

My former and introductory number, I endeavored to show that our Common Schools, as now established by law, might be viewed under two different aspects: One referring to their general organization considered as corporate bodies, invested with certain legal powers for the convenient administration of their local or pecuniary concerns; and the other referring to their internal condition, as mere seminaries for education.

Viewed under the former aspect, I endeavored to show that our system of Common Schools, as now finally established by law, had probably attained a degree of perfection, as great as any human system could reasonably be expected to attain by human Legislation.

Viewed under the latter aspect, that referring to their internal or intellectual condition, it would be found that very little had been done for their advancement. That with the exception of the recent important act of the Legislature, and the proceedings of the Regents of the University under it, for the better education of Common School Teachers; and with a few other minor exceptions, where Legislative recommendations, or official instructions under Legislative authority, had been addressed to Common Schools, no effective provision had ever been made by law, on the great subject of what should be taught in our public schools, or how they should be conducted.

It is now the duty of the Legislature to act on so important a subject, and the questions involved in its consideration, seem to present themselves in the following order: Is the omission inevitable? or can and ought it to be supplied and how?

And, first, is the omission inevitable? An opinion has been advanced by gentlemen whose authority is entitled to the highest respect, that the course of study and mode of instruction pursued in Common Schools, are not, in themselves, proper subjects either for direct Legislative action, or for indirect control under Legislative authority; that such matters should be left under the general guidance of enlightened public sentiment, to regulate themselves, or to be regulated by such local authorities as they may be already subject to.

The opinion, as here stated in the above general terms, is understood to have originated from certain discussions relative to the selection and recommendation of particular School Books for the use of Schools, by the Legislature, or by the Superintendent of Common Schools in his official capacity.

Had it been confined to its original subject matter, it would not have been controverted in the way it now proposed to be done. In its original limited application to School Books the opinion is probably sustained by public sentiment, and in its more general application to subjects of study and modes of instruction, it is admitted to be plausible, and may be well founded.

It is not, however, the subject of this article, but rather of the abstract, at least in reference to the spirit of our democratic institutions, which require the restraint of law on the natural right of self-government, to be the least possible, consistent with public safety. It is certainly with great diffidence in myself, as well as the most respectful deference for others, that I undertake to controvert such an opinion.

I am aware that it is a well settled principle of modern times, that there are certain matters, chiefly of an intellectual, private, indifferent, or indefinable character, which are not proper subjects either for direct Legislation, or for indirect control under Legislative authority. Such, are all matters of faith and religion, and all matter of opinion on whatever subject the human mind is permitted to think for itself; such also are all matters of human conduct, which are of such a private or domestic character, as not to interfere with the rights of others, and therefore not to require public annunciation; and the same may be said of all acts, whether public or private, which, being in their nature indifferent, as to either general good or general evil, the welfare of society does not require or allow them to be regulated or restrained by law.

And equally beyond the pale of legislation are all acts which, altho' not in themselves, or in their consequences indifferent, are nevertheless so indeterminate in their nature, that they would result from making them the subject of Legislative action, in reason of the uncertainty how far such restriction would extend, than from leaving them to be restrained and governed by that moral sense, which, in every community, claims for itself, and may rightfully exercise a much more enlarged jurisdiction than any Legislature to which that community may be subject.

On most of the subjects here enumerated, the right of man to think and act for himself, according to the light he possesses, is inherent in his nature. To control his faith in matters of religion, or his opinion on any other subject, by compulsion, is impossible, and therefore not within the pale of human Legislation. To go only, beyond the right of Legislation in such cases; and to limit only we are accountable for what we believe or think. To subject, or to attempt to subject, to Legislative rule, or to any involuntary control, any matters, whether of faith, of opinion, or of private or indifferent conduct, as above defined, comes within every received definition of tyranny; it is, indeed, the very essence of tyranny, and no man in this enlightened age ought to be found defending it. But to regulate or restrain human action, whether of individuals or associated bodies, in all cases where the welfare of society requires it—where more general good will be produced than individual evil suffered—is not tyranny, nor is it wrong or inequitable. On the contrary, it is justified by the well established principle of "the greatest good to the greatest number," and is indeed the primary object of every legally constituted community.

These are some of the elementary principles of Legislation, which need only be referred to—not discussed. I will only observe, as matter for more incidental remark, that however plain and obvious to us may now appear the grand division line between what may, and what may not, be regulated by law, it has required the labor of ages to run it out and settle it; and we, in this country, as it is believed, to be the first who have settled it in actual practice, by the great landmarks in our written Constitutions, and by our practical Legislation under them.

Happy will it be for us, if we shall be equally successful in settling the almost equally important line between the *Lex Scripta* and the *Lex Non Scripta*—between what ought to be written and what unwritten law.

Having attempted to trace, by a very slight sketch, a part of the great line of demarcation, between what may and what may not be regulated by law, the only question for present discussion is, on which side of the division line, lies the great field of education, of intellectual improvement. So far as education may be considered as including matters of faith or speculative opinion, it is clear from what has been already said that it lies on the forbidden side of the line. But if we consider education in reference merely to subjects of human knowledge and to the discipline proper for teaching them, it is equally clear, that it is forbidden ground for legislation? The subjects of knowledge, proper to be taught in our schools, have no necessary connection with matters of faith or speculative opinion, or with any other matters which would require such much diversity of opinion. Certainly none of the common arts or sciences have any such connection, nor has our civil history, our Constitution and Laws, or the miscellaneous elements of useful knowledge proposed to be studied in our schools. These subjects, with many others not necessary to specify, all lie in open broad day light, and like all other things plainly seen, they present themselves to all men with ordinary powers of vision, or understanding, and require no special aid. Why then are they not legitimate subjects, as for direct legal enactments, at least for official instructions from the Superintendent of Common Schools acting under legal authority? Why leave them to the uncertainty, variable and inefficient direction of incompetent and ever changing local authorities. They must be regulated by somebody, and why not apply to them the same rule that prevails in other cases, "let the power be given to the most worthy?"

But we are anticipating what more properly belongs to a subsequent part of these essays. Our present business is to look at the subject in another light, drawn from the summary view above taken of the elementary principles of legislation. In reference, then, to that view, are the subjects of knowledge taught in our schools, or the discipline under which they are taught, matters of such a private or domestic character, or so indubitable in their nature, that they should not be regulated by law, or by public official action under authority of law? These are questions, which as they appear to me to involve in part the merits of the case before us, I shall next proceed to discuss. G. H.

MICHIGAN LEGISLATURE.—The first Legislature of the embryo State of Michigan, is now in Session at Detroit. The State Officers elect were sworn in by Judge WILKINS, after which the Senate and House of Representatives met in their respective Chambers and appointed Committees to wait upon Governor MASSEY, that returned accompanied by His Excellency, who delivered the following

INAUGURAL ADDRESS.
Fellow Citizens of the Senate and House of Representatives.
Summoned by the general voice of my fellow citizens to the duty of presiding over the Legislature of the State of Michigan, it is with feelings which language is inadequate to express, that I embrace the occasion to convey to them my cordial thanks for this distinguished testimony of their approbation, and confidence in my ordinary capacities, and the suffrages of this enlightened people had conferred to me the exercise of the important and responsible functions of the first Executive of the new State.

But if the laudatory task has been undertaken without a sufficiently rigid scrutiny into the qualifications requisite for its satisfactory performance, I derive consolation from the reflection that the duties which are now to be discharged, are before me, not as a burden, but as an opportunity to be amply supplied by the talents, the rectitude and patriotism of the co-ordinate branches of the State government. These, with the intelligence and energy of the people, will, I am confident, be abundantly able to perform the duties which are now to be discharged.

Shipwreck.—The British bark Ann, Tait, from Greenock, sailed 4th Oct. with a cargo of coal, bottles, reapers, potatoes, &c. consigned to Messrs. James & Co. of Glasgow. On the 11th of Oct. the Ann, &c. was struck on a rock about 8 o'clock on Saturday night, during the N. E. gale, on the South Breakers, while in the passage from Greenock to Glasgow. The vessel was heavily laden, and the cargo was all lost.

Murder.—By a letter before us, from a gentleman in Crawford county, we learn that Richard C. Sevier, Esq. of that county, was killed, on the 2d inst, by Benjamin Clark. A dispute had arisen between them on the subject of a piece of land, and the party named Clark, who was armed with a gun, a knife and a stick, struck the other on the head with the gun, and then with the knife, and finally with the stick, until he expired. The body was found by a party on the 3d inst, and was taken to the residence of the deceased. The murderer was arrested, and is now in custody. The case will be tried on Friday next.

Banker's Monument.—We learn from the Boston Herald that the work on the monument is suspended for the season. Thirty one courses of stone are now laid, each course being eight feet high and eight inches, making the present height of the monument eighty two feet and eight inches.

Another murder in New Jersey.—Our readers will have heard that on the 25th ult. a man named Samuel Jackson, of Huntington county, was shot and killed by another man named John C. Gator. The second shot pierced the heart, and the unfortunate victim fell, and expired within a few hours. The murderer was arrested, and is now in custody. The case will be tried on Friday next.

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French Affairs.—The Richmond Enquirer, which is apt to be well informed about government matters, says:—"The President speaks with the utmost coolness on the French question. He has no man reasonably suspecting of having the slightest disposition to plunge the United States into a war with France. What possible motive can he have? Or any of his friends? What interest has Mr. Van Buren in provoking hostilities? None—no man of sense and ability would so wantonly risk any good intention. The President wishes to preserve the peace of his country, if it is consistent with his rights and his honor. He can make no apology—far from being guilty of no fault, he is the victim of a cruel fate. France tries to enjoy peace. But we must not sacrifice our honor even for peace itself. The President will, probably, make a full, and luminous reply to the declaration of war, and will bring in his own explanation of the measures he has taken. It is not for us to prevent him. With these facts before him, it is for France to confess whether she is justified in her course to pursue such measures, as may be required by the rights of her honor and her country. The People desire peace—but they will never consent to purchase it by any dishonorable concession."

Extract of a letter, dated New Orleans, Oct. 26, 1853:
"Our Cotton market is now fairly opened, and 10 cents will be received yesterday for good spec. That price will be maintained for some time, as many are of opinion that the frost has done much injury to the staple in Tennessee Alabama, and the Atlantic States. We are still of opinion that the receipt will be greater than favorable for the cane for the last two weeks. Bales are dull, and few sales. A lot of very fine Cocca has been sold at 12 1/2 cents."

Fertility of Onondaga.—Mr. Aaron Burt of this town, harvested eleven acres of wheat this season, which averaged over 36 bushels to the acre. Mr. Joseph Savage, also of this town, raised 106 bushels of barley from 7 1/2 acres of land, which he sold, after deducting his expenses, for \$247 58—or \$33 6 per acre. From the same piece of land he had last year 40 bushels of wheat per acre. Mr. David S. Earl, whose farm lies near the town of Onondaga, raised more than 500 bushels of oats from 7 acres of land—being more than 80 bushels to the acre. Mr. John Ross of Onondaga, had 85 bushels of barley raised on one acre of land, which he sold for \$100 with the same crop for six years in succession, and which at no time has yielded less than it did the first season. The barley crop in the town of Pompey is estimated to have yielded the past season 70 bushels to the acre.

Our farmers are all getting rick, and farms are held and sold at high and rapidly increasing prices.—Onondaga Standard.

STEVENS T. MASON.
Detroit, Nov. 3, 1853.

[From the N. Y. American.]
COMMENCEMENT OF THE N. Y. AND OREGON RAILROAD.

It is with feelings of the highest satisfaction that we announce the important intelligence, that the construction of this work was commenced on the morning of the 7th November instant, by breaking ground at sunrise, at the extremity of section No. 290, on the Delaware river, near the town of Port Deposit. The members of the Executive Committee of the Board of Directors, consisting of Messrs. J. G. King, P. G. Stevenson, S. B. Rogers, L. P. G. Lawrence, under whose immediate charge this important duty has been committed, were present on the occasion, and, after the usual religious services, the members of the committee proceeded to the site of the proposed work, and, after a few minutes' rest, they commenced the work without delay—and all of whom are required to do so, on or before the 15th of next month.

There were more than seventy contractors on the ground, and several efforts to take the whole route. The graduation of this particular section, is comparatively the most expensive of the whole line between the Hudson and the Lake, but for that, among other reasons, it was selected by the Directors as the portion first to be undertaken, because it was the most difficult, and because of the previous estimates. It has resulted in conclusively establishing the accuracy of Judge Wright, who, in his report to the Legislature, estimated that the cost of the whole line, including the purchase of land, would be \$50,000,000, and that the cost of the first section would be \$5,000,000, and that too, at a season when the prices of labor and provisions are unusually high.

The aggregate forty and seventy thousand miles, will be between forty and seventy thousand miles. Encouraged by this very gratifying result, it is the intention of the Board to press forward the work of this particular section, until the work of all the other sections is completed, by the 15th of next month. The last lingering doubts as to the practicability of completing this undertaking at a very moderate expense, must now be removed, and we cannot but congratulate the public and the Stockholders, upon the flattering prospects thus opened to them.

Selection and Suicide.—A young woman of much personal beauty, named Susan Dillon, a native of the town of Onondaga, was, on the 11th inst. found dead in the water, near the shore of her father's pond for having been the victim of a seducer, destroyed herself on Saturday evening last, at Philadelphia, by taking a large quantity of solid cyanide of potassium. The deceased was in the habit of visiting her father's place, and on the 11th inst. she placed on an apple and a knife. She died within minutes after taking the poison. The spectacle at the inquest is represented as having been one of the most affecting that the deceased was present in the deepest distress.

Young Onondagon.—Governor Massey has given a pardon to Henry J. Onondagon, who was recently convicted of forgery. He was liberated from prison on Friday last, and conveyed privately to Long Island, whence it is intended to remove him to the city of New York. A friend of Burke, in the 8th avenue, and brought from thence in a trammel, which he left there a few days since. On opening it, it was found crumpled full of fine new linen.

[From the N. Y. Gazette.]
On receiving the news of the Post-Master in New York, we wrote to the Post-Office at Lancaster on the 2d inst. and felt relieved to our apprehensions as to the safety of the seronut by the following letter from the deputy postmaster.

Post-Office, Lancaster, Pa. 7
Nov. 10, 1853. 7
Messrs. Lang & Co.—I received your favor of last inst. informing me of the descent of a Ballon in Bordentown, N. J. The balloon belongs to a gentleman named Mr. W. W. who was about making an attempt to cross the Atlantic, and he did not succeed. The balloon was inflated, Mr. W. took his seat in the car, but the wind being very high, the cord was cut by the balloon, and he fell into the water, and was drowned. The car was blown into the water, and was not recovered. The wind was fair—I came here in pursuit of Arnold, but was too late. I advise your putting the army under marching orders, and detaching a Brigade immediately this evening.

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[From the Courier and Enquirer.]
POLICE.—MONDAY, NOV. 9.

Disastrous Occurrence.—At the clearing of the streets this morning, two lads named William Peppard and James H. Peppard, about 17 years of age, were brought up under the following circumstances: The witnesses, two watchmen testified, that last evening about 8 o'clock while on duty on the Battery, they heard shrieks of murder and watch in the voice of a young female, they both ran to the spot where they found a girl scarcely twelve years old struggling violently with two boys, who were committing a most gross and aggravated assault upon her, surrounded by several other boys, apparently encouraging them in their villany. The watchmen succeeded in apprehending the prisoners, but the little sufferer on being questioned by Justice Hopton stated that her mother, who was ill, sent her back to look to the house and to get some medicine. The boys were not two young girls of her acquaintance, by whose persuasion she went to take a walk, and in crossing the Battery they were set upon by the prisoners and their companions. The girls ran off calling the watch, leaving her in the mercy of her assailants. The prisoners had little to say in their defence, and the magistrate held them in custody until the 9th inst. when they were committed to the County Jail, and Wilson \$200 to answer the complaint at the Sessions.

Upper Police.—Robbery by a Servant.—A dapper little fellow, calling himself Thomas Burke, was brought up before Justice Hopton, on the charge of robbing a merchant, on the following charge: The complainant, Mr. William P. Hallet, of No. 759 Broadway, deposed that the prisoner entered his house on the 11th inst. and, after having been in a short time acquired the confidence of himself and family by his good conduct. Latterly, a variety of valuable household articles were missing, and the prisoner was suspected. He informed the complainant that he intended to relinquish the situation of house servant and commence peddling, and was resolved upon quitting his place that instant, and was accordingly to his room to pack up his trunks. The embarrassed and hurried manner of the prisoner excited suspicion in the mind of Mr. Hallet, who immediately went to the point made known by the boy, and requested a warrant to search his trunks before they were taken away.

The process was granted, and put into the hands of the officers, who, in a short time, brought Burke and two large trunks to the office, and which, on being opened, presented a large and valuable collection of jewelry, and other articles, all claimed as his property, although there were a mantle clock, window curtains, knives and forks, household linen, wearing apparel, &c. all which were found in the trunks. There were fifty dollars in silver coin, and a considerable amount of other valuable property. The prisoner made no defence, but stated that about three weeks ago he lived in the service of Mr. George M. Dallas, and that he had seen an improbable that part of the property not claimed by Mr. Hallet, may belong to that gentleman. After the prisoner was placed in confinement, King the property, and the house of a friend of Burke, in the 8th avenue, and brought from thence in a trammel, which he left there a few days since. On opening it, it was found crumpled full of fine new linen.

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"Going Ahead."—A runaway couple, with their attendants, came to this city on Monday morning,

