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KENT NEWS.

Agriculture, Literature, Politics and General News.

Frustra laborat, qui omnibus placere studet:—"He labours vainly, who endeavours to please every one."

VOL. 6. CHESTER TOWN, MD. JANUARY 31, 1846. NO. 40.

PROSPECTUS.

THE WESTERN CONTINENT,

A WEEKLY NEWSPAPER OF LITERATURE AND ART.

Independent in Politics, Just in Criticism.

EDITED BY PARK BENJAMIN,

Late editor of the New World, and W. S. Thompson, late editor of the Augusta Mirror, and author of "Major Jones' Courtship," "Chronicles of Pineville," &c.

The favorable auspices under which this journal is commenced, and the warm encouragement with which it has been welcomed in all parts of the country, are positive assurances of its success. The fullest arrangements have been made to carry it on with spirit, energy, and effect. Editors, whose reputations are established, have been permanently engaged; the most able and popular writers have been enlisted; the abundant treasures of European literature will be brought hither and profusely lavished—indeed the whole world of letters, wherever genius flourishes and learning spreads, will be put under contribution to give strength, beauty and variety to "The Western Continent."

It presents a weekly compend of news, culled with care from every foreign and domestic source, and a digest of all kinds of information, literary, scientific, political, religious—interesting alike to the scholar and the man of business.

It is devoted to Southern and Western interests, not as opposed to those of the North and East but as consonant with right and justice—interests bestowed by the Constitution, and indespensable to the maintenance of the Union of the States. It seeks to subdue sectional jealousies, cherish sentiments of amity, expand the affections as well as the intellect of men, and build upon the neutral ground of letters, a new temple to Concord, where all parties may meet and be brothers. Conciliation is its aim; Truth its guide.

It shall be worthy its name—"The Western Continent," our country, our whole country, our whole country, new states and old states new territories and old territories, ours, by position, ours by occupation—however ours, if ours by right—shall be contended for, defended and maintained according to a humble ability, but with a fearless spirit.

A great deal more than this might be said; but "brevity is the soul of wit" and much can be expressed in a few words.—we shall promise little and perform much. Try us reader and judge for yourself—Without another thought on the subject, pray forward the very insignificant sum of TWO DOLLARS—it could not be better expended—and your name and address directed to

TAYLOR, WILDE AND COMPANY,
Jarvis's Building, North st., Baltimore.

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To all editors of papers, who will copy the foregoing brief Prospectus (with this notice,) we will send the Continent in exchange. We hope our old friends will remember us, and that we shall be so happy as to find many new ones who will say a kind word for the Western Continent.

MARYLAND,
Kent county, Orphans' Court,
January 13th, 1846.

On the application of Macall M. Rasin, administrator of Joseph Rasin, 3d, late of Kent county, deceased,

Ordered, that he give the notice required by law for creditors to exhibit their claims against the said deceased's estate, and that the same be published once in each week for the space of three successive weeks in the Kent News, printed in Chester Town.

In testimony that the foregong is truly copied from the minutes of the proceedings of the Orphans' Court of the county aforesaid, I have hereunto set my hand and the seal of my office affixed, this 13th day of January, 1846. Seal.

Test, J. F. BROWNE,
Register of Wills for Kent county.

In compliance with the above Order this is to give notice, that the subscriber, of Kent county, hath obtained from the Orphan's Court of Kent county, Maryland, letters of Administration on the personal estate of Joseph Rasin, 3d, late of Kent co., deceased. All persons having claims against the said deceased's estate are hereby warned to exhibit the same with the vouchers thereof to the subscriber, on or before the 21st of July, 1846, they may otherwise be excluded from all benefit of the said estate.

Given under my hand, this 17th day of January, 1846.

MACALL M. RASIN,
adm'r. Jos. Rasin, 3d, dec'd.
January 17th, 1846. 3w

NOTICE.

WAS taken up adrift, in Langford's bay, about 20th December last, a large SCOW, 30 or 40 feet long, her sealing one end of her nearly gone. The owner is requested to prove property, pay charges, and take her away.

SAM'L. CLARK, Quaker Meck.
January 10th, 1846. 3w

For Rent,

For the present year, the dwelling house and garden, at Still Pond X Roads. For terms apply to

SARAH H. RASIN.
Jan 3 1846 3w

THE KENT NEWS,

A WEEKLY NEWSPAPER,
DEVOTED TO
AGRICULTURE, POLITICS AND GENERAL NEWS.

Terms:

$2.50, payable at the end of the first six months.

☞For PROSPECTUS, see fourth page.

POETRY.

THE OLD CLOCK ON THE STAIRS.

BY H. W. LONGFELLOW.

Somewhat back from the village street,
Stands the old fashioned country seat,
Across its antique portico
Tall poplar trees their shadows throw;
And from its station in the hall
An ancient time-piece says to all,—
"Forever—never!
Never—forever!"

Halfway up the stairs it stands,
And points and beckons with its hands
From its case of massive oak,
Like a monk, who under his cloak
Crosses himself, and sighs, alas!
With sorrowful voice to all who pass,—
"Forever—never!
Never—forever!"

By day its voice is low and light,
But in the silent dead of night,
Distinct, as a passing footstep's fall,
It echoes along the vacant hall,
Along the ceiling, along the floor,
And seems to say, at each chamber door,
"Forever—never!
Never—forever!"

In that mansion used to be
Free hearted hospitality,
His great fires upon the chimney roared,
The stranger feasted at his board;
But like the skeleton at the feast,
That warning time-piece never ceased,—
"Forever—never!
Never—forever!"

There groups of merry children played,
There youths and maidens dreaming strayed.
Oh, precious hours! O, golden prime
And affluence of love and time!
Even as a miser counts his gold,
Those hours the ancient time-piece told,—
"Forever—never!
Never—forever!"

From that chamber, clothed in white,
The bride came forth on her wedding night,
There, in that silent room below,
The dead lay in his shroud of snow;
And in the hush that followed the prayer
Was heard the old clock, on the stair,—
"Forever—never!
Never—forever!"

All are scattered now and fled,
Some are married, some are dead;
And when I ask, with throbs of pain,
"Ah, when shall they all meet again,
As in the days long since gone by,"
The ancient time-piece makes reply,—
"Forever—never!
Never—forever!"

Never here, forever there,
Where all parting, pain and care,
And death, and time shall disappear,—
Forever there, but never here!
The horologe of eternity
Sayeth this incessantly,—
"Forever—never!
Never—forever!"

From the National Intelligencer.

MR. GALLATIN ON THE OREGON QUESTION.

We feel both pride and pleasure in this paper's being honored as the medium for placing before the People the series of letters upon the Oregon controversy, of which the first appears in the paper of this day, and three others will follow.

These Letters, singularly important as well as interesting from the character and history of the writer, are from the pen of Albert Gallatin, a Statesman, Senitor, Cabinet Minister and Dipplomatist of the old Republican School, who has survived all his compeers, and now literally "lives in the midst of posterity." At the full age of eighty-five years, needing quiet, and laboring difficultly, nothing but a profound sense of duty could have induced him to take a share in this discussion. What he has written is meant for and addressed to the People. The subject is one which Mr. Gallatin thoroughly understands; and though he may not expect to convert party politicians, he doubtless believes, and not unreasonably, that his letters include views and suggestions that may be useful to all those whose minds are open to conviction.

THE OREGON QUESTION.—No. I.

NEW YORK, JANUARY 7, 1846.

I had been a pioneer in collecting facts and stating the case. The only materials within my reach consisted of the accounts of voyages previously published, (including that of Maurelle, in Barrington's Miscellanies,) of the varried and important information derived from Humboldt's New Spain and of the voyage of the Sutil and Mexicano, the introduction to which contains a brief official account of the Spanish discoveries. The statement of the case was the best I was able to make with the materials on hand, and may be found defective in many respects Since that time manuscript journals of several of the voyages have been obtained at Madrid. New facts have thus been added; others have been analyzed, and some errors rectified. Arguments which had been only indicated have been enforced and new views have been suggested. The subject, indeed, seems to be exhausted, and it would be difficult to add any thing to the able correspondence between the two Goveanments which has been lately published.

Ministers charged with diplomatic discussions are not, however, in those official papers intended for publication, to be considered as philosophers calmly investigating the questions, with no other object but to elicit truth. They are always, to a certain extent, advocates, who use their best endeavors to urge and even strain the reasons that may be alleged in favor of the claims set up by their Govetnments; and in the same manner to repel, if not to deny all that may be adduced by the other party. Such official papers are in fact appeals to public opinion, and generally published when there remains no hope to conclude for the present an amicable arrangement.

But, though acting in that respect as advocates, diplomatists are essentially ministers of peace, whose constant and primary duty is mutually to devise conciliatory means for the adjustment of conflicting pretensions, for the continuance of friendly relations, for preventing war, or for the restoration of peace. It has unfortunately happened that on this occasion both Governments have assumed such absolute and exclusive grounds, as to have greatly increased, at least for the present, the obstacles to an amicable arrangement.

It is morally impossible for the bulk of the people of any country thoroughly to investigate a subject so complex as that of the respective claims to the Oregon territory; and, for obvious reasons, it is much less understood by the great mass of the population in Engladd than in the United States. Every where, when the question is between the country and a foreign nation, the people at large, impelled by natural and patriotic feelings, will rally around their Government. For the consequences that may ensue, those who are entrusted with the direction of the foreign relations are alone responsible. Whatever may be the cause, to whomsoever the result may be ascribed, it appears from the general style of the periodical press, that, with few exceptions, the people, both in Great Britain and in the United States, are imbued with the belief that the contested territory belongs exclusively to themselves, and that any concession which might be made would be a boon to the other party. Such opinions, if sustained by either Government and accompanied by corresponding measures, must necessarily lead to immediate collisions, and probably to war. Yet, a war so calamitous in itself, so fatal to the general interests of both countries, is almost universally deprecated, without distinction of parties, by all the rational men who are not carried away by the warmth of their feelings.

In the present state of excitement, an immediate amicable arrangement is almost hopeless; time is necessary before the two Governments can be induced to recede from their extreme pretensions. In the mean while, nothing, as it seems to me, should for the present be done, which might increase the excitement, aggravate the difficulties, or remove the only remaining barrier against immediate collision.

The United States claim a right of sovereignty over the whole territory. The pretensions of the British Government, so far as they have been heretofore exhibited, though not extending to a claim of absolute sovereignty over the whole, are yet such as cannot be admitted by the United States, and, if persisted in, must lead to a similar result.

If the claim of Great Britain be properly analyzed, it will be found that, although she has incidentally discussed other questions, she in fact disregards every other claim but that of actual occupancy, and that she regards as such the establishment of trading factories by her subjects. She accordingly claims a participation in the navigation of the river Columbia, and would make that river the boundary between the two Powers. This utter disregard of the rights of discovery, particularly of that of the mouth, sources, and course of a river, of the principle of contiguity, and of every other consideration whatever, cannot be admitted by the United States.—The offer of a detached defenceless territory, with a single port, and the reciprocal offers of what are called free ports, cannot be viewed but as derisory. An amicable arrangement by way of compromise cannot be effected without a due regard to the claims advanced by both parties and to the expediency of the dividing line.*

An equitable division must have reference not only to the extent of territory, but also to the other peculiar advantages attached to each portion respectively.

From and including Fuca Straits, the country extending northwardly abounds with convenient seaports. From the 42d degree of latitude to those Straits, there is but one port of any importance, the mouth of the river Columbia: and this is of difficult and dangerous access, and cannot admit ships of war of a large size. It is important only as a port of exports. As one of common resort for supplies, or asylum, in case of need, for the numberless American vessels engaged in the fisheries or commerce of the Pacific, it would be almost useless, even if in the exclusive possessions of the United States. It must also be observed that the navigable channel of the river, from its mouth to Puget's island, is, according to Vancouver, close along the northern shore. Great Britain proposes that the river should be the boundary, and that the United States should be content with the possession of the port it afforded, in common with herself. It is really unnecessary to dwell on the consequences of such an arrangement. It is sufficient to say that, in case of war between the two countries, it would leave the United States without a single port, and give to Great Britain the indisputable and exclusive control over those seas and their commerce.

The first and indispensable step towards an amicable arrangement consists in the investigation, not so much of the superiority of one claim over the other, as of the question whether there be sufficient grounds to sustain the exclusive pretensions of either Government.

If the claim of the United States to the whole of the contested territory can be sustained against Great Britain, or if the pretensions of this Power can to their full extent be maintained against the United States, it must be, by either party assuming that the other has no opposite claim of any kind whatever, that there are no doubtful and debatable questions pending between the two countries. This, if true and maintained, must necessarily lead to war, unless one of the two Powers should yield what it considers as its absolute right. But, if there be any such debatable questions, the way is still open for negotiations; and both Powers may recede from their extreme pretensions, without any abandonment of positive rights, without disgrace, without impairing national honor and dignity.

It has been asserted that the title of the Unitrd States to the whole Oregon territory was maintained by irrefragable facts and arguments. These must be sought for in the correspondence lately published. They consist—first, of the assertion of the ancient claim of Spain to the absolute sovereignty over the whole northwest coast of America as far north as the 61st degree of north latitude. Secondly, of the accumulated proofs which sustain the claims of the United States to the various portions of the territory, (whether in their own right, or as derived from the acquisition of Louisiana and the Spanish discoveries,) and of the refutation of the arguments adducted by the other party. The first mentioned position would, if it could be sustained, be sufficient to prove, and is, as I think, the only one that could prove, the absolute and complete right of the United States to the whole contested territory.

It is undoubtedly true that "Spain considered the northwest coast of America as exclusively her own;" that this claim "had been asserted by her, and maintained with the most vigilant jealousy, ever since the discovery of the American continent, or nearly three centuries, as far north as her settlements or missions extended." There were two ways of examining the soundness of that claim; an investigation of the principles on which it was founded, and an appeal to precedents. The Secretary of State has abstained from discussing the principle; but he has said that the claim of Spain to sovereignty "had never been seriously questioned by any European nation; that it had been acquiesced in by all European Governments." This appears to me the most vulnerable part of his arguments.

The early charters of the British monarchs to the colonies bordering on the Atlantic, extended from sea to sea, from the Atlantic to the Pacific ocean, with the single exception which excluded from the grants the places actually occupied by the subjects of any christian nation. The right of prior occupancy was recognized; but the general claim of Spain to the sovereignty of the whole coast bordering on the Pacific was utterly disregarded Had that claim been considered as unquestionable, had it been acquiesced in, it never could have been supposed that, in any case whatever, England could have a right to bestow to her subjects a single foot of land bordering on the Pacific.

Coming down to modern times, the only nations which have set up any claims or attempted any settlements on the Pacific, north of the country actually occupied by the Spaniards, are Russia, Great Britain and the United States. All three have asserted claims to the northwestern coasts of America, irreconcilable with the universal sovereignty claimad by Spain: Russia and England from the time when their flags first floated along the coast and their subjects landed on its shores; the United States from a similar date, or at least from the time when they acquired Louisiana.

If the right of Spain was absolute and exclusive to the whole; there was no reason why it should not have extended beyond the sixty-first degree of latitude.—The right of Russia was founded only on her discoveries and the establishment of some trading factories She respected the right of Spain only so far as it did not interfere with her own claim. She has, in fact, extended this more than six degrees further south; and to this the United States, who had acquired all the rights of Spain, have assented by a solemn treaty. Whatever might be the boundary acquiesced in by Spain, it was not Russia which recognised the claim of Spain; it was Spain which recognised that her claim was not unlimited. And, let it be also observed, that, since Spain still claimed as far north as the sixty-first degree of north latitude, (the southern limit of the Russian factories when first visited by Spanish navigators;) the United States, if they believed the Spanish right absolute and exclusive, ought not to have ceded to Russia a country extending more than six degrees of latitude along the shores of the Pacific.

Great Britain contested the exclusive claim of Spain from the year 1778, the date of Cook's third voyage; and he was the first British navigator that had for more than two centuries appeared on those coasts. This doctrine she has maintained ever since. She did not resist the exclusive claim of Spain by virtue of the Nootka convention, but prior to it. It was on the ground that she imperiously demanded indemnity and restoration for the property and factory of one of her subjects, which had been forcibly taken by the Spanish Government. She even threatened war; and the Nootka convention was the result of those transactions. Whatever construction may at this time be given to that instrument, it is certain at least that Spain by it conceded a portion of the absolute and sovereign right she had till then asserted; that she yielded the right of trade with the natives on all that part of the coast lying north of her actual settlements; and that, by suffering the ultimate right of sovereignty to remain in abeyance, she made that pretension questionable which she had contended could not be called in question

With respect to the United States, without recurring to former negotiations which were not attended with any result, it is sufficient to advert to the convention between them and Great Britain of the year 1818, concluded prior to the date of the treaty by which they acquired the claims of Spain to the territory north of the 42d degree of north latitude.

The United States at that time distinctly claimed in their own right and independent of the Spanish claims, that the boundary along the 49th parallel, which had been agreed on as that between them and Great Britain, from the Lake of the Woods to the Stony Mountains, should be extended to the Pacific. To this division of the territory Great Britain would not accede; and the provision for joint occupancy during the next ensuing years was substituted. A clause was inserted that the agreement should not be taken to affect the claims of any other Power or State to any part of the country west of the Stony Mountains.—This provision clearly referred to the claims of Russia and Spain. The northern and southern boundaries of the country which the two contracting parties might claim, were left undefined: Great Britain probably thought herself bound by the Nootka convention to respect the Spanish claims to the extent provided by that instrument: the United States could not but recognise those derived from discovery, with which they were at that time but imperfectly acquainted, since their own claims were in a great degree derived from a similar source. But the convention decisively proves that the United States did not acquiesce in the antiquated claim of Spain to the absolute and exclusive sovereignty of the whole country; since, if they had recognised that prior claim to the whole, they could have had none whatever to any portion of it.

It is therefore undeniable that the assertion of the Spanish claim of absolute sovereignty cannot be sustained by a presumed acquiescence on the part of the only nations which now claim the country. It may perhaps be said that their opposition came too late, and that they neglected too long to protest against the Spanish pretension on the Pacific. No stress will be laid on Drake's voyage, which had a war like character. But the British charters to their colonies show that those pretensions were disregarded at a very early date.—There was no occasion for opposition or direct denial, with respect to the Pacific, until the attention of other nations was directed towards that remote country. This was neglected because all the commercial nations were, in their attempts to colonize, or to conquer, foreign and till then unexplored regions, attracted by countries far more accessible, and were exclusively engaged in pursuits much more important.—The East Indies and the West India Islands offered a vast and lucrative field for commercial enterprise and territorial acquisition. With respect to the continent of America, France, England, and Holland most naturally planted their colonies on the nearest opposite shores of the Atlantic; and they did it in opposition to the pretended claim of Spain, which extended to the whole of America. Although strenuously engaged in extending those colonies westwardly, these, in the year 1754, twenty years only before Cook's third voyage, hardly extended beyond the Mississippi.—What immediate interest could then have impelled either France or England to enter a formal protest against the antiquated claim of Spain against a country with which they had never attempted even to trade?—And what opportunity had occurred for doing it prior to Cook's voyage?

But what is still more conclusive, the country in question was equally neglected by Spain herself. Some exploring voyages, few of which are authentic, were indeed made by Spanish navigators; and the claims which may be derived from their discoveries have now been transferred to the United States, so far as discovery alone can give a claim, and no further But, during more than two centuries that Spain had no competitor on the Pacific, there was on her part no occupancy, no settlement, or attempt to make a settlement. She had some missions on the western coast of the peninsula of California; but her missions or settlements in Northern or New California are of quite recent date, that of the most southern (San Diego) in 1769, and that of the most northern (San Francisco) in 1776, two years only before Cook's arrival at Nootka Sound.

In point of fact, the contested territory had been utterly neglected by Spain. All the energies, such as they were, of her Mexican colonies were much more advantageously applied to the improvement of the vast and rich countries which they had conquered, principally to the discovery and working of the richest and most productive mines of the precious metals as yet known.

Anson's expedition was purely military, and confined to southern latitudes. But the narrative drew the public attention towards the Pacific ocean, and gave a new impulse to the spirit of discovery. Almost immediately after the peace of 1763 voyages were undertaken for that purpose by the Governments of England and France: the Pacific was explored: the Russians on the other hand had, more than thirty years before, ascertained the continuity of the American continent from Behring's Straits to Mount St. Elias. It was then, and not till then, that Spain, or rather the Mexican Government, awakening from its long lethargy, extended its missions to New California. In the year 1774, Perez, with his pilot, Martinez, sailed as far north as the northern extremity of Queen Charlotte's Island, having anchored in Nootka Sound, and, as Martinez asserts, perceived the entrance of Fuca's Straits. New and important discoveries were made by Quadra and Heceta in the year 1775. The sequel is well known.

But on what foundation did the claim of Spain rest? If she had indeed an absolute right to the whole country bordering on the Pacific, derived either from natural or international law, or from usages generally recognised, it matters but little, as respects right, whether other nations had acquiesced in, or opposed her claim. If there was no foundation for that absolute and exclusive right of sovereignty, Spain could transfer nothing more to the United States than the legitimate claims derived from her discoveries.

The discovery gives an incipient claim not only to the identical spot thus discovered, but to a certain distance beyond it.—It has been admitted that the claim extends generally, though not universally, as far inland as the sources of rivers emptying into the sea where the discovery has been made. The distance to which the right or claim extends along the sea shore may not be precisely defined, and may vary according to circumstances. But it never can be unlimited; it has never been recognised beyond a reasonable extent. Spain was the first European nation which discovered and occupied Florida. A claim on that account to the absolute sovereignty over the whole of the Atlantic shores as far as Hudson's Bay, or the 60th degree of latitude, would strike every one as utterly absurd. A claim on the part of Spain to the sovereignty of all the shores of the Pacific, derived from her having established missions in California, would be similar in its nature and extent, and equally inadmissible. It cannot be sustained as a natural right, nor by the principles of international law, nor by any general usage or precedent. The claim of Spain rested on no such grounds.

It was derived from the bull of the Pope Alexander VI, which the Spanish monarchs obtained in the year 1493, immediately after the discovery of America by Columbus. By virtue of that bull, combined with another previously granted to Portugal, and with modifications respecting the division line between the two Powers, the Pope granted to them the exclusive sovereignty over all the discoveries made or to be made in all the heathen portions of the globe, including, it must be recollected, all the countries in America bordering on the Atlantic, as well as those on the Pacific ocean. Yet, even at that time, the Catholic Kings of England and France did not recognise the authority of the Pope on such subjects; as evidently appears by the voyages of Cabot under the orders of Henry VII. of England, and of Cartier under those of the King of France, Francis I. Subsequently, the colonies planted by both countries from Florida to Hudson's Bay were a practical and continued protest and denial of the Spanish claim of absolute sovereignty over the whole of America: whilst the acquiescence of Spain was tantamount to an abandonment of that claim where it was resisted. Ridiculous as a right derived from such a source may appear at this time, it was not then thus considered by Spain, and the western boundary of Brazil is to this day regulated by the division line prescribed by the Pope.

I am not aware of any other principle by which the claim ever was or can be sustained, unless it be the idle ceremony of taking possession, as it is called. The celebrated Spaniard who first discovered the Pacific ocean, "Balboa, advancing up to the middle in the waves with his buckler and sword, took possession of that ocean in the name of the King his master, and vowed to defend it, with his arms, against all his enemies."—(*Robertson.*)

I have dwelt longer on this subject than it may seem to deserve. The assertion of the solidity of this ancient exclusive Spanish claim has had an apparent effect on public opinion fatal to the prospect of an amicable arrangement. I am also fully satisfied that the resort to vulnerable arguments instead of strengthening, has a tendency to lessen the weight of the multiplied proofs by which the superiority of the American over the British claim has been so fully established.

ALBERT GALLATIN.

* I allude here only to the compromise proposed by Great Britain. Her actual claim, as explicitly thus stated by herself, is to the whole territory, limited to a right of joint occupancy, in common with other States, leaving the right of exclusive dominion in abeyance.

INTEMPERANCE IN OLD TIMES.

During a session of the General Court, holden at Newton, in 1638, "Peter Hoshaker was censured for drunkenness, to be whipped, and to have twenty stripes sharply inflicted, and fined five pounds, for slighting the magistrates on what they could do, saying they could but fine him."

There is wisdom in the following hint thrown out by the Boston Post, and it will be generally subscribed to: "The dearest friend we have in the world, we never desire to see more than five minutes at a time in our office. Business is business."