

# Virginia Free Press.

CHARLESTOWN, JEFFERSON COUNTY, PRINTED AND PUBLISHED WEEKLY BY GALLAHER, NORTH & GALLAHER.

NO. 7.

THURSDAY MORNING, APRIL 9, 1835.

VO

**J. O. YATES,**  
ATTORNEY AT LAW,  
RESPECTFULLY announces that he has commenced the practice, and attended for the present the different courts of Jefferson.

March 5, 1835.—*U.*

**Partnership Dissolved.**  
THE Partnership existing between the subscribers, conducted under the firm of Wm. F. LOCK & CO., was dissolved on the 1st inst. by mutual consent. A speedy close of the business of that firm is desired, and it is hoped that all persons indebted to it will close their accounts, by payment, will be most desirable, but when that cannot be done by note. Persons having claims against the firm will please to bring them in, and we will try to pay them.

Wm. F. LOCK,  
Wm. S. LOCK.  
March 19, 1835.

**RE-UNION.**  
WE have again gone into partnership. The business will now be conducted under the firm of Wm. S. Lock & Co., and we tender our grateful acknowledgments to a generous public, and particularly those who have sustained us by prompt payment, for past favours. We assure our old friends that we shall not forget them, and shall do every thing in our power to retain their patronage. We mean to sell goods at low prices for cash, or on liberal terms for the trade. We have overhauled our stock of goods and greatly reduced the prices of many articles, and shall be regularly receiving additional supplies; strict attention will be paid by Wm. S. Lock, and no pains will be spared to render full satisfaction to all who may give us a call.

Respectfully,  
Wm. S. LOCK.  
March 19, 1835.

**STORAGE.**  
THE subscriber having taken one of those large slate-roofed WAREHOUSES, in Market-street, one door below Pace, is prepared to receive on Storage, or to give the market price, for any quantity of **Wool, Hides, and other Produce** that may be consigned to him by the Rail-Road or other conveyance. As he intends to devote his time and particular attention to this business, he will be thankful for any favours in his way from his friends; and the public who may depend upon the strictest punctuality in payment as well as disposals of property entrusted to his care.

JOHN C. RICHARDS.  
Baltimore, Feb. 19, 1835.

Geo. W. Hammond, Charlestown, Va.  
W. & S. B. Anderson, Harpers-Ferry.  
Geo. G. Hunt, do  
Alexander Brown & Sons, do  
Alexander Feige, do  
Wm. & Geo. Morris, do  
Jas. I. Hawkins, do  
Joseph & Charles Baltzell, do  
Thomas & P. Baltzell, do  
Baltzell & Davidson, do  
W. F. & A. S. Mardis & Co., do  
Hickey and Kemp, do  
J. Hopkins & Brothers, do  
Hough, Durck & Co., do  
Clark & Colwell, do  
Nelson Carr, do  
Joseph T. Towson, Williamsport.  
Smith & Green, Harpers-Ferry.  
Christian Steiner, do  
Wm. S. Nicholls, Georgetown, D. C.

**FORWARDING AGENCY**  
At Harpers-Ferry.  
**Wager & O'Byrne**  
ARE prepared to receive and will forward, with promptitude, either to the District by the Canal, or to Baltimore by the Rail-Road,  
**FLOUR**  
AND OTHER  
**Country Produce**  
consigned to them for either place, and will make a liberal and safe sale of the same.

**JOHN BOGGS & Co.**  
COMMISSION MERCHANTS,  
Sine's Wharf, Baltimore, Md.  
ARE principally engaged in the sale of produce, having several fire-proof warehouses on the line of the Rail-Road, and are at all times prepared to make liberal advances on consignments.

**JOHN LAMB,**  
STOCK MANUFACTURER,  
No. 1, South Calvert-street, near Market-street, Baltimore.

**Notice.**  
It is hereby notified that the subscribers to the new ROAD WAGON, with belmet boxes, which I will sell low for cash, or on paper that is bearing interest.  
THOS. HAWLINS.  
Jan. 29, 1835.

**FOR SALE**  
I HAVE a first rate new ROAD WAGON, with belmet boxes, which I will sell low for cash, or on paper that is bearing interest.  
THOS. HAWLINS.  
Jan. 29, 1835.

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**TO THE PEOPLE OF VIRGINIA.**  
AN ADDRESS  
To the People of Virginia, by the members of the General Assembly, applied to the present Administration of the Federal Government.

The members of the general assembly, opposed to the present administration of the federal government, ask your attention. We solemnly believe that a crisis in the affairs of the government has arrived when it becomes us all to do whatever we lawfully may to avert impending evils, and seeing that our conduct and our motives are violently assailed and grossly misrepresented, with a view to influence the approaching elections, we deem it our duty, to avow the principles on which we act; to declare the reasons which govern our public conduct, and explain the great objects which we desire to attain.

We address you under the name of Whigs; not that we arrogate to ourselves an exclusive devotion to the principles, which, in times past, in our own country and in England, have bestowed that honored appellation on the champions of liberty and the defenders of the law; but because the name truly indicates the doctrines which we profess, and better than any other now in familiar use, designates the opponents of the present administration. We disclaim all benefit from the influence of any name by which we do not wish to be known, and while we do not complain that the friends of the administration have assumed the name of the democratic republican party, we ask that each be judged by the measures which they respectively pursue and vindicate.

The Whigs are reproached for the incongruous elements which enter into the composition of their body; they are derided for the difference of opinion which exists among them; and are tauntingly told that they can agree in nothing but in opposition. It would be an unwelcome and unworthy task, though in the spirit of a just retaliation, to scan the friends of the self-styled democratic republican party; to inquire how many ancient federalists and republicans, covered under the same veil of democracy,—how many friends and enemies of a U-S-Bank, marching together in a crusade against the monster, the existing bank,—how many advocates and opponents of a tariff for protection and of internal improvement by the general government, uniting in support of an administration that has no fixed principles in relation to either, and how many who make an ostentatious parade of friendship for a metallic currency and a strict regard to the rights of all the invariable guides.

We agree in an ardent attachment to the institutions of our country, a deep devotion to the union, and an unalterable determination to preserve, as far as we can preserve, the powers of the federal government, as they have been obviously granted, and the rights of the states, as they have been reserved; being resolved inflexibly to oppose all measures which we think will lead to consolidation, on the one hand, or disunion, on the other.

We agree that it is the right and the duty of each government, state and federal, to resist the encroachments of the other; but whether, in the last resort, the appropriate remedy of an aggrieved state is to annul, to secede, or to appeal to arms, is a question upon the theory of our government, which, we pray heaven, it may never be necessary to decide,—and which we all agree ought never to be made in practice, but in that state of manifest aggression and grievous injury, when it becomes a duty to hazard every thing in defence of our rights.

We agree that the encroachments of the federal executive upon the other departments of the federal government, ought in an especial manner to be guarded against, and bids us strike for freedom and our country.

It requires but little knowledge of the history of our own times, to inform us, that, in republics, the organization of parties must constantly change to suit the shifting scenes of the political drama, and if the limits of this address would allow, we would illustrate this truth by a brief review of the history of parties in our country. We would commence with the whigs and Tories of the revolution, the whigs resisting the encroachments of power and vindicating the principles of civil liberty; the Tories supporting the power of the crown and defending the encroachments upon our rights; we would trace the various mutations, giving rise to numerous party arrangements and party denominations; we would show how naturally the different combinations of these parties have resulted in the present organization, in which the opponents of the administration, under the denomination of whigs, resisting the encroachments of power, are endeavoring to maintain the principles of civil liberty, regular government, and the supremacy of the laws;—while the friends of the administration, professing to be the people's friends, and the true disciples of the democratic faith, have hoisted the flag of the democratic republican party, under which they bravely fight for power and patronage in the government, victory to the party, and spoil to the conquerors. Such a review, while it

would satisfactorily explain the difference of opinion among us, on topics now in discussion, would prove us true; how vain is the hope of our adversaries that we shall agree in nothing but in opposition.

We do agree, unanimously and cordially, we hope, in every thing which may be found essential to harmony of action in the measures necessary to the attainment of our common purpose.

We agree that the questions which have been assumed by the administration, and the nullifiers, are not now in issue between them. The ever memorable and blessed family compact, which gave quiet to South Carolina, preserved the peace and union of the states, and tempered the harsh operations of the tariff, has happily postponed these questions, to an indefinite period; if it has not, as we most earnestly hope it has, settled them forever. Experience, the wise monitor of man, has taught us all, the danger and the folly of preserving our theories of government to extremes in practice,—has taught us the necessity of mutual deference, conciliation, and forbearance; the importance of protecting existing interests, not only against encroachments from rival interests at home; but propriety in all measures of policy connected with political economy, of interfering, as little as may be, with the discretion of individuals, in the employment of their capital and labor, and in those measures which invite capital and labor into new channels, of proceeding with so much circumspection, that the wisdom of every new advance may be demonstrated by the well-attested benefits of the former, and that these benefits should be so obvious as to be generally acknowledged, and so impartial that no great interest of the community shall not be injured by them, or even placed in that doubtful condition in which it may reasonably apprehend injury. Instructed by the same monitor, we are taught to believe that the powers of the federal government plainly granted by the constitution, are ample for the attainment of all the great objects of the confederation; that it is unwise to endeavor to enlarge these powers by any doubtful implication; that it is much better to forbear the use of a doubtful power, however beneficial, than to agitate the public mind by the constant discussion of constitutional questions, and doom to perpetual obscurity the line which separates state and federal authority; and finally, that in the exercise of the granted powers,—the general welfare should be the only object,—exact justice and a strict regard to the rights of all the invariable guides.

We do not mean to enter on the field of discussion which the constitutional question would open; we invite others to enter it, who have more leisure and more capacity for the duty,—assured that they will find there materials for most cogent reasoning to sustain the power of the legislature over this interesting subject.

As to the policy of confiding this power to the chief magistrate, whatever may have been thought by wise men at the time when they were organizing an untied government, novel in its structure, brought into existence under strong opposition, the immediate successor of the confederation which had perished by reason of original weakness; all should now be satisfied, by the evidence of long experience, that the practical operation of the power is most injurious; that its tendency is to corrupt the people and endanger the government; and that it ought to be restrained by law, unless such restraint be forbidden by the constitution. We confidently believe that upon the question of policy no difference of opinion would have existed, but for the great anxiety of the early friends of the constitution to impart to it a degree of vigor which their experience under the articles of confederation induced them to think necessary to its healthy action. If they could, have read by prophecy the history which experience has since written, they would have known that the stimulus which was proposed as a specific against debility, would be the cause of a fatal plethora, and would have renounced as dangerous the remedy which they adopted.

Some of them, indeed, did anticipate danger; and Jackson of Georgia seems to have looked with a prophet's eye, when speaking of the president's power of removal, he said:

"If you give him complete power over the man with the strong box, he will have the liberty of America under his thumb. If he wishes to establish an arbitrary authority, and fix the secretary of finance not inclined to second his endeavors, he has nothing more to do than to remove him, and get one appointed of principles more congenial with his own; then say, 'I have got the army, let me have the money, and I will establish my throne upon the ruins of your visionary republic.' Let no gentleman say I am contemplating imaginary dangers,—the chimera of a heated brain."

His warning voice was not heeded. The great men who surrounded him and felt a proud elevation in contemplating the virtue and energy which had recently, by an almost miraculous effort, achieved our independence, and who looked upon the spotless father of his country, then our chief magistrate, as

practical restraint upon the power of the president,—that that which his own discretion may prescribe, or resist may impose. A brief review of the powers so claimed and exercised will illustrate the truth of this remark.

Passing over the extraordinary and contradictory pretensions of the president in relation to the judgments of the supreme court, let us confine our attention to those powers actually exercised by the president, some of which have been assumed without authority, and others grossly abused.

The power of removal from office is of very great magnitude, and deserves a much fuller examination than can be given here. To remove all officers of the government appointed by the president, whether with or without the consent of the senate, unless where the tenure of the office is prescribed by the constitution,—that is, the power to remove all but the judges of the supreme and inferior courts, and those subordinate officers whose appointments are conferred by law on the courts of justice or the heads of departments,—is claimed by the president, under the constitution, as an essential attribute of his executive authority. This claim is not now; it was preferred and discussed at the first session of congress under the new constitution, when the laws organizing the departments were so framed, as, without expressly conferring this power, to allow its exercise by the president. It has accordingly, with the sanction of law, been exercised ever since, giving to the patronage of the president a great accession of influence, and for some years past has been so employed as to produce serious apprehension of the consequences, and to call for a review of the foundation upon which it rests.

Mr. Madison was the advocate of this power of the president, and great deference is due to his opinions. It is well known, however, that he was the zealous advocate of a strong executive, and it was therefore natural that he should espouse the argument which gave power to the president. He adopted it, however, with much hesitation and distrust, and all the leading men in congress, who were then fearful of the power of the federal government, and have since maintained a rigid construction of the constitution, opposed the president's power of removal. Some of them adopted the opinion of Alexander Hamilton, that the power was vested by the constitution in the president and senate; while others maintained that the tenure of all offices not expressly regulated by the constitution, and which must be created and a strict regard to the rights of all the invariable guides.

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could not realize the danger which was foretold. They would doubtless have better appreciated it, if they could have anticipated the extravagant claims to the control of all executive officers and of all public property, which was in reserve for future presidents.

As essential to the performance of the duty to take care that the laws are faithfully executed, the president claims the power of controlling all executive officers in the performance of their duty.

While he maintains the prerogative of the law which prescribes the duty of these officers, he holds that he is responsible for the execution of that law,—that the executive officers are his agents,—that he may rightfully interpret the laws made for their government, and enforce obedience to his judgment. He claims this power under the constitution, and insists that no act of congress can withdraw any executive officer from his control. This is a claim of awful import, and threatens the destruction of all executive responsibility. The president's responsibility to impeachment and to the people at the polls,—to which in 1789, Mr. Madison, with much show of reason, looked, as our safeguard against abuses of this power,—experience has now taught us to regard as little more than the dream of a theory. But the political responsibility which the president owes to the people and his judicial responsibility upon impeachment, are widely different from that which the inferior officers owe to the law;—the law, which charges them with special duties, holds them amenable to punishment in a court of justice for violating those duties, holds them bound to make redress to injured individuals, and holds them responsible for every violation of duty, whether it proceed from error of judgment, want of care and vigilance, or vice of disposition. But place these officers in the situation of mere agents of the president; allow him the right of interpreting their duties, and prescribing the manner of their performance,—and his power to withdraw them from their legal responsibility is complete. His right to control implies his obligation to obey; and his obligation to obey him, must protect them, when acting in obedience to his commands, from all responsibility to the courts. If he be so, then the president may suspend the execution of every law of the land, and the whole legislative and judicial power is swallowed up in the executive. All laws made for the collection and disbursement of the public revenue,—for the care and management of public property,—for the execution of the agency of executive officers, are in the hands of the president, and may be interpreted at his pleasure, to mean any thing or nothing.—Rights arising under contract, claimed under acts of congress or treaties, penalties incurred, may all be adjudged by the court, but the marshal who is to execute the judgment is an executive officer, appointed by the president and removable by him, and the president, interpreting his duties for him, and directing his conduct, may at pleasure command or forbid the execution of the judgment. Private right and public justice will advance or be still at the nod of an omnipotent chief.

The act of the president in removing the revenue of the United States from the place of deposit appointed by law, and putting it into other depositories, which no law had authorized, is a striking illustration of this vast power claimed by him. It involved an assumption of power not warranted by law, and an abuse of the power which the law had vested in him. An assumption of power,—in undertaking to exercise in his own person that discretion which the law had vested in the secretary of the treasury,—an abuse of the power of removal, which the law had given him,—in dismissing his secretary, who was in the regular and faithful performance of his duty; for refusing to submit his discretion to the will of the president,—or, in the language of Jackson of Georgia, "removing one who was not inclined to second his endeavors, and appointing one of principles more congenial with his own."

It gave to the president the control of many millions of dollars annually, which no law had put into his hands, and a fearful influence over numerous state banks selected for its deposit, which neither the state laws nor the laws of congress had authorized.

It transferred to him, without law, the power of making all those arrangements for the safe keeping and disbursement of the revenue, which are peculiarly proper for legislative provision; a power seriously affecting all the great interests of the country, commercial, manufacturing and agricultural.

We agree that the overshadowing patronage of the government should be pruned with a liberal hand. A patronage under whose shade recline sixty thousand office-holders, with forty thousand stipendiaries, and others enjoying its fruits,—towards which hundreds of thousands are anxiously looking, with the hope that they also may soon sit under it in comfort, enjoying protection for their allegiance and reward for their services,—a patronage which, within a few years past, like a tree planted in a rank luxuriant soil,

present session, of Benjamin Watkins, senator of the United States, on which we felicitate our country, congratulate our country, and sustained Virginia in the encroachments made on a man eminent in honor and wealth, and who had obtained the favor of the state and support from the people. His spotless reputation, and high sense of honor, highly cultivated, a useful information, an impartial reflecting, a clear perception of the principles of our government, and a feeling of the spirit in which it was formed, and should be maintained, which makes him a worthy thing which threatens to wither an ardent attachment to which he regards as the surety to the rights of the state, only safeguard of our liberty, that soars above the low party, and a firmness that could seduce, no danger could date, no power could awe,—the qualifications which make him a pride of Virginia, and make us to him,—and this is whom the friends of the nation, through the agency of party spirit, would traduce.

They have endeavored, and are endeavoring, to revive and inflame a feeling which had been wards him by the western consequence of some contained and some argument in the convention which present state constitution, which time had abated, subsequent public service degree appeared.

They have misrepresented, and wantonly traduced, the conduct of the Bank of the United States, and the federal executive, the popular clamor against have represented it as equity, deformity, and threatened the existence of the freedom. Though they knew the sealed,—its destruction have continued to re-illustration as engaged, test with the monster, which hung the death, though they knew the directly concerned with, bly in the opinion, the bank was success-fully secured, and the charter, and it the com-pany they have maintained its and insidiously against him.

The re-election of the councillor was opposed by most of us chiefly on the ground of the bitterness of his party politics, and the activity of his zeal; while some few of us, who thought that in such an election party offence should be overlooked, and who estimated highly his personal merit and public services, supported his election. This is the head and front of our offending. If the federal administration

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present session, of Benjamin Watkins, senator of the United States, on which we felicitate our country, congratulate our country, and sustained Virginia in the encroachments made on a man eminent in honor and wealth, and who had obtained the favor of the state and support from the people. His spotless reputation, and high sense of honor, highly cultivated, a useful information, an impartial reflecting, a clear perception of the principles of our government, and a feeling of the spirit in which it was formed, and should be maintained, which makes him a worthy thing which threatens to wither an ardent attachment to which he regards as the surety to the rights of the state, only safeguard of our liberty, that soars above the low party, and a firmness that could seduce, no danger could date, no power could awe,—the qualifications which make him a pride of Virginia, and make us to him,—and this is whom the friends of the nation, through the agency of party spirit, would traduce.

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