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"THE END OF EVERY GOVERNMENT SHOULD BE THE WELFARE OF THE PEOPLE."

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MISCELLANEOUS.

From the London Court Journal.

The White Muff.

As the most vindictive and ferocious feelings of the human heart are, among the Irish people, often counterbalanced by those of a more generous nature, it is not unusual to see the man whose iron nerves would consign a wretched family to a torturing and lingering death, to satisfy a diabolical feeling of revenge, melt into feminine tenderness at an act of kindness offered to himself or his babes. Of the truth of this the following anecdote is illustrative.

In the year 18—, a detachment from the —— foot, then stationed at Galway, was quartered at Oughteron. The duty imposed was one particularly obnoxious to both officers and men—it was to suppres illicit distillation; and, however that may be hurtful to the revenue of his country, or destructive to the morals of its members, yet as none but the poorer classes are engaged in this unholy traffic, few of the military can reconcile it to their feelings to steal forth, assassin like, at midnight, and drag from his bed the poor, miserable peasant, whose aching heart trembles lest the revenue officer should with eagle eye discover and seize upon that for which he had risked his health, his peace, his reputation, and which loss deprives him of the means of administering to the wants of his starving family. To accomplish this, the exciseman, who is always the commander in chief in these valorous exploits, usually chooses a night of triple darkness, when, under ambush of the sombre sky, he can steal with caution on his prey.

It was on such a day as this, but rendered more dismal by torrents of rain that commonly fall in November, that I was sitting with Lieut. —— in our barrack room. We listened to the fearful storm that raged with savage violence around us. The rain beat with terrific force against our window. The loud blasts of wind, that shook the very barrack to its centre, put a stop to our gossip, for it required an effort beyond our ordinary powers to make our voices audible to ourselves. Lake Corlib dashed with fury against the winds, and, as the candles burned with unsteady light, we shuddered at the idea of any human creature being exposed to so frightful a night, never dreaming of the possibility of such a one being chosen for a midnight march. It was, however, perfectly possible; for, just as we were preparing to retire to bed, shutting out the deafening sound, a heavy footstep ascended the stair, and a loud, hasty knock at the door told its import. The lieutenant started to his feet, and an impatient ejaculation of "Impossible! I am not the next for duty!" spoke a trembling fear of the probability of such being the case. Another knock, and "Come in!" followed rapidly; and Sergeant ——, with the orderly book in his hand, and dripping with wet, solemnly approached. "You are for duty, sir, to-night. Mr. —— is on the sick list, and a party is wanted to go to a village in the mountains, six miles off, where information of a still has been received. The men are mustered in the barrack square." "Is the exciseman mad, to have us out in such a night as this?" exclaimed the lieutenant, as he took down his sword and sash from where they generally hung; "but no matter—I'll be with you in a moment." In a few seconds more the party had left the barracks, and followed the guide, stealthily marching over bogs and morasses, a circuitous path, muttering as they went curses on the cupidity of the spy.

At length, after three hours' painful march, they arrived at the village, where every member appeared to be buried in sleep. All was quiet—not a dog barked; but the ready reply to the soldiers' summons spoke to a wary ear that the repose which seemed so profound was feigned, and that distant scouts had given timely notice of the party's route. The work of search then commenced; women and children were roused from their beds—every corner was looked into, every chest was ransacked, and not a hillock but was probed by the bayonet. No interruption, however, was offered by the peasants. Their countenances were calm and unmoved—all, save one; and during the general confusion the lieutenant had marked the anxious and agonizing glance he had given his shivering wife and children as the minute search was carried on. The looks of the little group were riveted to the spot where the lieutenant stood. The storm had partly abated, and the moon appearing at intervals, gave him an opportunity of watching the intense and fearful glance they threw on the soldiery, as they came nearer and nearer to the mound, rather more elevated than the rest. With an appearance of zeal the lieutenant directed his men not to slacken their efforts, while he, with slow movements, measured the ground to the questionable spot. Drawing his sword, he pierced the earth; it was soft, and evidently but just heaped together; a hard substance resisted his weapon—there could be no longer a doubt—the coveted still lay there in deep concealment.

Turning to the cabin, whose inmates he was assured owned this illicit spoil, he caught the despairing look of the little family, who too well knew the discovery he had made. In a moment they expected to hear the soldiers summoned to drag it forth. They were then returning from a fruitless search. The lieutenant kept his ground: leaning on his sword, he demanded of the exciseman if he were satisfied that no forbidden business was there carried on. "You have been misinformed; you see your information is incorrect; the men have made a vigorous search, and neither they nor you have made a seizure. Do you wish me to keep them out longer?" Baffled, but not satisfied, he could offer no plea for a longer stay, and was compelled to acknowledge it was unnecessary. The populace, who had followed the men from place to place, now encompassed the party. With breathlesss anxiety the man most interested had crouched up to the lieutenant: he stood in the foremost rank, and a keen observer might have discovered in the paleness of his death-like countenance and his agitated manner, that he there awaited his sentence. Scarcely did he dare to lift his head; at length, however, he did so, and read in the significant and expressive glance of the officer that his secret was safe. Petrified with astonishment he saw the party march away: he gazed on their receding steps with an undefined feeling—it was but for a moment—in the next his rapturous and incoherent expressions of gratitude told the extent of his obligations. With enthusiasm the peasants rushed after the soldiers, and their loud shouts as they saw them descend the mountain, conveyed to the heart of the British officer that his forbearance was appreciated.

Time passed on, and I had forgotten the circumstance, when my servant came into my room one morning and said that a family desired to see me. They had inquired for Lieut. ——, and, on hearing he was out, wished to be admitted to me. I readily granted the interview, and a most interesting group immediately entered. An elderly man and woman, with a young girl about sixteen, precipitately advanced. They sank at my feet, and with all that poetry of language so characteristic of the lower Irish, gave vent to the emanations of their hearts. "In us," said the man, "behold the family your noble husband saved from destruction. He gave us life, for he debarred us not of the means of existence; and as long as that existence is prolonged, the best blood of Murphy O'Donnel belongs by right to his benefactor." He paused, for he was evidently overpowered. "Sure, we should have been here long since," said the brilliant eyed girl, as, with an excited air and blooming cheek, she unfolded a muff and tippet of uncommon beauty, "but my father and myself could not collect the down sooner. They are of my own making, and I trust, lady," she continued, as she threw the latter gracefully over my shoulders, "you will deign to accept and wear them as a very poor remembrance of all we owe you." I was greatly affected at this scene, and could willingly have purchased these pretty tokens of their gratitude; but I well knew that the delicacy of feeling which prompted the gift would have been deeply mortified had I thought of remuneration.

We remained at the detachment some months longer, and the little gifts, cautiously left at our rooms, told that our good feeling was understood and enthusiastically felt by many an O'Donnel.

EXTRACT FROM THE
Speech of Mr. Senator Porter,
AT NASHVILLE.

* * * It so happened, gentlemen, that when I entered into the Senate of the United States, there was a majority in it opposed in politics to the President of the United States. That majority had existed for some time before I took my seat, and maintained its precedence until very lately. It was its misfortune to come in collision with the Executive department of the Government on more than one occasion, and its conduct in regard to the matters on which it did so conflict has been denounced as factious and unconstitutional. It is my purpose to offer a few reasons which will show how unjust the accusation is.

The first matter, gentlemen, in which it found itself in opposition to the President, was in relation to the appointing power. The Constitution of the United States provides that the President "*shall nominate*, and, by and with the advice and consent of the Senate, appoint," &c &c. The construction which I had put on these words, until I was enlightened by our opponents, was, that the power thus conferred was to be exercised by each branch of the Government to which it was given, with perfect independence—That the President could nominate whom he pleased, without his choice furnishing any cause of offence to the Senate, and that they might reject whenever it to to them seemed meet and proper, without the Executive having any reason to find fault with their decision. But, gentlemen, an entirely different doctrine has been broached, and if it should be confirmed by the people after the party struggles of the day have passed over, that doctrine must end in the complete prostration of the powers conferred by the Constitution on the Senate of the U. States. The principle avowed and acted on, is, that the body just alluded to is not authorized and cannot be justified in the rejection of any nominee, unless there be cogent reasons for doing so, which shall be satisfactory to the President. Such a principle, gentlemen, takes away from the Senate all freedom and usefulness of action, and reduces it to a mere court of record for the registry of the appointments announced to it. I know well, gentlemen, that the position just stated has not been expressly taken, but that which has been taken is identical with it; for there is no medium between the grounds taken by the respective parties. It is either the duty of the Executive, when he finds the Senate refuses to concur in the selection he has made, to immediately send in to them another nominee, or it is his duty to keep the office vacant until that body yields to his wishes, or until changes in its members enable him to secure a majority who may think with him. If this statement of the question be correct, I hazard nothing in saying that it is his duty at once to proceed with nominations until he finds one acceptable to the body who, by the Constitution, are to concur with him in the appointment. If it were otherwise, there could be no obligation on him to fill it at all. For if he can suspend it a day, for matters which have reference alone to the gratification of his own predilections, he may suspend it during the whole term of his service. The Constitution never contemplated conferring any such power on him. It assumes it to be his duty to do it at once. If such had not been the intention of its framers, they would so have expressed it. Instead of providing that "the President shall nominate, and, by and with the advice and consent of the Senate, shall appoint all Ambassadors," &c. &c., it would have read thus—"the President shall nominate, and, by and with the advice of the Senate, shall appoint all Ambassadors, &c. &c., provided, however, that the aforesaid offices shall remain vacant until the Senate concurs with him on the fitness of the person first nominated, or gives good and sufficient reasons for not doing so."

Gentlemen, I repeat that those who sustain the opposite side of the question, must be prepared to maintain the absolute right of the President to fill or not to fill any office at his pleasure. If they cannot go that far, they have not a foot of ground to stand on. Their doctrine means this, or it means nothing.

But we have a practical illustration that it does mean this. Our late history furnishes a case in point. I allude to the appointment of a Minister lately made to the Court of Great Britain and Ireland. Mr. Van Buren was first nominated to the Senate for this office, and was rejected. I was not a member of the body at that time, but we learn from the published debates that his confirmation was opposed on the ground that, while Secretary of State, he had charged our Minister at the Court of St. James to bring our party disputes at home under the consideration of the British Cabinet, and to urge them in extenuation of the policy which the United States had heretofore pursued in relation to the West India trade—thus inviting foreign nations hereafter to mingle in our domestic quarrels. No other person was sent in during the session in which this rejection took place. Mr. Stevenson was presented at a subsequent Congress, and he shared the same fate as Mr. Van Buren, on grounds which I need not here state, for they are fresh in your recollection. This rejection took place in 1834; no other person was nominated until the present year, 1836, when Mr. Stevenson was sent in again, but not until the political character of the majority of the Senate had undergone a change. During all this time the place was vacant, and I suppose would have remained so to this day, had he not been confirmed. Now, I presume it is not unfair to say that if it was not necessary for the interests of the United States to have a Minister at the Court of Great Britain in 1834, his name should not have been presented to the Senate, and if it was necessary for us to be represented there in 1834, the office should not have been kept open till 1836, because Mr. Stevenson was not confirmed; unless, indeed, there was no other in the Union capable of discharging the important duties of the mission; a conclusion rather difficult either for those who knew, or did not know, that genileman, to arrive at.

But, gentlemen, it is said that the rejection on the part of the Senate of these two distinguished persons, was factious and for party purposes. I will examine what foundation there is for this accusation herafter; but admitting it for the moment to be well founded, it is no reason why an office created by law should be kept open. The nation ought not to have been made to suffer because the Senate was factious. If they failed in their duty, on them should have fallen the punishment. But this argument, that a *party rejection* by the Senate was a good reason to leave the place vacant, cuts both ways: Suppose that body should have considered a *party nomination* a good reason for non-confirmation, while the majority there was opposed to the President, and refused their assent to the various persons sent in; what would have been said? I can easily imagine. Is it not clear that this reason is just as strong and as valid for one branch of the appointing power as the other, and is it not equally clear that such a principle would throw the whole Government into irremediable confusion? But, gentlemen, the assertion that the conduct of the Senate was factious, while a majority of the body was opposed to the Executive, is entirely gratuitous. I have not at this moment the means of stating accurately the precise number sent in for appointment during the period the present Chief Magistrate has been in power, but I made the calculation once, and unless my memory deceives me much, the proportion does not amount to more than one in forty, perhaps in fifty. Does that look like faction? Does that carry with it the evidence of rejection on party grounds? Why, had such motives governed the body, they would not have approved one in a hundred. No, gentlemen, no. The Senate proceeded on entirely different grounds, and I fearlessly appeal to posterity for the judgment it will pronounce on the whole proceeding.

The next matter on which the Senate was accused with improper motives, was the declaration made by it, in relation to the removal of the public deposites by the Executive. I will not fatigue you by entering into an argument on this subject. Our position was, that the Senate of the United States had the entire right to express its opinion on any act of the Executive, so long as it did not impugn his motives. Our opponents say that the body has no such right, if the act of the President is arraigned for unconstitutionality, because, according to them, no man can commit an unconstitutional act unless from a bad motive, which is the same thing as saying that the judgment of human beings is infallible. Gentlemen, on this point I also fearlessly await the judgment of those who are to come after us. Let the *expungers* erase the declaration in question from the records of the Senate, in open, palpable, and undisguised violation of the constitution. It will not be seen by those who may turn over the leaves of the Journal, but, like the vacancy created by the failure to carry the statue of *Brutus* in the procession, the eye of every true American will hereafter be turned more anxiously and affectionately to the spot where it ought to be, but is not, found.

On one matter, however, gentlemen, I can offer you my full congratulations, that we need not await the opinion of posterity. On it, we have obtained the award of the men of this day. By a bill passed last session, the principles contended for by the Senate in relation to the public moneys have been embodied into a law. They are once more placed under the control of the representatives of the people. We have torn the national treasury from the grasp of favorite banks, and have given it to those to whom it belonged. Instead of being made a matter of profit to privileged stockholders, we have destined it to make roads, open rivers, cut canals, and improve our harbors. To the great men by whom this important measure was carried, (I had little share in it,) the lasting gratitude of the country is due. Nor should I do the President of the United States justice, if I failed to add that he too is entitled to the thanks of the American people, for preferring their interest to those of the stockjobbers of Wall street. I can well imagine and believe, though I do not know, the influences which were brought to bear on him on this question. I am justified in supposing that they were so brought to bear on him, from the pertinacious opposition which this great and beneficent measure received from the majority of the New York delegation in Congress. But he manfully resisted them all.

I shall conclude by one or two observations. Whatever difference of opinion may divide us as to men and measures, I am sure there can be no difference of opinion that it is the bounden duty of us all to contribute, each in his respective sphere, to the perpetuation of the noble form of government under which we live. To free institutions, all the prosperity and happiness of this country is to be traced, and every page of history tells us they can only be preserved by unceasing vigilance. This is the condition on which God has given freedom to man. No matter what party obtains power, it is the duty of freemen, if they wish to remain so, to be watchful, active, and persevering, in maintaining the true principles of their Government, and ensuring a faithful administration of it; no confidence in individuals should lull them into security; no trouble, care, or danger, even to death, should deter them from the firm performance of their duties. Should the time come when the citizens of this land shall surrender to others the right of judging for them; should they become tired of the harassing conflicts which it is the nature of free Governments continually to produce, and to retreat from the bustle of the election ground to the quiet of their fire-sides, the man who tells them that the days of their freedom are numbered, speaks not the language of prophecy—he does but repeat the lesson which all experience has taught.

WARRIORS WHO LIKE TO SLEEP IN A SOUND SKIN.

Texas and the United States.

An able British Journal cuts up, in capital style, the warlike display made by certain members of the House of Commons, during the debate in relation to Texas, of which we published an account last week.—The following passage deserves attention. It seems that the members alluded to, like some gentlemen we could mention nearer home, endeavor, by raving about war, to acquire with the unthinking a reputation for being bold, slap-dash, fearless fellows, without any personal risk. Like the heroes of the stage, they storm forth, ride through showers of blue fire, cut the throats of adversaries, and then go to sleep in a sound skin.

The war-whoop has been raised in another quarter by a Mr. Moy and a Mr. Ward. We are now to go war—God save the mark—with the United States of America. Of all the moon calf Quixotisms projected by the pugnacious statesmen of Britain for the last hundred years, this would be the most absurd. Our league with the despots of Europe against France was not a greater dereliction of principle: our appearance at New Orleans was less degrading. We have our national feelings—prejudices as warm and powerful as many who talk more about them; but if our pugnacious praters in the Senate succeed in inoculating ministers with their folly, we shall not break our hearts even though the "ould General" gives the expedition fitted out such another drubbing as he gave the last.

What is the case of these talking heroes who speak not "daggers," like Hamlet, but great guns, regular forty-pounders? General Santa Anna has usurped the supreme power in Mexico. The rights of the confederate States of the Mexican Union have been grossly outraged. Texas has asserted its independence. We are told that we are bound to support Mexico. The speakers mean to say that we are bound to support the military usurper, Santa Anna, against the freemen of Texas. To interfere between the Mexicans and Texians would be either to interfere in a family squabble between two districts of the same nation, or it would be to take part with one of two belligerent powers to subdue the other to its dominion. Either the one or the other step is alike contrary to every sound principle of international law, and to the interests of Britain.

But, say our wiseacres, the United States are taking part in the war between Texas and Mexico (always meaning between the Texians and General Santa Anna.) In the first place, this is not true. America has taken no part in the war. Volunteers have been raised in America, and have marched into Texas, just in the same way as volunteers have been raised in England and transported into Spain: that is all. If there be any differnce it has been here, that the mass of the American auxiliary troops, in so far as individual character is concerned, seems to be of a more respectable *caste* than the British. With what face could Britain take upon it to forbid America to do in Texas what Britain is doing in Spain?

But, the war-faction persist, all this is very well, but depend upon it Texas will be incorporated in the Union, *just like Louisiana and the Floridas*. We do not think the United States would show much judgment by such a farther extension of their territory, more especially when the new portion would necessarily tend to heighten party quarrels already sufficiently hot. Further extension of the Union's territory renders it liable to fall asunder by its own weight. The addition of another slave State, another agricultural produce State, might serve to throw the preponderance in the Senate into the scale of the Nullifiers. This, however, is the concern of the United States, not ours. If Texas succeed in vindicating its independence; if independent Texas seek to strengthen itself against Mexico by getting itself incorporated into the American Union; if the American Union listen to the petition of Texas and stamp another star on its banner, *what is that to us? what right have we to say "No"—to forbid the bans?*"

We have just as much right as America would have had to forbid the Union of England and Ireland. But we are told that this Union between Texas and the United States will favor the slave trade. Every new State, say these wise men, retains its internal laws on being admitted into the Union; slave holding States retain their slaves; Texas, which is a slave-trading State, will continue to trade in slaves. They overlook an important distinction. Every State admitted into the Union retains its internal arrangements, its municipal laws, as far as they are consistent with democratic republicanism. But every State admitted into the Union conforms to its public law, by which it is guided in its dealings with external nations. The possession of slaves is a matter of local municipal law; the carrying on of the slave-trade is a matter of international law. We believe one of the surest means to check the slave-trade in the Gulf of Mexico would be to incorporate Texas into the North American Union. Again, we are told that Britain ought not to allow the United States to extend their territory. Why? Will the extension do Britain any harm? Let the Union extend as it will, while its present constitution endures, it never can be an aggressive warlike nation. And for other considerations, the better regulated police which would be introduced into Texas (we will be reminded of Lynch Law, but all things are good or bad by comparison,) would be in favor of trade. Of one thing we may be sure, that the Texian Deputies in Congress will be strong anti-tariff men and that is in our favor.

We regret to see Lord Palmerston seeking to conciliate the "sons of thunder," by affecting a coincidence of sentiment. He ought to have assumed the manlier and more Christian tone assumed by Lord Glenelg towards Sir Benjamin D'Urban and the Cape Colonists, who are whining and wincing, like hounds held in the leash, praying to be let slip upon the Calfres. He should have advised the dreamers of hot dreams, that it was sometimes expedient for those whose hot blood made them over valiant at times, to lose a few ounces in the dog days by leeches or the lancet.

To speak seriously: we know that war, horrible though it be, is at times unavoidable: But it is not an undertaking to be risked in the light dare-devil fashion with which we enter upon a Christmas frolic—nor are those who would run upon it with their eyes shut the persons most likely to carry it on with sagacity and foresight to a successful termination. We will tell the lovers of war two things upon which they would do well to reflect: Situated as this country at present is, the first serious war in which England is engaged will blow up the national debt. The blowing up of the national debt will be followed in a week by a national convention. All who approve of the end, and think that the end sanctifies the means, cannot do better than to persist in urging the nation to go to war.—*Sun.*

Lawyers and Doctors, Look out!—Jacob Hays, the high constable, received an anonymous letter informing him that four men who have just come out of the State-prison, were determined to shoot Mr. Ogden Hoffman in the court room some day during the present session, and that they justified their intentions from the fact of Robinson's having been permitted to escape, while they, who were comparatively innocent, had been sent to the state prison through the instrumentality of Mr. Hoffman. The writer of the letter, who appears to have been himself a state-prison bird, says, that although he would not be accessary to murder, he considers that all rascally lawyers and doctors should be punished, and intends, as soon as the opportunity offers, to give J—— A——, the lawyer, a thorough good flogging, for some of his legal misdeeds, and that he also intends to give another flogging to Mr. ——, an apothecary or druggist, who sold the letter-writer's wife, while he was in prison, a whole lot of pills, for which he charged her a great deal too much, and besides, they almost killed her. The style and writing of the letter shows it evidently to be the production of some very low ruffian.—*Journal of Commerce.*

PROVERBS AND AXIOMS.

A friend's frown is better than a fool's smile.

The best thing in the world is to live above it.

He can want nothing who has God for his friend.

Serve God in thy *calling*, it is better than to be always praying.

When either side grows warm in argument, the wisest man gives over first.

Life is half spent before we know what it is to live.

The truest wealth is contentment with a little.

Industry is fortune's right hand, and frugality is her left.