Pittsburgh Gazette.

B. F. WILLIAMS, Jr. } J. KATON. } S. RIDDLE. } A. W. FOLLETT.

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PITTSBURGH:

WEDNESDAY MORNING, JAN 12, 1859

SOME exceptions are taken to Vice President Breckenridge not alluding to Benton in his recent remarks in the old Senate Chamber. The omission can be accounted for by the fact that his speech is an old one, having been delivered on several public occasions, before the death of the Missouri Senator. The allusion to the "mighty three," "Calhoun, *the* Senator, Webster, the "Type of his Northern home," and Clay, the "impetuous," are old acquaintances of the Cincinnati *Commercial*, whose reporters we believe have repeatedly "taken them down." The sentiments are fine, but they have become very threadbare by constant repetition. The Vice President is either fond of them or he labors under a great want of elegant ideas. We make this statement in justice to the second officer in our government, lest, as the "flower chivalry," he might fade under the severe criticism to which he is subjected. Like the old clergyman, he is no doubt governed by the principle that it is better to repeat a good sermon, even if it is partly borrowed, than to deliver an original one without merit.

—The Washington *Union*, looking at the Vice President's effort with eyes different from our own, is really delighted with his recent speech and goes off into a fit of laudation that is quite distressing. Prompted by a desire to be impartial in these matters, we will gratify our numerous readers by indulging them with a brief extract:—

"As a traveller upon the arid wastes of Sahara revels with delight upon the green sward, under the kindly shade, and at the refreshing fountain of an oasis unexpectedly encountered in the desert, so will our readers delight in the perusal of the address of the Vice President, delivered Tuesday in the old chamber of the Senate, as that body was about finally to vacate that hallowed precinct. It affords a refreshing relief to the monotonous routine and oppressive insipidity of congressional proceeding. Nothing could have been more appropriate in topic, sentiment and style, or more suitable to the occasion and its surroundings, than this admirable address. The historical reminiscences which the speaker recalled were deeply interesting, and the whole conception, sentiment, and tone of the address felicitous in the highest degree."

It is evident that the "organ" has caught the "style" of the Vice President, which is sufficiently excitable to be contagious.

SENATOR IVERSON, a democratic representative in the United States Senate from the sovereign State of Georgia, has declared, in his place in that body, that if a Republican should be elected President he will advocate the immediate secession of the Southern States. We note this threat, not because we believe it is in the least alarming, but to give our Northern democratic friends another instance of a disunion being found in the ranks of their own party. If Senator Seward, or any other Republican Senator, had used language like this, we should not hear the last of it for years. We would be literally surfeited with patriotic lectures from that side of the house in regard to the "higher law" proclivities of the opponents of modern democracy. As for Iverson, his bombast will find no one in the North sufficiently weak to be alarmed at it. Should the event which he professes to fear ever transpire, a way will be speedily found to punish his treason. The President elect would dispose of him in the summary manner which Gen. Jackson proposed to deal with John C. Calhoun, on a similar occasion—that is, to hang him on the nearest tree. Calhoun talked as boldly as this man Iverson, but his rebellion changed into lamb-like submission under the scorn and contempt of "Old Hickory." It is very easy for Southern gentlemen to talk boldly, and swagger after the fashion of a noisy bully, when the danger they propose to meet is far off, and when they think they have their necks safe from a halter. They have no faith in their own predictions, but persist in this ridiculous course for the purpose of alarming a few timid people in the Northern States. A dissolution of the Union would be a calamity to the South, which it could not survive, and this fact is known and appreciated by the very class of men who speak of it thus flippantly and indifferently. Mr. Iverson must carry his wares to some other than a Northern market, if he wishes to dispose of them to advantage.

DOUGLAS' RECEPTION AT WASHINGTON.—Owing to the length of time which will elapse before Mr. Buchanan's term will close, the good people of Washington did not venture to make much of a demonstration on the occasion of the reception of Senator Douglas last week. Next year he will stand a better chance for an "ovation." The Washington correspondent of the *North American*, thus writes of what should have been a "grand entree":

"The measure of public expectation was by no means filled in the reception given to Judge Douglas last night. It did not compare with the ovations elsewhere, and consisted mainly of a throng at the depot, a bonfire, and a speech.—For some sufficient reason the municipal authorities did not participate in the affair at all, and there was no official character of any sort imparted to it. Perhaps none the worse for that omission. To this extent the President has cause of gratulation, as he and his emissaries labored earnestly to prevent any recognition or expression which might seem, even by inflirection, to reflect upon the incumbent of the White House, since all the honors bestowed upon the Senator from Illinois are regarded as having that especial and personal application by Mr. Buchanan and those who breathe his atmosphere.

Now, that Judge Douglas has gone through the agreeable ceremonies, which may or may not have a significance beyond the hour, he will have to prepare himself for another sort of reception in the Senate house, where there are no enthusiastic multitudes to welcome his return, and a number of rivals, who are anxious to emphasize their resentment. His political and personal position is necessarily embarrassed, for, on the part of the Opposition, with which he cooperated at the last session, there can be no sympathy after his bitter crusade in the recent canvass, and his own party have already put him upon probation, by a deposition which was intended to humiliate, if not to degrade. He stands isolated, and although he has been preceded by the assurance that he would return to the fold, and intended to support the party in election and nomination, still in regard to him distrust. It was only yesterday that Mr. Iverson, of Georgia, took occasion to scourge his course, and to proclaim that he preferred the Wilmot Proviso, out and out, to the doctrine of squatter sovereignty which Judge Douglas had avowed in Illinois. And so he will might.—Before long he must show his hand, and until then he is entitled to forbearance."

We find the following paragraph in the papers, but it seems so improbable that we doubt its being a genuine report of the legislative proceedings; we cannot believe there is a member in that body who would seriously make such a proposition:

"A bill has been introduced into the Pennsylvania Legislature, to provide additional means for the extinguishment of the State debt by raising the rate of discount by banks to 7 per cent., and requiring them to pay over, 1 per cent. to the Commonwealth."

Why not tax every individual in the State, who is so unfortunate as to be compelled to borrow money, *one per cent.* on that kind of indebtedness? Monarchies tax the capitalist to raise funds, but in our Commonwealth, it seems, the idea is to be reversed. The author of that bill, we are sure, has no notes in bank now. We rather guess he has some money to lend, and is anxious to set up an opposition to the banks, with which, under the proposed rate of interest, he could compete with some success. It would be a queer way of "extinguishing the State debt" to tax those who cannot get rid of their own.

THE AMERICAN GOLD CROP.—The New York *Herald* sums up a review of the gold fields of the United States, with the following estimate of our future gold crop: "California gives us a million a week. All the other fields, we can safely say, with what facts we already have, will give us at least half as much. Our gold crop is therefore likely to be, for years to come, at the rate of a million and a half per week, or seventy millions of dollars per annum—equal to one half the value of the cotton crop of the country."

WHO ARE THE AGITATORS?—The pro-slavery Democrats generally charge the Republicans with agitating the slavery question. Even in Forney's *Press*, in that famous conservative "Oliver Old Bumbug" letters, blame are thrown out to the same effect. A plain statement of facts, however, places the blame in an entirely different quarter. In answer to the interrogation at the head of this article, the Missouri *Democrat* makes the following statement, from which it will be seen that in Missouri as in other States the friends of the extension and perpetuation of slavery, lead off in the discussion of this vexed question:

The slavery agitation party in the Legislature have already commenced discussing the emancipation question. As soon as the journal had been read yesterday in the House, Mr. Boulware, of Calloway, *National Democrat* introduced a bill concerning free negroes, and the course to be pursued in emancipating slaves. The bill provides that no slave shall hereafter be emancipated in this State, unless the master shall provide for his transportation from the State; that any free negro over the age of twenty-one years, who may be in the State on the first day of January, 1860, shall be transported therefrom at the expense of the county, where he may be found, unless he has sufficient property of his own to pay for the same; and for the confiscation of the property of free negroes, with such minor details and provisions as might be expected in an act of fourteen sections. It was discussed to some extent, and referred to the committee on Judiciary."

Commenting on these proceedings, the St. Louis *Democrat* very pertinently asks the following questions, and accompanies them with appropriate answers:

"Will any man divine what the Democracy will live upon when the slavery question shall have been settled? What other principle is foul enough to bind such a putrid mass together? What other cement is powerful enough to unite such discordant elements? What other issue is there on which the honest, conservative, patriotic, save-the-Union National Democracy would not break into a thousand fragments? Till those questions are answered it is of course needless to enquire why the negro question is forever being sprung by the Nationals. Their party is nourished and sustained by the agitation of a slavery issue, and could not without. Yet any man who ventures to suggest that the interests of the State might be promoted by adopting a system of gradual emancipation is denounced as an innovator, an *agitator*, and a traitor."

And yet these same democrats tell us that the Republican party cannot exist without agitating the Slavery question. If they really think so, why do they not settle it, and thus get rid of their most troublesome opponent. They are in power, and it is only necessary for them to say the word and it will be done.

HORACE GREELY, now on a tour in the northwest, writing from Illinois to the *Tribune*, on the railway traffic remarks:

"This is a season of extreme depression for them all. There is very little travel, and not much freight, for the profundity of the mud will not allow the farmers to move what grain they have in their markets at the stations. The railroad receipts of Illinois for this month will be light beyond precedent. Many shareholders will be discouraged by the diminished receipts, and will sell out at the very worst season. I shall be disappointed if the receipts of next December, on most roads in this quarter, do not double those of the current month. The Central, which is and must remain necessarily a freight road, shares fully in the depression, and must share, likewise, in the revival."

HAVING published the communication of "W." on the Tax question, we give place to a reply, which is commenced to-day. Our columns are open to all who desire to discuss this question calmly.

(For the Daily Pittsburgh Gazette.)

The Railroad Bonds.

Messrs. Editors: An article signed "W." appeared in issues of your paper during the late election canvas, under the head of "Railroad Bonds—Our Liability—Our Duty." The article, it is presumed, was generally read, and is therefore now taken as a text for some remarks upon the subject which are submitted to the reflection of citizens, the heat of the political contest having subsided, and left them free to think solely on the subject. The temper of the article appeared moderate, and the statistics contained in the first of the series were presented in a useful form, and, assuming their correctness, may be of value for reference. The positions of the second and third numbers were, however, unsound, and their allegations unsupported. Admitting, for arguments sake, the constitutional right of the Legislature to give to municipal authorities the power to contract such debts as the railroad subscriptions involve, the writer referred to questioned whether the power was exercised so as to bind the people. He asserted that "some of the subscriptions were illegally made, and some of the bonds illegally issued; that terms of the subscriptions were made before the conditions had been complied with." He produced no proof of any of these allegations, but merely reiterated the charges of the ultra anti-tax party against the railroad companies, repeatedly urged since they commenced their agitation a year and a half ago.

When evidence may be adduced to sustain these charges, it will be time to notice them. Meanwhile was "W." right in his reasoning, assuming his facts to be established? His leading positions are as follows:

1st. *That the City of Pittsburgh was not authorized by the Legislature to subscribe.*—If so, she had no right to subscribe. This conclusion was correct, and whether the premises are so, in this case, can easily be ascertained by reference to the State Book. I apprehend, however, that it will be found that the city did not venture to act in so important a matter, without proper and sufficient authority.

2d. *That the condition in which some of the subscriptions rested of obtaining previously a certain amount of bona fide subscription, had not been complied with—that the subscriptions were illegal—had not been enforced, and that the municipal subscription, founded on them, was therefore a nullity.*—I am not sure that this conclusion would be right. If the municipal subscriptions were made before private subscriptions, the former certainly could not take effect until the latter was made, but then it *would* take effect. It is to be presumed that the officers, authorized to subscribe, were satisfied that the private subscription was bona fide, *and they were the sole judges thereof.* A subsequent failure to collect all the private, did not avoid the public subscription. Much private stock, honestly believed to be good when subscribed, will never be collected. This is the experience of all companies.

3d. *That some of the Bonds were sold at less rates than allowed by law.*—If this were so, then to that extent, a vital condition would be violated, and the municipalities would have a good defence against recovery on any bonds so sold. But the *burthen of proof would be on the municipality* which would, of course, have to sustain its defence *by testimony.* The Bondholder would, in the absence of such proof, recover the face of the bond, which, although it sets forth the condition, does not show the fact of its violation. This is, indeed, the only condition be compliance or non-compliance with which would be likely to be made the subject of positive and specific proof. The position of "W." that the legislature had no right to authorize the County Commissioners to assent to a sale at less than par, is untenable. If the legislature could limit the price to par, it could also raise the limit. To talk of the Legislature consulting the people on such a point, or on any point, is absurd. A queer kind of legislation that would be in which the representative body and the constituents co-operate in such manner. The Supreme Courts of this and other States have, indeed, decided that such co-operation would be unconstitutional; that the act of legislation by the representative body must not be made to depend upon an act of the people to perfect it. No—the Legislature either had the right to regulate the origina price of the bonds or it had not. If it had, then its act, so regulating it, was open, like any other act to repeal, unless a contract should be impaired, or a vested right interfered with by such repeal. Now, with whom did the Legislature contract that the bonds should not be sold at less than par? With the people? Certainly not. Who ever heard of a contract in any such sense, between a legislature and the people who elected it? The powers of the Legislature are defined *by the Constitution*, and all the people do is to select the men who are to exercise those powers. If they transcend them, the Courts must be invoked to correct the abuse, and so we come back to the constitutional question, which "W." declined, very wisely, to discuss, but which has since been settled in the affirmative, by the Supreme Court. He spoke of "the people giving their consent to the issuing of the bonds." Pray, when did they so? When they assembled in public meeting, and when Grand Juries recommended? These were not acts of the people as a constitutional body, but were only expressions of that portion of the people who spoke out their wishes that their legislative and executive officers would make the subscriptions.

The people, in short, had nothing to do with the issue of the Bonds, except so far as they acted through their representatives, to whom they had committed the business of legislating for them, reserving the power of turning them out of office, in case they did not legislate to please them, and, by appeal to the Judiciary, of setting aside the laws they had enacted, if unconstitutional.

4th. That the Bonds are *Bonds*, and not mercantile paper. Granted; but what then? The conditions referred to on the face of the Bond, or incorporated in the law, must all be complied with, and the municipality may plead non-fulfillment of any one of them; but, as before said, *the plea, must be sustained by proof, the burthen of which rests on the defendant.* That is all that can be said. The conditions are all assumed to be fulfilled, until shown to be otherwise. That is the position of the City or Borough or County and the holder of its Bond, and, so far, the Bond is like a mercantile note, which is presumed to be bona fide unless shown to be fraudulent, and fraud taints and nullifies all transactions, and forbids recovery by the party to the fraud.

Let the Bondholders sue and the County defend, and substantiate its defence, and it may get rid of paying either interest or principal on that particular Bond, and on all Bonds affected by unfulfilled conditions, at least until the conditions are complied with. [*To be Continued.*] X.

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The friends of the family are respectfully invited to attend the funeral on Monday afternoon at 1 o'clock, from his late residence, Round House, Pennsylvania avenue.

HOLLANDER'S HOLLAND BITTER.—We have received another certificate out of Grand Rapids, Michigan, dated 16th June, 1853.

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ja8:1yd

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15 sacks Dried Apples;
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1 do Peared Peaches;
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FOR SALE.—A handsome Dwelling House, No 17 Federal street, with the two adjoining lots of ground, improved with shade trees, &c., for garden. Also, two Two-story Houses in rear on a paved alley. Apply to JAS. M. BROWN,

ja4:2w1 Exchange Bank, Fifth street.

FOR SALE.—The undersigned offers for sale his property in the Borough of Sewickleyville, a fine large brick Dwelling House, Frame Barn and Stable, Brick spring House, &c., with from ten to forty acres of ground, as the purchaser may desire. There is a good Orchard of choice fruit, and the grounds about the House are ornamented with shade trees, shrubbery, &c. It is a most desirable property for a country home, and will be sold on very reasonable terms. For further particulars enquire of J. W. F. WHITE, Attorney at Law, 106 Fifth street, Pittsburgh, or of the subscriber on the premises.

de16:d&w R. HOPKINS.

FOR SALE—320 acres of finely timbered land in Gallia county, Ohio well watered, 16 miles from Gallipolis, 2½ miles from the Ohio river. Will be sold low for cash, or will take good improved city property either in Pittsburgh or Allegheny City. Apply to DEO. W. BUNN, South side of Ohio street, 3d door west of the Diamond, Allegheny City. ja4

FAMILY HORSE FOR SALE.—A handsome Roan, six years old, a pacer under the saddle and a trotter in harness; is perfectly safe for a lady or child to ride or drive; will not scare at the locomotive, military or any city excitement; will stand without being hitched, and is warranted perfectly sound; to be sold only for want of use. Enquire at the Store Warehouse of

ae4 T. J. CRAIG & CO., 131 Wood st.

FOR SALE.—A tract of land containing nine and one half acres, situate on the Fourth Street Road, about three miles from the Court House. Will be sold low for cash. Inquire of

IRWIN & MACKENZIE,

oc18:d2f Att'ys at Law, No 60 Fourth street.

FOR SALE.—Houses and Lots in Pittsburgh and Allegheny cities and adjoining Boroughs; several handsome country seats, and Farms of different sizes in every direction, and at various prices, some very good ones. Also, a large quantity of Western Land for sale or trade. Persons wishing to purchase would do well to call and examine the Register; and those wishing to sell to have their places Registered at GEO. W. BUNN'S Real Estate Office, south side of Ohio street, 3d door west of the Diamond, Allegheny city. de8

FOR SALE OR LEASE, a lot on Fourth street, between Smithfield and Cherry Alley, 100 feet front by 85 deep.

A Lot on Third street, near Smithfield, 40 feet front by 85 feet deep.

NINTH WARD—The square bounded by Butler, Wilkins and Carroll streets and Spruce alley, 54 feet front by 120 deep, nearly opposite to Pennock & Hart's Foundry.

The square bounded by Smallman, Wilkins and Carrol streets and Spruce alley, 264 feet front by 120 deep.

On Allegheny, Carson and Butler streets, adjoining the Allegheny Valley Railroad Station, forty contiguous lots, each 24 feet front by 120 feet deep.

Eight acres of ground in Reserve township, part of out Lot 225, between the New Brighton road and Hillsdale Cemetery.

Sixty Lots in Allegheny City, Third Ward, between East Lane and Chestnut street.

A Tract of Land in Westmoreland County, on the Philadelphia road, 7 miles from Latrobe—75 acres in cultivation of rich bottom land—300 acres.

A Tract of Land near Latrobe, Westmoreland county, of 376 acres. WILLIAM M. DARLINGTON,

my15:d1f 155 Third street, above Smithfield.

FINE COUNTRY RESIDENCE FOR SALE OR RENT—The subscriber offers for sale or rent that delightful Country Seat, now occupied by Adam Reinsman, in Reserve Tp., adjacent to Allegheny City, comprising eight acres of choice land, with modern built Brick Dwelling of 14 rooms; Green House, Spring House, Barn, Stabling, Tenant House, &c. Fruit trees are under crops, which promises to be the most valuable Vineyard in the county. There are several hundred Fruit Trees, Apples, Pears, Cherries, Peaches, &c., most of which had been imported at great cost, and are in fine condition—The whole is prime land, highly cultivated and improved, and situated in a position commanding a fine view of the two cities and surrounding country.

H. H. RYAN,

de2:2w&d*

Ohio Land for Sale.

THE subscriber offers for sale section ten, township 12, range 10, Stark county, Ohio, commonly known as "Bowman's Section," containing 640 acres. It is situated three miles west of Massillon, on the State Road leading to Wooster, and within about two miles of the Pittsburgh, Ft. Wayne and Chicago Railroad. The south, east and north-east quarters are partly cleared and improved—the remainder is covered with superior timber—and the whole is well watered by springs and running streams. This section is considered the finest body of land in the county. It will be sold undivided or in quarters to suit purchasers. To those who desire to invest in real estate a better opportunity is rarely offered.

J. D. SWEITZER,

oc26:3awtT No. 101 4th street, Pittsburgh

IOWA FARMING LAND.—The subscriber offers for sale on favorable terms six hundred acres of Choice Lands, situated in Wright and Hancock counties, adjacent to lines of Railroads now in course of construction, and one tract only two miles from County seat.—

The above will be sold low for cash, or exchanged for farming lands in this or adjoining counties.

oc20 McIlVAINE & AYER, 124 Second st.

Valuable City Property for Sale.

THAT very desirable lot on Water Street and Redoubt Alley, next to John Irwin & Sons, being 125 feet on Water and Front streets, and 160 deep along the Alley.

It will be sold together or in lots of 20 or 24 feet each.

For terms, (which will be made easy as to present,) apply to JOSEPH S. LECH & CO.,

mr4:tf Liberty Street, Pittsburgh.

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