

# THE JOURNAL.

"ONE COUNTRY, ONE CONSTITUTION, ONE DESTINY."

Vol. VII, No. 11.]

HUNTINGDON, PENNSYLVANIA, WEDNESDAY, MARCH 23, 1842.

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## TERMS.

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. No subscription received for a shorter period than six months, nor any paper discontinued till all arrearages are paid. Advertisements not exceeding one square, will be inserted three times for one dollar, and for every subsequent insertion twenty five cents. 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.



## POETRY.

FOR THE JOURNAL.

### The Drunkard's Return.

TUNE—The Soldier's Return.  
When first the Temptance blast was blown  
And sots their cups were leaving,  
I thought of babes left fatherless,  
And wives of Rum's deceiving;  
Then left those scenes of false delight,  
Where health and hope was failing,  
And wov'd no more to touch the cup,  
But scorn the tempter's railing.

My hand was yet unstain'd with guilt,  
Tho' I in want was pining;  
Hope was not gone, but on my path  
Her ray was brightly shining.  
The pleasures of my little home,  
Shone like a star before me,  
And reason seized the proffer'd boon,  
And used her influence o'er me.

Oh! who could feel what I then felt;  
For joys that I had slighted,  
And seen the tears of joy that flow'd  
From eyes again delighted;  
Would touch no more the sparkling bowl,  
Whose wicked spirit bound him,  
But dash it down, and once again  
Recall his lov'd ones round him.

A friendly voice appeals to thee,  
Oh! come, my suff'ring brother,  
We oft have fell, oh come with me,  
We'll stand by one another.  
No more shall ruin, rum, and want,  
Assume their power o'er us,  
But joy and plenty ever spread  
Their treasures out before us.

A. W. B.

Never was a pleasanter moral couched in sweeter language, than the following gem, from a sensitive heart:

A little word in kindness spoken,  
A motion or a tear,  
Has often healed the heart that's broken,  
And made a friend sincere.

A word—a look—has crush'd to earth,  
Full many a budding flower,  
Which had a smile but owned its birth,  
Would bless life's darkest hour.

Then deem it not an idle thing,  
A pleasant word to speak,  
The face you wear, the thoughts you bring,  
A heart may heal or break.

### Presentation of the Banner by the Ladies of Huntingdon to the Huntingdon Temperance Society.

Huntingdon, March 8th, 1842.

W. P. ORBISON, Esq.  
SIR, at a meeting of the Huntingdon Temperance Society, held on Friday the 4th inst., a resolution was passed, requesting me to call upon you for a copy of your remarks made on the presentation of the Banner by the Ladies to the Society. In pursuance of which, I respectfully solicit a copy of your speech on that occasion for publication.

M. BUOY, Sec. H. T. S.

MR. M. BUOY,  
DEAR SIR, your note of this morning has been received. The remarks I made on the occasion alluded to, were not prepared with a view to publication, the notice of the duty assigned me having been so short. But imperfect as the remarks are, they are at your service.

Yours, &c.  
WM. P. ORBISON.

8th March, 1842.  
A similar request was sent to A. W. Benedict, Esq. to which I received the following answer:

Huntingdon, March 10, 1842.

M. BUOY, Esq.  
Your note calling upon me for a copy of my remarks upon the occasion alluded to, has been received. I acknowledge the compliment extended in the re-

quest, and regret exceedingly my inability to furnish a copy. What few words I then said were entirely suggested at the moment, no preparation was made, and consequently, I can furnish only such an outline of what I then said as shall occur to my recollection now. Humble as my efforts were, I regret that I had not opportunity to make such becoming preparation, as such an occasion would seem to demand.

I have however written out what I think is the substance of my humble remarks, of which you are at liberty to make the use requested, should you think them worthy.

Respectfully yours,  
A. W. BENEDICT.

SPEECH OF W. P. ORBISON, ESQ.  
Fellow members of the Huntingdon Total Abstinence Society:

I appear before you as the representative of the Ladies of Huntingdon, and in their name congratulate you upon the success which has attended your labors in the cause of Temperance. About thirteen months ago your society first adopted the total abstinence pledge. At first it met with but little encouragement here—coldness and indifference seemed to clog the society to prevent its more rapid advancement, and difficulties presented themselves on every hand. But amid all these discouraging circumstances, the Ladies never grew weary in the cause. The society gradually increased, a deeper interest in the Temperance reformation began to be felt, and now all hearts are gladdened to find that here, as well as elsewhere, the monster intemperance is hiding his diminished head. It is of vast importance to the Ladies that this reformation should go onward. They feel a deep and abiding interest in it. Need I tell you how often they have been the innocent victims of the demon intemperance? How often as a fiend it has entered the family circle, spreading discord and woe in its path, driving forth a tender wife at the dead hour of midnight, to seek refuge in the storm without, from a drunken husband, not less ruthless than the tempest, and more heartless and savage than a wild beast of prey? Need I tell you how intemperance has blanch'd the cheek of a sister, and a brought a mother with sorrow to the grave? All experience tells that the accumulated woes of intemperance have been heaped upon woman's head. Why then should she not evince her gratitude and joy for the signal advances that are now making in this great and glorious reformation? Should she not encourage by her approving smile, and urge her brethren to stay not their exertions, until the enemy is totally vanquished and banished from the land?—You are engaged in a bloodless warfare against the enemy of mankind, and as in more bloody battles the soldiers carry in their midst a banner indicative of the cause they maintain, so in this engagement a banner under which you can rally, is not unbecomingly the cause you have espoused. With this belief, the Ladies have authorized me to present to you in their name this banner, which I now do. Receive it—let it be raised on high—keep its motto ever in view, and let it not be furled until a universal shout, spreading through the broad welkin, shall go up to Heaven, that "all are safe;"—and until every mountain top and valley shall reverberate the sound—"all are safe."

At the request, and in the name of the Huntingdon Temperance Society, I give you their grateful and heartfelt thanks for the beautiful banner that has been prepared by your hands. Nor can I find a more appropriate occasion, to allude to the great importance of the females of our country uniting their zeal and their influence, to assist in expelling from our fair land, that fell destroyer of their happiness—intemperance. When he once invades the fireside circle, where domestic peace and holy love have reared their temple of felicity, his influence is as fatal as was the entrance of the serpent into the calm sunshine of Eden's pleasant bowers. On you my fair friends falls heaviest the oppressive burthens, and sufferings of his cruelties. Too often he changes him, who has pledged upon the altar of the Most High, to love, honor and cherish you, into something little less than a demon, whose presence amid his family and friends is but to awake up anew the fountains of their sorrows and griefs, made more poignant by that undying purity of woman's love. Too often the hand vowed to protect, becomes the instrument of insult & oppression. For myself, dear friends, you know that I have bowed down beneath the tyrant's rod—that I have worshipp'd at his shrine, until perhaps many of you have thought that the Tempter had "marked me for his own." The charms of his sorcery have been dispell'd—the chains that have bound me are broken; and let me here pay my homage to that cause which I feel confident was among the most powerful, in redeeming my wayward footsteps, and re-

calling me again to enjoy the pleasant companionship of my loved ones at home. It was *female influence*. I had long felt that I could save myself—that I was in no danger; and I could listen to the midnight prayers of an aged and much loved mother, as kneeling at the footstool of the Eternal Arbiter of all things: who in the sighs of a mother's love plead for the preservation of her youngest born, that he might escape the infamy of a drunkard's life and death; I have listened, and still believe myself free from the fatal shackles of the Tyrant. I have seen the eyes of her, the guiltless partner of my devious path wet with tears, as she was found watchfully listening for my returning footsteps; too often when morning's returning light told of a night spent amid the revelry of scenes of inebriation—all this I have heard and seen unmoved. But let no mother relax her prayers, and no wife, her tears and entreaties. The sparks of their eternal affection will ere long kindle anew the fire of kindred love. So at least it proved with me, and I feel now as though it was female influence, which "snatched me as a brand from the burning." It will not be wondered at then, that I accept this tribute of the anxious solicitude of mothers, of wives, of sisters, and of daughters, as a present above all price. It tells us that our course is lighted by their smiles; and assures us that we are bearing the olive branch of peace to their hearts and to those of their suffering race, who are bound with the chains of intemperance. It bids us "Persevere until all are safe"—to relax none of our exertions.

I feel that I but speak the feelings of the whole society when I say, that that banner shall be borne proudly and firmly into the very camp of the cruel enemy; and that I am willing to pledge myself to bear it boldly aloft, until it floats in triumph throughout the wide extent of our much loved and happy land. I ask every friend of suffering humanity to unite with us and prove themselves worthy to be the standard bearer of their fair kinswomen, and assist in restraining the footsteps of any who may be likely to fall over the many stumbling blocks placed in their path.—For myself, I feel that I am but mortal, and may fall; I trust therefore that all will unite with me in the earnest prayer of the poet:

"Oh! thou, who poured the pitying tide  
That flows through gentle woman's breast,  
And streams of tenderness supplied,  
To aid and comfort the distressed,  
Making in all life's scenes of ill,  
Woman a guardian angel still  
Against our nation's deadliest sin,  
Bid female purity unite,  
Aid us, oh Lord! our cause to win,  
By firm example's steadfast might,  
Till foul intemperance has flown,  
Ashamed by virtue's awful frown.

Rouse, God of truth, each lukewarm heart,  
Give wisdom to each warring mind,  
Let woman bear a lofty part  
In teaching Temperance to mankind,  
Seeking with pure untiring zeal,  
The wounds of sin and grief to heal."

Ladies! again accept the thanks of the society, and of the humble speaker who receives your splendid gift in their name, with the assurance that we will all endeavor to bear it untarnish'd high in air, as a tribute of your love, and an emblem of peace and good will to all who will assemble under its glowing folds. I have done.

LADIES—

At the request, and in the name of the Huntingdon Academy.

The education of Youth is a subject of great importance, and well deserves the patronage and encouragement of all; and those youths who show an eagerness to acquire knowledge, and to excel in literature, should receive the applause they so much deserve.

"The education forms the common mind,  
Just as the twig is bent the tree's inclined,"

is a very common and a very true saying; for in youth the mind is most easily turned into the proper channels, and like the twig, in whatever way it is bent, when it becomes a tree it is so inclined; so the mind in whatever way it is bent while young, will maintain the same bent to the last. To all persons who are desirous of having their children instructed in the most useful branches of an excellent education, I would point out the Huntingdon Academy (Thomas C. Massey Instructor,) as a fit Institution, where all the rudiments of a good and a sound education may be acquired with comparatively small expense. On Thursday, the 10th of March, an examination of the students of the said Academy took place. The weather was fine, and there was a general turn out to witness the exercises. The students went through their several exercises, and answered the questions that were put them, with quickness and precision, showing that they were thoroughly acquainted with the branches in which they were examined. The students acquired credit and applause for themselves and teacher, (who, it was evident, had taken great care in their instruction,

and is a man every way qualified for instructing youth,) and the whole performance elicited the applause and admiration of the spectators. But to "cap the climax," in the evening the Philomathean Literary Society connected with the Academy had an exhibition. The stage was decorated and trimmed very beautifully, several eloquent speeches were delivered and dialogues spoken, and I am happy to say the members done admirably.

A SPECTATOR.

### The Resumption Bill.

AN ACT to provide for the resumption of Specie Payments by the Banks of this Commonwealth, and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, &c. it is hereby enacted by the authority of the same, That the banks of this Commonwealth, from and after the passage of this act shall redeem their notes and deposits and other liabilities in gold and silver coin upon demand being made at their banking houses during banking hours, and a refusal or failure to pay in gold and silver as aforesaid, shall be deemed and taken to be an absolute forfeiture of their respective charters; Provided, that no contract previously made as to the payment of deposits shall be affected by the provisions of this section.

SEC. 2. Upon application to any Court of Common Pleas or District Court of the proper county, or a single judge thereof in vacation, or the oath or affirmation of any person setting forth that he or she had presented to the proper officer or officers of any banking institution within said county, a note or notes or certificates of deposits, or other liabilities, issued by the same, except the notes issued by the authority of the act of May, one thousand eight hundred and forty-one, and demanded the payment thereof in gold and silver coin, which said bank had refused or failed to pay, it shall be the duty of said court if in session, or a judge in vacation, to direct a citation to be issued by the prothonotary of said court to the said bank, in the nature of a summons, which it shall be the duty of the sheriff or corner of the proper county forthwith to serve, commanding the said bank to appear at the time and place designated by the said court or judge, not less than five nor more than ten days thereafter. And upon the hearing of the parties, if the said court or judge shall be satisfied of the truth of said complaint, and that the provisions of the first section of this act have been violated, then the directors of any such bank of this Commonwealth shall make and execute under their corporate seal, a general assignment of all their estate, real and personal, to such person or persons as they may select (subject to the approbation of the stockholders at a general meeting) in trust for the benefit of all their creditors. Such an assignment shall be approved by the Court of Common Pleas of the county in which such bank may be situated and shall be recorded in the office of the Recorder of Deeds for the proper county, within thirty days from the execution thereof. The said assignees shall proceed to sell at public sale all the real and personal estate of said bank, and shall collect by receiving new securities, by renewals, by compromise, by suit at law and otherwise all their outstanding debts, and for this purpose may use the corporate name of said bank: Provided, however, That the said assignees shall receive in payment of debts due said bank its own notes and obligations and checks of its depositors at par. The said assignees before entering upon the duties of their office, shall take and subscribe an oath or affirmation to execute the trust confided to them with fidelity, which oath or affirmation shall be filed in the office of the prothonotary of the proper county, and shall give such security as the said court may deem sufficient to secure the faithful execution of said trust, and shall once in every six months file an account of their receipts and expenditures, verified by their oath or affirmation, in the office of the prothonotary of said court. The said assignees shall at least once every six months make a pro rata dividend of the balance in their hands among the several creditors of said bank, who shall in pursuance of public notice given in such manner and form as shall be directed by the court, have made claims and delivered up the evidence of their claims, if such evidence be in writing, to said assignees and received from the said assignees a certificate of the amount thereof. The said assignees shall allow such commission or compensation for their services as may be agreed upon in such assignment with the approbation of the court, and shall be subject as herein otherwise provided, to the several provisions of the act of assembly passed the fourteenth day of June one thousand eight hundred and thirty-six, entitled "an act relating to assignees for the benefit of creditors and other trustees,"

That the corporate power of said bank shall, after the said assignment shall be made and executed as aforesaid, cease and determine except so far as the same may be necessary for the following purposes to wit:—  
First, For the purpose of suing and being sued, and for continuing all suits and proceeding at law or in equity now pending for or against said bank.  
Second, For the purpose of making such assurances, conveyances and transfers, and doing all such acts, matters and things as may be necessary or expedient to make said assignment or the trust thereof effectual.  
Third, For the purpose of citing the said trustees to account and compelling them to execute the said trust.  
Fourth, For the purpose of receiving and distributing amongst the stockholders of said bank such surplus as shall remain after discharging all the debts of the said bank; and it is further enacted that the said court or any judge thereof, on application and proof as aforesaid, may for the protection of parties interested issue an attachment, commanding the sheriff or coroner forthwith to seize and take possession of the banking house, books, moneys, deposits, papers and effects, and if the directors shall not within ten days thereafter make an assignment as hereinbefore provided, the said court or a majority of the judges thereof in vacation shall appoint three suitable persons as trustees, who shall have like powers and be subject to the same provisions as if they had been appointed by the directors with the approbation of the stockholders.  
Sec. 3. It shall be lawful for the directors of any bank in this Commonwealth, whenever they deem it expedient to wind up the affairs of such bank, to make a general assignment of the estate real and personal of the bank, subject to the conditions and provisions relating to the assignments by directors of banks, provided in the second section of the act; and it shall be the duty of the directors of any bank to make and execute an assignment as aforesaid whenever directed by a majority of the stockholders in a general meeting of the stockholders of such bank.  
Sec. 4. It shall not be lawful for any bank of this Commonwealth, after the passage of this act, to issue or pay out any bank notes other than those issued by itself payable on demand in gold or silver, notes of specie paying banks, or notes of banks legally issued under the authority of the act of the fourth of May one thousand eight hundred and forty-one at the option of the person receiving the same; and any violation of this provision shall work an absolute forfeiture of its charter, and be proceeded against as in the manner prescribed in the second section of this act: Provided, however, That no contracts heretofore made as to the payment of deposits shall be in any way affected.  
Sec. 5. It shall be the duty of the cashiers of the several banks of this Commonwealth, on the first Monday in January, April, July and October in each year, to make out a list under oath or affirmation of the amount of moneys loaned, notes in circulation, specie on hands, and deposits which shall be opened in the banking house to the inspection of any stockholder, under the penalty of five hundred dollars, to be recovered as debts of similar amount are now recoverable, one half for the use of the prosecutor and the other half for the use of the Commonwealth; any director shall be permitted at all times to inspect the books and accounts of the bank of which he is a director.  
Sec. 6. That execution, or process in the nature of an execution, shall be stayed upon all judgements which may be obtained in any court of this Commonwealth, or before any alderman or justice of the peace, wherein any bank of this Commonwealth which accepted the provisions of the act of the fourth of May, one thousand eight hundred and forty one, shall be plaintiff or the party interested, so long as said bank shall fail or refuse to comply with the provisions of the first section of this act, or until said bank shall have made an assignment agreeably to the second section: Provided That nothing herein contained shall be construed to interfere with the security of any judgment obtained as aforesaid: And provided also, That a refusal to redeem the notes issued in pursuance of the act of the fourth of May, one thousand eight hundred and forty-one except as required by said act, shall not bring any of said banks within the provisions of this section.  
Sec. 7. And be it further enacted by the authority aforesaid, that from and after the passage of this act it shall not be lawful for the cashier of any bank in this Commonwealth to engage in any other profession, occupation or calling, either directly or indirectly, than that of the duties appertaining to the office of cashier, and so much of the fifth article of the act of the twenty-fifth day of March, one thousand eight hundred and twenty-four, as authorises the president and board of

directors of any bank to grant permission to a cashier to carry on any other business, be and the same is hereby repealed. And if any cashier of any bank of this Commonwealth shall hereafter either directly or indirectly, engage in the purchase and sale of stocks, or any other profession, occupation or calling; or other than that of his duties of cashier, such cashier, upon conviction thereof in any court of criminal jurisdiction, shall be sentenced to pay a fine of not less than one hundred and not exceeding five hundred dollars, and to undergo an imprisonment in the common jail for any period of not less than one nor more than five years.

Sec. 8. That hereafter no medium shall be received in payment of tolls, taxes or other revenue of the Commonwealth, other than gold and silver, the notes of specie paying banks, or legal issues under the act of the fourth of May, one thousand eight hundred and forty one: Provided, That this section shall not be construed as a repeal of a resolution passed at the present session of the legislature, in relation to tolls for carrying the mail on the Columbia rail-road.

THE MARYLAND AND PENNSYLVANIA CASE.—We are indebted, says the National Intelligencer, to a learned member of the Bar, for the following more particular statement of the Supreme Court, in this case, and also of the separate Opinions of the Judges, than we from our own knowledge are able to furnish:

Case of Prigg against the Commonwealth of Pennsylvania.—The points decided by a majority of the Court were—

1st. That the provision of the Constitution of the United States relative to fugitive slaves executes itself so far as to authorize the owner or his agent to seize the fugitive in any State in the Union, as property; and that no State law is constitutional which interferes with such right.

2d. That this provision also contemplates legislation by Congress, to make the delivery of fugitive slaves more effectual against all State or other interference.

3d. That Congress having legislated, such legislation is the supreme law of the land, excluding all State legislation by Congress, no State can pass any law to qualify, impede, or control the remedy given by the act of Congress.

4th. The power of legislation by Congress is exclusive; and no State can pass any law to carry into effect the constitutional provisions in regard to fugitive slaves even though Congress had not legislated upon the subject.

5th. That the points thus decided are in no manner intended to interfere with the police power of the States to take up runaway slaves, and guard against their misconduct and depredations.

The opinion was delivered by Mr. Justice Story.

The Chief Justice and Mr. Justice Daniel concurred in the opinion that the Pennsylvania law was unconstitutional and void, and that no state could pass any law to impair or impede the right of the owners of fugitives or slaves, as conferred by the Constitution and secured by the act of Congress; but they held that the states were competent to legislate with a view to effectuate the remedy given by the act of Congress.

Mr. Justice McLean also concurred as to the unconstitutionality of the act of Pennsylvania legislature. He was of the opinion that congress in this particular case, had a right to confer the power with which state officers were clothed by the act of 1793, and held that the states were competent to punish infractions of that act by the owners of fugitive slaves; as when for example, the slave was seized and carried away without procuring the certificate of the judges or justices of the peace, which it requires.

Mr. Justice Baldwin was of opinion that the constitutional provisions required no legislation, but executed itself; and that therefore the act of congress and the Pennsylvania law were both unconstitutional.

Mr. Justice Wayne concurred with the majority, and recapitulating the points decided, intimated an intention of filing his opinion at length.

The case was brought up to the Supreme Court of the U. States under the 25th section of the judiciary act of 1789, and the provision of a special act of the Pennsylvania legislature, being the result of a negotiation between Maryland and that State, conducted by J. Meredith, Esq., as commissioner of Maryland.

The cause was argued by Messrs. Meredith and Nelson for the state of Maryland, and by Mr. Hamby and the Attorney General of Pennsylvania for that state.

The patriarchs before the flood, who lived nine hundred years, scarcely provided for a few days; and we, who live but a few days, provide at least for nine hundred years.

Small pleasures make up the sum of happiness.

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The Chief Justice and Mr. Justice Daniel concurred in the opinion that the Pennsylvania law was unconstitutional and void, and that no state could pass any law to impair or impede the right of the owners of fugitives or slaves, as conferred by the Constitution and secured by the act of Congress; but they held that the states were competent to legislate with a view to effectuate the remedy given by the act of Congress.

Mr. Justice McLean also concurred as to the unconstitutionality of the act of Pennsylvania legislature. He was of the opinion that congress in this particular case, had a right to confer the power with which state officers were clothed by the act of 1793, and held that the states were competent to punish infractions of that act by the owners of fugitive slaves; as when for example, the slave was seized and carried away without procuring the certificate of the judges or justices of the peace, which it requires.

Mr. Justice Baldwin was of opinion that the constitutional provisions required no legislation, but executed itself; and that therefore the act of congress and the Pennsylvania law were both unconstitutional.

Mr. Justice Wayne concurred with the majority, and recapitulating the points decided, intimated an intention of filing his opinion at length.

The case was brought up to the Supreme Court of the U. States under the 25th section of the judiciary act of 1789, and the provision of a special act of the Pennsylvania legislature, being the result of a negotiation between Maryland and that State, conducted by J. Meredith, Esq., as commissioner of Maryland.

The cause was argued by Messrs. Meredith and Nelson for the state of Maryland, and by Mr. Hamby and the Attorney General of Pennsylvania for that state.

The patriarchs before the flood, who lived nine hundred years, scarcely provided for a few days; and we, who live but a few days, provide at least for nine hundred years.

Small pleasures make up the sum of happiness.