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THOMAS W. PEGUES.

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DEATH BAFLED BY MAGNETISM.—Every day is bringing out new wonders performed by animal magnetism, which appears now to be the great agent in every operation of nature. From putting people to sleep and making them expose the secrets of other people, it has become a powerful instrument in the hands of medical science to effect the cure of disease.—The Pittsburg Intelligencer gives the result of a marvellous case of this kind, which occurred there last week. A Mrs. Erskson had been confined to her bed since the latter part of last May, with a disease generally known as "milk leg." She was unable to leave her bed to walk across the room, or take a step, except by the aid of a crutch or stick, and the greatest caution and watchfulness were necessary to prevent her death. On Sunday, 31st July, she was induced to submit to be thrown into a mesmeric sleep. With the greatest difficulty she was removed from her bed to the chair, and in about 30 minutes Dr. Ewing had her in a sound magnetic slumber, which continued about two hours, during which several successful experiments were made in neurology and sympathy. She was then awakened, and, to the astonishment of herself and friends, got up and walked about the room, up stairs and down stairs, and through every room in the house, without the aid of a crutch or stick, as if nothing had ailed her. Another experiment was tried, and it had the effect of removing every trace of the disease. Dr. Ewing is well known in that city, and their statements are entitled to full credence. If this statement is true, we have arrived at the period when we may "throw physic to the dogs!"
Phil. Ledger.

MERMAIDS.—As two gentlemen of the press, named Tom and Frank, were sauntering among the rocks, they discovered two beautiful mermaids sporting in the water close to the beach. Delighted and astonished at such a discovery, for a moment they were at a loss what to do. Recovering, however, from their first surprise, they retired behind a rock, where they could see and not be seen by these divinities of the ocean. "Now Frank, with your note-book, and write what I dictate; my organs of perception are larger than yours. Are you ready?" "All ready," whispered Frank. "Write then." "Two mermaids up to their waists in water. Have you got that down?" "Yes replied Frank." "Add then, 'long hair of an auburn hue, slightly tinged with ocean green towards the end; faces round as a full moon, and white as—' and white as—'" "And white as what?" demanded Frank, impatiently. "Why, white as moon: eyes bright as lightning, mouth, cheeks, nose, &c., beyond the reach of Johnson, Walker, & Co.; bosoms, &c., oh Lord!" Here they were interrupted by a stout elderly gentleman, armed with a tall hickory stick, who seized Tom by the shoulder, and demanded in a rough voice, what he was about. "O, dear sir," replied Tom, imploringly, "don't make a noise—you will frighten the mermaids." "Mermaids—devils," roared the old gentleman, "they are my daughters, and if you don't vanish in a twinkling, I will make this tall hickory ring about your ears." Nuff sed, growled Tom and Frank, and were among the missing quick as thought.
Boston Post.

A graceless scamp, says the Boston Bee, was recently heard singing the following:
"When I can shoot my rifle clear,
To pigeons in the skies,
I'll bid farewell to pork and beans,
And live on good pot-pies."
He was all alone by himself at the time and returning from an unsuccessful hunt after peeps and sand snipe—at least we presume so.

FASHIONABLE GAIT.
"We like to see a young lady walk as though a flea was biting her on each hip. Is so fascinating. She is just the match for the dandy, who steps like an open winged turkey, travelling over a bed of hot ashes."

CONGRESSIONAL.

REPORT OF THE MINORITY OF THE SELECT COMMITTEE ON THE PRESIDENT'S VETO.

The undersigned, members of the select committee, to whom the President's message is referred, submit a brief and hasty protest against the elaborate report of the majority. Free government depends on constitutional checks; otherwise, democracy is despotism.—Each House of Congress has an absolute negative upon the other, the American judiciary exercises power to annul laws. The Union and the States, respectively, in some instances, nullify each other's legislation; the sovereign arbiter, being the people, never yet, in more than fifty years of prosperous experience, failing to interpose their political omnipotence, peaceably, intelligibly, and for the general welfare. In addition to these fundamental principles, which are the conservative basis of our free institutions, the Constitution of the United States requires the Executive Magistrate, if he disapproves an act of Congress, to return it, with his objections, to its authors, and call upon them to reconsider, before it can become a law. There is no veto, as is too often supposed, either in the word or the spirit of the Constitution; but mere authority for executive reference to legislative reconsideration. Unfounded resemblance has been ignorantly supposed between this American deliberation to prevent errors of passion and precipitancy, and the absolute inhibition of the Roman, or the modern royal veto.—There is no resemblance whatever between them. They are as unlike as *free* and absolute government; as unlike as the Polish veto, which allowed every member of a single branch of legislature, without reason, to repudiate any of its proceedings by his single and solitary voice.—Equally unfounded is it to suppose (as ignorance of their operations frequently does) that the monarchs of France and England are not absolute enough to use the veto. They use it every day; one of them in the exclusive right of initiating all legislation—and both of them by the vast means of executive influence.—What has been passionately stigmatised as the one man power in this country, is in principle, the same thing as the separation of Congress into two bodies, to correct the errors of each other; though much less powerful, because the power of a majority, by a single vote in either House, is absolute, while that of the Executive is merely suspensive and subordinate. Had all the members of the House of Representatives voted on the tariff bill, it would have been either carried or lost by one vote—and that, the casting vote of the Speaker. There is much of one man power in all free government.

The majorities in Congress in 1774, on all the essential points and principles of the declaration of rights were but one, two, or three. All the great critical questions about men and measures, from 1774 to 1778, were decided by the vote of a single, and that often by the vote of one individual. The Declaration of independence itself was so carried. The English revolution of 1688 was determined by one or two votes in Parliament. The King of France was condemned to death by a very few votes. Jefferson was elected in place of Burr, after thirty-seven trials by one vote. The expedition in 1645, from New England against Cape Breton, which gave peace to the world, was carried in the House of Representatives of Massachusetts by a single vote. Most of the acts of Congress in the memorable session of 1791, was carried by the casting vote of the Vice President. The vote of New York, which finally led to the convention for forming the present Constitution, after the failure of the Virginia attempt, by which only three States were represented at Annapolis, was carried by one vote. The first Bank of the United States was failed to be re-chartered by the casting vote of the Vice President. The late Bank of the United States was negatived, when first proposed, by the Speaker's casting vote. This instructive enumeration might be much enlarged, teaching that the responsibility of one man has often saved States and changed constitutions. Such salutary executive authority has been exercised from the outset of the American Government with marked approval by an intelligent people, wisely appreciating in their chief representative, the inestimable value of a firm and judicious interposition of this conservative and indispensable relief. For the first time in the annals of the United States, this immediate emanation of the Constitution is subjected, on the motion of an ex-President, (the chairman of this committee,) to the destruction of the mere technicalities of legislation. The Constitution commands us to journalize the President's objections, and then vote on them. The House did so in its preliminary objection to a like bill, but sent him another. Had we power to do so! Were not the functions of the House exhausted by the previous proceedings? Can they reiterate upon the Executive a bill which he has returned, and the House cannot carry? The undersigned feel it their duty to protest against and resist it by the only means left to a minority, preventive of the unconstitutional acts of an angry majority, believing that the time is near at hand when they will themselves most regret, as all will condemn the innovation.

The succession of the acting President to the Chief Magistracy was unavoidably followed by collisions between him and the party who selected and elected him, because he suffered himself to remain in the hands of their advisers, instead of his own. Those whose political sympathies the undersigned enjoy are in no respect answerable for this strife, which they have uniformly treated with moderation; adhering, however, to the faith of their own politics. We—neither made nor gave the quarrel; but calmly and conscientiously, with all due respect to majorities inexorably ruling in both houses, stand upon our rights, and maintain the even tenor of our way, relying upon the people to correct and restore whatever may be amiss, as they have been doing with alacrity ever since the disastrous commencement of the untoward legislation of sessions of Congress which have now endured for nearly twelve months of the last fifteen. All the elections since, afford unquestionable proof that, if there is any wrong in the Federal Government, the constitutional means of restoring right are in full and active operation.—While thus abiding their time, the minorities of the two Houses of Congress abide by the principle that the first Magistrate of a great peo-

ple is entitled to respect; and even by opponents should be treated with decorum. We know on difference in language and feeling towards the President and those which we use towards each other in Congress. His not being personally present is, in our opinion, no reason for maligning his motives, traducing his character, or vilifying his administration. The most strenuous, inflexible, and successful opposition consists with the language and spirit of moderation; and if the people are the intelligent sovereignty supposed by our institutions, would be more popular than indignation, violence, and obloquy. The President has communicated his objections to an act of Congress, against which numbers so large in both Houses voted, as to prove, beyond doubt, that it is extremely objectionable, and which we, in common with every one of those large numbers, representing, as we have every reason to believe, the wishes of a large majority of the American people, conscientiously deem unwise, unjust, and as many think, unconstitutional. The President's objections are contained in a respectful message, temperate in tone, persuasive in argument, and developing topics which we believe will meet with popular acceptance. On the several messages of the same kind, drawn from Mr. Tyler by this Congress, candor and history will acknowledge, we think, that the last is the best, in all the merits of reason, diction and temper. The Constitution gives him the right which his conscience enjoins him to exercise. Allowing the Chief Magistrate, therefore, what every President is entitled to, and has enjoyed on such occasions—simply to speak and act for himself—the next step, according to the Constitution and uniform practice, should have been forthwith to take the votes of the House of Representatives, which would undoubtedly have shown that the President is sustained by very nearly, if not quite a majority.

The undersigned regret the novel and (as many conceive) unconstitutional innovation to which the President's objections are subjected—not for his account, but that of constitutional liberty and congressional propriety. We believe that he is perfectly right in insisting that the public lands shall not be withdrawn from the assets of the Federal Government, when, with all the elements of resource and abundance proffering their relief to Congress, it persists in reducing and degrading the country, for the first time, to the extremities of financial want and pecuniary distress. We think that, under such circumstances, to withhold the magnificent real estate of this Union from public mortgage, is an act of madness and suicide difficult to conceive of human passions. We have not a doubt that nine-tenths of the people of the United States strongly disapprove of it, and that a majority of those misrepresented by majorities in Congress, whatever their impression might be as to the proper disposition of the public lands under ordinary circumstances, are anxious that, in the present emergency, they should be applied to restore the credit and relieve the crying wants of the Government. The objection is equally well taken to the monstrous misalliance of the lands and the impost in the same bill—pernicious to fair legislation and orderly Government. Armies and navies unpaid for months; dismantled, not for want of revenue, but through party passion; Congress without their own favorite compensation, putting fetters and vetoes on all the operations of Government, betray a spirit of petulant self-denial, the counterfeit of self-government. A member of this committee imprecates executive counteraction, by putting the whole country, stripped and scourged, to the torture of trial, who can longest bear the agonies of destitution—thus poisoning the very wells of public sentiment; arousing ruthless, revolutionary counteraction, if the people are not wiser than some of their Representatives. Party, an element and help of patriotism, may be prostituted to anarchical dissension. The undersigned trust that revolutionary views are not common in Congress, as we feel sure that they are not acceptable to the people.

It is not for this protest to explain or enforce the Executive objections. Letting them speak for themselves, we vindicate constitutional rights, and deprecate wrongs by Congress. Without objecting to any censure or measures deemed proper by the frustrated majority—and appeal to the people—we should spare them this protest, but for the character, temper and tendency of the counteraction inflicted—not so hurtfully on the Chief Magistrate, as on republican institutions. The present proceedings, with all its angry antecedents and violent results, is without example, without warrant, and of evil tendency.

The deplorable condition of the treasury of the United States is notorious; not only without money, but, as has been said, without law for raising it. The President's exposure of this penury is humiliating truth, which unrelenting opposition wrings from him, to justify the repeated mis-called vetoes, also wrung from him by the same pertinacious opposition. A complicated scheme of (in many particulars) high-pressure impost, calculated to revive appeased dissension, and perpetuate unpleasant discontent, forced through Congress by inexorable legislation, carried by a majority of one vote if all had been present—of but four as it was—is returned by the President with objections, for reconsideration. The House of Representatives, which ought to be thankful for the opportunity of it, turns upon him with indignant denunciation; he is threatened, and only threatened, with impeachment; and by false analogy to the memorable affair of English ship-money, is told, contrary to the genius and the letter of our mild laws, that his head ought to be brought to the block. Discord is proclaimed as the order of the day. Conciliation is said to be disgraceful, and concession out of the question. The undersigned flatter themselves that these are but hasty ebullitions through the safety-valves of free government. When appeal to battle is menaced, we cannot believe that the battle of bloodshed or civil war is contemplated, but presume nothing worse than conflict by the ballot-box, not the cartridge-box. The columns of this capital and of the public press, albums, magazines, and various other repositories of the ardent temperament which betrays itself in such appeals, may excuse the suggestion that possibly they are intended neither for the cartridge-box nor the ballot-box, but merely for the band-box. During the nearly twelve months of irksome and inglorious session of this Congress, to the great annoyance of the community, appeals to passion have been much more common than to reason. By the eminent mover of this Committee, none

of the great subjects of deliberation have hardly been spoken of—banks, exchequer, finance, bankruptcy, tariff—upon any and all of which his wisdom and experience might have afforded edifying discourses; while all the minor topics of personal, party, and especially presidential exasperation, have never failed to be vexed with implacable and indefatigable agitation.

It has been said, in the course of indignant harangues, that there is not only no money, but no law to raise it; and that the Chief Magistrate, like a profligate King of Great Britain, collects revenue without law. Party wish did, perhaps, beget mistaken impression to that effect, to which mere professional opinion gave color. But mature consideration, and the true philosophy of interpretation, satisfy the undersigned, and they believe the most distinguished jurists of the country, that it is unfounded apprehension to think that Congress ever could have intended, by an act or omission, to leave the Government without alimant for its subsistence. The important question will be settled by the Supreme Court of the United States, in whom the undersigned, with the great body of the American people, without distinction of party, repose confidence. The aspersion of that tribunal, inferred from English history, is not only unjust disparagement, but inaccurate historical recollection.—Even the twelve judges of England never did, as has been said, unworthily submit to royal dictation; but many of them (although their tenure of office, salaries, and perhaps lives, depended on the King's pleasure) manifestly resisted his rapacious will. In the United States, the public money—which the President is laudably anxious to raise by law, through the ordinary means—could not be employed in his profligate indulgences, in war or other offensive application; and we trust that the Judges of the Supreme Court of the United States, in no way dependent on the Executive, whenever they come to the solemn adjudication of this vital question, will deal with it as they did at their late session, with another, which, probably, provoked the unjust imputation on their rectitude—treating this question of impost, as they did that of slavery, with integrity and independence. The undersigned hope they will come to the conclusion, which all lovers of their country must desire, that, instead of deservng capital punishment, the President is entitled to the thanks of dispassionate men for anxiously enforcing the law concerning imports. Nor will we omit this occasion, while vindicating that court, for expressing grateful acknowledgements to it for having, contrary to many prepossessions, by independent judgment; sustained the most delicate provisions of our Union against the clamors and prejudices of negrophilism. Finally, the undersigned are assured, that whatever the court does, they will not leave (as has been strangely imagined they must) the determination of this great question of law to the arbitrament of juries. There is hardly a juror in the country who does not know that property, liberty, and order; are best preserved by maintaining that venerable jurisprudence which in civil cases, leaves to juries only questions of fact, and refers to judges questions of law. The undersigned have no fear of the judiciary. They dread no veto or dictation from a President.—They are not alarmed by crises of party. American republican annals are a continued series of formidable conjunctures, without detriment to the republic—antagonism without commotion—State and individual conflicts without civil war, or any unwholesome catastrophe. The charitable ballot-box is always at hand, with inestimable relief, to vent all passions. We are happy to find that a portentous committee—the offspring of indignation—proposes no fatal act, but its proceedings will go out in harmless explosion. Eloquent invective, angry denunciation, philippics of speech and print, inflict no fatal blows on the solid bulwarks of this great empire, which advance steadily in greatness, increasing in population, production, and power, rejoicing in peace and plenty, while antagonist parties and ambitious individuals struggle for its honors with a fierce but harmless recrimination. Republican Government would else be bereft of its rational attractions and manly support—the noble excitements of a free press, free speech and universal suffrage; admirable substitutes for the stagnant tranquility, frivolous recreations, and dreadful energy of despotism. Let the battlements of this Capitol continue to rock with salutary agitation. Our reliance is in the majestic strength and serenity of a sovereign people.

The undersigned cannot believe that Congress will adjourn without enacting a law for revenue. They will not afford the President so great a triumph. The public distemper is so great a triumph. The public distemper is so easily remediable, that those in power never can answer to the community for longer failing to apply the remedy. The minority is not responsible, nor the President, nor even the Senate.—The House of Representatives is exclusively the national purse-bearer. By the majority of that House should be annually replenished and arranged its receipts and issues, as the report of the majority of this committee argues. Most of the troubles experienced by the present and penultimate administrations, including the overgrowth of the latter, are attributable to supererogatory Executive efforts beyond Executive duty, to repair disordered finances—disordered by ill-judged and calamitous acts of Congress. The people will hold the majority of the House of Representatives responsible for this their appropriate and chief office. It is disreputable to them that restoration so easy has been long deferred. No country in the world has such resources and facilities for revenue. One year's administration of such laws as Congress should enact would draw from the inexhaustible means, the labor, the ingenuity, the commerce, the manufactures, and the public lands of the United States, superabundant income. But, as with the fatal distribution of surplus revenue among the States, distress and demoralization began, so are they continued by the same egregious impolicy; insisting on alms—giving a pittance of land sales to the States. The undersigned discern, with deep disapproval, that the report of the majority of this committee, in conformity with the votes of its chairman, strenuously argues distribution of the public lands to pay the debts of the States. This is not the occasion to develop the dangers of that much-condemned scheme. In preference for another, and much better, nearly all Congress coincide in opinion with the President and the people, viz.—that immediate relief would proceed from a moderate, discriminating, permanent tariff. Why is it not a law? Why may it

not be made at once? Who hinders it? Is party passion to prevail, or magnanimous patriotism? The undersigned will not doubt, even though perhaps doomed to disappointment.

This mortal issue, if cast by Congress upon an injured, insulted, oppressed, and outraged people, may return, with dread responsibility, with deep damnation, to plague the inventors of such mischief. These we act with are ready to go forth, and be tried by the country, in full confidence of popular justice. Others will determine for themselves, and for us too, as we are but a minority. The report of the majority proposes nothing but that the President be assailed, and the Constitution be assaulted; the President impeached without trial, the country dishonored by him for exercising, almost under Congressional duress, an unquestionable and much-cherished power, dear to a noble people, which it is the wildest dream of excited party to suppose that people will ever suffer to be stricken from the Constitution. Mean time, what is to be done! Aro Congress to call out more vetoes! Like barbarous nations, worshipping demonic creatures of their own malignant imagining, are we all to be sacrificed to the evil genius of Discord and Despair? Are distraction and inaction to minister furious and dreadful redds! The undersigned rely on popular providence, which, in several trials, has with the smiles of Heaven, overruled whatever perils have beset our (till now) thoughtful and considerate country. No God of battles invoked for our rescue. Deprecating such shocking profanation, we humbly trust that no battle or bloodshed, no civil war or massacre, is the only umpirage to determine for rational freemen the simple question whether they will support or repudiate the Government of their own creation. We do not despair. We do not fear that savage infatuation will cast away for future scorn the present admiration and refuge of the world.

C. J. INGERSOLL.
JAMES I. ROOSEVELT.

Mr. Gilmer of Virginia, made a protest against the report of the majority of the committee, in which, after arguing the unconstitutionality of the action of the House in referring the veto to a committee, instead of proceeding to another vote on the bill, as directed by the Constitution, he proceeds to an investigation of the nature and object of the veto power, as bestowed upon the President by that instrument. Glancing at the extra session, the passage of the distribution law, and exposition of the Treasury as stated in the President's message at the commencement of the present session, he continues:

The revenue bill was reported on the 3d of June, and taken up for the first time in committee of the whole on the 8th of June. 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 twenty per cent. On the 7th of June the committee of ways and means, which had reported the revenue bill on the 3d, brought in what was called a provisional bill, the ostensible object of which was to provide for a temporary collection of duties until time could be afforded for the passage of the general revenue bill. The revenue bill provided for a general increase of duties beyond twenty per cent., and its passage would necessarily have enforced the suspending clause of the distribution act. The provisional bill reported on the 7th of June, contained no reference to this suspending clause of the distribution act. 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 the 25th of June, and was returned by the President with objections on the 29th of June.—These objections were founded on the deplorable condition of the Treasury, and on the expediency of adhering under the circumstances to the terms on which distribution had been authorized by the act of 1841. The revenue bill did not pass until the 5th of August. It was returned by the President's objections on the 9th.

These objections are now 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, applied to the revenue bill.

Each house deliberately refused to strike out this and persisted in associating in ludicrous contrast two measures, the one an act to raise money for the support of government by the imposition of taxes, the other to distribute the land revenues among the States. The majority of both Houses had proclaimed, with the concurrence of the President, in September, 1841, that distribution should only be made when the duties were below twenty per cent. The majority of both Houses had again and again proclaimed, in 1842, the necessity of raising the duties above twenty per cent. and yet they insisted on distributing the land fund without regard to the situation of the Treasury, and without regard to the burthens which might be imposed on the people.

They might have attempted to raise revenue from imports and to distribute 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 1841 was designed to guard against increasing the burthens of taxation to fill a vacuum occasioned by distribution. The legislation of 1842 is designed to create a vacuum, filled by increased taxation. There is 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 a union apparent to the public, we are at liberty to infer that it resulted from a consciousness that one or both the measures could not have separately commanded a majority. The exigencies of the national treasury were supposed to furnish a favorable opportunity for Congress to extort terms on which alone the government should be supplied with revenue to meet their own appro-