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"Truth is omnipotent and Public Justice certain."

FOR GOVERNOR
HENRY JOHNSON.

NEW-ORLEANS:
MONDAY MORNING, SEPT. 6, 1841.

Mr. CLAY's Speech on the Veto.—We have given up the greater part of our paper to Mr. CLAY's masterly argument on the message of the President. Its great length precludes the entire insertion to day, and the balance of the speech will appear to morrow.

We invite the attention of our readers to this wonderful effort of genius, which for eloquence, sound reasoning, and power of argument, has never been excelled on the floor of Congress. The speech is characterised throughout by a tone of forbearance and kindness towards the President, which is touching in the extreme. The pure patriotism of the gifted statesman, and his earnest devotion to the country's good, is recorded in every line.

We perceive that the Mobile *Journal* of the 3 inst, indulges in some strictures on the arrangement adopted by the New Orleans Price Current in the annual statements published on the first of the month. The editor admits that for the purposes of comparison the arrangement will be found a judicious one, but fears that it will be productive of confusion for the next twelve months. Whatever confusion may exist would have been altogether avoided, had the *Journal* and other prices currents conformed as readily to the request of the Chamber of Commerce as Messrs. Cook & Levy have done. We perfectly agree with our neighbor that the new plan must have been attended with great trouble and labor, and will continue to be so during the whole of the ensuing season, and must regret that such a "serious objection" to a compliance with the expressed wish of the mercantile community, should exist in our sister city.

Board of Health.—Interments reported to the Board for the 24 hours ending on Saturday at noon, were 16, of which 9 were of yellow fever.

The total number of interments for the week ending on Saturday at noon, were 161, of which, 104 were of yellow fever. On referring to our files of 1839, we perceive that the sickness is not as extended as at present. During the week ending on the 8th September, 39, there were 252 burials, of which 189 were yellow fever.

Report of the Charity Hospital.—During the 18 hours commencing on Friday evening at 6 o'clock, and ending yesterday evening at the same time:

Admissions 48, of which 35 yellow fever.
Deaths 23, " 21 do.
Discharges 25, " 9 do.
Number of patients remaining in the hospital, 363.

☞ The sickness in Lafayette is very great; the number of interments for the week ending the 31 ult, were 38, of which 18 were of yellow fever. The Lafayette *Advertiser* says that in one square, containing but 17 houses, there have been 11 deaths.

United States Loan.—The *National Intelligencer* of the 28th ult., says that the Secretary of the Treasury, has obtained the loan of one million of dollars, lately advertised for in that paper, at 5¼ per cent. per annum.

United States Bank.—The stock of this institution was sold on the 27th ult, at New York, as low as ¾, but subsequently rallied to ⅞. The notes are selling at 3¾ per cent. discount. This is pretty much on a par with the banks of Mississippi.

The Senate confirmed, on the 28th ult., the nominations of Mr JENNIFER as Minister to Austria, and Col. TODD as Minister to Russia, and General WOOL as Brigadier General in place of General SCOTT.

YUCATAN.

By the schooner *Ventura*, Durantes, master, we have received advices from Merida to the 21st ult. and Campeachy to the 23d.

We perceive by the *Baletin Comercial* of Merida, that the rumor of Santa Anna's preparations to bring back Yucatan and Tabasco under Mexican dominion, was exciting some apprehension, and business in consequence was suffering.

VERA CRUZ.

It appears from a letter published in the *Censor*, that owing to strong *representations* made to the government, in view of its having accorded to one individual the exclusive right of importing salt from Yucatan, the Minister of Finances has made known that the public were laboring under a mistake, as no such order had been issued. This proves that the Ministers are either open to bribery or that he indiscriminately puts his signature to documents, without being familiar with their contents.

An article from the *Cosmopolite* of Mexico, republished by the *Sentinel*, contains an order of government prohibiting the importation of the produce of Yucatan and Tabasco into any of the Mexican ports, even in case the produce in question should have been shipped direct from a foreign port.

Mr. CORNELL, the Receiver General at New York, under the late sub-treasury law, paid over on the 25th ult. the public monies in the Merchants' Bank, the same depositc bank.

Eighteen hundred dollars have been subscribed for the relief of the Syracuse sufferers, of which Malcom & Henderson, the owners of the powder subscribed $500, and William Malcolm $400.

New York Custom-house. The investigating committee finished their labors on the 28th ult., and were expected to depart for Washington the next day.

What crime has the "Highly Concentrated" been guilty of, as to deserve so signal and unmerited a reproach from the *Repealer* of Saturday last. In furnishing the late election returns, Truman Smallman is set down as having received 128 votes. We are at a loss to conceive by what process the simple number of 5 could have been augmented eighty-four fold! Was the writer perhaps under the influence of Sarsaparilla and pills?

DEBATE ON THE VETO.

SPEECH OF Mr. CLAY, OF KENTUCKY,
On the Executive Message containing the President's Objections to the Bank Bill.

In Senate United States, August 19, 1841.

Mr. CLAY, of Kentucky, addressed the Senate as follows:

Mr. President, the bill which forms the present subject of our deliberations had passed both Houses of Congress by decisive majorities, and, in conformity with the requirement of the Constitution, has presented to the President of the United States for his consideration. He has returned it to the Senate, in which it originated, according to the direction of the Constitution, with a message announcing his veto of the bill, and containing his objections to its passage.—And the question now to be decided is, shall the bill pass, by the required constitutional majority of two-thirds, the President's objections notwithstanding?

Knowing, sir, but too well that no such majority can be obtained, and that the bill must fall, I would have been enjoined to have found myself at liberty to abstain from saying one word on this painful occasion. But the President has not allowed me to give a silent vote. I think, with all respect and deference to him, he has not reciprocated the friendly spirit of concession and compromise which animated Congress in the provisions of this bill, and especially in the modification of the sixth section for the general condition of the bank. He has commented, I think, with too much severity on that part of the bill, he has used, I am sure unintentionally, harsh, if not reproachful language, and he has made the very concession which was prompted as a peace offering, and from friendly considerations the cause of stronger and more decided disapprobation of the bill. Standing in the relation to that bill which I do, and expecting to have, without officious zeal, the duty which I owe to the Senate and to the country, and self respect, impose upon me the obligation of at least attempting the vindication of a measure which has met with a fate so unmerited and so unexpected.

On the 4th of April last, the lamented Harrison, the President of the United States, died, and the duties of those of President Tyler, who, as Vice President, succeeded to the duties of that office, arrived in the city of Washington on the 6th of that month. He found the whole metropolis wrapped in gloom, every heart filled with sorrow and sadness, every eye streaming with tears, and the surrounding hills yet dinging back the echos of the bells, which had tolled on that melancholy occasion. On entering the Presidential mansion he contemplated the pale body of his predecessor stretched before him, and clothed in the black habiliments of death. At that solemn moment, I have no doubt that the heart of President Tyler was overflowing with natural evidences of grief of patriotism, and of gratitude—above all, of gratitude that country, by a majority of whose suffrages, bestowed at the preceding November, he then stood the most distinguished, the most elevated, the most honored of all living whigs of the United States.

It was under these circumstance, and in this profound state of mind, that President Tyler, on the 10th day of the same month of April, voluntarily promulgated an address to the people of the United States. That address was in the nature of a coronation oath which the Chief of the State, in other countries, and under other forms, takes, upon ascending the throne. It referred to the solemn obligations, and the profound sense of duty under which the person elevated upon the high trust which had devolved upon him by the joint acts of the people and of providence, and it stated the principles and delineated the policy by which he would be governed in his exalted station. It was emphatically a whig address from beginning to end—every inch of it was whig, and was patriotic.

In that address the President, in respect to the subject-matter embraced in the present bill, held the following conclusive and emphatic language:

"I shall *promptly* give my sanction to any constitutional measure which, *originating in congress*, shall have for its object the restoration of a sound circulating medium, *so exceedingly necessary* to give confidence in all the transactions of life, to *revive industry* life *just and adequate rewards*, and to *reestablish the public prosperity*. In deciding upon the adaptation of any such measure to the end proposed *as well as its conformity to the constitution*, I shall resort to the *fathers of the great republican school* for advice and instruction, to be drawn from their sage views of our system of government, and the light of their ever *glorious example*."

To this clause in the address of the president, I believe, but one interpretation was given throughout this whole country, by friend and foe, by whig and democrat, and by the framers of both parties. It was, in every quarter in which I conversed on the subject at the time of its appearance or of which I have since inquired, construed to mean that the president intended to occupy the Madison ground, and to regard the question of the power to establish a national bank as unsettled and settled. And I think I may confidently appeal to the senate, and to the country, to sustain the fact, that this was the contemporaneous and unanimous judgement of the public. Reverting back to the period of the promulgation of the address, could any other construction have been given to its language?—What is it? "I shall *promptly* give my sanction to any constitutional measure which, *originating in congress*, shall have certain defined objects in view. He concedes the vital importance of a sound circulating medium to industry and to the public prosperity. He concedes that its origin must be in congress. And, to prevent any inference from the qualification which he prefixes to the measure being interpreted to mean that a United States bank was unconstitutional, he declares that in deciding on the adaptation of the measure to the end proposed, and its *conformity* to the constitution, he will resort to the fathers of the great republican school. And who were they? If the Father of his Country is to be excluded, are Madison, (the father of the constitution,) *Jefferson*, Monroe, Gerry, Sullivan, and the long list of republicans who acted with them, not to be regarded among those fathers? But president Tyler declares not only that he should appeal to them for advice and instruction, but to the light of their ever glorious EXAMPLE. What example! What other meaning could have been passably applied to the phrase, than that he intended to refer to what had been *done* duri g the administration of Jefferson, Madison and Monroe?

Entertaining this opinion of the address, I came to Washington, at the commencement of the session, with the most confident and buoyant hopes that the whigs would be able to carry all their prominent measures, and especially a bank of the United States, by for that one of the greatest immediate improvements I anticipated nothing but cordial co-operation between the two departments of government; and I reflected with pleasure that I should find, at the head of the executive branch, a personal and political friend, whom I had long and intimately known, and highly esteemed. It will not be out of place to state that our amicable relations should unhappily cease in consequence of any difference of opinion between us on this occasion. The president has been always perfectly familiar with my opinion on this bank question.

Upon the opening of the session, but especially on the receipt of the plan of a national bank, as proposed by the secretary of the treasury, fears were excited that the president had been misunderstood in his address, and that he had not waived but adhered to his constitutional scruples. Under these circumstances it was hoped that, by the indulgence of a mutual spirit of compromise and concession, a bank, competent to fulfil the expectations, and satisfy the wants of the people, might be established.

Under the influence of that spirit, the Senate and the House agreed, 1st, as to the name of the proposed bank. I confess, sir, that there was something exceedingly *outre* and revolting to my ears in the term "Fiscal Bank;" but I thought, "What is there in a name? A rose, by any other name, would smell as sweet." Looking, therefore, rather to the utility of the substantial faculties than to the name of the contemplated institution, we consented to that which was proposed.

2d. As to the place of location of the bank. Although Washington had passed through my mind as among the cities in which it might be expedient to place the bank, it was believed to be the least eligible of some four or five other cities. Nevertheless, we consented to fix it here.

3d. As to the capital. Subject to the branching power, there was not probably a solitary vote given in either House of Congress for the bill that did not greatly prefer the unqualified branching power, as asserted in the charters of the two former Banks of the United States, to the 16th fundamental condition, as finally incorporated in this bill. It is perfectly manifest, therefore, that it was not in conformity with the opinion and wish of majorities in Congress, but in a friendly spirit of concession towards the President and his particular friends, that the clause assumed this form. So repugnant was it to some of the best friends of a national bank in the other House, that they finally voted against the bill because it contained that compromise of the branching power.

It is true that, in presenting the compromise to the Senate, I stated, as was the fact, that I did not know why that it would be acceptable to the President or not, that, according to my opinion, each department of the Government should act upon its own responsibility, independently of the other; and that I presented the modification of the branching power because it was necessary to ensure the passage of the bill in the Senate, having ascertained that the vote would stand 26 against it to 25, if the form of that power which had been reported by the committee were persisted in. But I nevertheless did entertain the most confident hope and belief that the bill would receive the sanction of the President; and this motive, although not the immediate one, had great weight in the introduction and adoption of the compromise clause. I know that our friends who would not vote for the bill as reported were actuated, as they avowed, by considerations of union and harmony, growing out of supposed views of the President, and I presumed that he would not fail to feel and appreciate their sacrifice.—But I deeply regret that we were mistaken. Notwithstanding all our concessions, made in a genuine and sincere spirit of conciliation, the sanction of the President could not be obtained, and the bill has been returned by him with his objections.

And I shall now proceed to consider those objections, with as much brevity as possible, but with the most perfect respect, officially and personal, towards the Chief Magistrate.

After stating that the power of Congress to establish a national bank, to operate per se, has been a controverted question from the origin of the Government, the President remarks: "Men most justly and deservedly esteemed for their high intellectual endowments, their virtue and their patriotism, have, in regard to it, entertained different and conflicting opinions. Congresses have differed. The approval of one President has been followed by the disapproval of another."

From this statement of the case it may be inferred that the President considers the weight of authority, pro and con, to be equal and balanced. But if he intended to make such an array of it—if he intended to say that it was an equilibrium—I must respectfully, but most decidedly, dissent from him. I think the conjoint testimony of history, tradition, and the knowledge of living witnesses prove the contrary. How stands the question as to the opinion of Congresses?—The Congress of 1791, the Congress of 1815-'16, the Congress of 1815-'16, the Congress of 1831-'32, and, finally, the present Congress, have all respectively and successively, affirmed the existence of a power in Congress to establish a National Bank to operate per se. We behold, then, the concurrent opinion of five different Congresses on one side. And what Congress is there on the opposite side? The Congress of 1811? I was a member of the Senate in that year, when it decided, by the casting vote of the Vice President, against the renewal of the charter of the old Bank of the United States. And I now have, in my recollection, and to the testimony already before the public, by declaring that it is within my certain knowledge, that that decision of the Senate did not proceed from a dislike of a majority of the Senate to the power of Congress to establish a National Bank, but from combined considerations of expediency and constitutionality. A majority of the Senate, as I believe, entertained no doubt as to the power of Congress. Thus the account, as to Congresses, stands five for and not one, or at most, not more than one, against the power.

Let us now look into the state of authority derivable from the opinions of Presidents of the United States. President Washington belonged to the power of Congress, and approved a National Bank bill. President Jefferson acted so to extend branches into other parts of the United States, and to punish counterfeiters of the notes of the bank—acts which were evidence of all jurisdiction whatever upon the assumption of the unconstitutionality of the bank. For how could a branch of a bank be extended or punishment be lawfully inflicted upon the counterfeiters of the paper of a corporation which might have no existence without any authority under the Constitution of the United States, and which, by the solemn decision of the Supreme Court—by the acquiescence and judgment of the people of the United States during long periods of time—by its ordinary operation on the interests of the country for a space of forty years, and down to the present day—by the people who, after having placed President Tyler in power, refuse to take from whence he was translated to the chair, that he might have approved the promptings of all personal pride of private opinion, if any arose in his bosom, and yielded to the unbiassed wants of his country. Nor do I believe that, in so far as he could be, he would have made the smallest sacrifice, in a just sense, of personal honor, firmness, or independence.

[*Conclusion to morrow.*]

CONGRESSIONAL PROCEEDINGS.

Our letters from Washington having failed to come to hand, we publish below the correspondence of the Charleston Courier:

It will be perceived that the Land Distribution and General Preemption Bills has passed the Senate by a majority of five. It will have to go back to the house for its action upon the amendments to suspend the distribution when the duties shall exceed the rate of 20 per cent. There is no doubt of the concurrence of the house in the adoption of this amendment.

Washington, August 27th, 1841.

In the House yesterday morning, a resolution passed to take the Preemption Bill out of the committee at 12 o'clock. The bill was then considered and amended, but that part of Mr. Bates and a few words to reply to the remarks of Mr. Cushing, commencing thus: Mr Cushing's views were very different from what they were betore, and that they would seem to form a proper appendix to Mr. Calhoun's "Fiscal Corporation." He said he would meet Mr Cushing upon the subject of the previous question and place of the whig party, when the *second* vote became the test of that question.

Mr. Watterson, of Tennessee, spoke in vindication of Mr. Tyler, and declared that he always had been and was the confidential friend of the democracy of Tennessee.

The bill finally passed by a very large majority. The House then adjourned and passed the bill to provide for the payment of General Harrison's funeral expenses; and the bill making appropriations for the removal and erection of the Statue of Washington by Greenough. The statue is to be placed in any part of the capitol grounds that may be judged best by the Secretary of the Navy and Superintendent of the Capitol. It is understood that it is to be placed elsewhere than in the centre of the rotunda in order to avoid the effect of that echo.

The Senate resumed the consideration of the *Land Bill*, the question being on its passage. Mr Clay, of Kentucky, addressed the Senate in opposition to the measure. Mr Bayard made a few remarks in support of the bill, after which the question was taken and the bill passed by the following vote:

Yeas, 25. Nays, 24. As follows:

The vote was then taken on the question of passing the bill, on Mr Preston's motion to postpone it indefinitely, and resulted in a tie, as follows:

Yeas, 24. Nays, 24. As follows:

The Currency Committee of the Senate have not reported in favor of the bill to establish a Fiscal Corporation in the District of Columbia, but have reported a bill to authorize the issue of Treasury notes, and to provide for the redemption of the same. It is understood that some of the Currency Committee intend to move to amend the bill by adding a clause authorizing the issue of Treasury notes to the amount of $5,000,000, to be loaned to the States, in proportion to their representation in Congress, to enable them to pay the interest on their State debts. This will probably be the last measure of importance that will be acted upon by the present Congress.

The supplementary Preemption Bill will be taken up in the House to-day, and will be passed by the Senate unquestionably, and will then be ready for the President's signature. The Tariff and other bills of importance will have nothing to do.

(*Correspondence of the Charleston Courier.*)

Washington, August 29, 1841.

The returns will have been taken in the senate for discussion to-day, but from the appearance of the house, and the general disposition to adjourn, I apprehend that the session will be closed to-morrow. Should any man feel himself humbled and degraded in subjection to the conjoint force of such high authority? There are many who at one period of his life shall have expressed a particular opinion, and at a subsequent period shall act upon the opposite opinion, expose himself to the terrible consequences which have been pointed out by the President? Is there a man in the country, or in any of the departments of the government, who has not, at one time or other, been guilty of this inconsistency? Is there a man who has not, at one time or other, been guilty of the inconsistency charged upon Mr. Clay? Is there a man who has not been guilty of the inconsistency charged upon Mr. Webster, Mr. Crittenden, Mr. Ewing, and other gentlemen of the cabinet? Is there a man who has not been guilty of the inconsistency charged upon Mr. Wright and other democrats? Is there a man who has not been guilty of the inconsistency charged upon Mr. Calhoun? Is there a man who has not been guilty of the inconsistency charged upon Mr. Van Buren? Is there a man who has not been guilty of the inconsistency charged upon Mr. Jefferson? Is there a man who has not been guilty of the inconsistency charged upon Mr. Madison? Is there a man who has not been guilty of the inconsistency charged upon Mr. Monroe? Is there a man who has not been guilty of the inconsistency charged upon Mr. Adams? Is there a man who has not been guilty of the inconsistency charged upon Mr. Jackson? Is there a man who has not been guilty of the inconsistency charged upon Mr. Polk? Is there a man who has not been guilty of the inconsistency charged upon Mr. Dallas? Is there a man who has not been guilty of the inconsistency charged upon Mr. Woodbury? Is there a man who has not been guilty of the inconsistency charged upon Mr. Bell? Is there a man who has not been guilty of the inconsistency charged upon Mr. Ewing? Is there a man who has not been guilty of the inconsistency charged upon Mr. Crittenden? Is there a man who has not been guilty of the inconsistency charged upon Mr. Webster? Is there a man who has not been guilty of the inconsistency charged upon Mr. Clay