

SPIRIT OF THE TIMES.

THE RIGHT OF INSTRUCTION.

We come now to the consideration of another department of the subject—it is that which regards the right of the several State Legislatures to instruct respectively the members of the Senate of the United States. As the assumption is one of radical importance, and one on which our most eminent statesmen are directly at variance, we desire to render it as perspicuous as possible, and with that view present the affirmative of the question in the two following propositions:

1. That it is the absolute prerogative of a Legislature, for the time being, to dictate to the Senators from their State the course which they are to pursue on any specified question.

II. That it is the duty of the Senator so instructed to conform to those instructions, or immediately resign his office.

The right to instruct, and the obligation to obey, are predicated, of course, on no specified provision, but upon the general and acknowledged obligation of a representative to conform substantially to the will of his constituents. We proceed, then, to canvass and to controvert this doctrine, in the frankness of avowed opposition, but, we trust, with all the candor and sincerity of courteous political discussion.

We demur, then, in the first place, to the soundness of the doctrine which regards a Legislature, elected four or five years after an individual Senator, as his absolute constituency. Its members may have been his bitterest opponents, political and personal, and elected on local or utterly abstract grounds. Can it, then, have been within the contemplation of the framers of our Constitution to place the members of this important branch of our government (which they fondly looked to as of all branches the most independent, dignified, and stable,) so completely in the situation of puppets in the hands of another power distinct from the people? Admit the proposition, and the Senator who is elected to-day, in place of him who was instructed out of his seat yesterday, may to-morrow give offence to his constituents, by his course on a new question, and forthwith be in turn suspended; and thus the term, which the Constitution extends to six years, be reduced by constructive usage to a practical duration of hardly so many days. The illustration is not far-fetched, because it is one which may occur every year, month, and even week, if the principle here set up be fully conceded and acted on.

But another objection arises—the Legislature's instructing may not represent on this point a majority of the electors of the State. Apart from the perpetually recurring instances in which this result is the consequence of accident or chance, there are some States in which a minority of the popular votes may infallibly elect a majority of the Legislature. Thus, in Maryland, it is notorious that the Opposition party have elected, on occasion, no less than 61 to 16 Delegates—having at the same time the entire Council—while their popular majority was truly inconsiderable; and though at the last election, they threw less than half the votes, they had still a majority in joint ballot, and might have instructed the Senators, if necessary, to oppose the Administration, while the people themselves had elected certainly five Representatives out of eight as its express supporters. Can this be deemed the peculiar doctrine of republicanism?

We need pursue the argument no further. We hold that a Senator is morally bound to uphold and carry out the principles on which he was elected, unless there has been an evident revolution in the sentiments of his State as well as in his own; and that the temporary ascendancy of opposite principles in the State Legislature does not necessarily demand that his own course should be shaped in conformity thereto.

In presenting this conclusion, we design not to cast censure upon those who have zealously supported the opposite doctrine. We repudiate the principle which led Mr. Rives to resign his seat last winter, but we do not the less admire the magnanimity with which he made the sacrifice demanded by that principle. Elected as an avowed and determined supporter of the General Administration, we cannot conceive that the fact that a subsequent Legislature was hostile to that Administration could impair his right to his opinion or his seat. But the principles of Mr. Rives taught a different lesson, and nobly did he prove his devotion to them. He was worsted in his appeal to the people; but this result was neither fatal to his prospects nor discreditable to his course. It simply proved that on a leading political question, which then divided and convulsed the nation, the people of Virginia differed with their Senator—not that they on general grounds condemned him. The procedure in this instance may have ensured a more correct and efficient representation of the will of Virginia in the Senate, (for even this is disputed) but the general adoption of the practice would make a mockery of that section of the Constitution which provides that a Senator shall be elected "for the term of six years."

On a full view of the subject, we repeat the suggestion which we have already in substance urged—let the question be settled in any way rather than remain unsettled. Let an issue be joined before the people of the United States—let the question, involved in the right of instruction, be distinctly presented—and we shall endeavor to rest satisfied with their verdict, whatever its complexion or import.—*New Yorker.*

Col. Garnett Andrews, of Wilkes co., Ga., has been appointed to the Bench of the Northern Circuit, to fill the vacancy created by the death of Judge Wm. H. Crawford.

FESTIVAL IN NEW HAMPSHIRE.

We copy from the Concord Statesman the following interesting account of the Whig Festival at Concord:

"Never has there been a festival, to our knowledge, within our borders, so well attended by the 'bone and muscle' of our yeomanry,—and we believe we are correct in saying that not a man has gone away, who does not rejoice that he has been here.—If there be a citizen of New Hampshire deserving of this public testimonial of the regard and confidence of his fellow-citizens, it is Senator BELL."

The presence of Mr. WEBSTER, Mr. HOLMES, Mr. BARTLETT, and other distinguished citizens, added not a little to the interest of the occasion. The tribute of Mr. Bartlett to the character of Gov. Bell, was just and deserved—and his allusion to that other son of the Granite State, whose fame is so dear to the lovers of constitutional liberty every where, was eloquent, and touched the heart of every man present. Mr. Holmes, of Maine, was very animated and happy. The audience were delighted with his good humor and caustic wit; and we heartily wish a few of our Jackson men had been present to witness his exhibition of the fruits of this experimenting administration.

The speech of Mr. Webster was peculiarly impressive—full of truth, uttered with eloquence, and from a heart burning with zeal for the good of the country, and bound with filial affection to the land of his nativity.—We shall not attempt to describe the effect of his address, as, with the others, it will soon be published. We invite, however, every man in the State of New Hampshire, of whatever name, or persuasion, to read it, with the full assurance, that though the thrilling accents of the orator may not be preserved, the truly republican sentiments he inculcated will find an echo in the bosom of every patriot in our land.

The Pavilion, erected by the citizens of this town, and most splendidly decorated by the ladies, attracted universal admiration. It was sufficiently large to accommodate nearly a thousand persons, and we are informed that near nine hundred tickets were sold. The procession was altogether the largest ever had here on any occasion; the most perfect order and harmony prevailed, and nothing occurred to mar the festivities of the day.

TOASTS.

1. *The occasion on which we are assembled.*—Not ushered in by the roar of cannon nor marked by the pomp and circumstance of a Nation's festival: it is nevertheless welcomed with delight as the "feast of reason and the flow of soul" by thousands of true hearted Whigs in the State of New Hampshire. May the feelings that now prevades, and the life-blood that animates, the heart of our Granite Commonwealth, flow through the whole system, and reach and revivify the most remote extremity.

2. *Whig Principles.*—Always found in opposition to arbitrary power, whether the responsibility of exercising that power be assumed by his most gracious Majesty of England, or by "the Greatest and Best" in America.

3. *The seven principles of Toryism.*—The "five loves and two fishes" of office: the watchword of the party, the "spoils of victory." May the Whigs of New Hampshire stand ever ready to meet Van or rear of such an enemy.

4. *The Whig Senators of the United States.*—Who have so nobly maintained the rights of the people by their resistance to arbitrary power: A Spartan band, worthy the best days of this or any other Republic. They allow no man to assume their responsibilities.

5. *Samuel Bell.*—A statesman who has uniformly maintained the true interests of his State and his country.—In the foul revolt of the New Hampshire Delegation in Congress from the constitutional standard, he, like Abdiel, was "faithful found among the faithless."

[When the cheering with which this toast was received had subsided, Mr. Bell rose and addressed the company for about half an hour, in an eloquent and impressive manner.

6. *New Hampshire.*—Now in the valley of humiliation by following false guides, their leader having Patriot in capitals papered upon his back. The fraud, however, is detected—the label has fallen off—and on the reverse is found an order on Uncle Sam's Treasury, for "blue, wrapping-paper, and twine"—"seventy thousand dollars!"

7. *The Empire State of New York.*—Although cramped by bounds and almost foreclosed by mortgages, the Root of the matter is in her, and she will soon stand forth "redeemed, regenerated and disenthralled by the irresistible genius of universal emancipation."

8. *Our Sister State of Vermont.*—Distinguished among the States of the Union, alike for her generous soil—her Green Mountain air—her intelligent and virtuous yeomanry, and her sound national politics.

9. *The Eastern Star of our Confederacy.*—A little, obscured in the Maine—but,

"So sinks the day-star in the ocean bed,
And yet a noon repays his drooping head,
And tricks his beams, and with new-spangled ore,
Flames in the forehead of the morning-sky."

The talent and patriotism and energy of the sons of our Eastern sister furnish a sure guarantee for her future security.

10. *The Whig Sentinels on the watch tower of the Constitution.*—While we appreciate the faithful services of those on duty, may we never forget the courage, fortitude and vigilance of those who have been relieved.

[Mr. BARTLETT answered this sentiment in a patriotic and eloquent speech of more than half an hour, which was received with rapturous applause.]

11. *Daniel Webster.*—A working man of the first order. New Hampshire rejoiced in the promise of the youth—his Country now glories in the performance of the man.

Mr. Webster here addressed the meeting.

12. *The State of Massachusetts.*—Rich to her own native resources, and richer still in her accessions of talent and patriotism from abroad.—This day bears a splendid testimonial to her returning to us, with us, a talent that New Hampshire has committed to her charge.

13. *The Young Whigs of New Hampshire.*—Like the Whigs of the Revolution, they are coming to the rescue of their country from arbitrary power. They will show to the world that there are yet *Daniels* among them, in whom will be found "an excellent spirit."

Very large exports of young females, furnished with testimonials of good character, are making from England to Australia. They often go out in families—and for a father or mother to embark with 8 or 10 daughters, is not an uncommon affair. The government contributes liberally to the expense of their passage. These proceedings have a powerful tendency to check population at home, and we doubt not that the removal of 12 or 13,000 young colored females, from the United States, would check the progress of the whole colored population; and suppose that if slavery is ever abolished in this country, unless by acts of awful violence, it must be brought about by gradual, and moderate, and kind removals of young females—from which no great inconvenience, to either party would result. Steadiness in the policy suggested, would, in a few years, very materially reduce the comparative number of the colored population.

Niles Register.

From the Complete Farmer.

FARMERS' WORK FOR OCTOBER.

Ploughing.—Stiff, hard, cloggy land intended to be tilled should be ploughed in autumn. Fall ploughing saves time and labor in the spring when cattle are weak, and the hurry of the work peculiar to that season presses on the cultivator. A light, sandy soil, however, should not be disturbed by fall ploughing, but lie to settle and consolidate through the winter.

Select your corn intended for planting next season from the field, culling fine, fair, sound ears from such stock as produce two or more ears, taking the best of the bunch. You will consider well, which is the best method of harvesting corn, and adopt one of the methods mentioned by Judge Buel. If the husks and bottoms of your corn, when stowed away for winter, are sprinkled with a strong solution of salt in water (taking care not to use such a quantity of the solution as to cause mould), and when dealt out they are cut fine with a straw-cutter, they will make first rate fodder. Do not feed hogs with hard corn without steeping, grinding or boiling it. The grain will go much the farther for undergoing some or all of these operations, and if a due degree of fermentation is superadded, so much the better.

Frauds against the Government.—A letter from Weston, Lewis county, Virginia, states that Capt. Wamsley, (Commonwealth's Attorney in Lewis) and James Bennett the (Delegate elect from Lewis) were both indicted for forgery in the Federal Court at Clarkburg, at the last term, for improper conduct as agents for pensioners, and have both left the country for Texas or some other foreign government.—*Alexandria Gazette.*

Fatal Accident.—Edwin Hutchinson, a student at the Lane Seminary, Ohio, on the morning of the 20th of September, entered a strange house, a short distance from his place of abode, where he took up a pistol which was lying on a bureau, and inquired "what use do you make of this?" He had scarcely finished the sentence before it discharged, the contents entering one of his eyes and passing through the head. Death was instantaneous. Hutchinson was a resident of Rochester some time in 1832.

Emigration to the West.—The oldest colony in the East is about to establish the newest one in the West. A society has recently been projected in Plymouth county, Mass. for the purpose of emigration, and an agent has been appointed, who is to be despatched for the purpose of selecting a site for the new colony, and when his report shall have been received, the emigrants are to take their departure. The members who acknowledge the superintending Providence of an all-wise creator, and believe in the Christian religion, and are willing to support the institutions of the Gospel. A similar society is organizing in Boston, destined for Illinois.

A leading Editor in Tennessee abuses the Bank for retaining out of the Government dividends the amount of damages on the protested French Bill "INSTEAD OF BRINGING SURE FOR IT."—The fellow's head ought to be labelled—"loquacis to let, unfurnished." Does he not know that the Bank cannot sue the Government? Does he not know that the course which she actually pursued was the only one whereby her claim could by any possibility be brought before the judiciary of that country?—*Louisville Journal.*

On white-washing fruit trees.—We have employed lime white-wash on the trunks of our trees to very great advantage; but would caution our friends against applying to cherry trees, as some cases have been reported to us, in which its effects are believed to have been highly pernicious.—We are inclined to think that the application of ash is also unfavorable to that kind of tree.

SECTION RETURNS.

OHIO ELECTION.

From the Springfield (O.) Pioneer, of Oct. 18.

GOVERNOR.

We have received positive returns from the following counties. We give the vote of 1832 in the contest between Lyman and Lucas.

1834	1834	1832	1832
Findlay	Lucas	Lyman	Lucas
Champaign	372	1190	493
Clark	493	1199	439
Franklin	1170	1136	1139
Green	742	995	806
Fayette	645	520	721
Logan	400	668	304
Miami	841	1054	1014
Muskingum	2824	1537	2923
Warren	1132	1672	1528
Hamilton	about 100 maj.		853
Clinton	212	1	
		10,963	7,323
		10,515	9,549

The 11 counties above, are all we have heard from. The Whig majority in those eleven two years ago, was 966—it is this year 3,641: showing a gain to the Whigs of 2,675 votes.

CONGRESSMEN.

In the Cincinnati district, Storer (Whig) is elected in the place of Lytle (Jackson) by a majority of 100. Lytle's majority in '32 was more than 600.

In the Lebanon district, Corwin (Whig) is elected by a large majority over McDowell (Jackson.)

In the Butler district, Webster (Jackson) is re-elected, by about 600 majority.

In the Columbus district, Olds (Whig) is elected in the place of McLane (Jackson.)

In the Chillicothe district, Bond (Whig) in the place of Allen (Jackson.)

In the Zanesville district, Howell (Whig) in the place of Mitchell (Jackson.)

In the Day's district, Crane (Whig) is reported elected over Helfenstein (Jackson.)

In this, the tenth district, Mason (Whig) is elected over Ellsberry (Whig) by 2,000 maj.

LEGISLATURE.

Hamilton—a Whig Senator and three Whig representatives.

Clinton and Green—a Whig Senator and two Jackson representatives.

Montgomery—a Whig Senator and Jackson representative.

Logan, Union, Madison, &c.—a Whig Senator and representatives.

Ross.—Two Whig representatives.

Miami.—Whig representative.

Warren.—Whig Senator, & representative.

Champaign.—Whig representative.

Franklin.—One Whig, one Jackson.

Licking.—Jackson Senator and representative.

Muskingum.—Two Whig representatives.

Clark.—Whig representative.

MARYLAND.

From this State the light beams brighter and brighter. Even in Frederick county, which last year sent four Jackson delegates, by a majority of 450 votes, we have returned four Whigs, by a majority nearly as large. Here was thought to be Mr. TANEY's strong hold; it was his former residence, and where he was lately escorted, and feasted, where he made speeches, and was toasted, with an eclat which flattered the party with victory. But what a falling off! Nobly have the Whigs sustained their cause. Their triumph is as brilliant, and almost as unexpected, as that of their brethren of Baltimore. To both places we may address the misapplied language of a New York administration print—"nobly have your democratic sons proved their attachment to their country, and the value they place on our free institutions."

In Montgomery County, too, the whole Whig ticket has prevailed by a handsome majority; the same as last year.

In HARFORD County, 3 Jackson, 1 Whig; the same as last year.

In BALTIMORE County, 4 Jackson.

In ANNA ARUNDEL County, 4 Whigs; last year 2 Jackson