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## TERMS.

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## WHIG SONGS.

### Whig Song.

TUNE—"The Campbells are coming."

Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!

The campaign is now started we call on each one,  
Ye Whigs of old forty your armour gird on;  
Horse, foot and dragons we'll our enemy rout,  
Let our watchword be onward the nation thro' out.  
Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!

The Whigs they've resolved that a change they will make,  
So the Locos and Tyler a warning may take;  
On the fourth of next March their face they must close,  
To the four winds of Heaven we'll scatter our foes.  
Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!

Our honest Whig views we will carry them out,  
And their patient Democracy put to rout;  
To the head of Salt River we'll row it with ease,  
And there it must stay just as long as we please.  
Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!

Our Tariff we've tried and we're sure it will do,  
And our own Manufactures the nation all thro';  
The Mechanic and Workmen we're willing to pay,  
Something more I should think than ten cents by the day.  
Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!

Then freemen arouse and proclaim with one voice,  
Throughout all the States he's the man of your choice;  
Let all his opponents "get out of the way,"  
And leave the track clear for our friend Harry Clay.  
Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!  
Harry Clay he is coming, huzza, huzza!

### The Fighting Captain.

TUNE—"It will never do to give it up so."

When Marple marched to the frontier,  
He knew not what it was to fear,  
The "Tory force the British sent,  
But this was 'er his sentiment.  
It will never do to give it up so,  
It will never do to give it up so,  
It will never do to give it up so,  
It will never do to give it up so!

He bravely fought with Harrison,  
And then o'er the foe a victory won,  
And now he is the candidate  
For Pennsylvania's chair of state.  
It will never do, &c.  
Now Whigs, lets rally for the fight,  
Our cause is just, our cause is right,  
In the locos' ears when we shall sing,  
We'll make this chorus loudly ring—  
It will never do, &c.

With Harry Clay, the tried and true,  
And Frelinghuysen and Marple too,  
We'll triumph o'er the locos soon,  
But we'll not forget this good old tune.  
It will never do, &c.

### Voice of the People.

AIR—"A life on the Ocean wave."

List, list to the People's cry,  
Resounding o'er hill and dale,  
Inter the Locos fly,  
Like chaff on the winter's gale,  
The mountains are ringing the shout,  
The valleys re-echo again,  
And the rock-bound shores of the North  
Are joyously swelling the strain.  
Hark, hark, to the loud acclaim,  
That comes from the distant West,  
They call for the son of fame,  
Their CLAY—the greatest and best.  
Hark, Hark! Hark, Hark!  
Hark, Hark! to the distant West.

Arise, ye Whigs of the East,  
'Tis now the glorious day,  
When all your votes should be cast  
In support of Henry Clay.  
The South is up in her strength,  
Our will in triumph prevail  
And the shout of a people free  
Shall burthen the sweeping gale.  
Like a whirlwind his fame has spread—  
The mist have all cleared away—  
The foe from the field has fled!  
Then hurrah! for Henry Clay.  
Hurrah! Hurrah!  
Hurrah for Henry Clay.

Men will wrangle for religion; write for it;  
fight for it; die for it; any thing but—live for it.

### Proudly on High.

TUNE—"Sparkling and Bright."

Proudly on high, in the azure sky,  
Our flag to the breeze is streaming,  
On its folds broad-cast, and nailed to the mast,  
The name of CLAY is gleaming.

### CHORUS.

Then swell the band, thro' all the land  
Nor let the labor tarry;  
Let us greet from afar, with a loud huzza,  
The cause of our gallant HARRY.

With spirits elate, each marshalled State,  
Forth into his ranks are wheeling—  
Their triumphal notes on the breezes float,  
List, list to their joyous pealing!  
Then swell the band, &c.

The South and the North in their pride step forth,  
And the East and the West are coming—  
Like the whirlwind rout, their mighty shout  
On the mountain top is booming,  
Then swell the band, &c.

The seamen that ride in the ships that glide  
O'er the blue expanse of the ocean,  
And the arizan throng, join the phalanx strong,  
To keep the Whig Ball in motion.  
Then swell the band, &c.

The tradesmen have sworn they'll no longer be shorn  
By knaves they've so long been enduring—  
The farmers have spoke, they will spurn Jim Polk  
And fly from the thralldom of ruin.  
Then swell the band, &c.

The patriots tone, of years by-gone  
Our birth-right bids us remember—  
To the field away, let our war note be CLAY!  
And our triumph is sure in November.  
Then swell the band, throughout the land,  
Nor let the labor tarry;  
Let us greet from afar, with a hip, hurrah,  
The cause of our gallant HARRY.

### From the New Haven Palladium.

### THE CILLEY DUEL. True Account.

As we promised our correspondent that we would state the facts in relation to this affair, which has been revived in this election for the purpose of connecting Mr. Clay unfavorably with us, we proceed to do so.

Jonathan Cilley was, in 1838, a Locofoco member of the Lower House of Congress from Maine. His brother is at the present time, an active and influential Whig in New Hampshire. In the course of a debate in the House, Mr. Cilley intimated, that Col. Webb, of the New York Courier and Enquirer had received a bribe of \$52,000, from the U. States Bank. Upon this, Webb sent a challenge to Cilley by the hands of Mr. Graves, who, though ever esteemed a most amiable man, yet with his notions of that miserable code of false honor which he was educated to esteem as obligatory upon gentlemen, felt that he could not decline to act as the friend of Webb; he therefore bore the challenge. Cilley declined to receive it on the ground that Webb was no gentleman.—According to the duellist's code such a reason is construed into an insult to the person bearing the challenge, and the quarrel then becomes his—and so both Graves and Cilley understood the matter. During the progress of the correspondence between them, Mr. Graves became pretty well satisfied that if he gave the challenge, Cilley would select as the weapon the deadly rifle, with which he (Graves) was totally unacquainted. In this emergency, after the attempted explanatory correspondence had closed, and of course all further negotiations had ceased and Graves had written his challenge, he called with Wise upon Mr. Clay; a practice that individuals and communities have always been in the habit of, when embarrassed—(so says Col. R. M. Johnson and John Quincy Adams, and they say also, that he is ever found a prudent adviser.) Graves stated the case to Mr. Clay, and also intimated his fears as to the result in consequence of his skill with the rifle. Mr. Clay, actuated both by the common feeling of humanity, and a particular desire to save his friend Graves, from exposure to what appeared almost certain death, told him and Mr. Wise that the affair ought to be amicably adjusted, and he believed it would be—but he told him he should use milder language, so that the door of reconciliation might still be left open—Mr. Clay penned a substitute which he thought would be less offensive, and this is what the Locofoco editors mean by pushing on the duel and writing the challenge. Were ever truth and justice more shamefully perverted?

Benton and Bynum were the advisers of Cilley and his seconds, and they took the opposite ground of Mr. Clay, and instead of using their efforts to prevent the duel, they did all they could to bring it on, and being perfectly confident that Graves would fall, for Cilley was considered the best rifle shot in Maine.

Mr. Clay, after he had expressed his opinion that the affair should be amicably adjusted, knew nothing further of it until the noon of the day on which the duel was fought—and being informed that it was to take place, he advised the calling out of the police upon all the routes which the parties would be likely to take, and Mr. Clay himself with Mr. Crittenden, Gen. Thompson, of S. C., and the Marshal of the District, all started in pursuit to stop an affair which every one pronounced absurd. The duellists eluded pursuit, and at the fourth fire Cilley fell a corpse. Yet this same Henry A. Wise, the disappointed politician, with Cilley's Locofoco second, permitted these men to stand and shoot at each other four times. Even professed duellists say

this was barbarous, all things considered, but this Henry A. Wise now insinuates that Clay was an insinuator of the duel.

It was not until Wise had been defeated as the Whig candidate for the speakership of the House, that he dared to insinuate any thing against Clay; nor would he then probably, if he had not been writing in agony under the lash which John Quincy Adams laid upon him for his cold blooded conduct in that duel. Then he broke forth as follows:

"With regard to the preliminaries of that duel, it was not my advice, but that of a higher, better and more distinguished man, that was relied on."

From this little beginning has originated all the vile slander that has been heaped upon Clay in regard to that duel. Wise, Benton, Bynum, and the whole crew of Locofoco murderers, have endeavored to make Clay the scape goat for their sins.

But what effect does this abuse of Clay have upon the venerable Adams, the hater of duellists. He said while on his late visit in Ohio as follows:

"I have ever found him (Clay) not only one of the ablest men whom I ever co-operated with, but one of the most amiable and worthy."

We close this sketch of this duel with an extract from the letter of Graves, the unfortunate man whose days are full of bitterness for having caused the death of Cilley by the rifle in his hand. Graves on learning the dastardly course of Wise addressed to Clay a calm statement of the affair, and of Clay's agency in it. We extract as follows:

"From the commencement of the difficulty between Cilley and myself, up to the time I sent him the challenge, I do not recollect that I mentioned it to you or any other colleague or friend, except Manife and Wise. I know it was the purpose to communicate on the subject with such persons only as I had determined to select as my friends, should the matter not terminate amicably.—How my friend and colleague, Southgate, who sat by my side at the table when I wrote the correspondence, knew not a word of the affair until it was over. I hoped from the first that it would be amicably adjusted, and felt a strong solicitude that it should be known to as few persons as possible.

I do not recollect naming the subject to you until the morning before the meeting, when I called at your room, I think in company with Wise, and exhibited to you the correspondence, and perhaps detailed the circumstance of the affair, I remember that you suggested to me some modifications in the phraseology of the challenge which I had written, by which milder language was employed, and the door was not so completely closed against adjustment. I recollect well, at the time you suggested the modification, which I believe was written by yourself on another piece of paper, you stated that you thought the matter ought to be and would be amicably adjusted; and in this I remember Wise concurred with you in opinion. I recollect this the better, from the conviction, resting on my mind at the time, that there were influences which I thought I saw more fully than any of my friends that militated against this view of the subject; some of which I think I mentioned to you in reply to your suggestion that you thought the matter would be adjusted without a hostile meeting. I adopted your form, with but little or no modification, and I suppose destroyed it, and that drawn by myself.

It is utterly untrue that you ever exhibited to me any wish that the meeting should take place. I believe I had no friend in Washington who more regretted it. I recollect after the affair, when we met together most deeply with me in my misfortune; you wept and were unable to utter a word."

Mr. Clay "WEPT," says Graves, and was "unable to utter a word." This is the man that the locofocos, who supported General Jackson, who undered a man in cold blood, dare to stigmatize as a duelist and promoter of duels.

### New York rising 20 000 Onondagas in the Field.

Nothing in the memorable campaign of 1840, says the Forum, could have equalled the great gathering at Syracuse, New York, on Saturday. A brief outline sketch occupies more than three long columns of the last Albany Journal. The least estimate of the number assembled is 20,000, but no mere statement could give an adequate idea of the unparalleled spectacle presented by the vast procession. Trains of teams miles in length came in from all parts of the surrounding country. That from the northern parts of the county alone embraced 417 vehicles, including 5,000 persons, and extending more than three miles! Upwards of 1600 came together in a train of cars from Auburn. A long procession from Lysander included a mammoth omnibus drawn by 12 yoke of oxen.

Nearly every trade and occupation in life was represented by appropriate symbols, and "The Tariff as it is" streamed out on innumerable banners. Hatters, shoemakers, salt boilers, coopers, farmers, &c. had their trades exhibited on teams, with characteristic mottoes, such as that of the salt boilers:

"We'll furnish salt for all the folk  
Who want to pickle Jemmy Polk."

Then the Coopers—  
"To make a good cask,  
A Tariff we ask."

And the Farmers—  
"We leave our hay  
To honor Clay."

Then came the Blacksmiths, with furnace, bellows, sledges, &c. &c., in full operation. Upon their banner was inscribed—"Our sledges shall not be used to wed Texas to the Union." Next came the Shoemakers, pegging and sewing away at a great rate. "We want no foreign shoes free of duty," was the message which was sent by the locos, greeting! Then followed the Tailors, busily engaged "in taking a stitch in time." Their motto was—"We can do our own work; we want none of Mr. Polk's British Free Trade."

Among the representatives from Salina were several wagons filled with 200 Ladies dressed in white, and who appeared to be a "lettle" the most enthusiastic of any who joined in the celebration. One of the banners was:—

The Ladies cannot quiet stay,  
While all the world hurrah for Clay.

Another banner informed us that although the fair damsels were decidedly in favor of "Annexation," it must neither be accomplished by "Dis-honor" nor "Slavery."

The vast assemblage was graced by the presence of more than 2000 ladies.

### SPEECH OF MR. MILES.

In the House of Representatives on the 22d January, 1841, on a motion to instruct our Members of Congress to advocate a distribution of the Proceeds of the Public Lands among the several States.

Mr. MILES said he had thought on yesterday, that he would not take part in this debate, as prompt action was of so much importance; but a call had been made, by the gentlemen from Luzerne, upon some of the members of the party with which he has the honor of acting, to give their reasons for the passage of the resolutions under consideration. He rose to respond to that call, and add a few remarks, to those already so ably made, by the gentleman from Crawford, to show the nature of the claim, as Pennsylvanians, make upon the general government, for a portion of the proceeds of the public lands. He wanted to demonstrate, that it is founded on the clearest principles of law and equity. It was here, he entrenched himself—on the legal and equitable principles governing the construction of the very deeds under which the U. S. government holds the lands in question. What, sir, were the circumstances under which those deeds were executed? This country was a vast wilderness, without known boundaries, inhabited alone by savages and beasts of prey, and a large portion of it was claimed by the crown of England, upon the ground of priority of discovery.—Special grants of territory, undefined in their limits, were made, from time to time, by that crown, to colonists, who crossed the trackless ocean, fleeing from the oppressions of the old world, to plant the standard of liberty in the western wilds. Whether those grants were made with or without right, legally or illegally, is of no importance in this enquiry. They were recognized and acted upon, but were uncertain in extent, reaching, in the language of some of the charters, "from sea to sea." The grantees established colonies, opened settlements, adopted laws for their own government, and grew in population, resources and wealth, until their prosperous condition excited the cupidity of the rulers of the country which gave them birth. Again, the hand of oppressive power was laid heavily upon them; but the spirit of freedom animated their bosoms, and, although they were distinct people in their colonial governments, yet as a band of brothers, they united and confederated together, to defend themselves against the common invader of their rights. They fought, together—their mingled blood enriched the same ground, and their property was freely given, for a common purpose. But notwithstanding the nature of the external circumstances which tended to their union, there were internal difficulties which were calculated to estrange and separate them. A heavy debt, incurred in their common defence, was to be apportioned amongst them—and the uncertain and conflicting boundaries of their original royal grants were to be adjusted in accordance with their respective rights. These things were calculated to produce strife, and bloodshed amongst themselves, (a story on Con. 214—15.) As this common debt was to be paid, and as it was of vital consequence to the peace of the confederated states, that these causes of difficulty and dissatisfaction should be removed, to provide a means for the extinguishment of the one, and for the removal of the other, the Congress of the confederated states invited the several states to cede their lands to the United States, and in the year 1780 adopted the following resolution, to wit:—"That the unappropriated lands that may be ceded or relinquished to the United States by any particular state, pursuant to the recommendation of Congress, shall be disposed of for the common benefit of the United States."—44 v. Niles Reg. 338.

Here, then, was an invitation and a recommendation to the states, to make cessions under the terms and upon the faith of this resolution. The people of the respective states were still animated by a common spirit of patriotism. They remembered their common toils and common dangers, in defence of the whole of the confederated states, and they felt the necessity of providing a fund for the payment of the common debt, and the imperious necessity of removing all cause of quarrel between themselves.—Influenced by these patriotic motives, they made the cessions upon the basis of the resolution of Congress, New York leading the way. Her deed of cession bears date the 1st March, 1781, one of the limitations or conditions of which is in the following words:

"That all the lands within the territory so ceded to the United States and not reserved for or appropriated to any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation, or federal alliance of the said states, VIRGINIA INCLUSIVE, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever." 45 v. Niles Reg. 276—Veto of the Land Bill.

Now these two cessions were made before the adoption of the constitution. Within the years 1785—6—7, Massachusetts, Connecticut, and South Carolina, ceded their claims upon similar terms. 45 Niles Reg. 286. The constitution was adopted on the 17th Sept. 1787, and the government of the United States went into operation under it on the 4th March, 1789. The cessions of North Carolina and Georgia were made after the government was in full operation under the constitution. The deed from North Carolina was executed in Dec. 1789, and accepted by an act of Congress approved April 2, 1790. 45 Niles Reg. 986. The third condition of this cession was in the following words, viz:

"That all the lands intended to be ceded by virtue of this act to the United States of America and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina INCLUSIVE, according to their respective and usual proportions of the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."

The cession of Georgia was completed on the 16th of June 1802, and in its leading condition, is precisely like that of Virginia and North Carolina.—(Mr. M. here remarked that he cited those deeds from the veto message of President Jackson on Mr. Clay's land bill, which passed both houses of Congress in the session of 1832—3, and he knew this document would be received as good authority by at least one portion of the House.) Now, sir, what is the legal construction of these deeds? and what estate do they pass, and for whose benefit? If the case had depended alone upon the deeds executed prior to the adoption of the Constitution, when the States were bound together only by the articles of confederation, there might have been some difficulty in arriving at a correct conclusion; but taking the terms of the North Carolina and Georgia deeds into consideration, all difficulty of construction seems to vanish. It will be recollected these two deeds were executed, after we had become, so far as the general government is concerned one people, ("we the people of the United States in order, &c. do ordain and establish this Constitution" &c.) This instrument made us a nation of people instead of a confederation of States, to the extent of the powers vested in the national government. The construction, for which we contend, is, that the deeds vested the legal title in the Government of the Union, subject to an express trust, for the benefit of the whole of the States composing the Union, in severalty; that is, for their benefit, as distinct and independent States, and not for the benefit of that unit, or indivisible corporate being, known by the name of "The United States," deriving its legal existence from the Constitution. By the adoption of that instrument, so far as national purposes are concerned, except in one branch of the legislature, the existence of the States is, in the main, merged in the National existence; but as to all the powers not delegated to the Government of the Union, the States still maintain a distinct independent existence. Keeping this distinction then, in view, how can the words in the North Carolina deed, "shall be considered as a common fund for the use and benefit of the United States of America, North Carolina INCLUSIVE," be reconciled with the supposition of a use declared for the United States as an indivisible corporate being, a unit, created by the Constitution? As such, North Carolina has no independent existence, as an essential ingredient or component part of that indivisible corporate being. But here is a reservation of a right, or a limitation of a use, distinctly to North Carolina herself, as an independent being. This alone ought to be enough to establish the position that the limitation of the uses of this deed, was to the States separately as STATES, and not to the UNION known by the arbitrary name of "The United States."

But how is this construction fortified when we turn to the next succeeding words in the deed—"according to their respective and usual proportions of the general charge and expenditure," &c? Here is a further limitation of the uses of the deed to a plurality of beings, and a basis laid down for a distribution amongst them then, "according to their respective and usual proportions," &c.—These are plain distributive terms which admit of but one construction. Now these words would be utterly useless and without rational meaning in the connexion in which they are found, if it is supposed the grant is absolute to the Union as a nation, and that there is nothing reserved for distribution amongst the states. To whom would there in that case, be any distribution? To what are these distributive terms to be applied? It is a rule, in the construction of deeds, that every word must stand—must be taken into consideration in ascertaining the meaning of the instrument, if each can stand consistently with the other words used. Upon our construction, all the words used, harmonise and stand together; but the opposite construction would render them void of rational meaning. The deed, therefore must mean that the legal estate is vested in the Government of the Union in trust for the benefit of the several states. And it has before been stated, that there was a two-fold reason for the cre-

ation of such a trust. First, to provide a common fund for the payment of the debt incurred in the common defence of the liberties of the grantors or censors. Secondly, to remove all causes of jealousy and strife between the ceding states. When the debt of the revolution was extinguished, the states had a right to have the proceeds distributed according to the basis laid down in the deeds—which is in the same proportions in which the burden of taxation would have to be borne in case taxes had to be contributed to meet the expenses of Government. It is then clear and manifest, if this reasoning be correct, that the general government has no right to cede these lands to the states in which they lie, nor has she a right to withhold the proceeds from the states. If it were not inconsistent with her sovereignty to be sued, a court of chancery would compel her to execute the trust. But you must petition a sovereign for justice, for it is inconsistent with his prerogatives to be sued. There is therefore no way of compelling the United States government to execute this trust, and the only remedy we have is to make our appeal in the halls of Congress.

But we have been told that we are presenting a humiliating spectacle—that the great Commonwealth of Pennsylvania is made to "bow down in the foot-stool of power and beg for a few crumbs!" What sir! is it humiliating to claim the rights that have been withheld from us, in the only way in which we can claim them? Is it humiliating to call upon those who hold our property under a trust, to execute that trust according to the terms of the trust deed? It would be a fraud upon the states, to refuse to execute it, for they were induced to make the cessions, by the resolution of Congress of 1780 before noticed.

Again we have been told, by the gentleman from Fayette, (Mr. Flennikin) that the resolutions, taken in connexion with the Journal, will present a strange contradiction—that when his colleague (Mr. Fuller) offered an amendment, affirming the right of instruction and declaring it to be the sense of the House, that our Senators should either obey or resign, we voted it down, thereby virtually denying the right of the constituent, to instruct his representative—and yet, (denying the right,) we instruct. The soundness of this view of the subject, is not perceived. Is it to be presumed that our Senators will disregard our instructions? Sir! we are disposed to treat them as gentlemen, and not to offend their sense of their own dignity, by enjoining in our instructions, an imperious command, "you shall obey or resign!" The introduction of matter of this description, might well be regarded as ground for suspicion, that there was more of a desire evinced, to vacate the seats of our Senators—than to accomplish the professed object of the resolutions, to wit: a distribution of the proceeds of the public lands, which Mr. M. trusted was the object all the friends of the resolutions have at heart. It would imply doubts, too, whether our Senators would obey instructions—but no such doubts are entertained. There has been therefore, no good reason assigned, for permitting the enemies of the resolutions to lead them with matter, which could do no good, and might do an injury—might defeat the very object sought to be accomplished—for if anything would justify our Representatives in the senate, in refusing obedience to our instructions—it would be the placing on their face, declarations of a character, injurious to their feelings as gentlemen capable of comprehending the delicate relations between the constituent and representative.

Something has been said in the course of this debate about pre-emption, and that those in favor of the distribution of the proceeds of the public lands, were opposed to this feature in our land system, which it is said, is for the benefit of the poor settler. This charge was not well founded. The friends of distribution are not opposed to the pre-emption principle so applied as to benefit the poor bona fide settler—and their votes in Congress have shown that they are the real friends of the industrious poor. But they are opposed to such a pre-emption as will throw our common inheritance into the hands of wealthy speculators, to the prejudice of the interests of the States. The pre-emption bill under discussion in the Senate of the United States, would enable a speculator to select any of the public lands surveyed or unsurveyed, put up a log cabin thereon, inhabit it a short time, they leave it and claim a pre-emption title to have the land at government price, taking the very prime lands, and preventing all competition between bidders at the public sales authorized by the system which has been in operation for years. There is nothing on the face of that bill, it is believed, that goes to prevent the pre-emption privilege from being used by wealthy speculators, to the injury and prejudice of the poor actual settler. Indeed it seems to be artfully worded so as to make its meaning ambiguous in reference to the requisites of a pre-emption title. It has none of the guards—thrown around our pre-emption title in Pennsylvania. The only title depending upon an actual settlement recognized by the laws of this State, is defined by the act of Assembly of the 30th December, 1786, in the following terms, to wit: "That by a settlement should be understood, an actual personal resident settlement, with a manifest intention of making it a place of abode, and the means of supporting a family, and continued from time to time, unless interrupted by the enemy, or by going into the military service of this country during the war." Now there is nothing in the printed copy of the bill that has been read in the hearing of

of such a trust. First, to provide a common fund for the payment of the debt incurred in the common defence of the liberties of the grantors or censors. Secondly, to remove all causes of jealousy and strife between the ceding states. When the debt of the revolution was extinguished, the states had a right to have the proceeds distributed according to the basis laid down in the deeds—which is in the same proportions in which the burden of taxation would have to be borne in case taxes had to be contributed to meet the expenses of Government. It is then clear and manifest, if this reasoning be correct, that the general government has no right to cede these lands to the states in which they lie, nor has she a right to withhold the proceeds from the states. If it were not inconsistent with her sovereignty to be sued, a court of chancery would compel her to execute the trust. But you must petition a sovereign for justice, for it is inconsistent with his prerogatives to be sued. There is therefore no way of compelling the United States government to execute this trust, and the only remedy we have is to make our appeal in the halls of Congress.

But we have been told that we are presenting a humiliating spectacle—that the great Commonwealth of Pennsylvania is made to "bow down in the foot-stool of power and beg for a few crumbs!" What sir! is it humiliating to claim the rights that have been withheld from us, in the only way in which we can claim them? Is it humiliating to call upon those who hold our property under a trust, to execute that trust according to the terms of the trust deed? It would be a fraud upon the states, to refuse to execute it, for they were induced to make the cessions, by the resolution of Congress of 1780 before noticed.

Again we have been told, by the gentleman from Fayette, (Mr. Flennikin) that the resolutions, taken in connexion with the Journal, will present a strange contradiction—that when his colleague (Mr. Fuller) offered an amendment, affirming the right of instruction and declaring it to be the sense of the House, that our Senators should either obey or resign, we voted it down, thereby virtually denying the right of the constituent, to instruct his representative—and yet, (denying the right,) we instruct. The soundness of this view of the subject, is not perceived. Is it to be presumed that our Senators will disregard our instructions? Sir! we are disposed to treat them as gentlemen, and not to offend their sense of their own dignity, by enjoining in our instructions, an imperious command, "you shall obey or resign!" The introduction of matter of this description, might well be regarded as ground for suspicion, that there was more of a desire evinced, to vacate the seats of our Senators—than to accomplish the professed object of the resolutions, to wit: a distribution of the proceeds of the public lands, which Mr. M. trusted was the object all the friends of the resolutions have at heart. It would imply doubts, too, whether our Senators would obey instructions—but no such doubts are entertained. There has been therefore, no good reason assigned, for permitting the enemies of the resolutions to lead them with matter, which could do no good, and might do an injury—might defeat the very object sought to be accomplished—for if anything would justify our Representatives in the senate, in refusing obedience to our instructions—it would be the placing on their face, declarations of a character, injurious to their feelings as gentlemen capable of comprehending the delicate relations between the constituent and representative.

Something has been said in the course of this debate about pre-emption, and that those in favor of the distribution of the proceeds of the public lands, were opposed to this feature in our land system, which it is said, is for the benefit of the poor settler. This charge was not well founded. The friends of distribution are not opposed to the pre-emption principle so applied as to benefit the poor bona fide settler—and their votes in Congress have shown that they are the real friends of the industrious poor. But they are opposed to such a pre-emption as will throw our common inheritance into the hands of wealthy speculators, to the prejudice of the interests of the States. The pre-emption bill under discussion in the Senate of the United States, would enable a speculator to select any of the public lands surveyed or unsurveyed, put up a log cabin thereon, inhabit it a short time, they leave it and claim a pre-emption title to have the land at government price, taking the very prime lands, and preventing all competition between bidders at the public sales authorized by the system which has been in operation for years. There is nothing on the face of that bill, it is believed, that goes to prevent the pre-emption privilege from being used by wealthy speculators, to the injury and prejudice of the poor actual settler. Indeed it seems to be artfully worded so as to make its meaning ambiguous in reference to the requisites of a pre-emption title. It has none of the guards—thrown around our pre-emption title in Pennsylvania. The only title depending upon an actual settlement recognized by the laws of this State, is defined by the act of Assembly of the 30th December, 1786, in the following terms, to wit: "That by a settlement should be understood, an actual personal resident settlement, with a manifest intention of making it a place of abode, and the means of supporting a family, and continued from time to time, unless interrupted by the enemy, or by going into the military service of this country during the war." Now there is nothing in the printed copy of the bill that has been read in the hearing of

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