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By M. MACLEAN.

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AGRICULTURAL.

CHANGE OF SEED.

There is an opinion nearly universal among agriculturists that occasional change of seed—or the introduction into a particular soil or climate of seed from a different region—is highly advantageous in improving the races of plants. As to the particular mode most proper in effecting this change, however, there are most opposite theories and opinions. Some maintain that seed are best from plants produced on poor land to be planted on rich—others go always for seed from the richest soils. Some maintain that plants of all kinds will mature earlier from seed procured from the north—others directly the reverse.

In the June number of the Farmer's Register, we find a re-publication of an essay by Dr. Bronn, professor in one of the German Universities, which contains the most rational theory and explanation of the benefits derived from changes of seed we have yet seen. Seed have been found to do better on a tenacious soil and in a cold climate, which have been matured in a warm climate and on a dry and loose soil, and *vice versa*—the two kinds of soils and climates profiting equally by an interchange—provided always neither be in so great an extreme as to prevent the full developement and maturity of the particular seed. This accounts for the great diversity of opinion as to whether seed should be brought from the north or south—while all alike acknowledge the benefit of some kind of interchange; as most who have tried a change from either quarter, have perhaps realized benefit, and from the individual case insist upon a general rule.

The principles which we glean from Prof. Bronn in explanation of these facts are as follows:

It is well known to cultivators of the soil to be a general rule that extraordinary developement of the woody fibre and foliage of plants retards their production of seed and fruit, and that the formation of fruit is hastened and improved by correcting the tendency to a disproportionate developement of stalk. Thus fruit trees which shoot vigorously are not good bearers—and pruned and dwarf trees are always most prolific. Cutting the bark away from around a limb so as to retard its growth of wood, too, is known to make it produce more and better fruit. Trimming closely vines, &c. is known to be the only way such extraordinary crops as are sometimes seen, can be produced: and the first crop of clover with a rapid growth of foliage is known to yield but little seed, while the after crops, after this growth is retarded by mowing, are the abundant seed crops.

New plants, which grow on moist soils little exposed, are found always to show a tendency for a disproportionate developement of leaf and woody fibre—running up rank and sappy with little or no fruit. This may be seen in all swamps and low and wet places as well as in more northern and less sunny latitudes. Plants on the contrary which grow on situations well exposed and in dry and loose soil are found to have a rather stunted growth of stalk but a full developement of seed and fruit.

Assuming now that any peculiarity of growth in a plant after several generations becomes *fixed* into a sort of *habit*, and will be preserved even on a removal to a different situation for a considerable time, we have the following rules for our guidance in selecting and changing seed:

1. Seed for a cold wet soil where the tendency to woody growth is desired to be corrected, should be selected from warmer and dryer spots.

2. Seed for dry and exposed soils which naturally are little inclined to produce wood or foliage, should be selected from colder and more moist localities.

3. Seed for such plants as are desired to be raised mostly for their wood or their foliage should be selected entirely from colder and wetter localities—such are timber trees—and clover and the grasses raised for forage.

Professor Bronn thinks, were these rules neglected, and seeds continually planted on the same kind of soil as that which produced them—that cultivators of cold and most regions would gradually have their crops maturing later and later and with more and more stalk and foliage until they would be no longer profitable—and that cultivators of dry and warm regions would have their crops seeding gradually sooner and sooner and the stalks and foliage becoming more and more stinted until the stalk would be insufficient to furnish nutriment to the seed and both would languish.

An illustration of the tendency of dry and warm soils to produce seed and of wet and cold ones to produce foliage and woody fibre may be seen in the difference in the growth of many garden plants in winter and summer. Turnips, lettuce, spinach, cress, mustard, &c. planted in the fall so as to have a winter growth, produce abundant herbage and foliage. But planted in summer there only come a few stunted leaves and they almost immediately run to seed. From this, then, we would suppose that the desired result in interchanging seed from different sections, could with such plants as will admit of winter cultivation be equally as well attained in exchanging the seed of winter and summer growth. Thus, if we wished to select a seed of oats, rye or wheat which would produce a quick head and an early crop of grain, we would choose seed from a crop which had been planted rather late and matured in summer. Or if we wished a heavy crop of foliage and wished it to remain long on the ground without seeding, we should select from such crops as had remained on the ground and grew through the winter—thus having given it the cold wet, soil, favorable to the production of foliage and stalk. This position we believe to be sustained by the experience of all who have tried the two kinds of grain. The same result too could be obtained by the farmer in selecting seed from the wet and dry spots respectively of his farm for interchange; as the difference in the growth on such spots will be found equivalent to the difference in the growth of many degrees of latitude.—*S. W. Farmer.*

MISSISSIPPI ALMONDS.—We are indebted to our friend and brother craftsman, M. SHANNON, Esq., of the Vicksburg, Whig, for a present altogether novel to us—it being a handful of *softshelled Almonds*, the produce of his own garden.

Mr. Shannon informs us that he has but one tree—that its growth is tolerably thrifty, but that the greater part of the fruit drop off before maturity. This year he has gathered more than a pint of the shelled fruit—last year, half that quantity. Those of last year, after being dried, were as fine as any ever imported. He had also a tree of the hard or bitter Almond, which flourished as finely as any peach tree—was loaded every year with fruit that ripened well—but, as they were of little use, and brother Shannon had but little ground to spare, he dug it up.

Almond, as every one perceives, differs but little from a peach-stone—and the skin covering it is very much like the pulp of a peach, except that it is thin.—These, at least, which we have received have but a thin coat, with a slight fuzz on the surface----considerably withered, and, when pulled off it has much the appearance and smell of dried peach snits, but is bitter to the taste. The tree, too, resembles a peach tree so much that the difference can hardly be perceived. It can be budded on a peach stock as easily as one peach can be budded on another.

In the system of Linnæus, the almond and peach both belong to the same family or genus—a genus that goes under the name *Amygdalus*. We are necessarliy indulging in hard words. It sometimes looks like pedantry; but, as a little etymological definition may help some of our readers to trace the resemblance between the peach and the almond, we beg leave here to revive some of our schoolboy sports. *Amygdalus*, the generic name for these trees, has reference to the *appearance or looks of the shell*. The shell of a peach stone or almond, after the pulp of the one or the green husk of the other is removed, presents the appearance of small fissure, lacerations, or *scratches*. This suggested the name which the great Swedish naturalist gave it, and which we now explain. *Amygdalus* is a Greek word derived from *anysso*—a verb, which signifies to scratch with claws, or nails—*radere unguibus*.

Amygdalus, then, is the generic name, because the seed has the appearance of being *scratched*.

Amygdalus Persica is the systematic name of the common peach tree—so called because they came originally from Persia.

Amygdalus communis is the systematic name of the common almond tree. It is a native of Barbary. In that country, this same tree produces both the bitter almond (*Amygdala amara*) and the sweet almond, (*Amygdala dulcis.*)

We should like to get a few buds, if friend Shannon could spare a dozen or so for ourselves and a few neighbors.

S. W. Farmer.

CULTURE OF THE PEACH.—The most extensive Peach Orchard which has come to my knowledge, is that belonging to Messrs. Isaac Reeves and Jacob Ridgeway, of Philadelphia. It is situated 45 miles below the city, on the river Delaware near Delaware city, and contains two hundred acres of trees, in different stages of growth. In 1839, they gathered from the orchard 18,000 bushels of first rate fruit from 170 acres of trees, whereof only 50 acres were then in full bearing. When the fruit has attained the size of a small musket ball, it is thinned. One of those gentlemen informed me that of the small size they had gathered in that year 700 bushels, by measure, of the immature fruit. By the judicious arrangement, while the amount of fruit was but little diminished, either in weight or measure—its size and beauty were thus greatly improved, so that their fruit was the handsomest in Philadelphia market, and, during the best of the season much of it was sold at from $4,50 to $6 the basket, of three pecks in measure. Since that period they have increased their orchards, which now comprize 300 acres. Their trees are usually transplanted at a year's growth from the bud—they usually produce a full crop of fruit in the fourth year, after being transplanted, and from some of their trees, two bushels of fruit have been gathered in a single year. They prefer a dry soil, light and friable, on a foundation of clay or gravelly; a good, but not a very rich soil. Like all other good cultivators, the whole land is always kept in good cultivation. For the first two or three years, corn is raised in the orchard, but afterwards the trees are permitted to occupy the whole ground, nothing being suffered to grow beneath their shade, as this would rob the fruit of its nourishment. In Delaware, where the soil is good, twenty feet asunder is the suitable distance recommended for the tree; while on the eastern or Atlantic side of New Jersey, sixteen or seventeen feet is deemed sufficient by some of their most experinced cultivators on good soils, while farther north, or on poorer soils, a less distance will suffice. Even ten feet asunder, answers well in the latitude of Boston.

The blossoms of the Peach tree, as well as those of the Cherry, are sometimes liable to be cut off by winter, or by spring frosts, which occur after the sap has arisen; the danger in this case being caused by unusually warm weather, either during an open winter, or during the progress of a very early spring, which causes the tree to advance prematurely. Those being more especially exposed which are in warm and sunny positions, while those trees which are situated on the north sides of hills, the most exposed to cold winds, and on the north sides of fences and buildings, almost invariably escape. In Switzerland, it has been stated that a mound of earth is sometimes placed over the roots of trees in autumn, as a protection from winter frosts, which is removed in spring.—Completely to protect the trees, and to ensure a crop of fruit in all situations and seasons, set the surface of the earth beneath the tree, from the depth of eight to twelve inches, either with leaves or with coarse strawy manure, or with coarse hay, in January and February, and when hard frozen. This will preserve the ground in a frozen state, and effectually retard the progress of the tree till the danger is past, and to a late period in spring.

The peach flourishes and ripens well its fruit, usually wherever and as far north as the Indian corn or maize will produce a certain crop. But by attending to the above directions, we are persuaded that it will succeed and flourish, producing fruit perfect and mature, and abundantly even still farther north. It is eminently deserving of trial.

Kenrick's New American Orchardist.

PROTEST AND REPORT

OF HON. THOMAS W. GILMER,

One of the Select Committee to whom was referred the message of the President, returning, with his objections, the bill "To provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes.

The undersigned, a member of the select committee, to whom the objections of the President to the bill entitled a bill "To provide revenue from imports, and change and modify existing laws imposing duties on imports, and for other purposes," were referred, being unable to concur in the views of the majority of the committee, would assign some of the reasons which have influenced him in coming to a different conclusion. He cannot refrain from inquiring for what purposes this committee has been raised, and protesting against the unprecedented and extraordinary course which a majority of the House of Representatives have determined to pursue on this occasion: a course certainly opposed to all the established usages of our government, and as the undersigned believes, in conflict with the provisions of the constitution.

The language of the constitution is as follows: "Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to the House in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law."

The bill in question having passed both Houses, was sent to the President, by whom it was returned to the House of Representatives, where it originated.—Instead of proceeding, (as the Constitution directs) "to reconsider it," the bill is laid on the table, and the President's objections are referred to a select committee. In ordinary Parliamentary proceedings, where a Bill has passed either House of Congress, and a motion is made to reconsider the same, pending such motion the bill itself, having once passed, is not before that House for any general purpose, and can only be brought again within the power of the House by a reconsideration of the vote on its passage. A motion, therefore, to commit, to postpone, or to lay such bill on the table, could not attain its object, and therefore could not be made. In this case, the bill had passed both Houses, and could not again come under the action of either, except by the express provision of the Constitution. That provision is mandatory and explicit. It prescribes the only legislative action which can take place on the President's objections and the bill. The House is directed "to enter the objections at large on their journal, and proceed to reconsider it" (the bill).

The question of reconsideration, therefore, is raised by the Constitution. It is a reconsideration of the bill, not merely of the vote on its passage. It is the only question which is raised in reference to the bill, and it is one which the House is not at liberty to evade or suppress. The objections which the Constitution requires the President, if he does not approve, to assign, do no more than suspend the bill, which, without them, would become a law, and which, notwithstanding them, may become a law, if on the reconsideration, which is not only permitted but prescribed, it is "approved by two-thirds." The constitution, therefore, clearly contemplates that when a bill is returned with objections by the President, it shall be subjected to the test of another vote. The importance attached to this requisition by the wise and patriotic framers of the constitution, may be inferred from the provision that "in all such cases, the votes of both Houses shall be determined by yeas and nays."

If the Federal Executive had been invested with an absolute instead of a qualified veto, there would have been no necessity for these precautions to insure a vote on the reconsideration. Congress are no more at liberty to fail or refuse to reconsider the bill returned with objections, than the President would be to decline, to approve, or return it with his objections. The bill cannot be altered in any respect, by one or both Houses.—The House to which it is returned is not at liberty to separate the objections from the bill. They are to be entered on its journal, and the bill, if two thirds shall pass it, is to be sent, together with the objections, to the other House. Before any bill can become a law, it must be "presented to the President." If he approve, it is a law; if he return it, he is bound to state his objections, and Congress are not permitted to convert the qualified power of the Executive to subject a bill to another direct vote on the yeas and nays, into an unqualified and absolute veto, as they may effectually do by refusing to proceed to the reconsideration, or by silently acquiescing in the President's objections without another vote. The objections of a President operate as a check on the unconstitutional or inconsiderate legislation of a mere majority in the first instance, and two thirds on the reconsideration are as effectual a check on the veto.

Under the constitution, "each House may determine the rules of its proceedings," but in this particular case, the constitution itself has determined the rule of proceeding. The question is whether the rule is paramount and inflexible, or whether, like ordinary rules, it can be modified, suspended or abrogated. Does the reconsideration enjoined by the Constitution give the House a more extensive power over the bill than it had under its own rules after its passage? It is not denied that the reconsideration involves the merits of the bill, as well as the force of the Executive objections, nor that deliberation and discussion are essential. It is maintained, however, that the action of the House is prescribed, and that it is limited to a single object, and that is the reconsideration of the bill as it passed both Houses, and as it was returned from the Executive with his objections. If it can be laid on the table, or postponed or committed, it may be withdrawn from the reconsideration of the House by the vote of a mere majority. That same majority may refuse to take it up again and thus prevent a vote on the reconsideration.

In this instance a majority have laid the bill on the table, and have refused to take it up. It depends on the will of that majority whether it shall be taken up and reconsidered at all. They have then claimed—and by force of numbers exercised—an authority which may altogether disregard and dispense with the positive requisition of the Constitution. They have separated them from the objections. The former may or may not be brought to a direct vote on its merits with the yeas and nays. It may be expedient for the bare majority of four, by which it originally passed, to permit that bill to slumber forever under the indirect vote to lay on the table, a vote which does not involve the merits of the bill, nor meet the requisitions of the Constitution. The power to lay on the table is a power which can also commit to a select or standing committee, or to a committee of the whole, where the yeas and nays cannot be had, or which can postpone indefinitely beyond the session. The power assumed in these different modes is the same. It is the power to control the constitution by arbitrary rules and by the party vote of a bare majority of one House of Congress.

The message containing the President's objections has been referred to this committee. The power of the committee does not extend beyond the subject referred. Reasons or recommendations may be reported in answer or in connection with the objections, but it is not competent for this or any other committee constitutionally to report any measure which will obstruct the reconsideration of the bill. The committee can then neither suggest nor accomplish any practical object of legislation consistent with the Constitution. They cannot report an original bill or any amendment to the bill now on the table. They may recommend an impeachment or a censure of the President, but if this recommendation assumes the form of a resolution, the question in the House is on the report of the committee and not on the bill. As two questions cannot be voted on at once, this question must either supersede the reconsideration of the bill, or it must interpose a new question not contemplated by the Constitution.

It is not maintained that the reconsideration enjoined by the constitution precludes discussion in any form; but that the reconsideration of the bill, with the objections, is imperative, and that it is not within the legitimate power of Congress, by any sort of parliamentary device, to avoid it, or to alter or modify the direct question presented by the Constitution, by qualifying or connecting it with any extraneous question. If it be true, then, that this committee can report no measure to the House affecting the bill which the House is required to reconsider, nothing remains which they can do but present, in the shape of a report, arguments which could be as well, if not better, presented in debate. This is the most innocent design which can be imputed to this movement. It is to embody in a more imposing form, and to present from a new point of attack, principles and precedences which have always been hostile to the true spirit of the Constitution. Under the specious pretext of defending Congress from what is imagined to be an attack on their constitutional rights, it is sought to strip the other departments of government of powers which the Constitution has confided to them, to remove every constitutional obstruction to the arbitrary will of Congress, to destroy the equilibrium of our well considered system of government, and to assume unlimited jurisdiction not only over the co-ordinate branches, but over the states and the people.

Encouraged by the present embarrassed condition of the country and our public affairs, deriving fresh political hopes from the general gloom and despondency which their own proceedings have cast over the Union, it is attempted to extort from the sufferings of the people some sanction for principles of government which their judgment has never failed to repudiate. The history of government abounds in examples of conflicts between the several departments.—It has sometimes happened that all the departments combined to overthrow the Constitution, and but for the intelligence of the people and the controlling power of the suffrage in restoring the supremacy of the Constitution over the Legislature, the Executive, and the Judiciary, such combinations must have been fatal to our Constitutions. While it is the privilege and the duty of every citizen to arraign either departments of the government, or any public officer for infidelity to the Constitution and the laws it is neither wise, just nor patriotic for one of those departments to impair the confidence or the harmony which should subsist between the separate branches of the public service by fermenting prejudices and discord. They are all agents of the people. Their duties are prescribed by a law which all acknowledge as supreme.

Without enquiring into the motives which induced the framers of the Constitution to distribute the powers of our government as they have been done, and to confer the particular power in question on the Executive, and without reviewing the actual experience of the Government as to what (from a supposed analogy not at all obvious to certain powers in other Governments,) is commonly called the veto power, it is natural that the mind should approve or condemn the exercise of this power, according to its interests, opinions or prejudices on the subject to which it is applied. This is true, not only as to this, but as to all other powers of government. Zeal, in the pursuit of some cherished object of interest or ambition, induces some men, not only to complain when they are thwarted by what they believe to be an improper exercise of power, but to make war on the established forms of government, and to seek by revolution or radical change what they cannot lawfully obtain.

The disposition which has been recently manifested, to some extent, to disturb the well-adjusted checks of the constitution by claiming powers for Congress which that instrument does not confer, or by denying to a co-ordinate branch of the Government powers which it does confer, in order to establish a particular system of party policy or carry an election, must be regarded with deep regret and serious apprehension by the people, those whose province it is to judge and who, free from bias of mere party politics can think, and feel, and act under the superior influences of patriotism, and Government has survived the shock of many severe political contests, because hitherto these contests, involved only a difference of opinion as to the principles and policy of the Government as organized. It has been deemed unwise, as well as dangerous, to exasperate local or general prejudices against the acknowledged forms of the Government, and to enlist the spirit of revolution as an auxiliary to the spirit of party. It has been lately proposed to abolish the powers resulting to the Executive from the clause of the Constitution already cited. There is no evidence of any disposition to second this purpose, either on the part of Congress itself, or on the part of the states. Despairing of any peaceful change, it is, however proclaimed that this power is so dangerous to liberty as to justify an appeal to arms.

This is urged by those who desire to secure the enactment of measures believed, probably, by a majority of the people of the United States, and certainly by the present Executive, to be either unconstitutional or grossly inexpedient and injurious. To obtain the charter for a national bank, when there are few bold enough to believe that any prudent man would hazard his capital, or his confidence, under the charter, or still farther to impoverish an already empty and indebted Treasury, it is proposed to abolish, by amending the constitution, or by revolution, one of the checks by which the Executive department is authorised to arrest the unconstitutional measures of Congress. A double innovation is meditated against the constitution, and violence is invoked to annul one of its Executive barriers, because it is an obstacle to the encroachments of the Legislature. If the veto power, as it is called, were abolished in the Executive, it would remain in the Judiciary, unconstitutional legislation might still be arrested there, and it would not be in the power of the two thirds to control the decisions of the Supreme Court. Hence it is, perhaps, that distrust has been recently expressed as to the competency of that Court to decide on questions which have, unfortunately, arisen as to the authority of the Government to collect any revenue since the 30th of June last.

The object of those who believe that certain measures of party policy are of more consequence than the present organization of our government can only be partially accomplished by abrogating the veto of the Executive. There remains, besides the veto of the judiciary, the veto of the people. All the powers of our Government, into whatever hands they may be distributed, must be exercised under responsibility to the laws and to popular opinion. When a President returns a bill to either house of Congress, with his objections, he is responsible to the law, to all its penalties; and, like every Representative of a state or a district, he is responsible also to the people. These are the great checks of our system, and they are serving the most important end for which they have been established, when they restrain the licentious ambition which is chafed only by constitutions, by laws, or by the popular will.

For the first time in the history of our institutions they are exposed to a novel experiment. It is nevertheless, one contemplated by the constitution. It is to be tried under very peculiar circumstances. It remains to be seen whether a Vice President, called in the regular order of events to the chief Executive office, can administered the Government without a party pledged in advance to approve or to oppose his administration; or, in other words, whether the vigor and security of our Government abides in the constitution and laws, or in a mere party. With regard to the constitutional convictions of the present incumbent of the Executive office on some of the subjects to which they have been applied, it is undoubtedly true that they were well known to those by whom he was nominated and elected to the second office of the Government, and by many of whom he is now bitterly denounced, for being, what they, in election, proclaimed him to be. With regard to the exercise of the veto power, in this instance, a recurrence to a few facts of public notoriety and recent date, will enable an impartial public to decide.

Before the death of the late President, his proclamation had issued convening Congress in extra session. The necessity of this was alleged to exist in the state of our finances. Congress assembled on the 31st May, 1841. It has been in session, with the interval of rather more than two months, ever since.—Various expedients were resorted to, during the extra session, to enable the Government to meet its engagements and defray its ordinary current expenses. Since that period the pay of the army, the navy, and the civil list have been frequently suspended, from the utter destitution of the Treasury. Loans, authorized by Congress, have failed to be negotiated on any terms. Treasury notes of Government have depreciated and been returned by the needy public creditor under protest. Every device to sustain the sinking credit of the Government short of a direct tax, has failed and at a period when our foreign relations were eminently precarious.

The distribution of the proceeds of the public lands from the Treasury of the United States to the Treasuries of the states, was among the earliest measures urged at the extra session. A loan of $12,000,000 had been authorized for the relief of the National Treasury, but not negotiated, when a bill describing the proceeds of the public lands passed both Houses of Congress, and, with the approbation of the Executive, became a law. It contained a clause, without which it