

could never have obtained either Legislative or Executive sanction, providing, in view of the embarrassed condition of the Treasury, that when ever the duty on any article of foreign importation exceeded twenty per cent, the distribution to the states should cease, and the proceeds of the lands should again be applied to pay the debts and defray the expenses of the Federal Government.

At the commencement of the present session, the President in his annual message, apprised Congress that there would be a deficit in the Treasury on the first of January, 1842, of \$627,557 90. At a subsequent period of this session, he urged on Congress, in a special message, the inability of the Treasury to meet the demands created against it by appropriation which Congress had made, the necessity of providing adequate means to sustain the Government, by an increase of duties on imports and every other means within their power.

The final reduction of duties to twenty per cent under the compromise of 1833, was to take effect on the 30th of June, and then the distribution, under the act of 1841, was to commence, provided the duties were not raised beyond 20 per cent. On the 7th of June the committee of ways and means which had reported the revenue bill of the 3d, brought in what was called the provisional bill, the ostensible object of which was to provide for a temporary collection of duties until time would be afforded for the passage of the general revenue bill.

On the 9th of June, a second provisional bill was reported from the committee of ways and means, with the same general objects as the first which had been reported only two days before, and with a proviso repealing the suspending clause of the distribution act. The first provisional bill was never considered. The second was passed by the House on the 15th of June, went to the Senate, returned with amendments which were concurred in on the 25th of June, and was returned by the President with objections on the 29th of June.

These objections are new before the committee. They are substantially the same as those which accompanied the provisional bill on the 29th of June. The revenue bill contained a clause most unequivocally repealing the suspension of the distribution act, which its own passage would have enforced, and thus it was in effect the enactment of a new distribution law appended to the revenue bill. Each House deliberately refused to strike out this clause, and persisted in associating, in ludicrous contrast, two measures; the one an act to raise money for the support of the Government by the imposition of taxes, the other to distribute the land revenues to the States.

the land fund in separate bills. Then each measure would have rested on its own intrinsic merits. But they persisted in connecting them in one bill. The restriction in the distribution act of 1842, was designed to guard against increasing the burdens of taxation to fill a vacuum which might be occasioned by distribution. The legislation of 1842, is designed to create a vacuum that it may be filled by increased taxation. There is probably no precedent in the history of any government for the union, under such circumstances, of a revenue and an appropriation bill. As there was no necessity for such union apparent to the public, we are at liberty to infer, that it resulted from the consciousness that one or both the measures could not have separately commanded a majority.

It is a great mistake to suppose that there is an issue between the majority of Congress and the President. There is an issue between this same majority in 1841 and in 1842. The President abides by terms which this majority prescribed for themselves and the Treasury in 1841, and they can prefer no accusation against him for adhering to their own position. He might with more propriety upbraid them for abandoning it. The issue is between this majority and the country. They who arraign the President for obstructing the will of Congress should be well assured that Congress does not obstruct the will of the States and the people it represents. Congress is neither infallible or irresponsible.

If this were a question in which none felt any interest besides the President of the United States and members of Congress there might be some plausibility in the attempt to narrow the issue to them. But the subject of revenue is one in which those who pay are apt to feel as deep an interest as those who levy taxes. Every citizen of the United States, moreover, feels a solicitude in the Government, and all that concerns it in the fundamental principles on which it is based, in the measures which characterize its Administration, in its justice, its faith, and its fame, and the judgment of no impartial man can be blotted or blighted by the effort to conceal the true points of this issue, under cover of apathy, political altercation between a party majority in Congress, and the President. The President has either assumed a power which does belong to his office or he has abused a power which does not belong to it.

It has not been denied that the power in question exists under the Constitution; indeed it has been proposed to abolish it by amendment. If it has been abused, it was done either corruptly and wantonly, or under an error of Executive judgment. If there is evidence of the least corruption in the President's conduct, he should be impeached. The power of impeachment, has been confined to the House of Representatives. It is the duty, therefore, of the majority who accuse the President to arraign him under articles of impeachment before the Senate, if they believe him to be guilty of any impeachable offence. If he has neither assumed power, nor abused it corruptly, then the issue dwindles to a mere question who is right as to a measure of policy. If the undersigned were allowed by the circumstances which compel him to omit many considerations very proper to the subject, he would not despair of showing that, independent of all the extraneous prejudices and political feelings which the advocates of error on this occasion endeavor to bring to their aid, the mere opinion of the Executive in this case is right and the mere opinion of Congress is wrong.

The narrative of legislation on the subject of revenue at the late extra session, and since December last, which has been given, will furnish the facts from which, without explanation or argument, the country will be enabled to judge whether the majority in Congress or the President have erred in mere matters of opinion. The occasion is both too novel and too grave to permit an argument on such minor questions, affecting the comparative taste or wisdom of the majority of Congress and the President. As to the mere question of opinion however, the President should not be condemned without some charity by those who concurred with him so recently as September, 1841. If the charge preferred by the majority is understood, it involves no breach of the Constitution or of any law, on the part of the President; but they accuse him of obstructing their will. The accusation implies either a general infallibility on the part of the accusers, or a particular exemption from error on this occasion, or it denies to the President the right and the responsibility of judging on a subject which Congress submitted to his judgment.

They will find that there are two sides to that question. The Executive is a coordinate department of the Government. The President is under no obligation im-

licitly to approve every bill which the Legislature may pass. He is commanded either to approve, or, if he cannot approve, to return with objections all bills sent to him, and Congress are required to send him all bills which they pass. It is alleged, however, as a complaint, that the President has thought proper to exercise his constitutional discretion, and withhold his approbation from other bills which Congress have passed. Still the question of power and the question of duty on his part, and on the part of Congress, is the same in each instance.—Can Congress excuse themselves for refusing to provide revenue for the Government, because the President did not approve either of the forms, in which, at the extra session, they attempted to charter a Bank of the U. States? Is the issue, which has been so solemnly proclaimed on this occasion, to embrace the long agitated question of currency besides that of revenue?

Do the majority mean to declare that they will permit no revenue to be collected, or, in other words, that the Government shall cease, unless two conditions are submitted to—first, the charter of a bank in some form, and second, the distribution of the land fund? If this be the object, then these questions should have been all connected in one bill. It has been deemed prudent, however, to connect only two of them. The questions of distributing the land fund and raising revenue, for the support of Government, were united in such a manner as to leave it doubtful whether the majority of Congress considered themselves bound to provide revenue, first for the states, or for the U. States. Since they insisted on uniting them in a second bill, after a former bill had been vetoed, on account of their union, and since it is now declared that Congress is disagreed if it reaches so far as to separate the two questions, and that the United States Government shall have no revenues, unless the land fund is distributed to the states, there can no longer be a doubt of the determination either to bestow the ways and means of the Federal Treasury on the state Treasuries, or to starve the Government of the United States. The majority seem not only resolved on this, but they are resolved to accomplish their object in one particular mode, and that is by legislating on the two subjects in the same bill.

What, then is the issue? It is not whether the power exercised by the President is a lawful power. Its existence is conceded by the proposition to abuse it. It is not whether that power has been corruptly abused. If this is believed the majority are guilty of culpable neglect of duty in not impeaching. It is not whether the United States shall have a revenue. But, it is whether this Government shall have revenue, and the states shall have the land fund, in a particular form of legislation, which Congress have resolved at all hazards to persevere in—a form of legislation resorted to, at first, to coerce the votes of Congress, and persisted in to coerce the Executive, by putting the Treasury under duress.

As the majority of Congress seem to view this question, it is a mere parliamentary puntello on which some of them would rouse the country to arms. In other aspects, however, in which it will be viewed by those who, in this case, are more impartial arbiters than either this majority or the President, it is a question worthy of the most serious consideration. The Government have now no revenue. It is in debt. It is completely organized under the forms of the Constitution. Its Legislature, its Judiciary, its Executive are at their posts; its Army is in the field; its Navy is on the sea; its representatives are honorably accredited by all foreign Governments as the representatives of foreign Governments are here. There is a profound peace and a general sense of security throughout the country. Our fields are teeming with abundant harvests. Industry and economy are gradually repairing the evils of extravagance and indolence, and, as they develop our great national resources, they are restoring a general confidence, which will revive prosperity, and teach us, for a time at least, the danger of preferring again artificial wealth and delusive splendor to real independence and substantial comfort; with the means of individual happiness and national glory within our reach, the people of the United States may well ask why it is that the Constitution has failed, why the laws are impotent, and why the representatives of twenty-six States and seventeen millions of people are unable to provide revenue to save the government from disgrace and dissolution.

A majority of these representatives have given the answer. It is, because they do not choose to do what they have the power to do. They forget their duty to the country and the Constitution, and remember only the imaginary resentments which they suppose to exist between themselves and the President of the U. S. If these resentments were real, will the country tolerate a suspension of the entire government, until a political dispute is settled by revolution or reason, between those who ought to feel on both sides a weight of official responsibility, which permits no motive of ambition or animosity to inflict on their country the consequences of their passions?—Whence can such resentments arise, unless from motives of ambition equally unworthy of a President or Legislator? If the majority in Congress wish to submit an issue to the country, involving any policy of Government, any question of constitutional liberty or legislative expediency, let them present it in the shape of a mere controversy between themselves and President. Let them invoke the judgment, and not merely the prejudices, of their countrymen to decide.

It too often happens that a party attempts to prescribe law for the Constitution, and to interpolate substantive restrictions or enlargements of the powers to be derived from the text. Necessity or expediency is always the pretext. In the first necessity and the soundest expediency in a Government of a written Constitution is to preserve its organic law inviolate. The instrument may be as effectually changed (and the Government is changed with it) by this means as by an amendment in the prescribed mode. That Constitution is designed to furnish a permanent, uniform and universal rule of Government, while parties fluctuate and change with the caprices of passion or the convulsions of judgment. These decisions of mere party are too apt to be regarded as authority, and hence the conflict which frequently occurs between them and the Constitution itself. The undersigned has already expressed his conviction

that the proceedings in this case are in conflict with the Constitution.—It is to be regretted that it is not the only evidence of a disposition during the present Congress to disregard the authority of that instrument, or to create unnecessary collisions between the Legislative and the Executive departments.

When a subject distinctly embraced in one bill has been the cause of the Executive objections to that bill, respect for the opinions of a co-ordinate department, or desire to avoid unnecessary collisions with it, would suggest the propriety of not immediately pressing that identical subject upon the consideration of the Executive without some intimation of a change of opinion. The objections of a President to the provisional revenue bill and the general revenue bill are the same. They relate to the insertion of a clause directing the distribution of a land fund without regard to the rates of duties on imports. The first bill was temporary in its duration and comparatively unimportant in its objects. It was sent to the President in advance of the second, and only five days prior to the 30th of June, when it was alleged there would be authority to collect revenue. It contained a clause in relation to the distribution of the land fund.—It was vetoed on account of that clause.

On the 5th of August, Congress passed the second or general revenue bill, containing a clause still more unequivocally authorizing distribution of the act of 1841. Whether the first of these bills was designed only to feel the way for the second, and to ascertain if the President could be brought to the dilemma, after objecting to the bill, of either vetoing a revenue bill, or submitting to the distribution clause in order to obtain the means of carrying on the government, or to re-negotiate, by the vote of a majority, a single principle which had been so recently vetoed, and which could not obtain the vote of two-thirds, it is a part of the history of these proceedings which may shed some light on our examinations. The legislation of Congress at the 1st extra session on the subject of the bank and its various modifications, illustrates the same disposition.—Two bills under different titles, but both for the object of chartering a National Bank, were successively passed, sent to the Executive and were returned with objections. If then there has been a disposition on the part of the Executive to resist the action of Congress on certain subjects, there has certainly been a corresponding disposition on the part of Congress to attack and to repeat the attacks on the Executive.

Congress have appropriated the money required to carry on the Government. They have authorized the debts that are contracted. They alone, under the constitution, can furnish means of meeting their own appropriations. It is not in the power of the minority of Congress to legislate. All that the Executive can do is to convene Congress, should it adjourn without providing revenue to carry on the Government. It is hoped, however, that calmer considerations will inspire some motive of public duty stronger than any feelings of party resentment. The threats of violence which have been heard from quarters whence better counsels should have prevailed, will not disturb the repose, nor provoke the dignity of a free and enlightened people.

THOMAS W. GILMER.  
Washington, August 16, 1842.

ELECTORAL VOTES.

By the new Apportionment, the number of electors of President and Vice President, chosen by all the States, will be 275, of which 138 are necessary for a choice. We give the following comparative table of the number of electoral votes to which each State is entitled, both by the new and old ratio:

Table with 3 columns: State, Old Ratio, New Ratio. Lists states from New York to Arkansas with their respective electoral vote counts.

The number of electors, by the Constitution, it will be recollected, is equal to the whole number of Senators and Representatives in Congress. Thus, by the new ratio, Senators 52, Representatives 223—total 275.

A MOVE ON THE CHESS-BOARD.

A broadside extra from the office of the Kentucky Gazette presents the claims of Col. Richard M. Johnson, of Kentucky, as a candidate for the Presidency. The extra embodies, among other things, the proceedings of a "meeting of the Democratic members of the Kentucky Legislature," as well as of a "meeting held at Harrisburg, Pennsylvania," from the latter of which we copy the following significant resolution: "Resolved, That the letter of Martin Van Buren to the Missouri Legislature, declining a nomination for the Presidency, exhibits his devotion to the best interests of the Democratic party, and meets the decided approbation of the People of the whole Union, and especially of the Democracy of Pennsylvania."

GROCERIES.

IN store and for sale, a good supply of Salt, Sugar, Coffee and Molasses, by D. MALLOY. Aug. 23rd 41

LAWS OF THE UNITED STATES

Passed at the 2d Session of the 27th Congress.

[BY AUTHORITY.]

[Public—No. 53.]

AN ACT making appropriations for the support of the army, and of the military academy, for the year one thousand eight hundred and forty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same hereby are, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the army for the year one thousand eight hundred and forty-two:

- No. 1. For the pay of the army, one million four hundred and seventy-seven thousand seven hundred dollars.
No. 2. For commutation of officers' subsistence, five hundred and twenty-seven thousand two hundred and sixty-four dollars.
No. 3. For commutation of forage of officers' horses, one hundred and sixteen thousand nine hundred and seventy-one dollars.
No. 4. For commutation of clothing of officers' servants, thirty thousand two hundred and forty dollars.
No. 5. For expenses of recruiting, fifteen thousand seven hundred and nine dollars and thirty-six cents.
No. 6. For clothing of the army, camp and garrison equipment, cooking utensils, and hospital furniture, three hundred and seventy-four thousand eight hundred and seventy-six dollars and eighty cents.
No. 7. For subsistence in kind, exclusive of that of officers, seven hundred and sixty-nine thousand six hundred and sixty-eight dollars.
No. 8. For the regular supplies furnished by the Quartermaster's department, consisting of fuel, forage, straw, stationary, and printing, three hundred and sixteen thousand dollars.
No. 9. For barracks, quarters, and storerooms, embracing the repairs and enlargement of barracks, quarters, storerooms and hospitals; the erection of temporary encampments and of gun-houses for the protection of cannon, the purchase of tools and materials and of furniture for the barracks; rooms; rent of quarters for officers, of barracks for troops, where there are no public buildings for their accommodation, of storerooms for the safe-keeping of subsistence, clothing, and other military supplies, and of grounds for summer encampments and encampments for military practice, one hundred and thirty-five thousand dollars.
No. 10. For the incidental expenses of the Quartermaster's department, consisting of postage on public letters and packets, expenses of courts martial and courts of inquiry, including the additional compensation to judge advocates, members, and witnesses; extra pay to soldiers under the act of March second, eighteen hundred and nineteen; expenses of express and of the interment of non-commissioned officers and soldiers; hire of laborers; compensation of clerks in the offices of the quartermasters and assistant quartermasters at posts where their duties cannot be performed without such aid, and of temporary agents in charge of dismantled works; and to such wagon and forage masters as it may be necessary to employ under the act of the fifth of July, eighteen hundred and thirty-eight; expenditures necessary to keep the regiments of dragoons and the four companies of light artillery complete, including the purchase of horses to supply the place of those which may be lost and become unfit for the service, and the erection of stables, one hundred and twenty-seven thousand dollars.
No. 11. For transportation of officers' baggage when travelling on duty, without troops, sixty-five thousand dollars.
No. 12. For transportation of the army and baggage, freight and ferrages, purchase and hire of horses, mules, oxen, carts, wagons, and boats, for purposes of transportation or garrison use; drayage and cartage; hire of teamsters; transportation of funds for the pay department; expense of transport vessels, and of procuring water at such posts as from their situation require it; transportation of clothing from the depot at Philadelphia to the stations of the troops; of subsistence from the places of purchase and delivery, under contracts, to such points as the circumstances of the service may require; of ordnance, ordnance stores, and small arms, from the foundries and armories, to the arsenals, fortifications, and frontier posts, two hundred and forty-two thousand dollars.
No. 13. For the contingencies of the army, nine thousand dollars.
No. 14. For the medical and hospital department, twenty-eight thousand dollars.
For extending and rendering more complete the meteorological observations conducted at the military posts of the United States, under the direction of the Surgeon General, three thousand dollars.
No. 15. For the current expenses of the ordnance service, one hundred thousand dollars.
No. 16. For the armament of fortifications, including compensation of a special agent to attend at the foundries employed in making cannon, one hundred and fifty thousand dollars.
No. 17. For ordnance and ordnance stores and supplies, one hundred thousand dollars.
No. 18. For the manufacture of arms at the national armories, three hundred and sixty thousand dollars; of which sum ten thousand dollars may, at the discretion of the Secretary of War, be applied to the purchase of arms.
No. 19. For repairs and improvements and new machinery at Springfield armory, twenty thousand dollars.
No. 20. For repairs and improvements and new machinery at Harper's Ferry armory, thirty thousand dollars.
No. 21. For arsenals, one hundred and twenty thousand dollars.
No. 22. For purchase of saltpetre and brimstone, forty thousand dollars.
For expenses of preparing drawings of a uniform system of artillery, one thousand three hundred and fifty dollars.
No. 23. For preventing and suppressing hostilities in Florida, to be expended under the direction of the Secretary of War, viz: for forage for the horses of the mounted volunteers and militia, and for the horses, mules, and oxen in the service of the trains; for freight or transportation of military supplies of every description from the places of purchase to Florida; for the purchase of wagons, harness, boats, and lighters, and other vessels; of horses, mules, and oxen to keep up the trains;

tools, leather, and other materials for repairs; transportation within Florida, including the hire of steamboats and other vessels, for service in the rivers and on the coast, and the expenses of maintaining the several steamboats and transport schooners connected with the operations of the army; hire of mechanics, laborers, mule-drivers, teamsters, and other assistants, including their subsistence; and for miscellaneous and contingent charges, including arrearsages, five hundred thousand dollars: Provided, That no more than one hundred and forty-six thousand two hundred and ninety-six dollars and seventy-three cents shall be applied to the payment of arrearsages; and no such arrearsages shall be paid unless they are for services rendered or supplies furnished in pursuance of law.

For military surveys for the defence of the frontier, inland and Atlantic, fifteen thousand dollars.

For arrearsages and for the preservation of the public property at the several places of harbor and river improvement, fifteen thousand dollars.

Sec. 2. And be it further enacted, That no officer in any branch of the public service, or any other person whose salary, pay, or emoluments, is or are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the discharge of public duty, or for any other service or duty whatsoever, unless the same shall be authorized by law, and the appropriation therefor explicitly set forth that it is for such additional pay, extra allowance, or compensation.

Sec. 3. And be it further enacted, That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the year one thousand eight hundred and forty-two, viz:

- No. 1. For pay of officers, instructors, cadets, and musicians, sixty thousand five hundred and twenty-four dollars.
No. 2. For commutation of subsistence of officers, and cadets, forty thousand and seventy-seven dollars.
No. 3. For commutation of forage of officers' horses, five thousand one hundred and eighty-four dollars.
No. 4. For commutation of clothing of officers' servants, four hundred and twenty dollars.
No. 5. For defraying expenses of the Board of Visitors, and for the other various current and ordinary expenses of the Academy, other than pay and subsistence, twenty-six thousand four hundred and thirty-six dollars.
No. 6. For increase and expense of library, one thousand dollars.
For building and repairing the necessary boats, and for carrying on the improvements on the Missouri, Mississippi, Ohio, and Arkansas rivers, one hundred thousand dollars, under the direction of the Secretary of War; and for the preservation and repairs of public works heretofore constructed for the improvement of harbors, thirty thousand dollars.

JOHN WHITE,  
Speaker of the House of Representatives.  
WILLIE P. MANGUM,  
President of the Senate pro tempore.  
Approved, August 23, 1842.

JOHN TYLER.

[Public—No. 54.]

AN ACT to establish an auxiliary watch for the protection of public and private property in the city of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established an auxiliary guard or watch for the protection of public and private property against incendiaries, and for the enforcement of the police regulations of the city of Washington, consisting of a captain, to be appointed by the mayor of the said city, at an annual salary of one thousand dollars; and fifteen other persons, to be employed by the captain, five of whom shall receive a compensation of thirty-five dollars per month, and the remaining ten a compensation of thirty dollars per month.

Sec. 2. And be it further enacted, That the said guard shall occupy as a rendezvous such building or part of a building belonging to the United States or furnished by the corporation of Washington, as shall be directed by the President of the United States, and shall be subject to such rules and regulations as may be prescribed by a board, to consist of the mayor of the city of Washington, the attorney of the United States for the District of Columbia, and the attorney of the corporation of the said city of Washington, with the approbation of the President of the United States.

Sec. 3. And be it further enacted, That for the compensation of said auxiliary guard, and for the purchase of the necessary and proper implements to distinguish them in the discharge of their duties, the sum of seven thousand dollars is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, August 23, 1842.

[Public—No. 55.]

AN ACT to amend an act entitled "An act to provide for the payment of horses, or other property, lost or destroyed in the military service of the United States," approved the eighteenth day of January, eighteen hundred and thirty-seven.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the above recited act be so amended as to embrace the claims of any field, or staff, or other officer, mounted militia-man, volunteer, ranger, or cavalry, who has or shall sustain damage, without any fault or negligence on his part, while in the military service of the United States, by the loss of a horse destroyed or abandoned by order of the commanding general or other commanding officer, or by the loss of a horse or being shot, or otherwise lost or destroyed by unavoidable accident, without any fault or negligence of the owner, and when he was in the line of his duty, and for the loss of necessary equipment in consequence of the loss of his horse, as aforesaid shall be allowed and paid the value thereof at the time of entering the service.

Sec. 2. Be it further enacted, That in auditing and settling the claims provided for in this, and in the act which this is intended to amend, an appeal may be taken and prosecuted from the decision of the Auditor rejecting the claim, to the Second Comptroller of the Treasury, under the direction of the Secretary, whose decision shall be conclusive.

Sec. 3. And be it further enacted, That it shall and may be lawful to make compensation for horses, bridles, saddles, and equipments, turned over to the service of the United States, unde-