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BY GEORGE HOWARD.

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Communications.

FOR THE FREE PRESS.

[The following letters, recently received by the relatives of the late Pascal P. Mathewson, show the high estimation in which he was held by his associates in the place he had selected for his residence, as well as by those of the place of his nativity.]

To the family of the late Mr. Pascal P. Mathewson, Tarborough, N. C.

Providence, (R. I.) July 23th, 1834.

Respected friends: It has pleased Heaven to take your beloved brother Pascal from among us to his long home.

The minute intelligence of his sickness and death has ere this reached you, and thus the fond anticipations, the cherished hopes of brotherly and sisterly affection are blasted even while you was the most sanguine in their being realized. Permit us to mingle our sympathies with yours in this affliction, and while we mourn his departure, let us acknowledge the hand that directs and the power that governs all things for the best. On the day succeeding his death, the Union Adelpian Society, of which he was a member assembled and passed unanimously the resolutions appended.

We subscribe ourselves yours, affectionately, in behalf of the Society.

M. W. Chace.

Benjamin F. Stead.

Eduard N. Mason.

The sudden decease of our fellow member, Pascal Paoli Mathewson, has called us together this evening. We meet to express our common sympathies for our common loss; we feel that in his departure there is a void created which cannot be filled. His active exertions to advance our Society in intellectual and moral improvement—animating our meetings by his manly eloquence, entwining himself in our affections by his ingenuous disposition, his devoted friendship, his sterling virtues and by a high regard for truth and the cause of truth, all conspire to render his memory dear, and leave an "aching void" indeed in our social intercourse. Feeble is the attempt we make to express our real feelings. Our united voices can only say we mourn his loss; and, as a real sentiment of our hearts, be it Resolved: that we sympathize in the loss which his relations, friends, and the community have sustained by his early demise: Resolved, that as a testimony of our regard an orator be appointed to commemorate his character by delivering an eulogy in the early part of the ensuing month. Resolved, that we request of his friends copies of the addresses delivered before this Society on its two first anniversaries. Resolved, that we assemble as a body at his grave and plant there the locust, as emblematical of our affection for—

"The fresh bough of the locust tree
Shall image forth his memory in our hearts."

Resolved, that a copy of the preamble and resolutions be forwarded to his family in Tarborough, N. C. signed by the President and Secretary.

Eduard N. Mason, President.

Alexander B. Chace, Sec'y.

To the brothers and sisters of the late Pascal P. Mathewson, Tarborough, N. C.

At a meeting of the young Men's Bible Class of the Beneficent Congrega-

tional Society, on Sunday, July 27, 1834, the following preamble and resolutions were passed, viz:—

The history of the past week, bears the melancholy tidings of the sudden and early decease of a member of this class. Death has selected for its victim that fair form and intelligent bearing countenance, which associated with us in the person of Pascal P. Mathewson. In view of the mournful Providence which has filled so many hearts with sorrow, and spread such gloom throughout the circle of his friends and acquaintance,

Resolved, That WE the members of the Young Men's Bible Class, while we acknowledge the wisdom of God in this afflictive dispensation, heartily concur in the general expressions of grief, for the loss of one whose amiable qualities and amiable talents rendered to society so valuable a member as our late friend Pascal P. Mathewson.

Resolved, That our sympathies be particularly extended to his immediate relatives, and that a copy of these resolutions be forwarded to them.

Resolved, That the above be preserved on the records of the Class.

W. S. Greene, Sec'y.

FOR THE FREE PRESS.

The Case RIGHTLY Stated.

Mr. Howard: I have read with much attention in a late number of your paper a communication of some ability and much ingenuity, proposing to state in a "candid and impartial way" the "case" between the President and Senate of the United States. Believing that article to be deceptive in its tone and false in argument and illustrations, I now propose, leaving my candor and impartiality to be judged of by the reader, to examine and expose its pretences and reasonings. The basis of the article is the two resolutions adopted by the Senate, which follow:—

Resolved, That the reasons assigned by the Secretary of the Treasury for the removal of the public deposits from the Bank of the United States, are unsatisfactory and insufficient.

Resolved, That the President, in the late Executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.

These are the resolutions which your correspondent "Conrad," proposes "to canvass in a fair and impartial way." Yet your readers must have perceived with surprise that he is entirely silent upon the merits or demerits of the first resolution. The whole burden of the article is the second. It is dear that to "state a case" fairly, the whole case should be stated; but Conrad seems to think he has stated the case in a "candid and impartial way," when he has stated almost half of it. Is Conrad afraid to canvass the merits of the first resolution? Is he prepared to say that the reasons assigned by the Secretary are sufficient and satisfactory? I beg that he will come up to the mark and give me and the public a "candid and impartial" answer—aye or nay. In the mean time I leave it to your readers to say if he has yet redeemed his promise made in the outset of his article, to give the resolution a "fair and impartial canvass." "The first inquiry (says Conrad,) which presents itself is, had the Senate the right to pass the Resolutions?"

Is the right of the Senate to pass the first resolution denied? Is it not made by an act of Congress the duty of the Secretary, whenever he shall remove the deposits from the Bank to report his reasons to Congress? Does it not follow that Congress or either branch of it, has the right to decide for itself upon sufficiency of said reasons; unquestionably. The enquiry then must be confined to the second resolution. The question therefore is, had the Senate the authority to declare its opinions that the President had acted in "derogation of the Constitution and laws?" "Ours is a government of delegated powers, and all which have not been expressly or by clear implication granted thereto are reserved," says Conrad. Agreed. "It will not (he continues) be contended by any rational man, that the power in question was ever intended by

the framers of the Constitution to be placed in any functionary for the sole purpose of censuring or rebuking another."

Agreed. "Much less (says he) could they have intended to clothe one of the co-ordinate departments, Executive, Legislative, or Judicial, with such a power for such a purpose." Agreed. So far I agree with Conrad entirely. I admit that ours is a government of "delegated powers." I admit that the framers of the Constitution could never have intended to clothe the Senate with any authority for the sole purpose of rebuking or censuring the President. But what do these positions prove? Absolutely nothing, so far as the resolutions of the Senate are concerned. They do not touch, they do not reach it. The authority of the Senate to pass that resolution is not to be sought among the delegated powers. The resolution does not assert a power but an opinion. If ours be a government of delegated "powers," it is hardly one of delegated opinions yet. The Senate's authority to express its opinions may be found where the President found his right to issue his Protest. Conrad however qualifies his remarks—"I do not mean (says he) to say that one functionary may not speak of another"—precious concession—"or that they may not even put upon record their votes of censure, when they are made the basis of constitutional action." Conrad then does not deny the authority to speak in terms of censure. But what if the Senate speak approvingly? Its authority to do that I suppose is clear. Is not this the veriest despotism? Let me state the case. Suppose the Senate to believe the President to have violated the Constitution. Is it not their bounden duty to declare it? Must the Senate sit tamely and acquiesce in usurpation, for want of authority to speak? Suppose further, that the alleged violation of the Constitution involves an interference with a question which has been referred by the laws to the discretion of the Senate conjointly with the other House of Congress and a federal office. Does this authority of the Senate intend only to acquiescence? Suppose the Constitution to have declared that Congress shall regulate the property of the U. States. Suppose the President should notwithstanding attempt to regulate that part of the public property, deposited in the Bank. Must the Senate silently see the Constitution violated and its own powers usurped. I put it to every freeman in the Republic to answer. My position is, that the Senate has authority to speak in terms of censure whenever it may think the Constitution violated, and more particularly when said violation involves an usurpation of its own power and authorities. Conrad next cites the "famous Middlesex Election," as a case "analogous" to the case before us. A most unhappy illustration truly. I defy the whole school of logicians to point out one single point of analogy between the Middlesex case and the present. In their whole nature and every feature they are totally dissimilar. In the one case the English Parliament decides upon the qualifications of one of its members—in the other, the American Senate passes upon the reasons of a fiscal officer for a financial act, and the Executive proceeding in relation thereto. The striking analogy between the two cases was first discovered by Mr. Benton, and attempted to be traced by the same distinguished gentleman in the Senate; but the wide variance between the case adduced and the case in hand was fully exposed at the time. It is with no little surprise therefore that I now see the same famous Middlesex Election dressed up for the particular use of the good people of Edgecombe. I advise Conrad when he next goes in pursuit of analogies to refer to the Roman Senate, in the times of the Cæsars, or the English Parliament in the times of the Stuarts.

Conrad next (I take up his articles regularly) indulges in a paragraph of vituperative criticism upon the resolutions, in which he proves very clearly that the Constitution and the laws mean one and the same thing, and as clearly convicts Mr. Clay of "useless repetition and absolute surplusage." Now this may all be so, but it strikes me as a small matter—very small to be mingled with the grave matters treated of. So small, I shall notice it no further than to say that it is hardly "a candid and impartial way" to canvass the merits of a resolution.

Conrad having disposed of the preliminary enquiry as to the authority of the Senate to pass the resolutions, now takes up the main question—whether the President has violated the Constitution as alleged by the Senate. "We are told (says he) by the highest legislative body in the Union, that the Chief Magistrate has violated the Constitution. Let us enquire if this be so." I should prefer to present Conrad's answer to this enquiry in his own words; but lest I exceed the proper limits of a communication, shall present only his points.

"It will not be pretended (says he) by any dispassionate man, that the President has violated the Constitution in dismissing from office the late Secretary, Mr. Duane." I will admit, as it seems to have been admitted by the majority of those Senators who voted for the resolutions, that the long practice of the government authorized the President to act upon the construction. I will add, however, that the power of removal is not an express power, but an implied one; nor is the implication very clear to my mind. I will also remind Conrad, that "a candid impartial" reasoner will not attribute to his adversary positions which he never maintained, but expressly disclaimed. It is agreed then, that the President did not derogate from the Constitution in removing Mr. Duane. Conrad then jumps to the conclusion that the President could not have violated the Constitution, as he had no agency in the removal of the deposits except the removal of Mr. Duane. I own (says he) he assumed the responsibility. But what if he did? Ah, there's the rub. What if he did, it is asked? Why, I answer, that in doing so he assumed a responsibility which the Constitution has placed in other hands. The Constitution places the public treasure under the control of Congress. Congress in this case had exerted that control, declared its discretion. The President has usurped that control, interfered with that discretion. Did he not thus usurping violate the Constitution? Who does not know that the separation between the Executive department of government and the public revenue has always been considered one of the main safeguards of liberty? Who does not know, that even in the British monarchy, a British King dare not touch one shilling of the public purse without the consent of the British Parliament? But the President did not assume the control of the public purse for selfish purposes—no matter. The motive cannot alter the principle. The criminality may be less, but the act is the same, so far as it is known to the Constitution. Had the President's motives been corrupt, he would have deserved impeachment. Suppose him honest in his error, the censure conveyed in the resolution of the Senate is perhaps punishment sufficient. What if he did assume the responsibility indeed? Why that is precisely the offence, the violation complained of. It was in this that he "acted in derogation of the Constitution and laws." "Does not the Judge (says Conrad) who sentences the criminal to the gallows assume the responsibility of his execution? In truth the Judge does not assume the responsibility. It is with the Jury. But suppose it. Conrad says, what does it prove? where is the analogy? The Judge assumes a