

# THE JOURNAL.

"ONE COUNTRY, ONE CONSTITUTION, ONE DESTINY."

A. W. BENEDICT PUBLISHER AND PROPRIETOR.

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[Whole No. 310.]

## TERMS

### HUNTINGDON JOURNAL.

The "JOURNAL" will be published every Wednesday morning, at two dollars a year, if paid IN ADVANCE, and if not paid within six months, two dollars and a half. Every person who obtains five subscribers, and forwards price of subscription, shall be furnished with a sixth copy gratuitously for one year.

No subscription received for a less period than six months, nor any paper discontinued until all arrearages are paid.

All communications must be addressed to the Editor, POST PAID, or they will not be attended to.

Advertisements not exceeding one square, will be inserted three times for one dollar, and for every subsequent insertion, twenty-five cents per square will be charged. If no definite orders are given as to the time an advertisement is to be continued, it will be kept in till ordered out, and charged accordingly.

## AGENTS

### The Huntingdon Journal.

Daniel Teague, *Orbisonia*; David Blair, *Esq. Shade Gap*; Benjamin Leuse, *Shirleysburg*; Eliel Smith, *Esq. Chilcoteville*; Jas. Entriken, *Jr. Coffee Run*; Hugh Madden, *Esq. Springfield*; Dr. S. S. Dewey, *Birmingham*; James Morrow, *Union Furnace*; John Siler, *Warrior Marks*; James Davis, *Esq. West township*; D. H. Moore, *Esq. Frankstown*; Eph. Galbreath, *Esq. Hollidaysburg*; Henry Neff, *Alexandria*; Aaron Burns, *Williamburg*; A. J. Stewart, *Water Street*; Wm. Reed, *Esq. Morris township*; Solomon Hamer, *Neff's Mill*; James Dysart, *South Spruce Creek*; Wm. Murray, *Esq. Graysville*; John Crum, *Manor Hill*; Jas. E. Stewart, *Sinking Valley*; L. C. Kessler, *Mill Creek*.

## ORPHANS' COURT SALE

WILL be sold by order of the Orphans' Court of Huntingdon and Bedford counties, on the premises, in Dublin township, on Wednesday the 15th day of December, A. D. 1841, a certain tract of land situated on either side of the county line between Huntingdon and Bedford counties, containing about

### 500 Acres,

more or less, about 90 acres cleared, and under fence; and about 12 acres of which is meadow, and about 40 acres can be made excellent meadow. Thereon erected two log houses, two stories high, a double log barn, all shingled; and also two apple orchards. There is also a good water power on the Aughwick creek, which runs through the tract; and the woodland is heavily timbered with white pine. There is a never failing spring and spring house near the dwelling. The whole land is tillable except 8 or 10 acres. All the buildings are situated in Bedford county, within a half mile of the State road leading from Philadelphia to Pittsburg, and within 15 miles of the turnpike leading from Philadelphia to Pittsburg.

The terms of sale will be made known on the day of sale. Any persons wishing to purchase, can see the land or ascertain the terms at any time previous to sale, by calling on either of the undersigned, HENRY MATHIAS, Esq. of Philip JOHN MATHIAS, Esq. of Mathias, dec'd. Nov. 10, 1841.

## Auditor's Notice.

THE undersigned Auditor appointed by the Orphans' Court of Huntingdon county, to apportion and distribute the balance in the hands of David Snare, Administrator of Martha Miller, dec'd., and among the creditors of the said dec'd. hereby gives notice that he will attend for that purpose, in the room occupied by the Post Office, at Huntingdon, on Friday, the 24th day of December next, at 2 o'clock, P. M.

THOMAS FISHER, Auditor.  
Nov. 24, 1841.

## Notice.

To the heirs of Margaret Messenope, late of Hopewell Township, Huntingdon county, Pennsylvania, deceased, or their aliases, notice is hereby given: That in pursuance of a writ or order issued by the Orphans' Court of said county, an Inquest will be held on the premises on Wednesday the 22d December next, to part and divide amongst the heirs of said deceased or their aliases, or to value and appraise the real estate of said deceased, consisting of a tract of land situated in Hopewell township aforesaid containing one hundred and fifty acres, with a small house and barn thereon erected.

JOHN SHAVER, Sh'ff.  
Huntingdon Nov. 23d 1841.

HOUCKS PANACEA, just received and for sale at the Drug Store of T. K. SIMONSON, Agent. Huntingdon, Dec. 1, 1841.

## TEMPERANCE SONGS.

### AIR—"Rosin the Bow."

Come, join in our Temperance army;  
And put on the Washington badge;  
I'm sure that it never will harm you,  
To give in your name to the pledge!

We've done with our days of carousing,  
Our nights toot frolicsome glee;  
For now with our sober minds choosing,  
We've pledged ourselves never to see!

Not even to handle the evil,  
Not even to taste the old bowl;  
Not even to look at that devil,  
That ruins both body and soul.

They call us old broken down toppers;  
And they may say just what they will;  
But once we were very good loafers,  
When our money went into their till!

But we've broken the charm of their glasses,  
And mended the joys of our homes;  
Our wives and our little ones' faces  
Wear a gladness instead of a gloom.

Our garments are sound now and decent;  
Our pockets with money are lia'd!  
Our friends when they meet us are pleasant,  
And even the LADIES look kind!

We've launch'd out a Cold Water Frigate,  
And call'd it the Temperance Ship;  
And invite you to help us to rig it,  
And join in our total trip!

She's fully ensur'd in her cruising,  
From piracy, shipwreck and fire;  
And you may be sure of not losing  
Your wages or character by her.

Her crew are men honest and hearty;  
Her cargo is plenty and peace,  
Come join then our total party,  
And all your old sorrows will cease.

We're bound for a haven of gladness,  
And all the world's joining our crew,  
I'm sure then 'tis folly and madness,  
If you'll not embark with us too!

Hurray for the Washington banner,  
That floats o'er our Temperance ship!  
Come on then ye Harties, and man her,  
And take a long total trip!!

## AND ARE YOU SURE THE NEWS IS TRUE.

There's nae luck about the house,

And are you sure the news is true?  
And are you sure he's signed?  
I can't believe the joyful tale,  
And leave my friends behind.  
If John has signed and drinks no more  
The happiest wife am I  
That ever swept a cottage hearth,  
Or sung a lullaby.

For there's nae luck about the house,  
There's nae luck at a  
And gane's the comfort o' the house  
Since he to drink did fa'

Whose eye so kind, whose hand so strong,  
Whose love so true will shine?  
If he has bent his heart and hand  
The total pledge to sign.

But what puts breaking in my head?  
I trust he'll taste no more,  
Be still, be still, n' breaking heart,  
Hark! hark! he's at the door!

For there's nae luck about the house, &c

And blessings on the helping hands  
That sent him back to me,  
Haste, haste, ye little ones and run  
Your father's face to see.

And are you sure 'tis past?  
Then mine's the happiest, brightest home,  
On temperance shores at last.

'Tis the out bursting joys  
Of the thousands released,  
From the pains of their bondage,  
To freedom and peace.  
'Tis the herald of victory—  
Crying "make room"  
For the day-star that  
Pierces "the darkness and gloom!"

And beneath her bright radiance  
I'm marching along,  
The temperance legion  
In gladness and song.

Shouting "here are your lost ones  
Come back to the fold—  
And our names on the scroll  
To the pledge are enroll'd."

Come join with us fathers,  
And brothers, come all;  
Let your bosoms the answer  
Return to our call.

To our social communion  
Come in—oh! come in,  
And be guarded by wisdom  
From ruin and sin.

TUESDAY, December 7th.

We have received and present our readers the

## PRESIDENT'S MESSAGE.

To the Senate and House of Representatives of the United States.

In coming together, fellow citizens, to enter again upon the discharge of the duties with which the People have charged us, severally, we find great occasion to rejoice in the general prosperity of the country. We are in the enjoyment of all the blessings of civil and religious liberty, with unexampled means of education, knowledge and improvement. Through the year which is now drawing to a close, peace has been in our borders, and plenty in our habitations; and although disease has visited some few portions of the land with distress and mortality, yet in general the health of the People has been preserved, and we are all called upon, by the highest obligations of duty, to renew our thanks and our devotion to our Heavenly Parent, who has continued to vouchsafe to us the eminent blessings which surround us, and who has so generally crowned the year with his goodness. If we find ourselves increasing, beyond example, in numbers, in strength, in wealth, in knowledge, in every thing which promotes human and social happiness, let us ever remember our dependence, for all these, on the protection and merciful dispensations of Divine Providence.

Since your last adjournment, Alexander McLeod, a British subject, who was indicted for the murder of an American citizen, and whose case has been the subject of a correspondence heretofore communicated to you, has been acquitted by the verdict of an impartial and intelligent jury, and has, under the judgment of the Court, been regularly discharged.

Great Britain having made known to this Government that the expedition which was fitted out from Canada for the destruction of the steamer *Caroline*, in the winter of 1837, and which resulted in the destruction of said boat, and in the death of an American citizen, was undertaken by orders emanating from the authorities of the British Government in Canada, and demanding the discharge of McLeod upon the ground that, if engaged in that expedition, he did but fulfill the orders of his Government, has thus been answered in the only way in which she could be answered by a Government the powers of which are distributed among its several departments by the fundamental law.—Happily for the people of Great Britain, as well as those of the United States, the only mode by which an individual, arraigned for a criminal offence, before the Courts of either, can obtain his discharge, is by the independent action of the judiciary, and by proceedings equally familiar to the Courts of both countries.

If in Great Britain a power exists in the crown to cause to be entered a nolle prosequi, which is not the case with the Executive power of the United States upon a prosecution pending in a State Court; yet there no more than here can the Executive power rescue a prisoner from custody without an order of the proper tribunal directing his discharge. The precise stage of the proceedings at which such order may be made, is a matter of municipal regulation exclusively, and not to be complained of by any other government.—In cases of this kind a government becomes politically responsible only, when its tribunals of last resort are shown to have rendered unjust and injurious judgments in matters not doubtful. To the establishment and elucidation of this principle no nation has lent its authority more efficiently than Great Britain.

Alexander McLeod having his option either to prosecute a writ of error from the decision of the Supreme Court of New York, which had been rendered upon his application for a discharge to the Supreme Court of the United States, or to submit his case to the decision of a jury, preferred the latter, deeming it the readiest mode of obtaining his liberation, and the result has fully sustained the wisdom of his choice. The manner in which the issue submitted was tried, will satisfy the English government that the principles of justice will never fail to govern the enlightened decision of an American tribunal. I cannot fail however, to suggest to Congress the propriety and in some degree the necessity of making such provisions by law, so far as they may constitutionally do so, for the removal at their commencement and at the option of the party, of all such cases as may hereafter arise, and which may involve the faithful observance and execution of our international obligations, from the State to the Federal Judiciary. This Government, by our institutions, is charged with the maintenance of peace and the preservation of amicable relations with the nations of the earth, and ought to possess, without question, all the reasonable and proper means of maintaining the one and preserving the other. Whilst just confidence is felt in the Judiciary of States, yet this

Government ought to be competent in itself for the fulfillment of the high duties which have been devolved upon it under the organic law by the States themselves.

In the month of September, a party of armed men from Upper Canada, invaded the territory of the United States, and forcibly seized upon the person of one Grogan, and, under circumstances of great harshness, hurriedly carried him beyond the limits of the United States, and delivered him up to the authorities of Upper Canada. His immediate discharge was ordered by those authorities, upon the facts of the case being brought to their knowledge—a course of procedure which was to have been expected from a nation with whom we are at peace, and which was not mere due to the rights of United States than to its own regard for justice. The correspondence which passed between the Department of State and British Envoy, Mr. Fox, and with the Governor of Vermont, as soon as the facts had been made known to this Department, are herewith communicated. I regret that it is not in my power to make known to you an equally satisfactory conclusion in the case of the *Caroline* steamer, with the circumstances connected with the destruction of which in December, 1837, by an armed force fitted out in the Province of Upper Canada, you are already made acquainted. No such atonement as was due for the public wrong done to the United States by the invasion of her territory, so wholly irreconcilable with her rights as an independent power, has yet been made. In the view taken by this government, the inquiry whether the vessel was in the employment of those persons who were prosecuting an unauthorized war against that Province, or was engaged by the owner in the business of transporting passengers to and from Navy Island in hopes of private gain, which was most probably the case, in no degree alters the real question at issue between the two governments. This government can never concede to any foreign Government the power, except in case of the most urgent and extreme necessity, of invading its territory, either to arrest the persons or destroy the property of those who may have violated the municipal laws of such foreign Government, or have disregarded their obligations arising under the law of nations. The territory of the United States must be regarded as sacredly secure against all invasions, until they shall voluntarily acknowledge inability to acquit themselves of their duties to others. And in announcing this sentiment, I do but affirm a principle which no nation on earth would be more ready to vindicate, at all hazards, than the people and Government of Great Britain.

If, upon a full investigation of all the facts, it shall appear that the owner of the *Caroline* was governed by a hostile intent, or had made common cause with those who were in the occupancy of Navy Island, then, so far as he is concerned, there can be no claim to indemnity for the destruction of his boat, which this government would feel itself bound to prosecute—since he would have acted not only in derogation of the rights of Great Britain, but in clear violation of the laws of the United States; but that is a question which, however settled, in no manner involves the higher consideration of the violation of territorial sovereignty and jurisdiction. To recognize it as an admissible practice that each Government, in its turn, upon any sudden and unauthorized outbreak, which, on a frontier the extent of which renders it impossible for either to have an efficient force on every mile of it, and which outbreak therefore, neither may be able to suppress in a day, may take vengeance into his own hands, and without, even a remonstrance, and in the absence of any pressing or overruling necessity, may invade the territory of the other, would inevitably lead to results equally to be deplored by both. When border collisions come to receive the sanction, or to be made on the authority of either Government, general war must be the inevitable result. While it is the ardent desire of the United States to cultivate the relations of peace with all nations and to fulfill all the duties of good neighborhood towards those who possess territories adjoining their own, that very desire would lead them to deny the right of any foreign power to invade their boundary with an armed force. The correspondence between the two Governments on this subject will, a future day of your session, be submitted to your consideration; and in the mean time, I cannot but indulge the hope that the British Government will see the propriety of renouncing, as a rule of future action, the precedent which has been set in the affair at Schlosser.

I herewith submit the correspondence which has recently taken place between the American Minister at the Court of St. James, Mr. Stevenson, and the Minister of Foreign Affairs of that Government, on the right claimed by that Government to visit and detain vessels sailing under the

American flag and engaged in prosecuting lawful commerce in the African seas. Our commercial interests in that region have experienced considerable increase, and have become an object of much importance, and it is the duty of this Government to protect them against all improper and vexatious interruption. However desirous the United States may be for the suppression of the slave trade, they cannot consent to interpolations into the maritime code, at the mere will and pleasure of other governments. We deny the right of any such interpolation to any one, or all the nations of the earth, without our consent.—We claim to have a voice in all amendments or alterations of that code—and when we are given to understand, as in this instance, by a foreign government, that its treaties with other nations cannot be executed without the establishment and enforcement of new principles of maritime policy, to be applied without our consent, we must employ a language neither of equivocal import, nor susceptible of misconstruction.

American citizens prosecuting a lawful commerce in African seas, under the flag of their country, are not responsible for the abuse or unlawful use of that flag by others; nor can they rightfully be accounted of any such alleged abuses, be interrupted, molested, or detained, while on the ocean; and if thus molested and detained, while pursuing honest voyages, in the usual way, and violating no law themselves, they are unquestionably entitled to indemnity. This government has manifested its repugnance to the slave trade in a manner which cannot be misunderstood. By its fundamental law, it prescribed limits in point of time to its continuance; and against its own citizens who might so far forget the rights of humanity as to engage in that wicked traffic, it has long since, by its municipal laws, denounced the most condign punishment. Many of the States composing this Union, had made appeals to the civilized world for its suppression, long before the moral sense of other nations had become shocked by the iniquities of the traffic. Whether this Government should now enter into treaties containing mutual stipulations upon this subject, is a question for its mature deliberations.

Certain it is, that if the right to detain American ships on the high seas can be justified on the plea of a necessity for such detention, arising out of the existence of treaties between other nations, the same plea may be extended and enlarged by the new stipulations of new treaties, to which the United States may not be a party. This government will not cease to urge upon that of Great Britain, full and ample remuneration for all losses, whether arising from detention or otherwise, to which American citizens have heretofore been, or may hereafter be subjected, by the exercise of rights, which this government cannot recognize as legitimate and proper. Nor will I indulge a doubt but that the sense of justice of Great Britain will constrain her to make a retribution for any wrong, or loss, which any American citizen engaged in the prosecution of lawful commerce, may have experienced at the hand of her cruisers, or other public authorities. This government, at the same time, will relax no effort to prevent her citizens, if there be any so disposed, from prosecuting a traffic so revolting to the feelings of humanity. It seeks to do no more than to protect the fair and honest trade, from molestation or injury; but while the enterprising mariner, engaged in the pursuit of an honorable trade, is entitled to its protection, it will visit with condign punishment, others of an opposite character.

I invite your attention to existing laws for the suppression of the African slave trade, and recommend all such alterations as may give to them greater force and efficiency. The American flag is grossly abused by the abandoned and profligate of other nations, is but too probable, Congress has, not long since, had this subject under its consideration, and its importance demands renewed and anxious attention.

I also communicate herewith the copy of a correspondence between Mr. Stevenson and Lord Palmerston upon the subject so interesting to several of the Southern States, of the rice duties, which resulted honorably to the justice of Great Britain, and advantageously to the United States. At the opening of the last annual session, the President informed Congress of the progress which had been made in negotiating a convention between this government and that of England, with a view to the final settlement of the question of the boundary between the territorial limits of two countries, I regret to say that little further advancement of the object has been accomplished since last year; but this is owing to circumstances no way indicative of any abatement of the desire of both parties to hasten the negotiation to its conclusion, and to settle the question in dispute as early as possible. In the

course of the session, it is my hope to be able to announce some further degree of progress towards the accomplishment of this highly desirable end.

The commission appointed by this government for the exploration and survey of the line of boundary separating the states of Maine and New Hampshire from the contiguous British Province is, it is believed, about to close its field labors, and is expected soon to report the results of its examination to the Department of State. The report, when received, will be laid before Congress.

The failure on the part of Spain to pay with punctuality, the interest due under the Convention of 1834, for the settlement of claims between the two countries has made it the duty of the Executive to call the particular attention of that Government to the subject. A disposition has been manifested by it, which is believed to be entirely sincere, to fulfill its obligations, in this respect, so soon as its internal condition and the state of its finances will permit. An arrangement is in progress, from the result of which, it is trusted that those of our citizens who have claims under the convention, will at no distant day, receive the stipulated payments.

A Treaty of Commerce and Navigation with Belgium was concluded and signed at Washington on the 29th March, 1840, and was duly sanctioned by the Senate of the United States. The treaty was ratified by his Belgian Majesty, but did not receive the approbation of Belgian Chambers within the time limited by its terms, and has therefore, become void.

This occurrence assumes the graver aspect from the consideration that in 1833, a treaty negotiated between the two Governments, and ratified on the part of Belgium. The Representative of that Government, at Washington, informs the Department of State that he has been instructed to give explanations of the causes which occasioned delay in the approval of the late Treaty by the Legislature, and to express the regret of the King at the occurrence.

The joint commission under the Convention with Texas, to ascertain the true boundary between the two countries, has concluded its labors; but the final report of the commissioner of the United States has not been received. It is understood, however, that the meridian line as traced by the commission, lies somewhat further East than the position hitherto generally assigned to it, and consequently, includes in Texas some part of the territory which had been considered as belonging to the States of Louisiana and Arkansas.

The United States cannot but take a deep interest in whatever relates to this young, but growing Republic. Settled principally by emigrants from the U. S., we have the happiness to know that the great principle of civil liberty are there destined to flourish under wise institutions and wholesome laws; and that through its example, another evidence is to be afforded of the capacity of popular institutions to advance the prosperity, happiness and permanent glory of the human race. The great truth, that government was made for the people, and not the people for government, has already been established in the practice and by the example of these United States; and we can do no other than contemplate its further exemplification by a sister Republic with the deepest interest.

Our relations with the independent states of this hemisphere, formerly under the dominion of Spain, have not undergone any material change within the past year. The incessant sanguinary conflicts in, or between these countries, are to be greatly deplored, as necessarily tending to disable them from performing their duties as members of the community of nations, and rising to the destiny which their position and natural resources of many of them might lead them justly to anticipate, as constantly giving occasion, also, directly or indirectly, for complaints on the part of our citizens who resort thither for purposes of commercial intercourse, and as retarding reparation, for wrongs already committed, some of which are by no means of recent date.

The failure of the Congress of Ecuador to hold a session, at the time appointed for that purpose, in January last, will probably render abortive a treaty of commerce with that Republic, which was signed at Quito on the 13th of June, 1839, and had been duly ratified on our part, but which required the approbation of that body, prior to its ratification by the Ecuadorian Executive.

A Convention which has been concluded with the Republic of Peru, providing for the settlement of certain claims of the citizens of the United States upon the government of that Republic, will be duly submitted to the Senate.

The claims of our citizens against the Brazilian government, originating from captures, and other causes, are still unsatisfied. The United States, have, however, so uniformly shown a disposition to cultivate relations of amity with that em-