From the Potomac Advocate.

THE CILLEY DUEL.

We cannot forbear giving our readers the following excellent speech of Henry A. Wise, which we listened to with pleasure and admiration. It is characteristic of the man, and will be eagerly read by all parties. It was delivered on the day the resolution for the expulsion of Mr. Duncan was pending. He maintained a strict silence during the debate, and though very unwell at the time, still kept his seat during the day, in order to reject any allusion that should be made to the resolution presented at a former session, but not acted upon, for his expulsion from the House for being a second in the Cilley duel.

Mr. Speaker:—I did not intend to enter into this debate. I have studiously avoided being drawn into it at all—But the gentleman from New York. (Mr. Gray,) has addressed the House twice, and each time has gone out of his way, on purpose it seems, to attack me. The gentlemen alluded to the Cilley affair.

'Sir this gives me an opportunity which has up to this moment, been withheld—unjustly withheld from me—to say a word about that affair. I have been waiting anxiously for a trial. Put me at your bar and I will plead instantly. I am ready on the spot, I did on that occasion just as I will do again under similar circumstances. Let Puritans shudder as they may—I here proclaim that I belong to the class of Cavaliers, not to the Roundhead!—The parties met on a point of honor & veracity—they fought—fought fairly—one fell—and his fate might have been that of my friend—it was a wonder it was not. I was present, a second—I am amenable to the laws of Maryland upon indictment; and am ready to submit to any trial by this House, for a breach of its privileges. I have been stigmatized as *a murderer*: and yet I challenge you! oh, just and righteous judges! who have thus demeaned yourselves in high seats of justice, to try me for what many of you have condemned me already. The gentlemen has himself named the horrid word—*murder*! Murder! Sir, there are two sorts of murder. There is one description of that offence which deserves the hangman's knot. There is another form of murder—murder by the law—which *public sentiment*—higher than the law, the great law breaker—defines to be *honorable*.

By the latter, life is taken by mutual consent—with notice—openly, fairly—by an equal mode prescribed, it happens in this case, by the party who fell—always prescribed, in a duel proper, by *gentlemen*. Now, sir, by the latter mode was Cilley murdered—fairly, honorably. Who here can gainsay it? None—no, not one of his own friends, who were the guardians of his life, will say he fell foully. He died on the field of honor: and here I say, in the face of Heaven, before the throne of the Almighty—in His dread presence who sits thereon—that I can go, with the fairest or most faithful friends he left on earth, and touch [illegible] clear a conscience as any one of them the basest or the best. I did my awful duty to my friend, and thank a gracious Providence he lives, and my conscience is at ease. Sinful, unlawful as it was: let no man accuse me of murder in that case, in any odious sense. If he does, he shall have an opportunity to commit such a murder himself.

Sir, I tell the House—ay, and these piled and crowded galleries, where hangs an eager populace, embracing the most refined of your metropolis—*men and maidens and matrons*—enjoying, as they ever do, the conflicts of passion on this floor, as did the ancient Romans, in crowded amphitheatres, gaze on the combats of the gladiators—that as long as public sentiment is what it is, pass what penal laws you will, these will be dead upon the statute book, I shall never heed them! There are in the present state of society, but two alternatives You must rely for redress of certain personal wrongs, upon arms, or upon public opinion. I, in my unregenerated state, as long as I am a worldling, choose the bright steel; it is more faithful, more true safer, and a better security than the opinions of mankind. And if, for refusing to rely on the justice of public opinion or on the glorious uncertainty of the law I must be branded with the mark of Cain be dishonored with the name of murderer, disgraced with the character of *duellist* I prefer it to that disgrace wherewith I am sure to be disgraced if I refuse to fight.

Enact, then, your ordinances which forbid the fair fight: what will be gained to morals or to public order? One vice or another, one offspring or another of evil passions *will* reign. What evil, what *legion* usurps the place of the duel? Invariably calumny, vituperation, blackguardism, and evils innumerable, worse than those, inflicting wounds more fatal than flesh wounds, incurable by law or the good-will of your fellow men, riot without restraint! Instead of the pistol or cold steel, in fair and open field—instead of that sudden passport to death which the flash of the duel gives to a miserably injured man where the soul—

'With one pang—one bound—escapes control;'

you would have *that murder which inflicts a living death*! ay, and real death, too, by *assassination*—by street broils with the ghastly Bowie knife—stabbing in your lobbies, on this very floor. Scoundrels and their crimes go unpunished—thrive with license, for the press is not believed—discredited even when it does not lie! Who can look to the courts? Bad men combine. It is hard to pick twelve men with character enough to value character. Your antagonist, if base, can beat you in bribing witnesses; go there, and you may *prove* the falsehood he utters, and that *public opinion* upon which you would have me rely is generally charitable enough to take sides with the slander. When my nature is changed by the Grace of God—when I learn to turn one cheek when the other is stricken—when I become fit for Heaven—I will no longer be tried by the world, and will eschew the duel. It is abominable in the sight of Christianity—but I cannot then trust to *public opinion*. I will not, then, even rely on *men*. I will be resigned to suffer and bear all things. I will then trust alone in God With my nature unchanged, I cannot bear disgrace. How far my conscience is affected as an offender against my Maker is known to Him. I am no infidel; I am no hypocrite.

You circulate documents to brand me with *murder* for being concerned in a duel. You even arraigned me for a breach of privilege for which you never meant to try me. You will not enforce your laws, either to prevent or punish. You should then be silent with shame yourselves, and have no right to condemn until you have tried, heard and adjudged. *You* shall not taunt me. What are you doing *now*. You have just passed a penitentiary act. You are then *bound to take the defence of character into your own hands as you have taken arms from the hands of the cavalier*. Will you do it? No.—You forbid, under severe penalties, the challenge and meeting in this Ten Miles Square. You will, I know it, fail to take preventive measures. You might, by your censure, deprive either party, for instance, in the wrong, from claiming the privileges of the code of honor elsewhere. But you will not do it and what will be the result? Hostilities will be suspended here, and the scenes of blood will occur, perhaps on the deck of some steamboat on the Ohio river, or at some wood yard where passengers may land! *You* will do nothing to prevent this—nothing. Your proceedings will lead to it, in fact. You will give the offence here the go by; and when it is too late—when two or three members have been maimed or killed, shot or hewed to pieces by the Bowie knife—oh, then, not until then; will you preach and pray again over duelling! It is hypocrisy!—gross, rank hypocrisy! I scorn, I spit upon it! I call upon you, I call upon society, either to defend me or give back my arms.

In the face of an approaching election, I say to my good constituents—I have many very good, truly good and pious people in my district—people who pray for me daily—I would obey their wishes sooner than your laws against duelling—I say to them now, 'If you are determined I shall not defend myself when assailed, like a true knight, do not send me to Congress, for I shall just as surely *fight*, if occasion is given, as you send me: and so shall I ever continue until the holy religion of the cross takes possession of my soul—which may God grant right early.

The gentleman from New York seemed to insinuate that the epithets 'liar and scoundrel' belonged not to this section of country. They are not known to the vocabulary of gentlemen, I assure him to mine. In the region I represent [illegible] who uses them is prepared to stake his blood upon the import. Who uses them in the case before the House? I beg pardon, I am trespassing upon the intention I set out with In respect to gentlemanly language in speech or print, I am ready to compare the Cavalier with the Roundhead. No *gentleman sues for slander* in my section of country; a blow follows the lie, and I have seen ministers of the law 'clear the ring' for 'a fair fight' when such offensive terms were used even by blackguards. A black eye to an individual was not half as bad as false swearing to society in case of assault and battery where the parties were not gentlemen. Peace is not mere abstinence from blows, and social order depends more upon well regulated tongues than upon disciplined arms. And the scriptures themselves tell us you *cannot bridle the tongue*—ships of the sea have helms—horses have bits, but the tongue is an unruly member! The law cannot restrain it—a pistol sometimes will.

I have challenged and been challenged; three times have I been upon the 'bloody ground'—seen five shots exchanged—four balls take effect—three limbs wounded, two permanently disabled, and one life taken; and, as I hope to be pardoned by Heaven, I had rather be principal at any time than the second There are two gentlemen on this floor at this moment—the only men for whom I ever was second, (Hon. W. Cost. Johnson, of Maryland, and Hon. W. J. Graves of Kentucky)—who know what has been my conduct and manner of discharging my duty to a friend on such occasion.

I say I have seen enough as many witnesses know, to make me desirous to prevent or to mitigate the barbarous practice. I do not despise the truly religious and moral sense of the community. I have been taught to revere both religion and sound morality. But what is a man of the world to do? It is useless to tell him to seek religion. The terror of the Divine law cannot restrain many good men to fly even eternal wrath. How can human statutes, then bind the sense of honor? If he fights and survives, he walks with the slow moving finger pointing at him; if he is killed, we are told he 'dies as the fool dieth' and he goes down 'unwept, unhonored;' if he refuses to fight, he dies the living death, and lives disgraced.—Public sentiment is cruel—the statute is unjust.

I do not, mean to boast. I mean only to complain of your course. You, who dare not *try*, should not *taunt* me.—You shall not.

He says the Speaker himself has been denounced as a supple tool of the Executive. This too, is another example to justify his friend. Yes, the speaker has been told to his face worse than that.—*You and I* know, Mr. Speaker, what I said. Another gentleman (Mr. Adams) in my eye knows. Whenever I had arraigned, I would have given the reason for I took the Speaker by the arm as he was leaving that chair, and said to him, 'YOU ARE THE PETTY TOOL OF A TYRANT!' Did I mean merely to insult him? No! The Speaker was not my man. I discharged a high and solemn duty;—I defended the freedom of debate, the forms intended to preserve it. When I found the Executive presiding *every where*—when I found the President sitting *there* (pointing to the chair) as well as upon the throne in the White House—stepping over the constitutional walls of partition between the co-ordinate departments of Government—encroaching by silent corruption, upon the province of this House—I spoke out as Brutus did in Rome, or as Sydney would in England. I will speak or die on all such occasions. It is a duty and lawful in a Republic.

WASHINGTON'S PERSONAL HABITS.

At the celebration of the fiftieth anniversary of the inauguration of Washington as President, Mr. Stuyvesant, who presided at the dinner table, gave the following account of the private habits of that great man, which we are sure, will be read with interest.

1. *George Washington*—His example was perfect: Severe will be the condemnation of him, who seeks his place and disregards the authority of that example.

Mr. Stuyvesant accompanied the toast with some remarks, containing allusions to the private life and character of Gen. Washington to the substance as follows:—

It cannot be expected at this time and place, any allusion should be made to the public character of Washington, we are all in the possession of his history from the dawn of life to the day he left Mount Vernon was wrapped in sable gloom after the exercises of this morning. Any attempt to portray his political and military life was made, it would only show the glimmering light of a feeble star succeeding the rays of a meredian sun.

But the occasion affords the opportunity of congratulating the small number of gentlemen present, who enjoyed the privilege of participating in the ceremonies of the 30th of April, 1789, they will recall to their memories the overflowing effusions of joy that pervaded the breasts of the people, who on that occasion witnessed the organization of a constitutional government formed by intelligent freemen, and consummated by placing at its head the man in whom their affections were concentrated as the father of their country.

Washington's residence in this city after his inauguration was limited to about two years. His deportment in life was not plain, nor was it at all pompous, for no man was more devoid of ostentation than himself; his style however gave universal satisfaction to [illegible] as to the dignity and his [illegible] formed us, was not adopted for personal gratification but from a devotion to his country's welfare. Possessing a desirable stature, an erect frame, and superadded, a lofty and sublime countenance, he never appeared in public without arresting the reverence and admiration of the beholder; and the stranger who had never before seen him was at the first impression convinced it was the President who delighted him.

He seldom walked in the street—his public recreation was in riding. When accompanied by Mrs. Washington, he rode in a carriage drawn by six horses, with two outriders who wore rich livery, cocked hats with cockades and powder. When he rode on horseback he was joined by one or more of the gentlemen of his family, and attended by his outriders. He always attended divine service on Sundays; his carriage on those occasions contained Mrs. Washington and himself with one or both of their grand children, and was drawn by two horses with two footmen behind; it was succeeded by a post-chaise accommodating two gentlemen of his household. On his arrival in the city, the only residence that could be procured was a house in Cherry street, long known as the mansion of the Franklin family, but in a short time afterward he removed to and occupied the house in Broadway, now Bunker's Hotel.

Washington held a levee once a week and from what is now recollected they were generally well attended, but confined to men in public life and gentlemen at leisure, for at that day it would have been thought a breach of decorum to visit the President of the United States in dishabille.

The arrival of Washington in 1789, to assume the reigns of government, was not his first entry into this city accompanied with honor to himself and glory to his country. It was on the 24th of November, 1783; and here again I must observe, the number present who witnessed the ceremonies of that day, must indeed be very limited; on that day he made his triumphal entry, not to sway the sceptre, but to lay down his sword; not for personal aggrandizement, but to secure the happiness of his countrymen. He early in the morning left Harlem and entered the city through what is now called the Bowery; he was escorted by cavalry and infantry, and a large concourse of citizens on horseback and on foot, in plain dress; the latter must have been an interesting sight to those of mature age who were capable of comprehending their merit. In their ranks were seen men with patched elbows, odd buttons on their coats, and unmatched buckles in their shoes; they were not indeed Falstaff's company of scare crows, but the most respectable citizens, who had been in exile and endured privations we know not of, for seven long and tedious years.

On that occasion, and on his arrival in 1789, Washington was received, as is well known by the elder Clinton, who was at both periods governor of the State.

EASTON GAZETTE.

EASTON, MD.

Saturday Morning, May 18.

The Spring Term of Talbot County Court commences on Monday next.

Whigs bestir yourselves. The Loco Focos are up and doing. A private caucus we understand, was held last night at the office of one of the expectants of the Congressional Nomination. For what purpose this caucus was held, is clearly inferable.

The election in Virginia, for members of Congress takes place on the 23d inst.—134 for House of Delegates and 8 Senators. We have little doubt of the success of the Whig ticket—Locofocoism is dead in Virginia.

We have received a copy of "Emmerson's Arithmetic for young learners,"—This little book is not new to us—we know from experience, that by the use of it, children at a very early age acquire a clear view of the combination of numbers. We recommend it to the attention of teachers in our Primary Schools.

Our Farmers have grown extremely well-looking of late—a sad countenance is not to be found among them. And they have cause to look cheerful. We have not seen a finer prospect for an abundant harvest, for many years.

STEAM BOAT ACCIDENT.

A fearful disaster occurred on board the Steam Boat George Collier while on her way from New Orleans to St. Louis, Missouri.

The piston rod gave way, which broke the forward cylinder head, and gave room for the steam to escape, by which 40 or 50 persons were scalded, twenty-six of whom died the same hour.

MR. BIDDLE STILL IN THE FIELD.—We perceive by an advertisement in the Pennsylvanian, that Mr. Nicholas Biddle, generally called by the democrats, Nick Biddle, is in the field yet, being President of the 'Philadelphia Society for promoting Agriculture,' and is [illegible] engaged in his [illegible] and 'buying up the [illegible] by [illegible] premiums or prizes of $10 for turnips; $5 for carrotts, $6 for parsnips, and other such like enormities. We submit the case to the Richmond Enquirer and Dr. Brockenbrough, the President of the bank of Virginia, as our indignation is so excessive at this audacious proceeding as totally to disqualify us from proceeding in a decorous strain. We can only take up and repeat the cry of this alarming business. *To Arms! To Arms!*'

[Alexandria Gaz.

THE WHIG BANNER

AGAIN FLOATS IN TRIUMPH OVER THE CITY OF ALBANY!

We have met and conquered the enemy! The Charter Election has been nobly fought and won. The FIRST, SECOND, THIRD and FOURTH Wards are WHIG!

In the Fifth, we have elected our Supervisor, with a part of the Charter Ticket and lost the Aldermen by majorities of from 1 to 5. Our aggregate majority is nearly FOUR HUNDRED.

We have elected Supervisors in *all* the Wards. This gives us a majority in the Board, over the Locoloco Supervisor; and Judges

This is truly an auspicious result.—The Regency, encouraged by the recent success of their followers in New York, made a desperate effort. To have revolutionized Albany, would have been a triumph worth boasting of, and they worked hard to accomplish it. But it was an unavailing struggle. They are again beaten, and under circumstances which shows that the City is WHIG TO THE CORE.—[Al. Eve. Jour.

The New York correspondent of the Philadelphia U. S. Gazette of Tuesday last says:

Our Whig Common Council went *out* this morning, and their Loco Foco successors went *in*—every thing went *off* in the most amicable manner. At 12 o'clock Mr. Varian was sworn into office, and the new Council organized, when after the usual business, the members of both Boards proceeded to Blackwell's Island to dine, each with what appetite they might. It is understood that there will be a regular sweeping of Whiggery, whether found in Lamplighter or Inspector—so we go.

MR. WEBSTER, being about to pay a visit to Europe, has sold his elegant residence in Summer street, Boston, for $40,000. During his absence the magnificent vase, presented to him by the citizens of Boston, will be exhibited at the store of the manufacturers. Messrs. Milton & Slocomb, Merchant Tailor of Boston, have presented Mr. W. a splendid suit of clothes, made of American manufactured cloth.

ST. LOUIS.—The following flattering picture of this far Western town is from a late number of the Bulletin, published there.

ST. LOUIS.—In whatever direction we turn, on whatever street we travel, we observe new buildings and improvements. The city was never so flourishing as now—and is advancing with a rapidity unequalled by any place in the west More than one thousand tenements will be erected here; during the present season, and every one will be engaged before they are finished. Indeed, it is, on some accounts to be regretted, that dwellings are in such demand. Property holders are thus enabled to ask the most exorbitant rents—but we trust they will be contented with a fair profit. If St. Louis goes on as she does now, (of which by the by, there is no doubt) in twenty years her population will greatly exceed one hundred thousand Her commerce must more than double that of any city above N. Orleans, and she is destined to be the great emporium of the North West. Our merchants are doing a flourishing business, and men of every occupation are reaping the rewards of industry.

THE NATIONAL EXPENDITURES.

A cunningly devised and very labored article has lately been published in the Richmond Enquirer to divert the public attention from the true state of the case as to the expenditure of public money by the Administration which have had the control of it during the last ten years; and that article has been reproduced elsewhere in a manner to prove that it is relied upon for effect as much as if there were any substance in it—as if it were not an ingenious piece of sophistical deception. In view of that article, we have thought this would be a proper time to produce the following official paper, the authenticity of which cannot be doubted, nor its facts denied, asking the reader not to forget, whilst he reads it that the years 1825, 1826, 1827 and 1828, were the four years of Mr. Adams's Administration; that the effects of the Jacksonian reform of pretended abuses under that Administration began to be felt in 1830, and have continued through the whole of the late Administration, and under the present Administration nearly down to this day: and that during the whole of that time the Administration party has had the upper hand in Congress, and, of course, the power of controlling the expenditures.

LETTER FROM THE SECRETARY OF THE TREASURY.

Transmitting a statement of Expenditures; exclusive of the Public Debt, for each year, from 1824, *to* 1838.

TREASURY DEPARTMENT, June 27, 1838.

SIR: In obedience to the resolution of the House of Representatives of the 25th instant, I have the honor to lay before the House a statement showing the amount of expenditure, exclusive, of the public debt, for each year, from 1824 to 1838.'

I am, very respectfully your ob't. ser't.

LEVI WOODBURY,
Secretary of the Treasury.

Hon. J. K. POLK,
Speaker of H. of Representatives.

Statement showing the amount of expenditures of the United States, exclusive of the public debt, for each year, from 1824 *to* 1837 *inclusive, stated in pursuance of a resolution of the House of Representatives of the* 25*th June* 1838

For the year	1824,	$15 330 144 71
Do	1825,	11 490 459 94
Do	1826,	13 062 316 27
Do	1827,	12 555 035 65
Do	1828,	13,296 011 45
Do	1829,	12 660 165 62
Do	1830,	13 229 534 3
Do	1831,	13 854 067 9
Do	1832,	16 516 388 77
Do	1833,	22 713 755 11
Do	1834,	18 425 417 25
Do	1835,	17 511 950 28
Do	1836,	30 868 164 04
Do	1837,	*39.161.745 37

NOTE.—The above sums include payments for trust funds and indemnities, which in 1837, was $5,610, 401 36.

T. L. SMITH, Register.

TREASURY DEPARTMENT,
Register's Office, June 27, 1838

*This sum is subject to small variation on the settlement of the accounts of the Treasurer.

[The expenditures for the three first quarters of 1838 (according to the Annual Report of the Secretary of the Treasury made to Congress, December, 1838) amounted to $28,427,218]

[Nat Intel.

We have been politely favored with a No. of the 'Banner of the Cross,' from which we extract the following account of

A DAY ON THE EASTERN SHORE.

My dear Sir:—The action of the first section of the seventh general canon, has been fraught with favor to the diocese of Maryland. On the Eastern Shore especially, we have experienced, from the Episcopal visitation under that Canon, many occasions of Christian joy, many days, whose memorial the hand of time shall not wear away. Among these, let me furnish you the particulars of a single day of no ordinary interest. The Consecration of a Church is far from a common event in this part of our Zion. The Bishop of New Jersey, having reached Easton, in the Parish of Dr. Mason, and there officiated on the night of Saturday the twentieth of April, we looked forward to the morrow with pleasing anticipations.

The morning came, a bright, unclouded day, soft, mellow, mild, and well associated with thoughts of that still holier rest, which yet remaineth for the people of God. Miles river, about two miles from Easton, is a fine, meandering, graceful stream, and more than an hundred carriages, besides the horsemen, had lined its nearer shore. High up the stream, on this side, & prominent, lay the mansion and the lands of one, the Church's late, alas, *late* honored Son, & on the farther shore, the cultivated fields, on part of which was reared the noble edifice we were that day to dedicate to God. It is a gothic pile, not large, but of just proportions, of a hard, grave stone. Of its class, in striking effect and beauty, it has no superior, and scarce a rival. It is the pride of the Eastern Shore. It does honor to the parish of St. Michael's in which it has been reared. It does honor to the man, its rector, Dr. Spencer, whose sagacity has looked beyond his present life, and whose sacrifices for its erection will perhaps only be repaid in that which is to come. I am no painter nor yet a poet, but a fairer or more striking scene could greet the eye of neither. The cloudless sky, the multitudes awaiting on the banks their passage, the crowded ferry boat moving across the winding stream, the barge with hereditary courtesy lent to the Church's use plying between the shores, the glancing waters of the stream, the Church upon its margin in strong relief, the chastened yet lively pleasure which seemed to possess all hearts, combined to give a force and beauty to that scene, which fancy may sometimes paint, but upon which as realized, the human eye but rarely dwells. With the solemnities of a consecration you are familiar. The bishop and eight clergy,* in sacerdotal robes, moving from the vestry around the wall upon the right, and as they advanced along the thronged aisles responding 'The earth is the Lord's and all that is therein,' opened with more than ordinary effect the Service of the day. The sermon was from Bishop Doane. A happier effort—yet not an effort—has he seldom made. Was it the preacher's eloquence, or was it the powerful associations of that place and that occasion which so stirred our minds. Through all this land the Church had suffered wrong. But the clouds of undeserved reproach were passing by. That day, that scene, appeared to give its sanction to every hope and what heart of the sons and daughters of the Church could be unmoved? With such thoughts stirring in our minds we witnessed the holy rite of confirmation, and renewed our vows and faith, in the supper of the Lord.

Returning to Easton that night, the grace which is given in Confirmation was again conferred. Among those—the twenty-seven—who there renewed their baptismal vows, were pious Christians, advanced by serious examination, in the way of truth, and happily restored to the bosom of their Holy mother the Church. You know my views upon this subject—you know, that with the primitive and Catholic body throughout all time, I hold, that as there are grades of happiness in heaven, theirs will be highest, who having finished their course, die not in the faith alone, but in the full Communion of the Church The service was as usual solemn, and for a while so solemn, that through that large assemblage, in that house, it seemed as one might hear the beating of a heart. By them who kneeled around that altar, and by them who saw them kneel, will that night as portion of that day, be long remembered, for on that night was there more than one soul which in secret and with a joy the world knoweth not of, retired to give glory to God.

SUB CRUCE LATET.

*Dr. Spencer the rector, Dr. Mason of Easton, Mr. McElbiny of Annapolis, Mr. Kerr of Prince George's County, Mr. McKenney of Cambridge, Mr. Robinson of Centreville, Mr. Bayne of Talbot County, and Mr. Bailey of Cambridge lately ordained a deacon.

THE GREAT CHURCH CASE.

The National Gazette of Wednesday afternoon presents the following view of the points decided by the Supreme Court of Pennsylvania, in the Presbyterian Church case. No tribunal ever gave judgment more clearly in accordance with justice and common sense. The opinion of Judge Rogers was always a riddle to our unlearned judgment.

'This morning Chief Justice Gibson read the opinion of the court on the motion for a new trial in the Presbyterian case. The opinion was brief, considering the mass of testimony, and the length of the argument submitted by the counsel, stating, for the most part, merely the conclusions at which the court had arrived, without going into the reasons leading to such conclusions. It decided that the 'excinding resolutions,' as they are called, passed by the general assembly of 1838, were not only constitutional, but also just; that they were not to be considered in the aspect of a judical sentence, but as a legislative act; that they did nothing more than dissolve the four synods, which it was conceded the assembly had a right to do; that the act being within the power of that body, its reasons for performing it could not be viewed by a civil tribunal; and as the consequence of all this that the persons claiming to be commissioners from presbyteries within the excinded synods, to the assembly of 1838, had no color of right to seats in that body. Further, the court decided that while on these grounds the proceedings of the New School had been unjustifiable, they had been in themselves entirely irregular, even on the supposition that the excluded commissioners had been entitled to seats: that Mr. Cleveland had no right to put a question to the House; that it was evident that a separate organization was intended by the New School, and that the jury had given a verdict utterly inconsistent with the evidence.

Judge Rogers dissented from the opinion, declaring in a few words his adherence to his original judgment. A new trial was awarded.

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