

THE FREE PRESS.

THURSDAY, NOVEMBER 25, 1853.

The reader will find, in another column, the denunciations of the Globe against Mr. Duane...

THE COURT HOUSE QUESTION.

The County Court of Jefferson decided on Monday week, in favor of building a new Court House in the rear of the old one.

The present Court House was put up principally by private subscription—the levies of the county having been applied in but a very small proportion.

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We extract from the Baltimore American, the following notice of the proceedings of a Bond Convention lately held in Woodstock, in this State.

A convention of Delegates from the counties of Frederick, Rockingham, and Shenandoah, in Virginia, was held at Woodstock, on Monday and Tuesday the 18th and 19th insts.

The Report adopted by the meeting, states that there will soon be completed a graded road from Guyandotte, (which is the head of steamboat navigation on the Ohio, at low water, at all seasons), to Harpersburg.

Virginia Coal.—The opinion is now gaining ground, that large bodies of coal, of a superior quality, exist on the banks of the Potomac river, near the finished parts of the Chesapeake and Ohio Canal.

Improved rail-road cars—six wheels.—We learn that Mr. Wernweck of Harpers-Ferry, has been engaged for some time in the construction of a six-wheeled rail-road car.

Taylor's Hotel.—Mr. Purrell, who is well and favorably known to the travelling part of the community, and Col. Osborne of Leesburg, have taken lease of this splendid establishment from the first of January next.

Mr. Buchanan, late Minister of the United States to Russia, arrived at Philadelphia on Friday week, in the packet ship Svevichanah, from Liverpool.

TROUBLES AT RICHMOND.

From the Richmond Enquirer, Nov. 16.

The Senior Editor of this paper was, on Thursday, taken into custody of the Marshal of the Eastern District of Virginia for alleged contempt in disobeying the process of the Court for the county of Alexandria.

On Thursday, at 2 o'clock, he applied to Judge Brockenbrough, then holding the Superior Court of Law and Chancery for Henrico, in the case of Robert B. Randolph, Esq., against the person of the President.

The United States and Lt. Randolph.—We understand that Robert B. Randolph, Esq., late Lieutenant in the U. S. Navy, and now acting prov. temp. as successor to the late Purser Timberlake, has been arrested by the Marshal of the United States for this District, and committed to close confinement in Henrico Jail, by virtue of a warrant of distress under the act of the 25th May, 1850, relating to Government.

This proceeding is in the nature of an execution against the person of Mr. Randolph, who has the option of paying money not due, giving security to pay it, or remaining in jail as long as it may suit the pleasure of Andrew Jackson, Esq.

If Mr. Randolph owes anything to the Government, it cannot exceed 4000 and some odd dollars, and as this defalcation is firmly believed by his acquaintances, if it exist at all, to have been caused by ignorance of accounts, in a complicated business, it is not by the designing villainy of certain persons at Washington, all men are disposed to look with disapprobation upon the rigor of the Government, and with compassion upon the fate of gallant sailors, whose courage and devotion to his country have been signalized in all parts of the world—not only harshly and insultingly deprived of his commission, but at the suit of that country, thrown into jail, there to rot as long as it may suit Mr. Amos Kendall and his master.

It is right to say that the Marshal has performed his unpleasant duty with the courtesy which distinguishes him as a gentleman, and with all possible leniency.

Argument of the Habeas Corpus.—On Saturday, at 10 o'clock, Judge Brockenbrough took up the case of an attachment against the person of John H. Pleasants, for alleged contempt of the Circuit Court of Alexandria, when Holden Rhodes, Esq. representative of Mr. Thomas E. Burfoot, U. S. Attorney for this district, (Mr. Burfoot has been carried off by ill health, to Florida), opened the case for the prosecution. His words followed: By Wm. H. McFarland, Esq. of Norfolk, and the Attorney General of Va. for the defendant, who in very lucid arguments, contested the power of the Alexandria Court, and demolished its claims, we believe, to the unanimous satisfaction of the court.

When the Attorney General concluded his argument, which was pointed with satirical allusions to the political enemies of the time, and glowed with generous enthusiasm in behalf of the rights of the State and of the people, Rhodes asked the time until Monday, to reply to his opponent, and the court accordingly postponed until 10 o'clock to-day.

In the case of the attachment against John H. Pleasants, Mr. Rhodes yesterday made a strong argument in behalf of the Court at Alexandria. After a rejoinder by the Attorney General and Mr. McFarland, and a reply on Mr. Rhodes, the Court adjourned, intimating that its opinion would be given at 11 o'clock to-day.

Judge Brockenbrough yesterday gave a written opinion in this case, pronouncing the power assumed by the court at Alexandria, in compelling the attendance of citizens of this Commonwealth to testify in municipal cases, unlawful, and ordering the immediate discharge of the defendant, John H. Pleasants.

On this result, we congratulate the freedom of Virginia, terminating an assumption, derogatory to the rights of their State, and harassing to their persons. Only in one aspect of the case, did the party to the Habeas Corpus, fear a decision against him. He did not fear the severity of the court at Alexandria; but that it might be compelled to bill at Alexandria, their next session, in May next. He opposed their process from no fear of personal consequences, but from a settled conviction, that the power claimed was usurped, and ought to be met and combated at the threshold.

We shall publish Judge Brockenbrough's opinion in a few days. It was pronounced profound and masterly, by all who heard it, and the independence of the man, and the principles of the Judge, therein disclosed, have given him new claims upon the confidence of the friends of the rights of the State, and the Constitution, and the affections of his fellow-citizens.

The Circuit Court of the United States will meet in this City on the 22d. Application will be made to it for an injunction, in the proceeding against Lt. Randolph. The judges may discharge him upon the ground of gross irregularity and abuse of the power given by the act of Congress of May, 1850—or by his giving security for what may appear actually to be a forgotten receipt of A. Kendall for \$3000. If this be so, the deficit established by the Court of Enquiry, will be reduced to a mere song of a few hundred dollars. The proceeding against him, is a harsh and unprecedented abuse of the power given by the act of Congress, under the act aforesaid.

GOVERNMENT QUARRELS.

From the Washington Globe of the 19th inst.

WILLIAM J. DUANE, Esq. The following letter from this gentleman, to an unknown correspondent in Kentucky, is going the rounds of the "bank" papers.

Dear Robinson—Do me the favor to apprise my fellow-citizens, through your paper, that it is not the intention of the Government to erect walls, however unbecomingly and unwarrantably, the mandate which requires it. I avail myself of this opportunity of making my acknowledgments to those who have generously come forward to suggest my enlargement.

REMARKS. Mr. Duane professes, as he constantly has done heretofore, that he is opposed to the Bank of the United States. It was undoubtedly his supposed accordance with the President in his views relative to that institution, which produced his selection as a member of the Cabinet. At the time that selection took place, the subject of a removal of the Bank was under discussion in the country and in the Cabinet.

After the opinion of the House was expressed, the subject continued to be agitated in the newspapers, and it was formed that a memorial, praying for their removal, was circulated in Philadelphia, to which many signatures were obtained, and it is scarcely possible that Mr. Duane could have been unapprised of it before he came to Washington.

He agreed to accept the Department, therefore, and actually went into it, with a perfect knowledge that the subject was in agitation.

On coming into office, he found that the President had already required, from the members of his Cabinet, written opinions upon the subject; that three members, viz: the Secretary of War, the Postmaster General, and Attorney General, had given opinions favorable to a removal; and that another member had given a written opinion against it. There were, therefore, three opinions in favor of the removal, and only one against it.

The President, and the three in favor of removal, had a majority of four to one. Another member, who has given no written opinion, although somewhat distinguished to the measure, assured the President of his support, if resolved on by him.

This was the state of things when Mr. Duane took charge of the Treasury Department. Not a day was unoccupied, we believe, but that he was already with the majority in opinion, and would proceed, in convenient time, to execute a measure which was deemed essential to the interests of the country.

While on his northern tour, (he President communicated to Mr. Duane, by letter, his deliberate opinion upon the subject, not in a spirit of dictation, but of advice. From Mr. Duane's newness in office, it was supposed, we presume, that he would feel a heavy weight of responsibility in executing so important a measure, and this the President was desirous to diminish, as far as the expression of decided convictions could do it.

A few days after his return, the President was acquainted with being informed, in a frank and unceremonious manner, that Mr. Duane differed with him in opinion, and would not, with his existing apprehensions, remove the Deposites, but promptly intimated that he would not continue in a situation to embarrass his measures.

A free interchange of opinions then took place between him and the President, and, in case of removal, it would be necessary to ascertain beforehand, from the principal State Banks, on what terms they would receive the deposits, which was mutually agreed to be a final decision, and that a report on the subject should be sent to the President, Mr. Duane maintaining, that although his present impressions were adverse to the measure, his mind was open to conviction.

GENERAL INTELLIGENCE.

Nov. 20, 1853.

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In drafting instructions for the Agent, however, he inserted a sentence, declaring that

THE PHILADELPHIA PAPERS.

From the Philadelphia papers of Thursday last.

Mr. Duane has not, since he ceased to be Secretary of the Treasury in September last, written any letter, or other article intended for the public eye, with the exception of the cautionary cards published on the eve of the late election; nor has it been his desire to make any exposition whatever in relation to occurrences at Washington, unless in self defence.

As if his sense of honor and propriety on this point were not satisfied with such a pledge, he again, in the same letter, explicitly promised, "that when the moment for decision should arrive, he would not fail to disclose the startling fact that all the funds of the Bank had been placed at the disposal of Mr. Biddle, for electioneering purposes, that more than a hundred thousand dollars had been used in that way; and that the Board of Directors, who had solemnly resolved, after warning and discussion, to proceed in the same course."

What was Mr. Duane's course? Did he concur with the President? No. Did he "afford the President an opportunity to select his own, or the President's, matter in controversy?" NOT AT ALL. He would neither "CONCUR" nor "RETIRE."

However, instead of giving a prompt decision when the President's final opinion was announced, he held out the idea that his mind was yet open; that the paper presented some of the strongest views; that he might finally concur in the course which the President had requested to have the document for further consideration!

His only further consideration was to prepare a reply, inaccurate in its assertions, and decorous in its language, which was returned to him. Among other extraordinary things, this paper substantially stated, that it was not his (Mr. Duane's) intention to comply with his promise to resign, when he made it—that he did not, at the time he gave the pledge, suppose the State Banks would enter into the Executive's views, in relation to the deposit, and that therefore, the occasion would not occur which would require the fulfillment of the expectation he had created; but that, as it had arisen, he would do right, rather than do wrong by voluntarily giving way to the President to accomplish his purposes.

This was followed, on the same day, by another note, which he withdrew, and then on the same day, by another and another: both of which were also returned. These papers were not only inaccurate in their contents, and a total disrespect for the President, and a total alienation of feeling, which would have rendered any further association between the President and the Secretary at once unpleasant and improper.

Here, then, was a Secretary of the Treasury who had given a solemn pledge, which he REFUSED to fulfill; who had contented with thwarting the wishes of the man to whom he owed his elevation, he treated him with rudeness and disrespect. He was determined to FORCE A DISMISSAL, that he might throw himself into the hands of the Bank Party, to be used as a weapon against one who had evicted him from a honorable trust.

Was this ingenuous, frank, liberal, gentlemanly, or just? What should the President have done? Ought he to have kept in his Cabinet a man who had written pledges he could not rely on? Ought he to have kept in his Cabinet a man, who not only refused to redeem his pledges, but evinced a total want of the courtesies which should characterize official intercourse? Ought he to have retained, as a confidential adviser, one who was ready to declare that the President, who had been elected by the mandate of the people, was "unpleasant and unwelcome to his constituents, was 'unpleasant, unwise, vindictive, arbitrary, and unjust?'" The President did not think so.

Mr. Duane was dismissed for faithlessness to his solemn written pledges, and for the exhibition of bad feelings, which made him totally unfit for the station to which he had been elevated. He was NOT dismissed merely for refusing to remove the deposits.

Let us not be misunderstood. We maintain the right of the President to dismiss any confidential officer for refusing to do what the Chief Magistrate may believe it his duty to do. In this case, Mr. Duane had not given the written pledges, and had not shown any of his bad feelings, the President might have dismissed him, and probably would. But that point does not belong to the case, and cannot be brought into discussion; for however clear it is, that the President had a right to dismiss him for the cause, it is equally clear that this was not the immediate inducement.

From these facts, the Bank party will perceive that the case is a little different from what they have supposed. To reach the President, they will be obliged to prove, not that he has no power over the deposits, but that he has no right to dismiss a Secretary, or falsify his written pledges, and using insulting language towards the Chief Magistrate, whom it is his duty to treat with respect. They must not only prove that the President has no right to discharge from his councils men, whose words he cannot rely on, and whose feelings and opinions are with his, and whose feelings he himself has made, who has not had the confirmation of the Senate, whose nomination to that body depends on his will, and whose commission would have expired at the close of the next session of Congress.

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