CONGRESS.

[From the National Intelligencer.]

WASHINGTON, April 21, 1838.

HOUSE OF REPRESENTATIVES.

REPORT UPON THE DUEL BILL.

Mr. Toucey, from the select committee on the late duel bill, by leave, made a report, the consideration of which he moved should be postponed to two weeks from Monday next, and that it be printed. He said this motion was made by the unanimous order of the committee.

[This report not having been ordered to be printed, the Clerk of the House has, perhaps very properly, declined to allow copies to be taken of any part of it. We are enabled, however, to state generally, that its conclusions are, that Mr. Wise, on account of his participation in the duel, is deeply involved in a breach of the privileges of the House, and is deserving of censure by the House; that Mr. Jones is also involved in a breach of the privileges of the House, and also deserving of censure. In regard to other persons, accessaries or spectators (except as follows,) the committee contents itself with stating facts and evidence, without recommending any action. From the Globe of Saturday night, WHOSE PUBLISHERS APPEAR TO HAVE HAD ACCESS TO THE REPORT BEFORE IT WAS PRESENTED TO THE HOUSE, we obtain the following quotations from the report:

From the Globe.

In reference to Mr. Graves, the recommendation is in the following words:

'The committee, therefore, viewing the breach of the rights and privileges of the House, on the part of Mr. Graves, to have been an offence of this high character, against the vital principle of a deliberate assembly and of representative Government, feel constrained, by a sense of duty, to present to the House a resolution that he be expelled therefrom.'

In conclusion the report says:

'The committee entertain no doubt that James Watson Webb has been guilty of a breach of the privileges of the House, but they also concur unanimously in the opinion, that if there be any real ground to believe that a conspiracy to assassinate actually existed, as set forth in that atrocious paper drawn up by him, signed by Daniel Jackson and William H. Morell, sworn to by the latter, and published in the New York Courier and Enquirer, he be left to the chastisement of the courts of law, and public opinion, and that the House will consult its own dignity and the public interests by betowing upon him no further notice.']

Mr. Grennell, in behalf of himself and Mr. Rariden, members of the committee, presented a written statement of their views, which he asked might be printed with the report.

Mr. Ellmore, not being able to agree either in the report of the majority or minority, asked leave to present in writing his own views, and that this paper might be printed with the rest.

Mr. Robertson said that having understood that this report would probably be brought into the House to-day, he had examined the parliamentary law relating to the subject. The subject was of importance not merely as it related to the parties implicated, but as it bore upon the privileges of the House. The result of his examination was a conviction that it was the duty of the House to recommit these reports to the select committee from which they came, with instructions that, if any member or members of the House should be implicated, the committee should forthwith report that fact to the House and await its further order on the premises. He quoted Jefferson's Manual, to show that such was the law of the Parliament as laid down in that book, viz. That the committee could not proceed a step on its own authority when the character of a member of the House was involved; because it was the privilege of the House itself to take cognizance of the conduct of its members; and of every member to have such cognizance exerted by the House alone. He was utterly ignorant of what might be the contents of the voluminous report, made by the committee, but whatever they might be, he hoped they would not be sent to the world till this quesuon should be duly considered. He therefore moved that the report and all the other papers be laid for the present upon the table.

Mr. Fillmore called for the reading of the resolution, if any which the majority of the committee had reported to the House.

Mr. Boon moved that the House adjourn; which motion prevailing, ayes 86, the House thereupon adjourned.

Correspondence of the Balt. Chronicle.

Washington, April 23, 1838.

HOUSE OF REPRESENTATIVES.

THE DUEL REPORT.—A very warm debate came up to-day upon the printing to the world the *exparte* report of the committee upon the duel, concluding, as it does, with a resolution affecting the rights of three members of the House and their constituents, viz: being no less than the *expulsion* of one, and the *censure* of the others.

The objection to publishing this party *pabulum* for political excitement, was based upon the grounds that the committee having no right to proceed as they did, so the House would act unjustly and unconstitutionally, by sending to the world evidence so illegally and improperly obtained.

Many able speeches were made going to this point, by Northerners and Southerners. Menifee, Thompson, Fillmore, Legare, Sibley, Rice, Garland and others, exposed this abominable and abhorent attempt to forestal the opinions of the house and the country upon this case.—Mr. Wise protested, for one, against the right of the House to enquire into any part of his conduct out of the House. The debate was warmly kept up, on both sides all day, the immediate question being the printing of the report, and the two weeks postponement in order to spread the poison prejudice against parties implicated, for personal and political effect.

Mr. Adams exposed the absurdity of acting in the House, upon so preposterous a proposition as that "a rumor" furnished proper ground of action by committees; ending with a resolution to expel a member. He laid open, as with the spear of Ithuriel, the monstrous iniquity of such a proposition. He showed that the committee had far transcended the powers given them by the House. They and those who sustain them say that this resolution was but the natural consequence of the powers given by the House; that, if a member were *not* named in the original resolution, it was so notorious that members *were* implicated in the enquiry, it was proper to proceed, as they had done, against such motions. This position (of Messrs. Fairfield's Turney's, Duncan's and other such persons) Mr. Adams refuted in the most masterly and decisive manner. He showed that the resolution of Mr. Fairfield, instituting this enquiry, could never have passed this House, had such a tendency been apparent, as intended by the mover. He drew from precedent authority, and personal recollection, much valuable information as to practice, bearing directly upon the case, and attracted the attention of the white house, who gathered round him, and hung upon the words that fell, pregnant with forceful conviction, from his lips.

He moved to recommit the report, with instructions to strike out the resolution, and those parts of the report which are argumentative upon the subject of the persons concerned and implicated in it. Members of the House, he contended, ought not to be forced to lie under the prejudice of this report, a fortnight nor even a single day.

On motion of Mr. Ellmore the House then adjourned.

UNITED STATES SENATE.

Annexation of Texas.—This subject was put off until to-morrow, when Mr. Preston will address the Senate upon his resolution, which has been made the special order.

The Penitentiary Bill,—After a very eloquent speech from Mr. Clay of Ky., against this pernicious bill, and two from Mr. Buchanan in its support—the same being on its third reading—was passed by the following vote:

Yeas—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Ala., Cuthberth, Fulton, Grundy, Hubbard, Linn, Lumpkin, Lyon, Morris, Niles, Norvell, Pierce, Rives, Roane, Robinson, Ruggles, Smith of Conn., Tipton, Trotter, Williams, Wright, Young—27.

Nays—Messrs. Clay, of Ky., Clayton, Crittenden, Davis, King, Merrick, Nicholas, Prentiss, Preston, Smith of Inda., Spence, Swift, White—13.

The Senate then attended to incidental business, and soon after adjourned.

STENOGRAPHICUS.

LAWS OF MARYLAND.

A LIST OF THE TITLES OF THE LAWS,

MADE AND PASSED AT DECEMBER SESSION, 1837.

No. 1. An act to amend and make valid a certain instrument of writing therein mentioned.

2. An act to divorce Samuel Keplinger of the city of Baltimore, from his wife Mary Keplinger.

3. An act for the benefit of Mary Charles of Caroline county.

4. An additional supplement to the act, entitled an act to incorporate the Baltimore and Port Deposit Rail Road Company, passed at the December Session, 1831, chapter 288.

5. An act to divorce Mary Ann Baley, of Dorchester county, from her husband Josiah Baley, Jr.

6. An act authorising the commissioners of Baltimore county to provide a suitable apartment in some of the public buildings belonging to said county and city, for the accommodation of the trustees of the poor of said county.

7. An act to authorise John Milburn to bring into this State a negro slave for life.

8. An act to compensate Robert B. A. Tate for extra services as clerk of the levy Court of Queen Anne's county.

9. An act, entitled a supplement to an act to incorporate the citizens of Taney Town, in Carroll county, passed Dec. session 1836, chapter 309.

10. An act to prevent the destruction of wild fowl in the head waters of the Chesapeak bay in the several counties therein mentioned.

11. A further supplement to the act to incorporate the Georges Creek Mining Company.

12. An act to divorce Mary Corner, of Dorchester county, from her husband Solomon Corner.

13. An act to make valid certain deeds therein mentioned.

14. An act to alter and change the name of Charles Ricketts of Somerset county, to that of Charles Evans.

15. An act to authorise and empower commissioners to open an alley in Westminster, in Carroll county.

16. An act to divorce Elijah Brittingham, of Worcester county from his wife Julian Brittingham.

17. An act to divorce George W. Maxwell, of Prince George's county, from his wife Mary Maxwell.

18. An act to divorce Lydia Moore, of the city of Baltimore, from her husband John Moore.

19. An act to make valid a certain deed therein mentioned.

20. An act to lay out and open a new road in Frederick and Carroll counties.

21. An act to divorce James Lynch, of Cecil county, from his wife Mary Ann Lynch.

22. An act to divorce Eliza Harding, of Dorchester county, from her husband Mathew Harding.

23. A supplement to an act, entitled an act to prohibit the owners of vessels and others from navigating the same by and under the sole command of negroes or mulattoes, passed at December session 1836, ch. 150.

24. A supplement to an act to authorise the repairing of the Court House of Baltimore county, and for other purposes, passed at December session 1834, chapter 151.

26. An act to define the duties of sheriffs, coroners or elisors, so far as relates to Baltimore county.

26. A supplement to an act passed at December session 1836, chapter 279 to lay off Worcester county into school districts, and for other purposes.

27. An act for the benefit of Henry Miller, of Queen Anne's county.

28. An act to condemn and lay off a lot of ground for a public landing at the Yellow Bank on the St. Mary's river in St. Mary's county, and to make public a road therein mentioned.

29. An act relating to the city of Baltimore.

30. An act to authorise the union of the Baltimore and Port Deposite Rail Road Company, the Wilmington and Susquehanna Rail Road Company, and the Philadelphia, Wilmington and Baltimore Rail Road Company.

31. An act to authorise Benjamin Cohen to make and execute a deed for certain lands therein mentioned, to Andrew Biggs of the State of Pennsylvania.

32. An additional supplement to an act, entided, an act for the relief of the poor of St. Mary's county.

33. An act to incorporate the Leonard Town Steam Mill and Manufacturing Company.

34. An act to incorporate the Washington Lyceum, of Baltimore.

35. An additional supplement to an act, entitled, an act for the distribution of a certain fund for the purpose of establishing free schools in the several counties therein mentioned.

36. An act to improve the police of Frederick.

37. A supplement to an act, entitled, an act relating to the city of Baltimore, passed at December session 1837.

38. An act to confer certain powers over the lot of ground therein mentioned, upon James H. McCulloch, of the city of Baltimore.

39. An act to alter and change the division line between the fourth and fifth election districts of Allegany county.

40. An act to lay out and open a new road in Cecil county.

41. An act for building a bridge over Little Elk Creek, near the Rock meeting house, in Cecil county, on the main road leading from Dysart's Tavern to the Blue Ball Tavern.

42. An act to condemn and make public, Cemetery Avenue, as now opened in the city of Baltimore.

43. A supplement to an act, entitled, an act to establish State warehouses in the city of Baltimore for the inspection of Tobacco, passed at December session 1823, chapter 165, and the several supplements thereto.

44. An act to authorise Rennet Gilbert, administrator of Preston McComas, late sheriff of Harford county, to settle the unfinished business of said late sheriff.

45. An additional supplement to an act authorising Henry Shafer, George Shafer, and Henry T. Shafer, to distribute their estate by lot, passed at Dec. session, 1834, chapter 104.

46. An act to divorce John McMillen, of the city of Baltimore from his wife Mary Ann McMillen.

47. An act for the relief of John Beard, Junior, collector of the tax for the first collection district in Anne Arundel county.

48. An act to divorce Elizabeth Jay of Washington county, from her husband William Jay.

49. An act to divorce Rachel Harding, of the city of Baltimore, from her husband John H. Harding.

50. A supplement to an act, entitled, an act to incorporate the citizens of Taney Town, in Carroll county.

51. An act for the relief of William Rampley, of Harford county.

52. A further supplement to an act, entitled, an act for the preservation and repair of that part of the United States road within the limits of the State of Maryland.

53. An act to amend and reduce into one, the act to incorporate the American Life Insurance and Trust Company, and the several supplements thereto.

54. An act to incorporate the order of the United Brothers of Baltimore.

55. An act for the condemnation of a lot of ground for a public landing in St. Mary's county.

56. An act to divorce Sirena Upton, of the city of Baltimore, from her husband Levi Upton.

57. An act to divorce Samuel Painter, of Baltimore county, from his wife Elizabeth Painter.

58. An act to establish and confirm certain acts done by Thomas Allen, a Justice of the peace, in Anne Arundel county.

59. An act to incorporate the Caroline County Silk Company.

60. An act to confirm and make valid a deed therein mentioned.

61. An act to incorporate the Baltimore Real Estate and Manufacturing Company.

62. An act in relation to the business of Frederick county Court.

63. An act to enable James S. Morsell, Junior of Calvert county, to collect certain fees due the estate of William S. Morsell deceased.

64. An act to authorise the removal of the land records, and the records and papers of Frederick County Court, from the place where they now are to the room in the court house formerly occupied by the clerk of said county.

65. An act to authorise the Orphans' court of Dorchester county to appoint a guardian for Levins Cowart, of said county.

66. An act for the benefit of John Clippinger, of Washington county.

[TO BE CONTINUED.]

WESTERN EXPRESS MAIL.

A gentleman who has recently returned from the West, gives us some facts respecting the Express Mail. From Baltimore to Wheeling, a distance of three hundred miles, it gains on the great general mail seven hours only. It would be easy to save more time than seven hours in the movements of the great mail coach. The needless delays at stopping places on the road amount to more than this.—If half the money expended on the Express Mail were added to the expenses of the great mail, the whole would go faster than either goes now. The Express on that route is carried on jaded nags, ridden by small boys. On some sections of the route there is no house for five, ten, and even twenty miles.—Through these friendless regions of the mountains the little fellows are the only protectors of the millions of money transmitted by the Express Mail.

N. Y. Jour. Com.

From the New York Courier and Enquirer.

BANK OF THE UNITED STATES.

We have not space to-day to publish what we designed in relation to the present position of this institution and the course recently adopted—and, as we believe, wisely adopted—by its able President. But to correct an important error, and one which certainly could not have gained ground if Mr. Biddle's letter had been read with the care which is importance demands, we deem it our duty to say that the whole amount of notes in circulation, *both of the old and new bank*, is but six millions of dollars, and its deposites *less* than *three millions*;—while it has upwards of four millions of specie in its vaults.

There can be no doubt, therefore, that the bank does not refuse to come into the early resuption of specie payments, from any selfish motives, but because the managers of this valuable institution really and consistently believe, that the best interests of the country will be promoted by delaying the day, which we all so anxiously look for, until it can be safely named, without any apprehension, either from the packed interference of our present reckless administration, or any other untoward circumstances.

Speaking of the Bank Convention which has recently closed its session, the New York Commercial says—

'It is understood that the New England delegations avowed themselves ready to resume with New York, provided they could be satisfied that it was best to do so, irrespective of the situation of the banks of the South and West. But of this fact they were not satisfied—their opinion being that the business relations of the whole country ought [illegible] far adjusted, as to enable the banks of the Union to resume simultaneously. The Connecticut delegates from the first avowed their readiness to resume with New York, provided the banks of the latter would asure them that their depositors were to be paid in specie. The funds of the Connecticut banks being mostly in New York on deposite, they should of course look to the New York banks for the means of sustaining their own resumption.

'It is not to be denied, however, that the Eastern delegations were disposed, rather to favor the views of the Philadelpia and Baltimore banks, than those of New York. In a free conversation with several of those delegates, they frankly avowed that their interests and sympathies were with Philadelphia and Baltimore, for the reason that while the course of the New York banks, during the year past, had in a measure closed New York against them as a market, the opposite policy of Philadelphia and Baltimore had opened those cities as markets for their manufactures.'

New York, April 23.

THE BANKS—SPECIE PAYMENTS.

Some of the banks of this city commenced paying out their notes on Friday and Saturday last. This morning they are doing so very generally, and although the resolution for a resumption of specie payments is not yet formally in force, still specie can be obtained, if wanted, from any of them. The banks have all resolved to resume on the 9th of May, and we rather suspect that they intend to do so on Monday next, albeit not authorized thus to speak. We are told that the Boston banks were paying specie on Saturday. At all events, the countenances of our citizens are as much brighter than they were ten days ago, as the skies are brighter than they were last Wednesday.—[Com. Adv.

It is stated in the Philadelphia National Gazette, that on the 5th inst., the U. S. Bank was possesed of four millions of specie, against six millions in circulation (which circulation includes the old and new Bank of the United States,) and had the additional strength of eight or ten millions of dollars in Europe.

PORTRAIT OF THOMAS H. BENTON.—Miss Martineau, in her 'Retrospect of American Travel,' thus describes this distinguished Senator:—

'Near them sat Colonel Benton, a temporary people's man, remarkable chiefly for his pomposity. He sat swelling amid his files of papers and books, looking like a being designed by nature to be a good-humored barber or inn-keeper, but forced by fate to make himself into a mock-senator.'

EASTON GAZETTE.

EASTON, (MD.)

SATURDAY MORNING, APRIL 28, 1838.

NOTICE.

The Whigs of Talbot County are earnestly solicited to meet in their several Election Districts on the first SATURDAY of next month, (May) at the usual places of holding elections for the purpose of appointing Committees to meet in general Committee at Easton on the following Tuesday, to appoint Delegates from this county to the Convention to be held in the City of Baltimore on the first Thursday, the 7th day of May next—We would recommend that each District should appoint five Committee-men to meet in Easton, to select the number of Delegates to said Convention, to which, according to the rule adopted by our Whig friends at Annapolis, our County will be entitled; which we presume will be four.

It is with infinite gratification, that we are enabled to congratulate our Whig friends on the glorious result of the Election in Baltimore on the 25th inst. The success of the Whig Candidate Mr. Kennedy has far out run our most sanguine expectations, and we take pride in recording the fact, that our great Emporium, intelligent, patriotic and high minded Baltimore, stands redeemed from the horrid thraldom of Loco Focoism.—The Importance of this election consists not merely in the triumph of sound principles where the reverse have heretofore been predominant, but affords the most conclusive reason to believe that Maryland in the coming election in the fall will be thoroughly and entirely Whig.—Every hope has now fled from Loco Focoism in this State, for on Baltimore has all its expectation hung. We give below a statement from the Chronicle by which it will be seen that the Whig majority in the city is 620 and in Anne Arundel county 232 making an aggregate majority as far as ascertained of 852 for the Whig cause. Annapolis city not heard from, but must when known increase the Whig majority—such awful peals of the people's displeasure will cause the "Magician" to tremble in the very heart of his palace.

From the Balt. Chronicle.

VICTORY.

WHIG MAJORITY 620

BALTIMORE REDEEMED!—UNPRECEDENTED WHIG TRIUMPH!—A WHIG MAJORITY OF 620.

No Whig victory in any part of the Union can compare at all with that achieved yesterday by the Whigs of this Congressional District. JOHN P. KENNEDY, the Whig candidate is elected to Congress by a majority of not less than EIGHT HUNDRED VOTES, in the District, and has received in this City, a majority of upwards of SIX HUNDRED.

Baltimore takes the proudest place amongst the Whig cities of the Union.—She has torn down the black and piratical flag of Loco Focoism, and planted upon her ramparts the pure ensign of freedom, every filament of whose ample folds is bright and radiant with the electric glow of liberty.

It is impossible to describe the enthusiasm which pervaded all ranks of the people as the results in the different wards were announced. The large space in front of the Chronicle office was filled with a dense crowd of not less than five thousand persons, who made the welkin ring with their loud acclaims as victory after victory was proclaimed. Of the other proceedings of the night we shall take another occasion to speak.

The result of this election not only determines the sense of the people of this District in regard to the Sub-Treasury Bill, but must be taken as furnishing incontestible evidence of their approval of the Registry law, the expediency and propriety of which they persisted in making an element of the contest. We have routed them upon this and all the other points at issue and we are now prepared to go forward, in the full confidence of our strength, to other contests and other victories.

CITY ELECTION RETURNS.

	Whig.	*Loco-Foco.*
Wards.	KENNEDY.	MARRIOTT.
1	409	314
2	351	320
3	432	564
4	425	574
5	590	375
6	508	466
7	631	231
8	408	552
9	637	260
10	400	473
11	628	498
12	538	710
	5957	5337
	5337	
Kennedy's maj.	620	

ANNE ARUNDEL COUNTY.

Districts	KENNEDY.	MARRIOTT.
1	322	94
2	77	75
3	95	121
4	127	230
5	216	226
6	215	74
Annapolis,	000	00
	1052	820
	820	
Whig Majority,	232	

Mr. Kennedy's majority in the district so far is 852. Annapolis city is to hear from, which will increase the majority to about 870.

By the Steam Boat last night we received returns from Annapolis.—The Whig majority is 10, making Kennedy's majority in the District 862.

The vote of yesterday gives Mr. HOWARD an *instruction* which he cannot mistake! Will he obey or resign?—Pat.

The only editorial to be found in the Van Buren Republican of this morning, is the following, which we copy for the benefit of the distinguished performers.

"To-night Mr. Hackett plays his great "part of Falstaff, and also a new French "character for his benefit. Mrs. Sharp also appears.

Upon the result of the election, the Republican is as dumb as an oyster!

[Balt. Pat. of the 26th.

MAKE WAY FOR RHODE ISLAND.

THE LITTLE STATE TRUE TO HERSELF. GRAND RETURN SALUTE FROM THE ISLAND STATE TO HER WHIG SISTERS, NEW YORK AND CONNECTICUT!!—*The Whig Governor, Whig Senate, and Whig House of Representatives elected!*

	Sprague.	Francis and scattering.
55 towns,	2923	2193
Smithfield	294	201
*Burillville		37
Gloucester	77	173
*Foster		131
New Shoreham	64	67
	3268	2802
	2802	
Sprague's maj.	466	

*Majorities.

[From the Providence Journal.]

THE LEGISLATURE.

In the contest of 1836 the Loco Focos had a majority of FORTY ONE in joint ballot in our Legislature. In 1837 they went over the course without opposition. In 1838 the Whigs take the field, & have a majority of TWENTY-FIVE at least in joint ballot.—Strength enough, we opine, to sweep out the stable.

THE WHIG GAIN.

Our opponents cautioned us that we must not rely upon the August election as any index of a trial for Governor and Senate. They said they were not united *then*, and as Governor FRANCIS was in the field, and our party was divided, *now* we must beware of the result. All this we very well knew.—They were divided in August.

Dutee J. Pearce was enough to sink [illegible] and what with him, and the letter and efforts of Governor Fenner and others, we succeeded by 1000 majority. Had it not been for these circumstances, the Whig majority probably could not have exceeded 600 votes. The contest in August, therefore, is not a fair test of the relative gain of the whig party.

The only proper comparison is the gubernatorial canvass. In 1836, the last trial the Whigs had with Gov. Francis, Mr. Burgess was defeated by a majority of 889 votes. Compare the present with that and it exhibits a gain of FIFTEEN HUNDRED votes, at least for our Governor.

Compare the Senatorial ticket, and it exhibits a gain of EIGHTEEN HUNDRED. But we are told even this is not a fair comparison, because the Whigs were inactive, and Mr. Burgess was unpopular:—Well, then take the contest of 1835, when Gov. Knight was the Whig candidate.

At that time every nerve was strained on both sides. Governor Knight was the strongest man the whigs could bring into the field. He was defeated by a majority of 102 votes. The majority of Mr. Sprague will not vary much from 400 *over all others*, & this shows a gain of five hundred *votes*. Look at the result in any point of view, and we have accomplished a splendid victory.

[From the Providence Journal.

MARINE INTELLIGENCE. EXTRA.

Arrived, Thursday morning, March 19th, Ship GOVERNOR SPRAGUE, Whig master, from a cruise, Spoke this morning, off Block Island, ketch *John B. Francis*, Dutee J. Pearce, master, in distress; had been fitted out to convey despatches to 'our Government' at Washington, but on the day previous (WEDNESDAY APRIL 18TH) the day appointed for her sailing, was blown to sea in a severe hurricane, lost mainmast, bulwarks, figure head, anchors, tiller, and every thing from deck except the cook's galley, around which the crew were hovered, while the captain was clinging to the head of the rudder. Reported they should not attempt to reach their port of destination, but as soon as the storm abated, make sail and put away for the 'Deserts of Araby.'

[From the Baltimore Patriot.]

THE MARCH IS ONWARD.—The results of all the elections held within the last twelve months, compared with those immediately preceding, exhibit the most satisfactory evidences of a healthful change of public sentiment, and of a determination, on the part of the people, to put down the system of misrule, which is identified with the Van Buren administration. On the 4th March, 1837, the 'Follower' succeeded in the executive chair a chief, whom it was 'glory enough to have served under,' & fell heir to a stock in trade of popularity which with any reasonable or decent management, might

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