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POETRY.

A SONG OF THE DEMOCRACY.

We come—but not with revel shout—
No madd'ning Bacchic song—
No wild and frenzied cry rings out
Our sorried ranks along.
But heart with heart and hand with hand,
We onward press—we court the fight—
A bold—a true—a faithful band—
In Freedom's name—in Freedom's right.
We come—the weapons of the free
Are in each hand and brawny hand,
And falling sure and silently,
They sweep corruption from the land.
Our leader we of yore have found
First in the fight and faithful every
With heart and hand we rally round
One who can prove a recreant never.
We come—and o'er us proudly wave
The banner that our fathers bore
To conquest or to patriot graves
When British minions thronged our shore,
Yes—faithful hearts bow through thee round,
Thou banner of the brave and free;
With high resolve each heart is bound
To conquer or to fall with thee.
We come—we come—a mighty throng,
Full pledged to Freedom's sacred cause,
Our hearts are true—our hands are strong—
We fight for equal rights and laws:
The heritage our fathers gave,
The holy prize for which they bled,
Their sons shall guard—or gory grave
Shall close above each freeman's head.
Then proudly raise our standard high,
And ev'ry mountain—ev'ry glen—
Shall echo back our rallying cry,
And Triumph crown our Cause again.
Yes—boldly be our banner flung,
And firm let ev'ry freeman be,
Soon—soon shall leap from ev'ry tongue
The thrilling shout of Victory.

POLITICAL.

LIST OF ACTS.

Passed at the First Session of the 28th Congress.

[In this list are omitted the titles of sundry Acts for the relief of individuals, &c.]

An act to refund the fine imposed on General Andrew Jackson.

An act to authorize the President of the United States to direct transfers of appropriation in the naval service under certain circumstances.

An act making an appropriation for the payment of horses lost by the Missouri volunteers in the Florida war.

An act making appropriations for the support of the Military Academy for the fiscal year ending on the 30th day of June, 1845.

An act for the relief of the widows and orphans of the officers, seamen, and mariners of the United States schooner Grampus, and for other purposes.

An act to supply a deficiency in the appropriation for the fiscal year ending the 30th of June, 1844, for the relief and protection of American seamen.

An act making appropriations for the payment of Revolutionary and other pensioners of the United States for the fiscal year ending on the 30th of June, 1845.

An act making appropriations for certain fortifications of the United States for the fiscal year beginning on the 1st day of July, 1844, and ending the 30th of June, 1845.

An act making appropriations for the improvement of certain harbors and rivers.

An act to authorize the selection of certain school lands in the Territories of Florida, Iowa, and Wisconsin.

An act making an appropriation of certain moneys in the Treasury for the naval service.

An act to alter the places of holding the district court of the United States for the district of New Jersey.

An act to authorize the transfer of the names of pensioners from the agencies in the State of Kentucky to the agency in Cincinnati, in the State of Ohio.

An act making appropriations for the improvement of certain harbors and rivers. An act making appropriations to aid in completing the harbor at Racine, on the western shore of Lake Michigan.

An act making appropriation for certain improvements on the western shore of Lake Michigan.

An act making appropriations for certain improvements in the Territory of Iowa.

An act making appropriations for certain improvements in the Territory of Florida.

An act to authorize the issuing of patents for certain lands in the St. Augustine land district in Florida, the sales of which were not regularly reported.

An act granting to the county of Dubuque certain lots of ground in the town of Dubuque.

An act granting a section of land for the improvement of Grand River, at the town of Potosi in Wisconsin Territory.

An act to establish certain post roads in the Territory of Florida.

An act to authorize the Legislatures of the several Territories to regulate the apportionment of representation and for other purposes.

An act to confirm to the city of Ferdinand, in Florida, certain lots reserved for public use by the Spanish Government.

An act giving the assent of Congress to the holding of an extra session of the Legislative Assembly of the Territory of Iowa.

An act to amend an act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida."

An act to provide for the erection of a marine hospital at Key West in the Territory of Florida.

An act to confirm certain entries of land in the St. Augustine land district, in the Territory of Florida, made under the pre-emption law of 22d June, 1838.

An act making appropriations for the service of the Post Office Department for the fiscal year ending the 30th June, 1845.

An act to test the utility of the submarine telescope.

An act directing the disposition of the maps and charts of the survey of the coast.

An act transferring the execution of a certain act from the Secretary of the Treasury to the Secretary of War.

An act making appropriations for the payment of navy pensions for the year ending 30th June, 1845.

An act making appropriations for certain objects of expenditure therein named, in the year ending 30th June 1845.

An act making appropriations for the support of the army for the fiscal year ending on the 30th day of June, 1845.

An act making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending the 30th day of June, 1845, and for other purposes.

An act to authorize the entry of certain lands occupied by the branch pilots of the port of New Orleans and others in the State of Louisiana.

An act explanatory of the treaty made with the Chippewa Indians at Saganaw, the 23d of January, 1838.

An act making appropriations for the naval service for the fiscal year ending the 30th day of June, 1845.

An act making appropriations for the current and contingent expenses, of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the fiscal year commencing on the first day of July, 1844, and ending on the 30th day of June, 1845.

An act establishing a navy yard and depot at or adjacent to the city of Memphis, on the Mississippi river, in the State of Tennessee.

An act to authorize the Secretary of the Treasury to grant a register to the British boat therein mentioned.

An act relating to certain collection districts and for other purposes.

An act directing the disposition of certain unclaimed goods, wares, and merchandise seized for being illegally imported into the United States.

An act to repeal so much of the act approved the 23d of August, 1842, as requires the second regiment of dragoons to be converted into a regiment of riflemen after the 4th day of March, 1843.

An act to amend the judiciary act, passed the 24th of September, 1789.

An act for the relief of the citizens of the towns upon the lands of the United States, under certain circumstances.

An act relating to bonds to be given by custom-house officers.

An act to amend an act entitled "An act to re-organize the General Land Office."

An act to amend the act entitled "An act to establish branches of the mint of the United States."

An act to establish a port of delivery at the city of Lafayette, in the State of Louisiana.

An act to repeal an act entitled "An act directing the survey of the northern line of the reservation from the half breeds of the Sac and Fox tribes of Indians by the treaty of August, 1824," approved March 3, 1843.

An act relating to the port of entry in the district of Passamaquoddy, in the State of Maine.

An act relating to the unloading of foreign merchandise on the right bank of the Mississippi river, opposite New Orleans.

An act to provide for the adjustment of land claims within the States of Missouri, Arkansas and Louisiana, and in those parts of the States of Mississippi and Alabama south of the 31st degree of north

latitude, and between the Mississippi and Perdido rivers.

An act concerning the Supreme Court of the United States.

An act supplementary to the act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," passed 30th June, 1834.

An act respecting the northern boundary of the State of Missouri.

An act to authorize repayment for lands sold by the United States without authority of law, and other purposes.

An act to refund the fine imposed on the late Anthony Hoswell, under the sedition law, to his legal heirs and representatives.

An act concerning conveyances or devices of places of public worship in the District of Columbia.

An act supplementary to an act entitled "An act to regulate arrests on mesne process in the District of Columbia," approved August 1, 1842.

An act providing for the insane asylum in the District of Columbia.

An act to incorporate Georgetown College, in the District of Columbia.

An act for the benefit of the stockholders of certain banks of the District of Columbia.

An act for the relief of persons residing within the reputed limits of the State of Arkansas or Louisiana, and beyond the boundary line between the United States and the Republic of Texas, as established by the commissioners appointed to ascertain the same.

A joint resolution accepting the sword of Washington and the staff of Franklin.

A joint resolution of respect for the memory of the donor of the camp-chest of General Washington.

A joint resolution respecting the application of certain appropriations heretofore made.

A joint resolution providing for the printing of additional copies of the journals and public documents.

A joint resolution in relation to certain property purchased for the use of the United States at the port of Bath, in the State of Maine.

A resolution authorizing the corporation of Baltimore to use a building of the United States at Lazaretto Point.

A joint resolution to authorize the Postmaster General to re-examine certain claims, and to allow one month's extra pay to certain mail contractors.

A joint resolution tendering the thanks of Congress to the British authorities at Gibraltar, and the command, officers and crew of her Britannic Majesty's ship Malabar.

A joint resolution directing the Auditor of the Post Office Department to enquire as to the contract of Saltmarsh and Overton with the Post Office Department.

A resolution respecting receipts issued by the Treasurer of the United States in payment of public lands.

A resolution suspending the joint resolution providing for the printing of additional copies of the journals and public documents.

A resolution for the relief of certain claimants under the Cherokee treaty of 1836.

A resolution relating to the public lands at Springfield and Harper's Ferry.

VETO MESSAGE.

To the House of Representatives of the U. States.

I return to the House of Representatives, in which it originated, the bill entitled "An act making appropriations for the improvement of certain harbors and rivers," with the following objections to its becoming a law:

At the adoption of the Constitution, each State was possessed of a separate and independent sovereignty, and an exclusive jurisdiction over all streams and water courses within its territorial limits. The articles of Confederation in no way affected this authority or jurisdiction, and the present Constitution, adopted for the purpose of correcting the defects which existed in the original articles, expressly reserves to the States all powers not delegated. No such surrender of jurisdiction is made by the States to this Government by any express grant; and if it is possessed it to be deduced from the clause in the Constitution which invests Congress with authority "to make all laws which are necessary and proper for carrying into execution" the granted powers. There is, in my view of the subject, no pretence whatever for the claim to power which the bill now returned substantially sets up. The inferential power, in order to be legitimate, must be clearly and plainly incidental to some granted power, and necessary to its exercise. To refer it to the head of convenience or usefulness would be to throw open the door to a boundless and unlimited discretion, and to invest Congress with an unrestrained authority. The power to remove obstructions from the water courses of the States, is claimed under the granted power "to regulate com-

merce with foreign nations, among the several States, and with the Indian tribes;" but the plain and obvious meaning of this grant is, that Congress may adopt rules and regulations prescribing the terms and conditions on which the citizens of the United States may carry on commercial operations with foreign states or kingdoms and on which the citizens or subjects of foreign states or kingdoms may prosecute trade with the United States or either of them, and so the power to regulate commerce among the several States, no more invests Congress with jurisdiction over the water courses of the States than the first branch of the grant does over the water courses of foreign powers, which would be an absurdity. The right of common use of the people of the United States to the navigable waters of each and every State, arises from the express stipulation contained in the Constitution, that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States," while, therefore, the navigation of any river in any State is, by the laws of such State, allowed to the citizens thereof, the same is also secured by the Constitution of the United States, on the same terms and condition, to the citizens of every State; and so of any other privilege or immunity. The application of the revenue of this Government, if the power to do so was admitted, to improving the navigation of the rivers, by removing obstructions, or otherwise, would be for the most part productive only of local benefit. The consequences might prove disastrously ruinous to as many of our fellow citizens as the exercise of such power, would benefit.

I will take one instance furnished by the present bill, out of no invidious feeling for such it would be impossible for me to tell, but because of my greater familiarity with locations, in illustration of the above opinion. Twenty thousand dollars are proposed to be appropriated, toward improving the harbor of Richmond, in the State of Virginia. Such improvement would furnish advantages to the city of Richmond, and add to the value of the property of its citizens, while it might have a most disastrous influence over the wealth and prosperity of Petersburg, which is situated some twenty five miles distant, on a branch of James River, and which now enjoys its fair portion of the trade. So, too, the improvement of James River to Richmond, and of the Appomattox to Petersburg, might, by inviting the trade to those two towns, have the effect of prostrating the town of Norfolk. This, too, might be accomplished without adding a single vessel to the number now engaged in the trade of the Chesapeake Bay, or bringing into the Treasury a dollar of additional revenue. It would produce, most probably the single effect of concentrating the commerce now profitably enjoyed by three places, upon one of them. This case furnishes an apt illustration of the effect of this bill in several other particulars.

There cannot, in fact, be drawn the slightest discrimination between the improving the streams of a State under the power to regulate commerce, and the most extended system of internal improvements on land. The excavating a canal or paving a road, are equally as much incidents to such claim of power, as the removing obstructions from water courses. Nor can such power be restricted by any fair course of reasoning, to the mere fact of making the improvement. It reasonably extends also to the right of seeking a return of the means expended, through the exaction of tolls and the laying of contributions.— Thus while the Constitution denies to this Government the privilege of acquiring a property in the soil of any State, even for the purpose of erecting a necessary fortification without a grant from such State, this claim to power would invest it with control and dominion over the waters and soil of each State, without restriction.— Powers so incongruous cannot exist in the same instrument.

The bill is also liable to a serious objection, because of its blending appropriations for numerous objects, but few of which agree, in their general features.— This necessarily produces the effect of embarrassing Executive action. Some of the appropriations would receive my sanction if separated from the rest, however much I might deplore the reproduction of a system, which, for some time past, has been permitted to sleep with, apparently, the acquiescence of the country. I might particularize the Delaware Breakwater, as an improvement which looks to the security, from the storms of our extended Atlantic seaboard, of the vessels of all the country engaged either in the foreign or the coastwise trade, as well as to the safety of the revenue; but when, in connection with that, the same bill embraces improvements of rivers at points, far in the interior, connected alone with the trade of such river, and the exertion of mere local influences, no alternative is left me but to use the qualified veto, with which the Executive is invested by the Constitution, and to return

the bill to the House in which it originated for its ultimate reconsideration & decision.

In sanctioning a bill of the same title with that returned, for the improvement of the Mississippi and its chief tributaries, and certain harbors on the lakes, if I bring myself apparently in conflict with any of the principles herein asserted, it will arise on my part exclusively from the want of a just appreciation of localities. The Mississippi occupies a footing altogether different from the rivers and water courses of the different States. No one State, or any number of States, can exercise any jurisdiction over it than for the punishment of crimes and the service of civil process. It belongs to no particular State or States, but of common right, by express reservation, to all the States. It is reserved as a great common highway of the commerce of the whole country. To have conceded to Louisiana, or to any other States admitted as a new State into the Union, the exclusive jurisdiction, and, consequently, the right to make improvements and to levy tolls on the segments of the river embraced within its territorial limits, would have been to have disappointed the chief object in the purchase of Louisiana, which was to secure the free use of the Mississippi to all the people of the United States. Whether levies on commerce were made by a foreign or domestic Government, would have been equally burdensome & objectionable.

The United States, therefore, is charged with its improvement for the benefit of all, and the appropriation of Government means to its improvement becomes indispensably necessary for the good of all.

As to the harbors on the lakes, the act originates no new improvements, but makes appropriations for the continuation of works already begun. It is as much the duty of the Government to construct good harbors, without reference to the location or interests of cities, for the shelter of the extensive commerce of the lakes, as to build breakwaters on the Atlantic coast, for the protection of the trade of that ocean. These great inland seas are visited by destructive storms, and the annual loss of ships and cargoes, and consequently of revenue to the Government, is immense. If, then, there be any work embraced by that act, which is not required in order to afford shelter and security to the shipping against the tempests which so often sweep over those great inland seas, but has, on the contrary, originated more in a spirit of speculation and local interests than in the character alluded to, the House of Representatives will regard my approval of the bill, more as the result of misinformation, than any design to abandon or modify the principles laid down in my message. Every system is liable to abuse, and none more so than that under consideration, and measures cannot too soon taken by Congress to guard against this evil.

JOHN TYLER.

WASHINGTON, June 11th, 1844.

IMPORTANT.

Mr. MADISON—his authority decides the question of the right of the U. States to annex Texas.

Mr. Madison to Messrs. Livingston and Monroe.

Department of State, May 25, 1803.

As the question may arise, how far, in a state of war, one of the parties can, of right, convey territory to a neutral Power, and thereby deprive its enemies of the chance of conquest incident to war, especially when the conquest may have been actually projected, it is thought proper to observe to you, 1st, That, in the present case, the project of peaceable acquisition by the United States, originated prior to the war, and, consequently, before a project of conquest could have existed. 2d, That the right of a neutral to procure for itself, by a bona fide transaction, property of any sort from a belligerent power, ought not to be frustrated by the charge that a rightful conquest thereof may be thereby precluded. A contrary doctrine would sacrifice the just interests of peace to the unreasonable pretensions of war, and the positive rights of one nation to the possible rights of another. A restraint on the alienation of territory from a nation at war to a nation at peace, is imposed only in cases where the proceeding might have a collusive reference to the existence of a war, and might be calculated to save the property from danger, by placing it in secret trust, to be reconveyed on the return of peace. No objection of this sort can be made to the acquisition we have in view. The measures taken on this subject were taken before the existence of the appearance of war; and they will be pursued as they were planned, with the bona fide purpose of vesting the acquisition forever in the U. States.

With these observations you will be left to do the best you can, under all circumstances, for the interests of your country, keeping in mind that the rights we assert are clear, that objects we pursue are just, and that you will be warranted in providing for both, by taking every fair advantage of emergencies.—[State Papers, Foreign Relations, vol. 2d p. 562.