

INSTITUTIONALIST. JAMES B. HAYMAN.

The Constitutionality

VOL. I HARPER-FERRY, VA., WEDNESDAY, JANUARY 15, 1840. NO. XXXIX.

TWO BOTTLES of Kieckhefer's... For further information apply to the proprietor.

RICHARD D. DORAN, Harpers-Ferry, Sept. 10.—34.

STOVES. JUST received from Baltimore a fresh supply of STOVES, of various kinds...

The cure of Bilious Complaints and a mode of Cure.

A WELL regulated and proportionate quantity of bile upon the stomach is always requisite for the promotion of sound health—it stimulates digestion, and keeps the intestinal canal free from all obstructions.

The approach of bilious diseases is at all times attended by decided symptoms of an existing diseased state of the stomach and bowels; i. e. with those signs which are known to point out their contents to be of a morbid irritating nature; but whenever the alimentary canal happens to be loaded with irritating matter, some derangement of the healthy operation, either of the general system, or of some particular organ of the body is the certain result.

Moffat's Life Medicines Should always be taken in the early stages of bilious complaints, and if persevered in strictly according to the directions, will positively effect a cure.

The mineral medicines prescribed in these diseases, although they may effect a temporary cure, at the same time create an unhealthy state of the blood, and consequently tend to promote a return of the disease which they are employed to cure.

THE LIFE PILLS AND PHENIX BITTERS have proved to be the most happy in every case of bilious diseases, of any purely vegetable preparation ever offered to the public.

Prepared and sold by WILLIAM B. MOFFATT, 375 Broadway, New York.

French, German and Spanish directions can be obtained on application at the office, 375 Broadway.

These valuable Medicines are for sale by ADAM YOUNG, Harpers-Ferry, Nov. 6, 1839.—ly.

26TH CONGRESS, FIRST SESSION.

EXTRACTS FROM A SPEECH OF MR. BENTON, OF MISSOURI,

In Senate, Jan. 6, 1840.—On Mr. Benton's resolutions against the constitutionality, and expediency of assuming or providing for the payment of the State debts, or diverting the land revenue to that object.

Mr. Benton rose and said: Mr. President: I am an enemy to abstract resolutions, and if those which I present were of that character I should not have offered them to the Senate. They appear to be abstract, but they are not. They appear to be mere declarations of principles; but they are, in reality, so many issues presented on great questions now occupying the public mind, defined soon to occupy the legislative halls, and the prompt decision of which is necessary to our successful action on other subjects.

The assumption of the State debts contracted for Sinecure purposes has been for a long time a measure disguised, and now is a measure openly, pressed upon the public mind. The movement in favor of it has been long going on; opposing measures have not yet commenced. The assumption party have the start, and the advantage of conducting the case; and they have been conducting it for a long time, and in a way to avoid the name of assumption while accomplishing the thing itself.

It is time for the enemies of assumption to take the field, and to act. It is a case in which they should give, and not receive, the attack. The President has led the way; he has shown his opinions.—He has nobly done his duty. He has shown the evils of diverting the general funds for their proper objects—the mischiefs of our present connection with the Empire State of England—and the dangers of foreign influence from any further connection with it.

The resolve which I offer, six in number, are not the decrees of a party, or even the result of a council, but the opinions of an individual Senator. I speak for myself in these resolutions. They contain the declaration of my sentiments on the momentous points to which they refer; and I am not authorized to say that they speak the sentiments of any other Senator.

preparing it for the contest which soon began, and which, after long years have hardly been terminated. So of this assumption, disguised as it may be with a proposition, to divide the land revenue among the States. Immediate discussion, direct issues, and prompt action, is what we want. The assumption party will not bring on the question, except at a time, and under a form, to favor their own wishes. They will not move here until they have first acted elsewhere.

When the same object was afterwards proposed in the shape of a land revenue distribution bill, it made its way through both Houses of Congress, and was only arrested by the firm hand of President Jackson. Finally, when the self-same scheme made its appearance in the garb of a deposit bill, it not only passed both Houses, but passed the President's hand also, and became the law of the land.

Demetrius demanded to be admitted in a day; the laws prescribed a year, so that here was a great difficulty. To satisfy the Prince, then all powerful in Greece, and to comply with the sacred laws which they were sworn to observe, seemed to be impossible; but, by an ingenious conception, the difficulty was evaded, sacrifice avoided, and Demetrius gratified.

When Demetrius was preparing to return to Athens, he wrote to the Republic that, on his arrival, he intended to be initiated, and to be admitted immediately not only to the mysteries, but even to those called initiatory. This was unlawful and unprecedented; for the laws were celebrated in the month Anthesterion, and the greater in the month Boedromion; and none were admitted to the initiatory till a year at least after they had attended the greater mysteries.

I repeat, Mr. President, we are not to expect Athenian wit in our attempts to get rid of constitutional difficulties. Compared to their refined and spiritual inventions, our contrivances must appear coarse and bungling, and such, in fact, in too many instances, they have actually been.

same result. Sir, this whole system of dividing the public land revenue among the States is an indirect assumption of their debts. It is disguised assumption; and it is only another more on the chess-board of that distribution policy which has haunted our councils for many years, in such a variety of forms, and which found its first success in the passage of the act to deposit the surplus revenue, as it was called, with the States of the Union.

The scheme which now occupies the capitalists, bankers, and stockholders of London, Paris, Amsterdam, Philadelphia, and New York, to obtain from the Federal Government the assumption of the provision for the payment of the State debts, is the natural offspring of the distribution policy which I have just mentioned.

At the end of some years, the nominal transaction will be rescinded; the certificates will all be cancelled by one general, harmonious, unanimous vote in Congress. The disguise of a deposit, like the mask after a play, will be thrown aside, and the delivery of the money will turn out to be, what it is now intended to be, a gift from the beginning.

I come at once to the point, and say that disguised assumption, in the shape of land revenue distribution, is the form in which we shall have to meet the danger; and I meet it at once in this disguise. I say there is no authority in the Constitution to raise money from any branch of the revenue for distribution among the States.

Sir, our Constitution grew out of a want of money; it grew out of the want of money for general and national purposes; and it contains no grant of power in relation to receipts and expenditures, except to raise and expend it for such purposes.

Such are the intonations of the Constitution in relation to the levy of money; such is its care to provide for the uniformity and equality of the levy. But where is the rule for distribution? And what becomes of the equality of the levy, if that which is equally levied is unequally partitioned? There is no rule given for the partitioners to go by; and that is a proof, among the many others, that no partitions of revenue—no partitions of any kind—money, land, or other property—was ever intended to be made.

I have gone over these details to establish a fact, and which fact is vital to the argument, that the whole of the lands owned by the United States are purchases, drawn from the Treasury and invested in land, and now wearing the shape of lands in the woods instead of dollars in the Treasury.

This would seem to be enough; a billion and a quarter would seem to be enough; but it is only the beginning of what may be done under this new process of converting, and reconverting, the Federal revenue, and then dividing them.

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I meet the danger in its disguise of distribution, and repeat, there is no authority in the Constitution to raise money for distribution, or to distribute that which had been raised for other purposes.

thing is constitutionally impossible. It was never thought of by the framers of our Constitution. They never dreamed of such a thing. There is not a word in their work to warrant it, and the whole idea of it is utterly repugnant and offensive to the objects and purposes for which the Federal Union was framed.

Having established the constitutional objection to assumption, naked or disguised, and shown that there was no difference between diverting land revenue and any other Federal revenue to State purposes, and having especially exploded the three vulgar errors, that the lands were donations from the States, that they have fulfilled their destination in paying the public debt, and that the power of Congress is absolute and arbitrary over them; having done this, I proceed to the secondary class of objections; namely, the evils of the measure.

What can be more demoralizing, more ruinous, and more destructive, not only to our Federal political system, but to the social and moral system itself, than to allow the States to create debts for their own purposes, and then club together and throw the payment of these debts on the Federal Government?

Touch these State debts in any way, no matter how—put your hand to the work in any form that you please—and from that moment you are in for the whole; from that moment you assume the ultimate payment. Thus it was with the debt of this District, incurred for the Chesapeake and Ohio Canal.

Who so blind as not to see the disastrous consequences of bringing the States to receive supplies from the public Treasury? Wasteful extravagance in their expenses, with ultimate dependence on the Federal head, with consoli-

It is not the Constitution only, but the whole early history of our Government which is full of this jealousy and precaution against foreign influence. Our Government went into operation with a constant eye upon this point, and with a division of political parties upon it.

The genius of Hamilton, and his position at the head of the Treasury, gave him the victory. The British systems were all imposed upon us, and the result has been precisely what was foreseen by the Democracy forty-five and fifty years ago.

Our President has faithfully depicted this state of degradation, subjection and injury, in that part of his message in which he says that our money system has its centre in London; that all our Banks are linked together by a chain of dependence which ends there; that not only the great cities, but the remote villages of the interior, are linked to this chain; that the establishment of a new and distant village of our Union immediately places the business of that village within the influence of the money power of England; and that the result of the whole is the periodical convulsions and bank suspensions to which we are subject, and the establishment of a dangerous influence in our bosom.

To make head against all these evils, while we are able to do so; to still the foreign interference in its cradle, to repulse the insidious approach of aristocracy in the disguise of a land revenue distribution; to enable ourselves to go on with the appropriate business of Congress, I think it right to adduce the attack, and to put an end to hope, and future efforts, by adopting the resolutions of the honor and character which I have had the honor to offer.

Mr. President, in conclusion, permit me to turn one word towards myself for the sake of doing justice to others. Among those events of my life for which I have reason to be thankful, was the circumstance of being admitted into the intimacy and friendship of Mr. Mason and Mr. Randolph at my entrance into this body. I lived in the same house for many years with these two illustrious sages and patriots; and from them I learned to abhor the paper system of England, fastened upon us by General Hamilton, and to venerate the hard money Government framed for us by our ancestors, and taken from us by the Federalists of near fifty years ago.

STARRS SAVANAH, Coleman, struck a snag and sunk at the mouth of White River, Arkansas, on the 17th ult.

HOUSE OF REPRESENTATIVES

WASHINGTON, JAN. 11, 1860

HOUSE OF REPRESENTATIVES

The House resumed the consideration of the bill...

The order of the day was the speech from Mr. Botts...

Mr. Botts—according to the rule now established—was followed by a Whig...

Mr. Randolph of New Jersey, having given yesterday to the motion of adjournment...

Mr. Smith of Maine, followed in reply to some imputations on the consistency of his course...

Mr. Mitchell of New York moved that as Mr. Duncan had a song in his hand...

Mr. Peck demanded that it all be read. The House had not heard all the annotations...

Mr. Clifton concluded soon after three o'clock, and was followed by Mr. Cooper of Georgia...

Mr. Garford, the Clerk, then read an elaborate document including the principal authorities...

Mr. Tappan, after Mr. Strange had concluded, moved to recommit the bill to the Committee on Military Affairs...

HOUSE OF REPRESENTATIVES

The session this morning for the first half an hour was interesting and amusing to all who like personal matters.

Mr. Smith then said he had a favor to ask, and that from his colleague, who was entitled to the floor.

Mr. Clifton said that if he had understood Mr. Smith's remarks to have been in any way personal, he should have called him to order.

Mr. Botts declared himself satisfied. The Speaker then recognized the right of Mr. Clifton to the floor in continuation of his speech.

Mr. Clifton yielded a moment to Mr. Duncan of Ohio, who stated to the House that since he had made the last instalment of his speech...

Mr. Clifton refused to yield the floor any longer, and was about to recommence his speech without allowing the Clerk to read all of the statement prepared by him...

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Mr. Wright then made an effort to refer a resolution from Mr. Ingraham to the Committee on Elections...

HOUSE OF REPRESENTATIVES

Mr. Wright said considering the importance of the unfinished business, he should not press the consideration of the Sub-Treasury Bill at this moment...

Mr. Jackson said he thought there could be no more important matter before this House than the determination of who are entitled to seats in this House...

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CONSTITUTIONAL

THOMAS H. BENTON'S SPEECH. We have devoted that portion of our paper usually occupied by miscellaneous news...

Every man who loves his country, who regards the independence of our institutions...

The Raleigh Register is counting without his host—in favor of Gen. Harrison. The following is the substance of it...

The Reader will perceive, that the II. of Delegates yesterday set the 23d inst. as the day for electing a Senator of the U. States.

The pistol and the bowie knife it will be seen by the annexed paragraphs from the first Southern papers, are still resorted to in that quarter without hesitation...

It is feared that the wound is mortal, though Mr. Ochiltree is still living. (Tuesday afternoon) and in possession of his mental faculties...

Mr. MacRea, (who is still younger than Ochiltree) was arrested having made no effort to avoid arrest, and is now undergoing examination before the Magistrate's Court.

Mr. Chapman moved to reverse the 47th resolution, which declares John Allen's vote illegal. It appears in testimony that the voter and his father-in-law lived in the same house...

Mr. Chapman strenuously maintained that the voter was not a house-keeper. There was but one house-keeper in the case—it was a joint concern, and he was the father-in-law.

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