

From the Pennsylvanian.

INDEPENDENCE OF THE SENATE.

Under this imposing head an attack has recently been made, in the United States Telegraph and National Intelligencer, upon the President, for the appointment of SAMUEL GWIN, to be a Register of the Land Office, in the State of Mississippi. Like most other attacks, it is cunningly put forward in order to screen a factious party from the anticipated and well-founded imputation of having grossly attempted to shackle and abridge the constitutional powers of the Executive Magistrate. The real grievance is that General Jackson knows his rights, as the head of the government, and knowing, will maintain them steadily against the arts or pretences of any opposition, in or out of Congress.

The facts of the case are brief, and easily understood. The small States to the West and South-West, like most of their sisters, have some local prejudices and partialities. They prefer that offices under the general government, to be exercised within their limits, should be filled by their own citizens respectively. As a rule of practical expediency, with a view to give popular satisfaction, every body agrees that, all things else equal, this natural preference should be consulted and gratified by the appointing power. It is, however, a matter of discretion, to be adjusted one way or the other, exactly as the President may think most conducive to the public interests. It is not difficult to suggest a variety of cases in which it would be unwise and unsafe to entrust the execution of certain laws of the United States to persons deeply interested, from position or connection, with the manner of their enforcement. Citizenship or residence in any particular State or district is not enumerated in the Constitution, and has never been regarded in practice, as among the qualifications for office: to be a citizen of the United States, no matter where living, is enough for any United States office.

SAMUEL GWIN was originally from Tennessee. He was severely wounded, however, while, as a volunteer, defending the soil of Mississippi from the savage Indians during the late war. He was subsequently appointed to office in one of the departments at Washington, and for a time resided in the District of Columbia. During the recess of Congress, if we mistake not, the President appointed him to one of the Land Offices in Mississippi—the very State where he had gallantly shed his blood—at the recommendation of many of its distinguished citizens. His character is, in every respect, unimpeachable—he is highly intelligent, upright and indefatigable in the discharge of his duties; and he has a large family dependent upon his exertions. We are not aware that any objection has been or can be made to the personal fitness and honesty of Mr. Gwin. He removed to, and became a citizen of, Mississippi.

When he was nominated to the Senate, early in the last winter, it was discovered that as an appointment to execute an office of the United States in Mississippi, he, not being at the time of his appointment a citizen of that State, came under the spirit of a resolution hastily adopted by the Senate on a former occasion. The nature and tendency of this resolution were now seriously considered. Several who voted for its adoption are said to have perceived that it might be converted into a mere weapon for the opposition, and that its practical effect was to contract illegally the President's sphere of selection, and to impose a qualification for office not to be found in the Constitution, and never before required. Under its force, however, Mr. Gwin was rejected. The great principle involved attracted fresh attention. Many of the newspapers took up the resolution of the Senate, from which the injunction of secrecy had been removed, and denounced it as involving a palpable usurpation. In the meanwhile the President himself, no doubt, perceived and felt that a new and unauthorized shackle was thrown upon his powers and responsibilities. The Senate, according to their resolution, and their action under it, would defeat every appointment, be it ever so meritorious and proper, unless the President submitted to their rule, drew his officers from the regions they prescribed, and consented to yield the constitutional right of selecting the public agents from the whole extent of the whole country. General Jackson knows his duties to the people and to the nation too well, to tamely acquiesce in the curtailment of the executive prerogatives, while they are confided to his care. He did not acquiesce. The principle was of infinitely more importance than the case which exemplified it; and we should be both surprised and mortified if it ever be surrendered. Let us see what the principles; the spirit, design and letter of the Constitution, unite in giving to the chief magistrate an unlimited territorial range in making his selections of officers. When he selects, he nominates to the Senate; the Senate may or may not, as they please, advise and consent, and thereby confirm the nomination; but that body has not the power to choose. They may reject, but cannot select. Neither can they do indirectly what they are not empowered to do directly; and hence they cannot prescribe, in advance, any rule which would either wholly defeat the President's appointing power, restrict it within any preferred sphere, or subject it to qualifications not recognized by the fundamental law. Were it competent to the Senate to control, embarrass and guide the President, by any such proceedings, an irresponsible oligarchy would be substituted in his stead, and the people would be foiled in the chief objects of his election. These views are believed to be incontrovertible. A case arises. The President nominates a citizen of the State of Tennessee, a native and citizen of the State of Tennessee, to an office the duties of which, though purely federal in character, must be performed on the soil of Mississippi. The Senate return for answer that they reject the nomination—not because of incapacity, immorality, or any personal unfitness whatever—but avowedly because of a resolution on their record which precludes their consenting to the appointment of any one to that office except he be a citizen of the State of Mississippi. The President at once says to the Senate, you are invading my constitutional freedom of choice, and annexing illegally a new qualification to that office. If I submit to this, I may be narrowed still more by fresh encroachments, and

ultimately I shall be divested by your resolutions of all power to appoint except as you designate and pre-ordain. I owe it to my station, to the constitution, and to the country, to repel your pretensions; and as long as you assert the power to regulate my selection, by rejecting Mr. Gwin, confessedly on this ground only, so long will I insist upon my constitutional right to appoint any citizen of the United States, by sending him again renominated, to you.

Here, then, lies the question. Can the Senate alter the Constitution;—require qualifications for office which that instrument does not require;—and, in effect, forbid the President's making any selections except from such peculiarly conditioned persons and such circumscribed places as they, in their wisdom, shall designate? We do not believe that a truly honest and unbiased man of any party can hesitate in answering negatively and promptly. If the Senate be competent to prohibit the selection of an officer of the United States from any region but Mississippi, they are equally competent to restrict the choice to the town of Natchez, to a street within that town, or to a mansion in that street. They may, with equal propriety, pre-determine to have no public officers who do not come from slave states:—none, who cannot speak French:—none, who are encumbered with families:—none, who do not smoke segars, wear blue cloth coats, and prefer feather-beds to mattresses. Having once overstepped the Rubicon of the Constitution, they have nothing to go by but their own policy, theory, or caprice.

The President, as is his custom, has stood firmly, in the case of Samuel Gwin, by the landmark of the Constitution. In vindication of that, he re-nominated him, as one rejected upon a pretension wholly inconsistent with its positive provisions:—and as the Senate did not definitely act upon the renomination, the necessities of the public business, as well as the peculiar circumstances of the matter, abundantly justify his directing Mr. Gwin to proceed in the discharge of his important duties.

We have thought that it might be useful to state this subject fully, and to have its real merits clearly understood. When co-ordinate branches of the Government differ, in the exercise of their respective functions, the sober and salutary influence of public opinion may prevent injurious consequences to the country and its institutions. We solemnly believe the President to be right, and the Senate to be wrong;—if such be the sense of the people, its expression, before Congress re-assembles in December next, cannot be otherwise than impressive and useful.

From the Richmond Enquirer.

"HIGH-HANDED USURPATION!"

Startled at this ominous exclamation, I read the article to which it was an introduction, with trembling eagerness, but was much relieved on finding in it nothing more than the fable of the Lion and the Frog.

It seems that the Senate in their caprice had rejected the nomination of Mr. Samuel Gwin, having no other reason for it, than their own resolution of 1830-31, by which they had curbed the constitutional rights of the President. With that firmness which has ever characterized his conduct, not choosing to submit to the Senate's usurpation, the President on the recommendation of a large number of the citizens of Mississippi, recommended Mr. Gwin, and they (that is, Poinceter & Co.) not daring to reject the nomination, thus supported, and too proud to reverse their former decision, caused it to lie on the table until they adjourned. This is the high-handed usurpation of the President! It is this, that "caps the climax of the Tyrant's acts."—Stephen (pardon me for introducing him!) thinks, that the President, if he had done his duty as a good President ought to do, would have educated all the people since he came into office. Fortunately for us, we the people have sagacity and intelligence enough to fathom Stephen and all his co-workers. Their overweening conceit of their own wisdom, and their large calculations upon the ignorance of the people, give to these oil-tongued hypocrites a reckless boldness in misrepresentation and falsehood. But enough of such frothy trash as S. S., &c. &c.!!

The Senate at their session of 1830-31, passed a resolution, "that it was inexpedient to appoint a citizen of any one State to an office in any other State in which such citizen does not reside without some evident necessity for such appointment." What is this but an infringement on the constitutional rights of the President? The Senate must have intended to prescribe a rule to the President, as is proved in Gwin's case, or they intended nothing.—They must have intended to say to the President—"Although the constitution gives you the power to select your officers from any part of the Union, yet we say if you do not select them from such State as we prescribe, we will for that reason reject them." Might they not as well have prescribed a certain age for certain officers, or any other qualifications; and then reject all who did not come within their resolution? Will the people submit to this? Has not the President constitutional rights as well as the Senate? If they keep the President within the pale of his constitutional power, they do their duty. The President is amenable to the people for the fitness of his officers. Where is the President's "usurpation of power?" If this be the "climax of the Tyrant's acts," ought not his writing enemies to be doomed forever to the disgraceful and degrading work of stringing dirty epithets, on lines of jingling prose to minister to the vitiated taste of his envious and malevolent reading foes?

R. S. T.

*These are National Republicans!

From the New Orleans Bee.

It is well known to the patrons of this journal, that, hitherto, in regard to national politics, it has observed a strict neutrality. This neutrality was established during the time that the proprietorship was vested in the individuals of opposite political opinions; and it has been preserved from the time that the present proprietor became the purchaser of the entire establishment, until now, not only because he deemed that the journals which professed to support the present administration of the general government were already sufficiently numerous in this state, but because he was reluctant

in deviating from a course that had apparently given satisfaction to his subscribers and patrons.

A crisis having now arrived in the affairs of the republic, in which a longer maintenance of neutrality might be deemed criminal, the conductor of this journal is therefore impelled to enrol himself with THE FRIENDS OF THE UNION, and the advocates of the present administration of the federal government. A new period has arrived in the history of our country. The principles upon which parties divided at the formation of the federal constitution are no longer regarded. The proud, aspiring spirit of Americans languishes under an unequal policy, which, while it impoverishes the nation, threatens to sunder it into fragments. The honor of a glorious people, which, but a few years ago, humbled the pride of the haughtiest nation upon earth, is tarnished; the laurels purchased by illustrious deeds of valor, have withered in the unhallowed keeping of sectional politicians; the national spirit is mouldering away; the love of union, with all the cherished recollections of the blood of our fathers commingled upon every battle field of American freedom, is giving way to the mere love of wealth and sectional advantage, and a dissolution of the republic has come at length to be talked of, by those who are opposed to the present tariff system, in preference to longer submission to the policy, as well by those who are benefited by it, in preference to receding, in the slightest degree, from the rigidity of the protective principle, against which the united south raises the voice of complaint and murmuring, as an event of very little importance, and which could hardly awaken the sigh of regret. The question, though apparently one of speculative policy, really involves our national existence as freemen;—it is whether we shall live under the government of our choice, or become provinces of a foreign power—whether we shall exchange the garb of freemen for the livery of vassals; for it is no less true now than it was at the time of our revolution—"UNITED WE STAND—DIVIDED WE FALL!"

If there ever was a time that demanded the exertions and sacrifices of those who love their country, that time is the present time. Much is to be apprehended—much to be hoped. But to realize those hopes, the most indefatigable exertions are required from the friends of civil liberty and social order,—from all classes of citizens,—from the statesman, the patriot, and the soldier. To give an exaggerated description of our present difficulties and dangers, is impossible. The most highly wrought fiction could not equal the reality.

Casting an anxious gaze upon our illustrious countrymen, where shall be found the experienced pilot, who is able to out-ride the storm, and conduct the vessel of state into a quiet haven, guided by the ancient landmarks set up by the fathers of the republic,—one who will disregard geographical divisions, sectional feelings and unfriendly prejudices, and be governed solely by love of country? Such a man is Andrew Jackson,—whose experience in the affairs of the republic,—and above all, whose deep devotion to the republican principles which are at the base of our institutions, combine to point him out as the man formed for the crisis, and capable of preserving the constitution of the republic from the ruthless assaults of sectional demagogues, who threaten to trample it under foot, and render our glorious union a by word and reproach among the nations.

We cannot suppose our readers to be ignorant that the country, though distracted by the unequal policy which has produced such dangers and discontents, has been eminently prosperous under the administration of Andrew Jackson. Every individual, from Louisiana to Maine, feels it to be so. He knows that the public burthens have been lightened—that our differences with foreign powers have been arranged upon satisfactory bases—and that an effort has been made, in the spirit of compromise, to reduce the revenue of the country to the circumscribed wants of the government, since the payment of the public debt. But he knows too, that the nullifier and the ultra-tariffist have coalesced to prevent this work of reconciliation, whereby the country would become pacified; thus exhibiting the most disgusting and unholy alliance of the most opposite extremes, in the unhallowed cause of fomenting and keeping up sectional discords, which should eventuate in a disruption of the union, for no apparent purpose except that it does not afford sufficient scope for two such ambitious spirits as Henry Clay and John C. Calhoun to bustle in!

In making this declaration, we yield not only to the dictates of our own private judgment, but to high considerations of public duty. We are altogether uninfluenced by even the hope of any other reward than that which springs from an approving conscience. When, however, we saw the legacy of our venerated ancestry jeopardized, we could no longer sit supinely by and behold the links that have so long bound us in happy and harmonious union, sundered, one by one, without raising our voice against the sacrilege, and without enrolling ourselves under the banner of the great chieftain who has so emphatically declared—"the union—it must be preserved." We have done so without counting the cost, but having taken our stand, we shall maintain it, fearless of all opposition.

We pause for to-day—we shall resume the subject in a day or two, when we shall offer some remarks upon the vice-presidency, and the claims of the individual who has been selected by the friends of the administration, to fill that office.

Clay, Webster, and the U. States Bank.

It will be remembered, that Mr. Clay in 1811, denounced the old Bank of the United States as a British Bank; that he spoke against it, and voted against it, on the ground that it was both inexpedient and unconstitutional. It may also be remembered, that in 1815 or 1816, Mr. Webster spoke and voted against a Bank which Mr. Clay supported, and taunted Mr. Clay with his inconsistency. These men are now united in support of the Bank, and both made violent and illiberal speeches against the President's Veto message.

Now, it is ascertained by the late Committee of Investigation, that Mr. Webster, since 1816, had received from the principal Bank, upwards of EIGHT THOUSAND DOLLARS "for professional services."

By the same Committee, it was ascertained that Mr. Clay had received from the principal

Bank for like 'services' upwards of SEVENTEEN THOUSAND DOLLARS. It is probable he has received as much more from the branches in Kentucky and Ohio.

These are the consistent and disinterested supporters of the Bank in the Senate! Equally disinterested are their supporters in the newspapers. Presses opposed to the Bank, on receiving loans from it, have become zealous; and \$20,000 to 50,000 made them warm.

Some presses that were in favor of Gen. Jackson and the Bank have received their \$20,000 and turned against the former. Others that were in favor of General Jackson and against the Bank, have taken "an accommodation," turned against the General and ceased to oppose the Bank. Other Editors who support the bank, are its debtors in large sums. The printing account of the Bank, which had never, up to 1829, been \$1,000 per year, was in 1800, \$6,762, 54 and in 1831, \$9,187, 94. These sums are known to have been chiefly spent in printing and circulating documents and political tracts, favorable to the Bank.

The institution already thinks it is too strong for Andrew Jackson. What will it be, if conquers him in this conflict? Can any man resist its power?

Lines found in the Senate on the desk of the

HON. HENRY CLAY.

12th July, 1832.

Oh, no! I shall not sue for them,
Their drafts shall never see,
My hands are now no more to touch
Their once familiar fee—
From side to side I quickly turn'd—
My first vote I regret—
To-day my noblest speech I made—
Oh! cannot I forget?

They bid me seek, from local banks
The fees to me so dear;
Alas! no local banks can give
Five thousand every year.
'Tis true that I behold no more
The Board at discount meet,
No more the Cashier visits me—
But how can I forget?

For oh, there are so many things
Recall the Bank to me—
Directors who are all my own,
My oft repeated fee,
The suits that vex the Jackson men,
The bribes my printers get,
Ay, each branch note I look upon
Forbids me to forget.

They tell me that this veto gains
Old Hickory many a friend;
Alas! like me he does not need
Bank notes at what to spend.
Had he their golden favors won,
Not less were his regret;
Had he but made what I have made,
He never would forget.

Balt. Republican.

PROPOSALS

For carrying the Mails of the United States for two years, from the first day of January, 1833, to the 31st day of December, 1834, on the following post routes, will be received at this office until the second day of November next, inclusive; to be decided on the 9th day of November.

IN NORTH CAROLINA.

No. 2187. From Columbia to Springfield, in Tyrrel county, and back once a week.

Leave Columbia every Monday at 6 a m, arrive at Springfield same day by 6 p m.

Leave Springfield every Saturday at 6 a m, arrive at Columbia same day by 6 p m.

2188. From Kinston to Trenton, 20 miles and back, once a week.

Leave Kinston every Wednesday at 12 noon, arrive at Trenton same day by 6 p m.

Leave Trenton every Thursday at 6 a m, arrive at Kinston same day by 12 noon.

2189. From Greenville to Stantonburg, 30 miles and back, once a week.

Leave Greenville every Wednesday at 9 a m, arrive at Stantonburg same day by 7 p m.

Leave Stantonburg every Thursday at 5 a m, arrive at Greenville same day by 2 p m.

2190. From Gravelly Hill by Lisburn and Taylor's Bridge to Clinton and back, once a week.

Leave Gravelly Hill every Thursday at 6 a m, arrive at Clinton same day by 3 p m.

Leave Clinton every Friday at 6 a m, arrive at Gravelly Hill same day by 3 p m.

2191. From Belford by Shoco Springs to Warrenton, 28 miles and back, once a week.

Leave Belford every Thursday at 7 a m, arrive at Warrenton same day by 3 p m.

Leave Warrenton every Tuesday at 8 a m, arrive at Belford same day by 4 p m.

2192. From Hillsboro by Pickett's Oil Mill, Thos. Benchairs, Hester's Store, Ric'd. Bullock's and Potter's Bridge to Oxford, 40 miles and back, once a week.

Leave Hillsboro every Tuesday at 6 a m, arrive at Oxford same day by 6 p m.

Leave Oxford every Wednesday at 6 a m, arrive at Hillsboro same day by 6 p m.

2193. From Blakely by Stokesburg to Germantown and back, once a week.

Leave Blakely every Monday at 1 p m, arrive at Germantown same day by 5 p m.

Leave Germantown every Monday at 6 a m, arrive at Blakely same day by 10 a m.

2194. From Roxboro by Hugh Woods to Black Walnut, Va., 22 miles and back, once a week.

Leave Roxboro every Thursday at 7 a m, arrive at Black Walnut same day by 1 p m.

Leave Black Walnut every Thursday at 3 p m, arrive at Roxboro same day by 9 p m.

2195. From Leasburgh by Hightowers to Caswell c. h., 15 miles and back, once a week.

Leave Leasburgh every Wednesday at 6 a m, arrive at Caswell c. h., same day by 10 a m.

Leave Caswell c. h. every Wednesday at 11 a m, arrive at Leasburgh same day by 3 p m.

2196. From Rockford by Juddsville to Bower's Store and back, once a week.

Leave Rockford every Thursday at 3 p m, arrive at Bower's Store next day by 6 p m.

Leave Bower's Store every Wednesday at 9 a m, arrive at Rockford next day by 12 noon.

2197. From Concord by Mill Grove and Hickory Grove to Beatty's Ford and back, once a week.

Leave Concord every Wednesday at 6 a m, arrive at Beatty's Ford same day by 6 p m.

Leave Beatty's Ford every Thursday at 6 a m, arrive at Concord same day by 6 p m.

2198. From Lawrenceville to Wadesborough, 26 miles and back, once a week.

Leave Lawrenceville every Friday at 6 a m, arrive at Wadesborough same day by 3 p m.

Leave Wadesborough every Thursday at 7 a m, arrive at Lawrenceville same day by 4 p m.

NOTES.

1. The Postmaster General reserves the right to expedite the mails, and to alter the times of their arrival and departure at any time during the continuance of the contract, by giving an adequate compensation, never exceeding a pro rata allowance, for any extra expense which such alteration may require.

2. Seven minutes shall be allowed for opening and closing the mails at each office, where no particular time shall be specified, but the Postmaster General reserves to himself the right of extending the time.

3. For every ten minutes delay in arriving at any point after the time prescribed in the contract, the contractor shall forfeit five dollars. If the delay shall continue beyond the time for the departure of any pending mail, the forfeiture shall be equal to twice the amount allowed for carrying the mail one trip. If it be made to appear that the delay was occasioned by unavoidable accident, of which the Postmaster General shall be the judge, the forfeiture may be reduced to the amount of pay for a trip; but in no case can that amount be remitted. The forfeitures are otherwise unconditional, and will in all cases be enforced.

4. Persons who make proposals will state their prices by the year; payments to be made quarterly; in the months of May, August, November and February, one month after the expiration of each quarter.

5. None but a free white person shall be employed to carry the mail.

6. Proposals should state whether the person proposes to carry the mail in a 4 horse coach, a 2 horse stage, or otherwise.

7. If the person offering proposals wishes the privilege of carrying newspapers out of the mail, he must state it in his bid; otherwise he cannot enjoy that privilege.

8. Propositions for any improvements in transporting the mail, as to the manner of carrying, increase of expedition, extension of routes, frequency of trips, or any other improvements, are invited to be stated in the proposals, and will be duly considered.

9. The number of the route, and its beginning and termination, as advertised, should be stated in every bid; and the proposals, must be sealed, directed to the "General Post Office, Office of Mail Contracts," and Superscribed "Proposals."

The following is a proper form for a proposal:

"I will convey the mail, agreeably to advertisement, on route No. _____, from _____ to _____ for the yearly compensation of _____ dollars."

He must state the place of his residence; and if not a contractor, he must accompany his bid with satisfactory recommendations.

10. The distances, as stated, are estimated and may not be entirely correct; but if any errors have occurred in relation to them, no increase of compensation will be allowed on that account. The contractor will inform himself on that point.

11. The Postmaster General reserves the right of annulling any contract whenever repeated failures to arrive within the contract time shall occur; or whenever one failure shall happen amounting to the loss of a trip; or whenever any direction which he may give shall not be promptly obeyed.

12. No bid shall be withdrawn after the time for receiving it has expired; and should any person refuse to take a contract at his bid, he shall forfeit all other contracts that he may have with the Department, and be held responsible for all damage that may result from his failure to comply.

13. No contract nor bid can be transferred without the special and written approbation of the Postmaster General; and an assignment of a contract, or bid, without his consent, first obtained in writing, shall forfeit it. This rule will never be departed from.

14. If a contractor or his agent shall violate the Post Office law, or shall transmit commercial intelligence by express more rapidly than the mail, his contract shall be forfeited; and in all cases when a contractor shall run a stage, or other vehicle, more rapidly or more frequently than he is required by contract to carry the mail, he shall give the same increased celerity and frequency to the mail, unless the Postmaster General shall otherwise direct, and without increase of compensation.

15. The Postmaster General reserves the right of curtailing or of discontinuing any route, when, in his opinion, the public interest shall require it; and in such case the contract shall cease, so far as relates to the part curtailed, or to the whole, if discontinued—an allowance of one month's extra pay being made to the contractor.

16. All contracts for routes embraced in this advertisement shall commence on the first day of January next, and continue two years. Decisions on bids will be made known on the 9th day of November next.

WILLIAM T. BARRY,

Post Master General.

GENERAL POST OFFICE DEPARTMENT, July 24, 1832.

Aug. 10—126th Oct.