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POETRY.

From the Lady's Book, for December.

THE DYING YEAR.

BY MRS. L. H. SIGOURNEY.

Voice of the Dying Year!—I hear thy moan,
Like some spent breaker of the distant sea,
Chafing the fretted rock.—Is this the end
Of thy fresh, morning music, gushing out,
In promises of hope?—Have the bright flush
Of spring's young beauty, crowned with budding flowers,
The passion-vow of summer, and the pledge
Of faithful, fruitful autumn, come to this?
—I see thy youngling moon go down the west,
The midnight clock gives warning, and its stroke
Must be thy death knell.—Is that quivering gasp
The last sad utterance of thine agony?
I see thy clay-cold fingers strive to clasp
Some prop,—In vain!
And so, thou art no more,
No more!—Thy rest is oblivious years,
Beyond the flood—Yet when the trump shall sound,
Blown by the strong archangel, thou shalt wake
From the dim sleep of ages.—When the tombs
That lock their slumbering tenants cleave in twain,
Thou shalt come forth.—Yea, thou shalt rise again,
And I shall look upon thee—when the dead
Stand before God—But come not murmuring forth,
Unwillingly—like Samuel's summon'd ghost,
To daunt me at the judgment.—No—be kind,
Be pitiful, bear witness tenderly—
And if thou hast a dread account for me,
Go, dip thy dark scroll in redeeming blood.

THE LOST STAR.

BY L. E. LANDON

A light has gone from yonder sky,
A star has left its sphere;
The beautiful—and do they die
In yon bright world as here?
Will that star leave a lonely place,
A darkness on the night?
Nor few will miss its lovely face,
And none think heaven less bright!

What wert thou star of? vanished one!
What mytery was thine?
Thy beauty from the east is gone—
What was thy sway and sign?
Wert thou the star of opening youth?
And it is then for thee,
Its frank glad thoughts, its stainless truth,
So early cease to be?

Of hope?—and was it to express
How soon hopes sinks in shade,
Or else of human loveliness,
In sign how it will fade?
How was thy dying—like the song,
In music to the last;
An echo flung the winds among,
And then forever past?

Or didst thou sink as stars whose light
The fair moon renders vain?
The rest shone forth the next dark night—
Thou didst not shine again.
Didst thou fade gradual from the time
The first great curse was hurl'd,
Till lost in sorrow and in crime,
Star of our early world?

Forgotten and departed star?
A thousand glorious shine
Round the blue midnight's regal car—
Who then remembers thine!
Save when some mournful bard like me
Dreams over beauty gone,
And in the fate that waited thee,
Reads what will be his own.

MISCELLANEOUS.

WATERLOO,

On the day after the Battle.

On a surface of two square miles it was ascertained that fifty thousand men and horses were lying! The luxurious crop of ripe grain which had covered the field of battle, was reduced to litter, and beaten into the earth; and the surface trodden down by the cavalry, and furrowed deeply by the cannon wheels, strewn with many a relict of the fight. Helmets and cuirasses, shattered fire arms and broken swords; all the variety of military ornaments; lance, caps and Highland banners, uniforms of every color, plume and penon, musical instruments, the apparatus of artillery, drums, bugles, but, good God! why dwell on the harrowing picture of a foughten field?—each and every ruinous display bore mute testimony to the misery of such a battle. Could the melancholy appearance of the scene of death be heightened, it would be by witnessing the researches of the living amidst its dessolation, for the objects of their love. Mothers and wives and children, for days were occupied in that mournful duty, and the confusion of the corpses, friend and foe, intermingled as they were, often rendered the attempt at recognizing individuals difficult, and in some cases impossible. In many places the dead lay four deep upon each other, marking the spot some British square had occupied, when exposed for hours, to the murderous fire of the French battery. Outside, lancer and cuirassie were scattered thickly on the earth. Madly attempting to force the serried bayonets of the British, they had fallen in bootless essay, by the musketry of the inner files. Farther on, you trace the spot where cavalry of France and England had encountered Chasseur and hussar were intermingled; and the heavy Norman horse of the Imperial guard were interspersed with the grey chargers which had carried Albyna's chivalry. Here the Highlander and Tirailleur lay side by side together; and the heavy dragoon, with green Erin's badge upon his helmet, was grappling in death with the Polish lancer. On the summit of the ridge, where the ground was encumbered with dead, and trodden fetlock deep in mud and gore, by the frequent rush of rival cavalry, the thick strewn corpses of the Imperial Guard, pointed out the spot where Napoleon had been defeated. Here in column that favored corps, on whom his last chance rested, had been annihilated, and the advance and repulse of the Guard was traceable by a mass of fallen Frenchmen. In the hollow below the last strugule of France had been vainly made; for there the Old Guard, when the middle battallions had been forced back, attempted to meet the British, and afford time for their disorganized companions to rally. Here the British left, which had converged upon the French centre, had come up—and here the bayonets closed the contest.—Maxwell's Victories of the British Army.

WHITEFIELD.—Once upon a time, when the celebrated Whitefield was addressing an immense crowd with his accustomed favor & eloquence, under the shade of a venerable tree in the Meadows at Edinburgh, a poor creature, thinking to turn him into ridicule, had perched himself on one of the overhanging boughs right above the preacher's head, and, with monky-like dexterity mimicking his gesticulations endeavoured to raise a laugh among the audience.—Guided by the looks of some of his hearers, Whitefield caught a glance of him, & continued his discourse. With the skill of a practised orator, he reserved the incident for the proper place and time. He was expatiating at the moment on the power and the sovereignty of Divine grace. With gathering force and earnestness he told of the unlikely objects it had often choosen, & the unlooked for triumphs it had often achieved. As he rose to the climax of his inspring theme, and when in the full sweep of his eloquence, he suddenly paused, and turning around, and pointing slowly at the wretch above him, exclaimed in a tone of deep and thrilling pathos—"Even he may yet be the subject of that free, that restless grace." It was a shaft from the Almighty. Winged by the divine spirit, it struck the scoffer to the heart, and realized in his conversion the glorious truth it coveyed;—

THE ORIGIN OF CONFINING JURORS FROM MEAT AND DRINK.—The Gothic nations were famous of old, in Europe, for the quanity of food and drink which they consumed. The Ancient Germans and their Saxon descendents in England, were remarkable for their hearty meals. Gluttony and drunkenness were so very common, that these vices were not considered disgraceful; and Tacitus represents the former as capable of being as easily overcome by strong drink as by arms. Intemperance was so general and habitual, that no one was thought fit for serious business after dinner; and under this persuasion it was enacted in the laws that judges should hear and determine causes FASTING, AND NOT AFTER DINNER.

An Italian author in his "Antiquities," plainly affirms that this regulation was framed for the purpose of avoiding the unsound decrees consequent upon intoxication; and Dr. Gilbert Stuart, very pertinently observes in his "Historical Dissertation concerning the Antiquity of the British Constitution," that from the propensity of the older Britains to indulge excessively in eating and drinking has proceeded the restriction upon jurors and jurymen, to refrain from meat and drink; and to be even held in custody, until they had agreed upon their verdict.

THE ROYAL CRADLE AND QUILT.—A London correspondent of the New York Times mentions a few particulars in relation to the daughter of Victoria, which may interest some of our lady readers. He states that the "royal cradle in the shape of a nautilus shell, was brought home the very day of the birth. The quilt is made of lace, and was a present from Mr. Dixon, of Regent street. It is made of British POINT, and is a square of a yard and a half. In the centre are the royal arms, with the Prince of Wales' plume over them. In the corners are the same plumes, with the motto *Ich Dieu*, and *Dieu et Mon Droit*, under the principal ornament. The border is a classical design—a flowing scroll, in which the rose, thistle and shamrock alternate. The trimming of this quilt is also of lace. It is considered one of the richest things ever turned out by a British manufacturer. The cot or cradle surmounted by a coronet, but a Prince of Wales' plume of white ostrich feathers, was what was sent home with it." He adds:

The Queen Dowager arrived in London, on Saturday, and immediately saw the Queen and child. I hear that she is likely to be the godmother, and the infant will be called Adelaide Victoria Louisa after the Queen Dowager, Queen and Duchess of Kent. The christening, which will be on the grandest scale will come off, 'tis said, about the 22d December. The Duchess of Kent, on that day, will present her grand daughter with a splendid coverlet of rich green satin, lined with white silk, and ornamented with embroidery of flowers, stars, crowns, and initials, in the most beautiful manner. It is to be wholly of British manufacture. The cost will be about $700.

ABSENT FRIENDS.—Who shall describe the night watches of those who know that the ocean bears the treasure of their souls—who shrink within themselves, yet seem to find no shelter from the howling blast—who listen and hope the storm is abating, when it does but retreat to come again with redoubled fury, roaring and bellowing, till the wind, and the creaking branches and the hissing rain, are mingled as it were into universal shriek! And then the dark heaving waters seem to rise again, and all is swept away by the booming waves, or by the moaning blast, that groans and murmurs as it falls, lower and lower, into the abyss of destruction.

POPE'S OATH.—Pope's oath was, God mend me. A link boy to whom he had refused a penny, looking at his dimmutive stature, cried out, "mend you, indeed! it would be less trouble to make a new one."

From the Citizen Soldier.

BIOGRAPHY.

CHARLES LEE, a major general in the army of the United States, was born in Wales, and was the son of John Lee, a colonel in the British service. He entered the army at a very early age, but tho' he possessed a military spirit, he was ardent in the pursuit of knowledge. He acquired a competent skill in Greek and Latin, while his fondness for travelling made him acquainted with the Italian, Spanish, German and French languages. In 1756 he came to America, and was engaged in the attack upon Ticonderoga, in July, 1758, when Abercrombie was defeated. In 1762 he bore a colonel's commission, and served under Burgoyne in Portugal, where he much distinguished himself. Not long afterwards he entered into the Polish service. Though he was absent when the stamp act passed, he yet by his letters zealously supported the cause of America. In the year 1771, '72 and '73, he rambled all over Europe, for he could never stay long in one place. During this excursion he was engaged with an officer in Italy, in an affair of honor, and he murdered his antagonist, escaping himself with the loss of two fingers. Having lost the favor of the ministry and the hopes of promotion in consequence of his political sentiments, he came to America, in November, 1773. He travelled through the country, animating the colonies to resistance. In 1774, he was induced by persuasion of his friend, General Gates, to purchase a valuable tract of land of two or three thousand acres, in Berkly county Virginia. He here resided until the following year, when he resigned a commission which he held in the British service, and accepted a commission from Congress appointing him major general. He accompanied Washington to the camp at Cambridge, where he arrived July 2, 1775, and was received with every mark of respect. In the beginning of the following year he was despatched to New York, to prevent the British from obtaining possession of the city and the Hudson.—This trust he executed with great wisdom and energy. He disarmed all suspicious persons on Long Island, and drew up a test to be offered to every one whose attachment to the American cause was doubted. His bold measures carried terror wherever he appeared. He seems to have been very fond of this application of a test—for in a letter to the president of Congress, he informs him, that he had taken the liberty at Newport to administer to a number of the tories, a very strong oath, one article of which was, that they should take arms in defence of their country, if called upon by Congress, and he recommends that this measure should be adopted, in reference to all the tories in America. Those fanatics who might refuse to take it, he thought should be carried into the interior. Being sent into the southern colonies as commander of all the forces which should be raised, he diffused an ardor among the soldiers, which was attended with the most salutary consequences. He was very active in giving direction and making preparations previously to the unsuccessful attack of the British on Sullivan's Island, June 28, 1776. In October, by the direction of Congress, he repaired to the Northern army. As he was marching from the Hudson through New Jersey, to form a junction with Washington, in Pennsylvania, he quitted his camp in Morris county, to reconnoitre. In this employment he went to the distance of three miles from the camp, and entered a house for breakfast. A British colonel became acquainted with his situation by intercepting a countryman charged with a letter from him, and was enabled to take him prisoner. He was instantly mounted on a horse, with his cloak and hat, and carried safely to New York. He was detained till April or May 1778, when he was exchanged for Gen. Prescott, taken at Newport.—He was very soon engaged in the battle of Monmouth. Being detached by the commander in chief to make an attack on the rear of the enemy, Gen. Washington was pressing forward to support him on the 28th of June, when to his astonishment he found him retreating without having made a single effort to maintain his ground.—Meeting him in these circumstances, without any previous notice of his plans, Washington addressed him in terms of some warmth. Lee, being ordered to check the enemy, conducted himself with his usual bravery, and when forced from the ground, on which he had been placed, brought off his troops in good order. But his haughty temper could not brook the indignity which he believed to have been offered him on the field of battle, and he addressed a letter to Washington, requiring reparation for the injury. He was on the 30th arrested for disobedience of orders, for misbehaviour before the enemy, and for disrespect to the commander in chief. Of these charges he was found guilty by a court martial, at which Lord Stirling presided, and he was sentenced to be suspended for one year. He defended himself with his accustomed ability, and his retreat seems to be justified from the circumstance of his having advanced upon the enemy, whose strength was much greater than was apprehended, and from his being in a situation, with a morass in his rear, which would preclude him from a retreat, if the British should have proved victorious. But his disrespectful letters to the commander in chief it is not easy to justify. His suspension gave general satisfaction to the army, for he was suspected of aiming himself at the supreme command. After the result of his trial was confirmed in January, 1780, he retired to his estate in Berkeley county, Virginia, where he lived in a style peculiar to himself. Glass windows and plaster would have been extravagances in his house. Though he had for his companions a few select authors and his dogs, yet as he found his situation too solitary and irksome, he sold his farm in the fall of 1782, that in a different abode he might enjoy the conversation of mankind. He went to Philadelphia and took lodgings at an inn. After being three or four days in the city, he was seized with a fever, which terminated his life October 2d, 1782. The last words he uttered were, "stand by me, my brave grenadiers."

In his person General Lee was rather above the middle size, and his remarkable acquiline nose rendered his face somewhat disagreeable. He was master of a most genteel address, but was rude in his manners, and excessively negligent in his appearance and behaviour. His appetite was so whimsical that he was every where a troublesome guest. Two or three dogs usually followed him wherever he went.—As an officer he was brave and able, and did much towards disciplining the American army. With vigorous powers of mind and brilliant fancy, he was a correct and elegant classical scholar, and he both wrote and spoke his native language with propriety, force and beauty; his temper was severe.—The history of his life is little else than the history of disputes, quarrels and duels, in every part of the world. He was vindictive, avaricious, immoral, impious and profane. His principles as would be expected from his character, were most abandoned, and he ridiculed every tenet of religion.—In his last will he directed that he should not be buried in any church or church-yard, or within a mile of any presbyterian or baptist meeting house. He had kept so much bad company in this country when living, that he was unwilling to continue it when dead. He published about the year 1760 a pamphlet on the importance of retaining Canada, which Dr. Franklin spoke of with respect. After his death memoirs of his life, with his essays and letters were published.

ANNUAL MESSAGE

OF

THE EXECUTIVE,

TO THE

LEGISLATURE OF MARYLAND,

December session eighteen hundred and forty.

Gentlemen of the Senate and of the House of Delegates:

Since your last session, no material change has taken place in the financial affairs of the State. As they were then fully explained, and as additional details will be found in the annual report of the Treasurer, it is only necessary for me to give a general statement of their present condition.

The debt of the State is now fifteen millions, one hundred and nine thousand dollars; but when the stock, authorised by existing laws, shall have been all issued, it will amonnt to fifteen millions, three hundred and forty six thousand.

The sinking fund, which, last year, was one million, thirteen thousand, three hundred and seventy two dollars, has been increased to one million, seventy six thousand, five hundred and thirty three dollars.

For the year, ending the first day of the present month, the revenue, exclusive of sums received from internal improvement companies, and of those drawn from the special deposites, amounted to $255,678; and the disbursements, exclusive of payments to these companies, and of the interest on the public debt, to $259,468; and this statement shows the amount of the ordinary revenue and expenditures.

The whole receipts of that year amounted to $842,237; and all the expenditures to $845,288, which sum includes the payment of $583,819 on account of the interest of the public debt.

According to the estimate of the Treasurer, the demands on the treasury, for the present year, will amount to $927,000, and the receipts to $306,905; which will leave a deficiency of rather more than $620,000. The surplus revenue, now remaining on deposite is $149,000, which, being deducted from the estimated deficiency, will leave a balance, to be provided for, of about $470,000; and after the present year, the annual deficiency will be upwards of six hundred thousand dollars.

This being the condition of the treasury, it is easier to perceive the necessity of making some provision to support the credit of the State, than to suggest such measures as will accomplish that object without being oppressive to the people.

In some of the States, a disposition has been manifested to rely upon the government for the payment of their debts; and to claim for that purpose, the proceeds of the public lands. It is contended, that these lands were ceded to the general government, to be applied to the payment of the national debt; & that the debt having been paid, the States are now entitled to the revenue arising from that source.

A statement of the principal facts, connected with this question, will show, that the States have no just claim to the revenue arising from the sale of the public land, and that they would derive but little benefit from it, if they had

At the commencement of the revolutionary war, Virginia, New York, Massachusetts, South and North Carolina, Georgia and Connecticut, severally claimed such portions of the Western country, as were included within their respective limits; and subsequently ceded them to the United States for the common benefit of the Union. Previous to the cession, Congress had given a pledge; "that the unappropriated lands, which might be ceded or "relinquished to the United States, by any particular State, should "be disposed of for the common benefit of the United States, and "be settled and formed into distinct republican States."

The cessions were accordingly made; and it was stipulated in the Virginia deed, that the land ceded, "should be considered a "common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever."

The deeds from North Carolina and Georgia contain the same conditions as that of Virginia; while the other States relinquished their titles, in more general terms, for the common benefit of the Union. When the cession was made by Virginia, Congress had no power "to lay and collect the taxes, duties and imposts," but was obliged to depend upon the State governments, for "their respective proportions of the general charge and expenditure." The public lands, in yielding a revenue to the general government, relieved the States, to the same extent, from their respective proportions of the general charge; and formed a common fund for the benefit of all the members of the confederation, according to the obvious meaning of the Virginia deed.

To consider the United States as having no other right to the Western territory, besides that which was derived from the deeds of cession, is to place the subject in a point of view, the most favorable to the claims recently set up in behalf of the States. But to understand the question properly; it is necessary to consider the prior claims of the United States; and also the circumstances, under which Virginia and other States relinquished their titles.

From the earliest settlement of the colonies, controversies existed among them, respecting their territorial limtts; which interfered with each other on the Atlantic coast, and with the pretensions of France and Spain, in running westwardly to the Mississippi river and the South sea. By the treaty of 1763, the western claims of Great Britain were limited to the Mississippi; and the extensive territory, claimed by France, to the eastward of that river, was ceded to the British Crown. After the declaration of independence, it was contended by some of the States, particularly Rhode Island, New Jersey, Delaware and Maryland, that the Crown lands, "if wrested from the common enemy by the blood and treasure of "the thirteen States, ought to be deemed a "common property, subject to the disposition of Congress for the general good."

Maryland protested against the exclusive claims of the large States, and insisted "that "the country, unsettled at the commencement of the war, claimed by the British "Crown, and ceded to it by the treaty of "Paris, should be considered a common "property, subject to be parceled out by "Congress into free, convenient, and independent States."

The large States differed among themselves, as to their respective limits, and each claimed a larger portion of territory than the rest were willing to allow. The claims of the Union were derived from the conquest of the disputed territory by means of the common force, and from the treaty of peace, under which all the rights of Great Britain, both in the soil and jurisdiction, passed to the United States.

This subject was a source of constant irritation, and threatened a dissolution of the federal alliance. At length Virginia, New York, and the other States, which claimed the western lands, successively relinquished their titles for the common benefit of the Union.

Whatever might have been the uncertainty of these conflicting claims, there can be no doubt, that, after the relinquishment of the State titles, they were all vested in the United States, on the conditions expressed in the deeds of cession; which, being accepted, formed a compact between the General Government and the States. The ceding States relinquished a portion of disputed territory, which they could not have retained without dissolving the Union, nor defended with their separate force. All the States secured the benefit of having a common fund provided, for discharging the debts and defraying the expenses of the general government; and for relieving themselves to the extent of that fund, from "their respective proportions of the general charge and "expenditure."

The United States were bound to indemnify the States for expenses previously incurred; and were obliged to purchase the Indian titles, and make large preliminary expenditures, before the lands could be sold; and, if they were not entitled to the proceeds of sales, they assumed all the burdens of the compact, without deriving a single advantage from it. The States, however, evidently intended that the territory, and the revenue arising from it, should be surrendered to the United States, as a common fund, for paying the general charge and expenditure, or, in other words, for discharging the debts and defraying the expenses of the general government. In none of the deeds of cession is there to be found, a reservation of this fund for the separate use of the different members of the Union—or any stipulation, that it should be applied exclusively to the payment of the public debt; or the slightest intimation, that it was to be distributad among the States for any purpose whatever.

The fourth article of the constitution recognises the territory as *belonging* to the United States.

Mr. Madison, in the 38th number of the Federalist, alludes to this territory "as a mine of vast wealth *to the United States*;" and remarks, that "a very large portion of this fund has already "been *surrendered by the States*." He then expresses the hope that the remaining States will give similar proofs of their equity and generosity, and that the whole territory will soon become "*a national stock*." The remaining States subsequently relinquished their claims; and the whole fund was surrendered to the Union.

Judge Marshall, in delivering the opinion of the Supreme Court in the case of Johnson vs. McIntosh, declares, that "the States "ceded that territory, generally, to the United States, on conditions expressed in the "deeds of cession, which demonstrate the "opinion, that they ceded the soil as well as "jurisdiction, and, that in doing so they "granted a productive fund to the government of the Union."

It was granted when the States were bound by the articles of confederation, to levy taxes for their respective proportions of all charges of war, and all other expenses incurred for the common defence and general welfare." Whether these taxes were laid by Congress or the States; they were to be paid by the *people* of the States; and it was equally important, in either case, to convert the public lands into a permanent fund for paying the debts and expenses of the Union; which must otherwise have been provided for by oppressive taxes and imposts.

They were ceded by the States, and accepted by the United States, for that purpose; and it is difficult to conjecture, upon what authority they can be applied to any other use or purpose whatever.

It was, indeed, apprehended that a dissolution of the Union might revive the territorial question, and create other disputes on the same subject. In the 7th number of the Federalist, it is urged as a reason for adopting the constitution, that if the Union were at an end, "the States which have made cessions, on a principle of federal compromise, would be apt, when the motive of the grant had ceased, to reclaim the lands as a reversion. The other States would no doubt insist on a proportion, by right of representation. Their argument would be, that a grant once made, could not be revoked—and that the justice of their participating in territory acquired or secured, by the joint efforts of the confederacy, remained undiminished. If, contrary to probability, it should be admitted by all the States, that each had a right to a share of this common stock, there would still be a difficulty as to a proper rule of apportionment. Different principles would be set up by different States for this purpose; and as they would affect the opposite interests of the parties, they might not easily be susceptible of a pacific adjustment.

It is remarkable that the difficulties anticipated, in relation to this subject, from a dissolution of the Union, are likely to arise from the agitation of the scheme to distribute the proceeds of the public lands. The old States contend for a share, according to representation; the new States insist upon more, and some of them are disposed to claim all the unsold tracts within their limits. The Southern States might claim an interest in proportion to their whole population; while the ceding States might expect a retrocession, on the ground, that the territory was no longer wanted for the purposes of the grant.

The land bill, passed by Congress in 1833 and vetoed by General Jackson, provided for a distribution of the proceeds of the whole public domain, whether included in the original boundaries of the United States, or in the cessions of Louisiana and the Floridas. It proposed "to set apart for the benefit of the new States twelve and a half per cent. out of the aggregate proceeds, before any division took place among the States generally." The new and old States were then to receive their proportions of the residue, and to "apply the amount received, either to the purposes of education, or the colonization of free people of color, or for internal improvements, or for debts which may have been contracted by the States for internal improvements."

The bill proposed to distribute among the States, for State purposes, a fund which had been surrendered to the general government for national purposes; and to distribute it in a different proportion, for the separate use of the States, from that, in which it was intended to be used for the common benefit of the Union. It is proposed to appropriate the public lands, purchased from France and Spain, to the construction of State rail roads and canals, and to the support of State schools; to which objects the revenue expended in that purchase could not have been applied. It will hardly be contended, that the general government has power over these subjects; or that Congress has the authority to place the public money under the control of the State Legislatures, to be expended in the exercise of powers reserved to the States.

This bill, which was in violation of the Constitution of the United States, was perhaps as free from objections as any other that could be passed for a similar object.—The principle of distributing the revenue of the United States, in the manner propose