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KENT NEWS.

CHESTER TOWN, Md.

SATURDAY, DECEMBER 13, 1851.

The Democratic Press vs. The Hon Thos G Pratt

In "The State Capital Gazette," published at Annapolis, an a tcle has appeared upon the subject of Gov. Pratt's election, during the last session of the Legislature, to a seat in the Senate of the United States. The ignorance of the Constitution displayed by that article, is surpassed only by its flourish of authorities. We should feel disposed indeed to treat the argument as a farce. But the article has been copied by the Democratic papers of the State And there is no telling, what mischief a political party having the ascendancy, and under the lead of aspirants to a Senatorship, may be induced to attempt. We have a word, therefore, to say, in regard to the doctrine of the case.

No axiom in Mathematics, no propotion of law, is plainer than the fact, that the Legislature is the proper constitutional body invested with the pow- of election, in case of every PERIODICAL vacancy, in the Senate of the United States. No such vacancy has ever been filled, by any Governor, within the circle of this great confederacy; or, if the attempt has been made, it has never, in any case, been sanctioned by the Senate. We go further. We say if such a vacancy should occur, either *before* or *during* the meeting of the Legislature, and the Legislature should adjourn, without doing its duty, that *even then* the Governor would have no right to fill the vacancy. The case of Chancellor Johns, of Delaware (page 874, Cases of Contested Elections) fully sustains our assertion. The case of the Hon. Mr. Lanman, of Connecticut—the very case relied upon, by the "distinguished legal gentleman," who wrote the article in the Gazette—so far from overthrowing, would rather (if rightly understood) go to strengthen our position. For, in that case, (see page 872 of the same book) the vacancy was *anticipated* by the Governor; while the vacancy, itself, was n t a *contingent*, but a *periodical* one The Governor, therefore, transcended his powers, in both particulars. And the Senate was clearly justified in rejecting the c aims of Mr. Lanman. The fact is, the right to fill a *periodical* vacancy (either by anticipation or otherwise) no more belongs to the Governor, than it does to the Chief Judge of the Court of Appeals. But does it follow, that the Legislature has not the power to *anticipate* a periodical vacancy, simply because the Governor has not? Yet such is the logic of the "distinguished legal gentleman," in the Gazette! The power to fill a *contingent* vacancy (from the very meaning of the term) implies, that the contingency mu t first exist—that the vacancy (to quote the very word of the Constitution) must "happen"—*before* the power can be exercised by the Governor. And that is all the power, he rightfully possesses.—Nor is even that power to be exercised (the power, we mean, to fill a *contingent* vacancy) unless the vacancy occur, during the "recess" of the Legislature. The power of the Governor is nothing more than a power *ancillary* to the power of the Legislature—a power, the operation or effect of which, can be annulled, the very moment the Legislature meets—The Executive is but the *hand* of the Legislature—a hand ever ready to move, or to act, during the recess of the Legislature. For the constitution is based upon the assumption, that *each* State has the right, *at all times*, to be present, in the Senate of U States. But for fear, that a State, through accident, may be absent, the Governor is clothed with the power of simply filling a vacancy, till the next meeting of the Legislature.

It is a principle, also, well established, and one lying at the foundation of all Constitutional Governments—*that the Legislature* (barring anarchy or revolution) *never dies*—that is to say, the members of the Legislature of 18 0 did not cease to be members, till the election of members to the Legislature of 18 2 The Legislature, therefore, of 1850, existed, on the 4th of last March, when the *periodical* vacancy occurred in the Senate of the United States. There can be no doubt of this proposition. No one having any respect for his reputation, as a Constitutional lawyer, will venture to deny it. If the vacancy occurred, then, during the existence of the membership of those gentlemen, who were elected to the Legislature of 1850, what great difference does it make, whether they did a particular duty, the first or the second week of their official existence? whether they filled the vacancy, the first or the second month? the first or the second year of their existence? Indeed if the *periodical* vacancy must occur *before* the Legislature can act the very kind of evil would ensue, which the Constitution intended, as far as possible, to prevent, by clothing the Governor with the power of appointment, in case of a *contingent* vacancy One of the first rights secured (as far as any right can be secured by human instrumentality,) is the right, as we have said, of each State, to be always present, in the Senate of the United States.—Suppose, the election does not take place, till the periodical vacancy *actually* occurs. The election, itself, may be attended with delay. Days, weeks and even months may elapse, and thus a sovereign State, by the refusal of the Legislature to exercise a discretion, may be deprived of the most sacred rights pledged to her, under the Constitution! and the plain intent and object of the Government entirely frustrated! The whole argument of the "distinguished legal gentleman," is based upon a sophism, by which he confounds the case of an executive appointment to me t a contingenc , with the regular case of an election by the Legislature—a sophism, which appears so shallow, whe once detected, as to be as palpable, to the eye of reason as the dole, which confounds the exception to a rule, with the rule, it self! The history of the C untry teems with cases, in which the Legislature has *anticipated* a vacancy.

Kossuth.

The reception of the Great Hungarian in the city of New York, on Saturday last, was in the highest degree brilliant and enthusiastic. Delegations from all sections of the country having waited upon him, bearing complimentary addresses--extending invitations and bestowing in every possible manner that attention which the wrongs of his country and the high qualities of the man, have enlisted in the warm heart of the American people.

But Gov Kossuth, has fallen, as we feared he would, into a most unfortunate error, as to the action of the United States in reference to himself and his nation. In his New York spee h he boldly and frankly declared that he had expected, and had come to solicit the active interference of the United States against Austria and in behalf of Hungary—in other words that we should involve ourselves in a war for the emancipation of the latter

It is doubtless better that there should be no longer any disguise as to the real intention of our government, and now that Kossuth has declared his expectations he should and will be apprised of the real position of the United States in this matter.

Our policy is that of non intervention and the studious avoidance of entangling alliances. The counsels of the men who fram ed the Constitution, the genius of the American people and the history of the country from its Independence down to the present day, alike point out the neutral policy as the only safe and proper one.

A d parture from it in this case would necessarily involve us in an interminable series of European wars—disturbing the harmony of the Government, destroying the peace of its citizens, and converting us from a state of prosperous industry and activity in the peaceful arts, into a nation of mere political theory, prepared upon al occasions to maintain republican principles by artifice, or at the point of the bayonet

In the speech above referred to Kossuth seems to draw a distinction between the Government and the people of the United States, and indicates that he will make his appeal from the first to the latter.

The government is indeed the creature of the people, and of all the governments of the world, IT ALONE reflects the popular sentiment. No distinction either of right or of purpose can properly be made between the two. We therefore believe the idea that the government, in the Hugarian affair, falls short of popular sentiment, to be utterly erroneous, and it is a source of regret that Kossuth should have imbibed such an impression, or have given utterance to such a belief.

The encouragement and sympathies of the American people, are all that Hungary can expect, and the recognition of her independence at this time would be alike absurd and untrue!

The Trials at Philadelphia.

The treason trials still progress, but it is difficult to predict what will be the result, although the evidence against Hanaway was of such a nature as to implicate him deeply in the murder of Mr. Gorsuch and the escape of his slaves. The defence has been characterized in some instances, by most unjust and unbecoming aspersions upon the State of Maryland, on account of the interest which she has exhibited in the vindication of the rights of her citizens and the laws of the land, and particularly in sending her Attorney General to take part in the prosecution. One of the counsel boldly characterized this State "as thirsting for blood"—an imputation most false and slanderous, and which only served to indicate the bitterness and malignity of the speaker. It would indeed be strange if Maryland outraged as she has been in the persons and property of her citizens, did not exhibit an intense interest, in the maintenance of the Fugitive Slave law, and in the punishment of the miserable fanatics and traitors, who have so often and so atrocio sly violated it. We are glad that Mr Brent, in his reply for the Government, administered a just and withering rebuke to the man, who expressed a sentiment so derogatory to our State.

The argument of Mr Brent is spoken of as having been highly able and eloquent.

P. S. Since writing the above we learn that Hanaway has been acquitted.

HEAVY HOGS.—The contest which had been raging for some time, relative to the weight of Messrs. Stewart and Luttman's big hogs, was decided in favor of the former on Tuesday last, by about 12 1-2 lbs Mr. S's hog weighing 412 1-2 and Mr. L's about 400 lbs.—Easton Star.

John E. Cacy, Esq., of the Upper District of this county, slaughtered on Tuesday last, a hog of Mr David C. Blackiston's improved breed, which weighed when dressed, the enormous amount of six hundred and fifty eight pounds We think this hard to beat, and would especially commend it to the n tice of our neighbor of the Easton Star, who exhibits some pride in the hog crop of Talbot It may also be some solace to Mr. Luttman, the vanquished party, to know how far his successful competitor has been thrown in the shade. Talbot has a high reputation in the farming world, but must yield the palm to Kent "in the hog crop."

Mr. Cacy's hog was raised and fattened by his overseer, Mr. Thomas Taylor, who will become famous for success in developing the size and properties of the swinish race.

Dedication.

To-morrow, the 14th instant, the Methodist Episcopal Church in Quaker Neck, will be dedicated. Rev. Dr. Bond, and other distinguished ministers of the church will be present.

APPOINTMENT.—We are pleased to learn that F. S. Riley, Esq., the Editor of the Maryland Republican has been appointed Secretary to the Annapolis and Elk ridge Railroad Company, vice Nicholas H Green resigned. Mr. R is a gentleman of ability, and will make a most excellent officer.

VIRGINIA ELECTION.—The returns received indicate the election of Johnson, the democratic candidate for Governor

THE AFFAIR OF THE PROMETHEUS.—The Republic says:—"We are gratified to announce that, immediately on receipt of the intelligence of the firing on this vessel by the British brig-of-war express a competent naval force was, by the President's direction, ordered to San Juan de Nicaragua, to protect American vessels from like outrages for the future, and inquiries were addressed to the British government to ascertain whether the conduct of the commander of the Express was prompted by orders from his government."

JENNY LIND CAKE.—Take three cups of flour, one of milk, one egg, one tablespoonful of soda, two of cream of tartar, and the juice of one lemon.

The above compound makes one of the most delightful cakes I have ever eaten.

He who lives only to benefit himself, gives the world a benefit when he dies.

Thirty-Second Congress.

WASHINGTON, Dec. 8.

SENATE.

Mr. Bright submitted a list as containing the standing committees of the body; and on his motion, it was agreed to, thus obviating the necessity of proceeding to ballot. The following is the list:

On Foreign Relations—Messrs. Mason, Douglas, Norris, Mangum, Underwood.

On Finance—Messrs Hunter, Bright, Gwin, Pearce, Miller.

On Commerce—Messrs. Hamlin, Soule, Dodge, of Wisconsin.

On Manufactures—Messrs. Sebastin, Bayard Stockton, Upham, and James.

On Agriculture—Messrs. Soule, Walker, Atchison, Spruance, Wade.

On Military Affairs—Messrs Shields, Clemens, Borland, Dawson, Jones, of Tenn.

On Militia—Messrs. Houston, Dodge of Wisconsin, Borland, Morton, Spruance.

On Naval Affairs—Messrs. Gwin, Stockton, Mallory, Badger, Fish.

On Public Lands—Messrs. Felch, Shields, Dodge of Iowa, Underwood, Pratt.

On Private Land Claims—Messrs. Downs, Whitcomb, Clemens, Davis, Hale.

On Indian Affairs—Messrs. Atchison, Sebastian, Rusk, Bell, Cooper.

On Claims—Messrs. Broadhead, Whitcomb Bayard, Pratt, Wade.

On Revolutionary Claims—Messrs. Walker, Chase, James, Foote, Sumner

On the Judiciary—Messrs Butler, Downs, Cradbury, Berrien.

On the Post Offices and Post Roads Messrs. Rusk, Soule, Hamlin, Upham, Morton.

On Roads and Canals—Messrs. Bright, Rhett, Douglass, Spruance, Sumner

On Pensions—Messrs. Jones, of Iowa, Borland, Stockton, Foote, of Vermont, Geyer.

On the district of Columbia—Messrs. Shields, Bradbury, Norris, Berrien, Clark.

On Patents and Patent Office—Messrs. Norris, James. Whitcomb, Dawson, Smith.

On Retrench't—Messrs. Bradbury, Bright, Felch Mangum, Fish.

On Territories—Messrs. Douglas, Houston, Gwinn, Cooper, Jones, of Tennessee.

On Public Buildings—Messrs Whitcomb, Hunter, Clark

On Printing—Messrs. Borland, Hamlin, Smith.

On Engrossed Bills—Messrs. Bayard, Mallory. Hale.

On Library—Messrs. Pearce, Clemens, Dodge, of Iowa.

On Enrolled Bills—Messrs. Jones, of Iowa, Badger.

To Audit and Control Contingent Expenses of State Department—Messrs. Dodge, of Iowa, Walker, Bell.

Mr. Seward introduced a joint resolution, giving welcome to Kossuth as the nation's guest.

Mr. Shields proposed an amendment, making provision for the appointment of a committee of three senators to introduce Kossuth to the Senate.

The subject was laid over, objection being made to the proceedings.

Mr. Clemens introduced a joint resolution, authorizing the President of the United States to confer the brevet rank of Lieutenant General for distinguished services.

The Senate then took up the resolutions of Mr Foote, declaring the series of measures known as the Compromise to be definite settlement of the slavery question, when, after a short debate, the Senate adjourned.

WASHINGTON, Dec. 9.

SENATE.

Mr. Houston was present to-day.

Mr. Stockton presented a petition from citizens of New Jersey, in behalf of some intervention by the Government for Mr. Thrasher's release. Mr. Stockton presented a resolution, which was agreed to, calling upon the President for all the information in his possession, touching the case of Mr. Thrasher's imprisonment, &c.

Numerous petitions were presented and bills introduced.

On motion of Mr. Shields, the Senate took up the joint resolution tendering welcome to Louis Kossuth.

Mr. Seward supported the resolution.

Mr. Berrien moved to amend it by adding thereto another resolution, and tendering the welcome to the associate exiles of Kossuth, but declaring that by this welcome Congress was not to be understood as departing from that settled policy of non interference with the domestic concerns of other nations, and he supported his amendment

Mr. Hale followed in reply

Mr. Miller was in favo of extending a welcome to Kossuth, but opposed to that welcome being understood as committing Congress to intervention.

Mr, Foote replied in support of the resolutions; and then on motion of Mr. Sumner the Senate adjourned.

HOUSE OF REPRESENTATIVES.

The Speaker announce the standing committees. The following are the names of the different Chairman:

Committee of Elections—David D. Disney, of Ohio.

Committee of Ways and Means—George S. Houston, of Ala.

Committee of Claims—John R. J. Daniel, of N. C.

Committee on Commerce—David L. Seymour, of N. Y.

Committee on Public Lands—William P. Hall, of Missouri;

Committee on Post Office and Post Roads—E. B. Olds, of Ohio.

Committee for the District of Columbia—Orlando B Ficklin, of Illinois.

Committee on the Judiciary—James X. McLanaham, of Pennsylvania.

Committee on Revolutionary Claims—Moses McDonald, of Maine.

Committee on Public Expenditures—Andrew Johnson, of Tennessee.

Committee on Private Land Claims—Timothy Jenkins, of N. Y.

Committee on Manufactures—James M. H Beale, of Virginia

Committee on Agriculture—John G. Floyd, of New York.

Committee on Indian Affairs—Rob W. Johnson, of Arkansas.

Committee on Military Affairs—Armistead Burt, of South Carolina.

Committee on Militia—Charles H. Peaslee, of New Hampshire.

Committee on Naval Affairs—Frederick P. Stanton, of Tennessee.

Committee on Foreign Affairs—Thos. H. Bayly, of Virginia.

Committee on the Territories—William A Richardson, of Illinois.

Committee on Revolutionary Pensions—John S. Millson, of Virginia,

Committee on Invalid Pensions—Isham G. Harris of Tennessee.

Committee on Roads and Canals—John L Robinson, of Indiana.

Committee on Patents—David K Carter, of Ohio.

Committee on the Public Buildings and Grounds—Richard H. Stanton, of Kentucky.

Committee on Revisal and Unfinished Business—W. R. W. Cobb, of Ala

Committee on Accounts John C. Mason of Kentucky.

Committee on Mileage—Thomas A. Hendricks of Indiana.

Committee on Engraving—Edward Hammond, of Maryland.

Joint Committee on the Library of Congress—Jos. R. Chandler, of Pa.

On Enrolled Bills—Isaac Wildrick, of New York.

On Expenditures in the State Department—Chas. E Stuart, of Michigan.

On Expenses in the Treasury Department—Benj'n. B Thurston of R I,

Committee on Expenditures in the War Department—Milo M. Dimmick, of Pa.

Committee on Expenditures in the Navy Department—Fayette McMullin, of Va

Committee on Expenditures in the Post Office Department—Alex. G. Penn, of La.

Committee on Expenditures on the Public Buildings Thos. Bartlett, jr.

A message was received from the Senate, informing the House that it had passed a resolution for the appointment of the Chaplains, one by each house, to interchange weekly.

Mr. Jones, of Tennessee opposed the elections of such officers first on the ground that Congress has no authority to elect them, and secondly, that it was a burlesque on the Christian religion.

He moved to lay the motion upon the table, but the motion did not prevail—yeas 22 nays 169.

The question recuring on the adoption of the resolution.

Mr. H pn, moved a proviso—that the said Chaplains shall receive no compensation out of the treasury of the United States; but it was rejected.

The resolution was them agreed to, under the operation of the previous questions.

Twelve clergymen were then severally nominated. On the vote being taken, the result was announced:

R. R Gurley, 7 Cushman 29; Finey 6; L. F. Morgan 30; Gallagher 13; Westbrook 5; Beman 4; Junkin 12; Daily 12; Emerson 2; Dewey 6; Weisner 3

There being no choice, the House proceeded to a second vote, but with no better result; and on the third, 87 were necessary to a choice Mr Gurley received 84 Mr. Morgan 82, Mr. Finney 1 Mr. Junkin 1, Again the House voted, and on the result being declared, it appeared that the Rev. Littleton F. Morgan, of the Methodist E. Church, (stationed at the Foundry station, in Washington,) was elected, having received 103 votes, the Rev. R. R. Gurley 83, and the Rev. Mr. Finney 1.

The Speaker was authorized to appoint the Committee on Printing and the House djourned.

(Correspondence of the Baltimore Sun.)

WASHINGTON, Dec. 9, '51.

Mr Thrasher's Case—Instructions from Secretary of State—Cuban authorities determined to keep Thrasher out of the United States—Necessity of their Mending their manners—The Resolution of Inquiry—The House Committees—Arguments against the Kossuth Resolution—Mr. Walker—His views, his Loan, &c.

I learn that the Secretary of State has taken steps in behalf of John S Thrasher. Some weeks ago instructions were sent to Mr. Owen on the subject, and more recently to Mr Sharkie, the new Consul, who has not gone to Havana.—Instructions have now, it is well understood, been sent to Mr. Berringer, our minister in Spain, to use every proper means to induce the Queen's government to release Mr. Thrasher.

I am informed by persons just arrived here from Havana that the Cuban authorities were quite determined that Mr. Thrasher should never return to the United States—for, after the treatment has met in Cuba, his energies or influence would be exerted here with great effect, in favor of a revolution in Cuba, as Commodore Stockton said, today, in his introduction to a call for information as to the proceedings against J. S. Thrasher, it is much to be hoped that the bad laws and bad manners of this dependency on the old Spanish monarchy, will be amended.

Their acts are of a nature that require some inquiry, and, unless their aggressions be noticed by this government, they will become entirely too frequent for our taste or for their own benefit I am afraid, however, from what I learn, that the President cannot furnish any satisfactory information in relation to Mr. Thrasher's Arraignment and trial, and the charges and proofs brought against him Mr. Owen has sent no information on the subject, and very little has been furnished by Mr. Thrasher or his friends to the government.

The cast of the standing committees of the House appears to be very judicious. The committees on Commerce, Finance, Naval Affairs, and Foreign Relations, are all very judicious.

The strong argument now urged against the official recognition of Kossuth is that the invitation of Congress was extended to him and others for the purpose of giving them an asylum; and not to give him moral and physical means, such as he asks, for the prosecution of his political objects in Europe. His speeches made since his arrival here, are referred to for the purpose of showing that he has come to ask the aid of this government to enforce that principle which will prevent Russia from interfering in the struggle of Hungary against Austria.

The proceedings of the United States Government and the people of the United States in regard to Kossuth will be anxiously watched by the government of Europe. This government can give no new pledges to Kossuth, and can hardly confirm those already given by Mr. Robert J. Walker.

Mr. Walker, by the way, has not got the fifteen million loan that he went to England for, and the time has expired within which he was engaged to act as agent to obtain the loan.

The President has not, as reported, sent his son with an invitation to Kossuth

Jon.

Another Letter from Major Jack Downing

THE DOWNINGVILLE PLATFORM.

In the National Intelligencer of Saturday we find another letter from Major Downing. The letter is too long for our columns, but we insert that portion of it relating to the "Downingville Platform." The Major and his uncle Joshua had a long conversation about the political condition of the country, the many parties and factions into which the people are divided, and the unfortunate results that will likely follow a much longer continuance of such a state of affairs. Uncle Joshua being at a loss what to do or propose to bring the country back to its wonted quietude, speaks to his nephew and says:

"I wish, Major, you would set your wits to work and see if you can't contrive some plan."

"Well Uncle Joshua," says I "I never got so far into the woods yet but that I found the way out agin; and I don't see any difficulty here. It seems to me the road out is jest as plain as the road to the mill."

At this Uncle Joshua gin me a slap on the shoulder that e'en almost fetched me over, and says he, "Major, that makes me feel as if a flash of lightning went through me. If any body else had told it, I should say 'twas all humbug; but when you say it I believe it. Now, in the name of Old Hickory, du go to work and show us the way out of the woods."

"Well," says I Uncle I don't think we can *malgamate* the twenty parties down to two, but I think we can split them out into two parties and make a square work of it. In the first place we must get a *principle* to fight about, for you've jest proved that that's the white of parties; and the greater the principle is, the straighter will the parties draw the lines and the harder they fight Now, let us go right to work and hew out a new platform that shall reach clear from Maine to 'tother end of the Union, and from New York to California, and run our flag on it with letters big enough for all to read—

The Union and the Constitution now and forever

Then we'll call out to the twenty parties and say: 'Here, look up there: that's your flag, and them's our sentiments. Now, all of ye that ain't got tired of them things and don't want to see the Union all upset and smashed to pieces, and go to the bottom of the sea, just come out of your twenty quarrelling parties, and get up on to this platform and fight for the Union and the Constitution'

"I tell you what 'tis Uncle Joshua there's a majority in every ship that would rather get safe through the voyage than to be upset and go to the bottom.

I ain't a bit afraid but what there would soon be a party of commentators on this platform that would be big enough to take care of the ship. It might not be big enough to go over to Europe and whip all Russia, but I'll wager my hat it would be big enough to keep Russia from coming over here and whipping us. Now, what do you think of my plan, Uncle Joshua? Don't you think it will work.

"Well, I don't doubt but that would be a good way to get up one party, says uncle Joshua; but I don't see that would get us out of the difficulty after all, for there would still be as many parties left as there are now. It would still have to be one agin nineteen. I'm afraid your come-outer party would have hard work to get a President they had to fight agin the nineteen twenty quarrelling parties. I can see much chance to do any thing unless you can come down to two parties, as I proposed to;"