintaining the Union at all hazards, he believed Hamilton was like a day upon us. It might be in the power of the conservatives of the Union to avert it, but it could not be done by the election of a Black Republican Speaker. The people of Texas were as devoted to the Union as any other citizens. They had manifested their devotion to it by as much liberality as any other State, and by yielding up their separate nationality; and yet these same people and State are now resolved that it never shall be used to the injury of the South or should be arrested to-day, and no organization of the House be effected, rather than that Mr. Sherman should be placed in the Speaker's chair. The Legislature of Texas had appropriated twenty thousand dollars to pay the expenses of the members of the Representatives of that State, in view of a still farther struggle on this subject.

After the roll-call was completed, the following result was announced:

THIRTY-FIFTH BALLOT FOR SPEAKER.

Whole number of votes	226
Necessary to a choice	114
Mr. Sherman	109
Mr. Boocock	58
Mr. Smith, of North Carolina	37
Mr. Davis, of Indiana	5
Mr. McClernand	3

The remainder of the votes were divided among eight other gentlemen.

Mr. WINSLOW moved that the House again proceed to a vote, and demanded the previous question.

Mr. MCPHERSON, of Pennsylvania, desired to make a personal explanation; but if Mr. Etheridge's proposition of yesterday was received as binding, he was disposed to acquiesce, and postpone his remarks till another time.

Mr. CLARK, of Missouri, hoped all sides would *conform to the understanding*, at least for a time.

[Cries from the Republican side of "Call the roll."]

Mr. FLORENCE, of Pennsylvania, presumed there would be no objection to his colleague, Mr. McPherson, making a personal explanation, if it were within the purview of the understanding. [Cries for a vote were made on the Republican side.]

Mr. HOUSTON, of Alabama, did not consider he was bound by Mr. Etheridge's suggestion, and if he were disposed to speak, he would not consider he was, by doing so, violating any understanding.

The Republicans again demanded a call of the roll

Mr. CRAWFORD, of Georgia, had not concurred in Mr. Etheridge's suggestion, which could not bind the Democratic side of the House.

Mr. MCQUEEN, of South Carolina, was certain there was no binding understanding.

The clerk explained that Mr. Etheridge yesterday suggested that the House vote for some considerable time without making any speeches. While it seemed that this was generally acquiesced in, the clerk did not think himself authorized to note it on the minutes.

There were renewed and impatient cries for a vote.

Mr. JOHN COCHRANE, of New York, understood that the House gave its record to Mr. Etheridge's suggestion yesterday. Whether that is the humor of the House now, or is to be on a future occasion, is a question to be determined. It seemed that the suggestion had little extent, if any more. We are, he said, ready for the ballot.

Mr. CRAWFORD, of Georgia, in reply to Mr. Cochrane, said that Mr. Etheridge spoke for his own party, not for the Democratic party. There were not five men among the latter who thought they were entering into any such agreement.

Mr. HICKMAN, in view of these explanations, objected to Mr. Winslow