

LIBERTY ADVOCATE.

WHEN POWERS ARE ASSUMED WHICH HAVE NOT BEEN DELEGATED, A NULLIFICATION OF THE ACT IS THE RIGHTFUL REMEDY.—Jefferson.

JAMES M. SMILEY, Editor.

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FROM THE MADISONIAN.

The Executive Army of Office-Holders; their interference in elections.

Mr. Jefferson, in a letter to Governor McKean, of Pennsylvania, dated the 2d of February, 1801, speaking of the "Federal officers obstructing the operations of the State Governments," said "that as to the future, interferences with elections, whether of the State or General Government, by officers of the latter, should be deemed cause of removal, because the constitutional remedy by the elective principle becomes nothing, if it may be smothered by the enormous patronage of the General Government."

In accordance with these doctrines, and for the purpose of carrying them out, Mr. Jefferson, while President, issued a circular addressed to office-holders under himself, from which the following is extracted:

"The President of the United States has seen with dissatisfaction officers of the General Government taking, on various occasions, active parts in the elections of public functionaries, whether of the General or State Government. Freedom of election being essential to the mutual independence of Government, and of the different branches of the same Government so vitally cherished by most of our Constitutions, it is deemed improper, for officers depending on the Executive of the Union, to attempt to control or influence the free exercise of the elective right. It is expected that no officer will attempt to influence the vote of other men, nor take any part in the business of electioneering; that being deemed inconsistent with the spirit of the Constitution and his duties."

How does the practice of Mr. Van Buren and the policy advocated by his friends in the Senate correspond with those principles of Mr. Jefferson? We will show.

Early in the session Mr. Crittenden introduced into the Senate the following bill:

A BILL to prevent the interference of certain Federal officers in elections.

To the end that the great powers given to the officers of the Federal Government, and other persons employed in its service, may not be used for the influence of elections, which ought to be free and incorrupt:

Be it enacted, &c. That from and after the first day of April, in the year one thousand eight hundred and thirty-nine, no marshal, no postmaster or deputy postmaster, no receiver or register of a land office, or any of their deputies or clerks, no surveyors general of the public lands, or any of his deputies or assistants, no collector, surveyor, naval officer, weigher, gauger, appraiser, or other officer or person whatsoever concerned or employed in the charging, collecting, levying or managing the customs, or any branch or part thereof, no engineer, officer, or agent employed or concerned in the execution or superintendance of any of the public works, shall, by word, message, or writing, or in any other manner whatsoever, endeavor to persuade any elector from giving his vote for the choice of any person to be elected President and Vice President of the United States, or for the choice of any person to be a Senator or Representative in the Congress of the United States, or for the choice of any persons to be Governor or Lieutenant Governor of any State, or of any persons to be a representative or member in the Legislative Department of any State of this Union, or for the choice of any persons to serve in any public office established by the law of any of said States; nor shall any such officer or persons intermeddle in any of the elections above mentioned, or use any means with intent to influence or control the same otherwise than by giving his own vote; and every person offending therein shall forfeit the sum of five hundred dollars; one moiety thereof to the informer, and the other moiety thereof to the United States aforesaid, to be recovered, with costs of suit, by any persons that shall sue for the same, by action of debt, bill, or plaint in any of the district or circuit courts of the United States; and every person convicted, on any such suit, of the said offence, shall thereby become disabled and incapable of ever bearing or executing any office or place of trust whatsoever under the said United States.

This was referred to the Committee on the Judiciary, of which Mr. Wall was chairman. After a delay of six weeks he made a long report against the bill, in which they intimated that every officer of the Federal Government who did not take part in the elections would be looked upon as an "idiot," and the Committee declared that it was not only their "right," but their "duty to discuss and promulgate freely the measures of the Administration." And concluded the report with the following:

"Under every aspect that the committee have been able to view the provisions of this bill, it appears to them that it is unjust, unequal, impracticable, impolitic, tyrannical and unconstitutional; that it is founded on an assumption of power by the Federal Government not granted by the Constitution, and destructive of the rights of the several independent States composing the Union, and of the constitutional rights of the citizens of those States; and that its provisions are of a most blamable and dangerous tendency, not called for by any existing mischief, and would not afford an appropriate remedy if such mischief existed."

Such a report might have been expected from one who, until recently, has been a thorough advocate and supporter of the old Federal doctrines of '98.

A few days after, Mr. Rives addressed the Senate in opposition to the report of the committee. After he finished his remarks, he offered some resolutions which he had prepared, as a substitute for the bill of Mr. Crittenden; which said he contained the doctrines set forth by Jefferson, and offered ground on which all those gentlemen could stand who had felt constitutional scruples against the bill. The following are the preamble and resolutions offered by Mr. Rives:

Whereas, the constitutional remedy by the elective principle becomes nothing if it may be smothered by the enormous patronage of the General Government; and whereas, also, freedom of election is essential to the mutual independence of the State and Federal Governments, and of the different branches of the same Government; so vitally cherished by American institutions:

Resolved, therefore, That, in the opinion of the Senate, it is highly improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of the elective right.

Resolved, also, That measures ought to be adopted by Congress, so far as their constitutional powers may extend, to restrain by law all interference of Federal officers with elections, otherwise than by giving their own votes; and that the report of the Judiciary Committee to a select committee, with instructions to new-model it according to the principles declared in the foregoing preamble and resolution.

Mr. Crittenden subsequently offered a substitute for the original bill, omitting the fine, and restricting the penalty to a mere disability for office under the Government; and confined himself altogether to the words of Mr. Jefferson; and declaring, at the same time, that he preferred the substitute to his original bill.

Now let us show how the bill and substitutes were disposed of in the Senate, and lay before the People the votes. The following, giving the same, is copied from the Globe:

The question was taken on the amendment to the bill offered by Mr. Crittenden and decided in the negative—Yeas 18, nays 25.

Yeas—Messrs. Bayard, Calhoun, Clay, of Ky., Clayton, Crittenden, Davis, Foster, Knight, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith, of Ia., Swift, Tallmadge, and White—18.

Nays—Messrs. Allen, Benton, Brown, Clay, of Ala., Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith, of Con., Walker, Wall, Williams, of Me., Williams, of Mi., Wright, and Young—25.

Mr. Tallmadge then offered to amend the bill by making its provisions and penalties applicable only to the officeholders named when they shall subscribe sums of money to carry on elections, which was lost—Yeas 15, nays 25.

Yeas—Messrs. Bayard, Calhoun, Crittenden, Davis, Foster, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith, of Ia., Swift, Tallmadge, and White—15.

Nays—Messrs. Allen, Benton, Brown, Clay, of Ala., Clayton, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith, of Con., Walker, Wall, Williams, of Me., Williams, of Mi., Wright, and Young—26.

Mr. Rives then moved to recommit the bill to the Committee on the Judiciary, with instructions to amend the bill so as to conform to the resolutions which he had submitted to the Senate some time since; which was lost—Yeas 13, nays 25.

The question then came up on the engrossment of the bill—Yeas 5, nays 28.

These are the proceedings of the party in the Senate supporting an Administration which claims to be walking in the footsteps of Jefferson and Madison, and acting upon their principles, and carrying out their doctrines. That which Jefferson deemed just cause of removal from office, these, his pretended followers, denounced as "unjust," "impolitic," "tyrannical," and "unconstitutional!" What he forbid emphatically, they declared it to be a "duty" to perform! Look at this, Virginia Republicans of '98! Will you acquiesce in the principles of your great apostles of Republicanism being thus slandered?

ABOLITION.—The following resolutions have been adopted by the legislature of Ohio:

Resolved by the general assembly of the state of Ohio, That in the opinion of this general assembly, ours is a government of limited powers; that all powers not delegated by the constitution are reserved to the people; and that, by the constitution of the United States, congress has no jurisdiction over the institutions of slavery in the several states of the confederacy.

Resolved, That the agitation of the subject of slavery in the non-slaveholding states is in the opinion of this general assembly, attended with no good; that the amelioration of the condition of the slaves is not enhanced, and that it is a violation of the faith which ought ever to exist among the states in the same confederacy.

Resolved, That the schemes of the abolitionists for the pretended happiness of the slaves are, in the opinion of this general assembly, wild, delusive, and fanatical; and have a direct tendency to destroy the harmony of the union, to rivet the chain of the slaves, and to destroy the perpetuity of our free institutions.

Resolved, That all attempts to abolish slavery in the states of this union, or "to prohibit the removal of slaves from state to state, or to discriminate between the institutions of one portion of this country and another, with the views aforesaid," are in the opinion of this general assembly, in "violation of the constitution of the United States, and destructive of the

fundamental principles on which rests the union of these states."

Resolved, That, in the opinion of this general assembly, it is unwise, impolitic, and inexpedient to repeal any law now in force, imposing disabilities upon black and mulatto persons, thus placing them upon an equality with the whites, so far as the legislature can do, and indirectly inviting the black population of other states to emigrate to this state, to the manifest injury of the public interests.

Resolved, That the governor be requested to forward copies of these resolutions to the president and vice president of the United States, to each of our senators and representatives in congress, and to the executive of every state in the confederacy.

From the Yazoo City Whig.

A SUB-TREASURY "NUT-SHELL" OPENED.

An article is going the rounds of the loco-foco newspapers called "THE ISSUE IN A NUT-SHELL," presenting a succinct argument in favor of the Sub-Treasury, divided into distinct propositions and are considered conclusive. But we propose to crack open these "nut-shells" and see how they will look inside. The beneficial results of the Sub-Treasury are thus presented:—

"The Democrats want a National Treasury to keep the Peoples money in,

"1. Where it will be in the vaults and iron chests belonging to the People.

"2. Where it will be under the care of officers appointed by the President and Senate.

"3. Where the officers who keep it will be obliged to give security in double the amount; they are allowed to have on hand for its safe keeping.

"4. Where, if an officer touches a dollar of it illegally, he shall be liable by law to pay a heavy fine and be sent to the State Prison for two years."

Answer to the above:—It has never been denied that so far as the safety of the public money was concerned, the inevitable corrupting influence of the Sub-Treasury system was the chief objection to it. But, we think, "the general welfare" of the people has claims upon the Government as well as the mere safe keeping of the public money by themselves.

"5. Where an end will be put forever to individuals speculating with the money of the people; because, not a cent of it can be drawn without an appropriation from Congress."

ANSWER:—"Drawn" from where? Why it is already drawn, and is in the more private custody of an individual;—and as to "speculating," every body knows that it may be permitted to any extent; and if really the money is forthcoming when wanted for Government uses, the speculating cannot be inquired into.

"6. Where as the money cannot be used except for the purposes for which it was raised, there will be nobody interested in collecting more revenue than is wanted for Government expenses."

ANSWER:—The money can most certainly be used for private purposes, for it is in more private custody;—and thus, thirty thousand Sub-Treasurers are interested in collecting more revenue than is wanted.

"7. Where, if a temporary surplus beyond five millions should arise, it will be immediately invested in productive state government stocks, and kept there till wanted."

ANSWER:—The Government as a separate independent money making institution unconnected with, and uninterested in, the "WELFARE" of the people, can no doubt make money, and financier very well.

"8. Where the money of the people will be under the control of the people, and used only for the purpose for which it was raised."

ANSWER:—"Under the control of the people?" Yes, it will be under the control of about thirty thousand of the people; but there are some millions, not favoured with public office, who have very little control in this matter, and as little control of those who do control it.

"9. Where the money of the Government separated from the business of the Banks, can be used when required, without the cry of 'war on the banks!'"

ANSWER:—"A war upon the banks" is the very sum and substance of the whole system. It necessarily begins, continues and ends in nothing else.

"10. So that the business of banks may be kept separate from politics."

"11. So that there may be an end to all inducement on the part of the banks to buy up political leaders, and newspapers—and corrupt the halls of legislation."

ANSWER:—Why Van Buren, in his last message, says that it will be competent for the Sub-Treasurers to employ banks to keep the money for them, when ever they think proper;—and we know that one Bank in New York pays Mr. Hoyt, the Collector, nearly \$9,000 a year interest, for what he deposits with it.

"12. So that there may be no more complaint of the Government making war upon the Banks—or the Banks making war upon the Government."

"13. So that the Bank and State may hereafter have no conflicts, but each let the other alone."

ANSWER:—Strike out the word "Bank" and insert people in the 12th and 13th propositions, and you will have the truth fairly stated.

"14. So that in case of a foreign war, the funds necessary for the defence of the country may be at the command of the Government."

ANSWER:—A million and a half of it has already gone on a "foreign" expedition of some kind; perhaps a "war."

"15. So that a sudden pressure in the money market need not affect the operations of Govern-

ment, nor drive us to the necessity of contracting usurious loans."

ANSWER:—Let the Government institute and carry on an independent system of finance, irrespective of the peoples currency; and we say again, they as a partnership concern, can get along very well.

"16. So that a National Government may always have the means of support without asking the Banks for it."

ANSWER:—Exactly. Let them ask Swartwout, Price & Co., for it.

"17. So that we may have no more stoppage of specie payments."

"18. So that we may have no more ship-plaster eras."

"19. So that the Banks may learn in future to mind their own business."

"20. So that the people may henceforth live in peace."

ANSWER:—These four last propositions are supposed to be rather above the comprehension of most men; and, as none except their authors and aristocrat Subs, can discover the difference between the conclusions and the sources from which they appear to be drawn, we leave them all to older and wiser heads.

[Yazoo City Whig.

From the Southern Sun.

ANTICIPATIONS.—The developments of public sentiments so clearly indicate the ultimate success of Whig principles, and the consequent overthrow of locofocoism, that, with proper exertions, there is scarcely a probability that the country will be cursed by the reelection of Martin Van Buren. We feel justified, therefore, in anticipating some of the happy results which will naturally flow from so auspicious an event:—We shall achieve a glorious triumph of political principles—genuine republicanism shall be victorious over a corrupt and corrupting faction—and that political purity which marked the history of the U. States during the enlightened administration of Jefferson, shall again control the destinies of our country. The principles upon which our peculiar structure of government is based, are founded in justice and liberality—they are consonant with substantial liberty, and tend in an eminent degree, when observed and practiced, to promote private and public virtue and prosperity. The party which now holds the reins of government profess the most enthusiastic devotion to those principles; yet all observant men perceive that their practice is in open conflict with every thing assimilated to democracy. True, they have the name, but the substance is wanting. The hallowed flag of democracy waves above their mercenary legions, yet the emblem is filched from its proper owners, and is used as pirates sometimes use an honored banner, to conceal their true character, and hide the criminality of their real designs.—The locofoco party, really have no great political tenets to distinguish them from others; for they have alternately advocated and condemned every great doctrine which has been advanced in the country, as their own party interest dictated. The only ties which bind them—the only principles which govern—are these: To serve their party, by all means, whether honorable or base—to defend the most ruinous assumptions of power on the part of their leaders—to applaud every thing which is done by the administration—to persecute and slander and vilify all prominent men who stand in opposition to their sordid policy—to monopolise all the honor and offices of the government—to become wealthy and powerful by acquiring the golden "spoils of victory"—to strengthen the arms of government and destroy the power of the people—in short to perpetuate their reign, and maintain supreme authority forever.—These are the disreputable considerations which evidently excite them to exertion; and we think that the history of the times will abundantly prove it. When such feelings and views attain a controlling influence in any government, it is by no means strange that ruin and misery advance throughout the country, with gigantic strides. Divest the rulers of any people, of the ennobling impulses of patriotism and honor, and there is no longer a sufficient guarantee for liberty and prosperity. Written constitutions, embodying the most profound and sagacious provisions, and breathing the purest spirit of democracy, will avail nothing, where such feelings become absorbing in their intensity; for that unbounded avarice, that reckless selfishness and deep-rooted corruption which constitute the disgraceful essence of locofocoism, will blindly trample upon the most sacred barriers thrown around the liberties of the people, and rush madly onward, even over the fragments of every thing which patriotism holds sacred.

We anticipate with heartfelt pleasure, the period when this vile party shall have been destroyed. We want, once again, to see an honorable, intelligent and honest man sitting, in dignified composure in the seat which Washington once occupied, and dispensing to this great nation the blessing of a wise and virtuous administration. We want to see the brawling tools of locofocoism hurled from the national councils, and an assemblage of decent and honorable men, calmly dispensing laws of wisdom and utility. In short, we want to see the destruction of locofocoism and the triumph of genuine democracy—the pure democracy of the revolution, such as our illustrious progenitors practised and Thomas Jefferson observed.

An important result of the anticipated whig victory will be, to cleanse and renovate the several departments of government from the nauseating stench of moral depravity which every where prevails—to expel the thousands of rogues and rascals who wear the robes of office—to consign to merited obscurity those besotted plunderers who revel upon the stolen treasure of the people, and to give honest men a chance to serve their country. We desire again to see that honor and virtue and talent shall constitute a passport to distinction, and not, as in the present depraved state of things

utterly incapacitate a man for acquiring distinction. So long as locofocoism is the order of the day, it is out of the question for an honest man to aspire to a high place—he is "unfit for the court"—the party use no such queer materials in their work. A genuine democrat and an honest man in the locofoco cabinet would be as strange a spectacle as an angel of light amidst the carousals of the followers of his "saturnic majesty."

We believe there will not be realised any thing like general commercial prosperity in our land, until "the party" shall have been vanquished. By a series of experiments they have already furlled the wings of commerce—stilled the hammer of industry—and paralysed the energies of domestic enterprise. Those experiments will be repeated, if the Van Buren party should succeed, until even the wreck of our hopes shall be swept away, and nothing but individual and national ruin left us. It is important, therefore, that they should be displaced, and competent men engaged to repair the ruins as well as they can, and arrest our public affairs in the progressive road to destruction which they are now pursuing.

A glance at what we now are, and that which we might become, should nerve the arm of every whig in this extended Union, to strike for liberty, with the strength of a giant. We hold in our hands the destinies of this glorious republic; for by union and zeal we must inevitably be victors. Such incentives should urge us to labor unceasingly in the good cause. It is our duty to do so. Every man, however humble, should feel that he owes his best exertions to his suffering fellow countrymen and to the waning cause of liberty.

The following graphic description of the Kentucky Orator, is from the pen of MILFORD BARD. It appears he had been invited to record his opinion of this illustrious statesman, and the following is his answer. Where is the man possessed of a candid mind that will ever charge HENRY CLAY with being a traitor to the south? Who will deny his capability of holding the reins of Government with a steady hand and "an eye single to her welfare."—that he is the most prominent candidate, for the highest office within the gift of the American People—and that on his election depends the safety and welfare of millions. We commend it to our readers:—Yazoo City Whig.

The mighty Statesman now we scan,
The friend of freedom and of man.

I am invited to record my opinion of one of the most illustrious characters that ever dignified or adorned the pages of history—that ever dazzled the world with the brilliancy of his career. He stands in the Hall of the American Senate, the avowed champion of the rights of man; he stands alone, a magnificent monument of genius, and in vain may we search among the tombs of Oriental genius, or the records of ancient talent, for a parallel to this mighty orator of nature. Like that of Demosthenes and Cicero, the thunder of his eloquence strikes terror to tyrants; it pours from his tongue like a flood of flame, tumbling from the summit of the Alps, or Andes, and the very walls seem to live and leap as they echo back the burning words of eloquence. In the grandeur of his conception rivals the most glorious masters of Greece, and in the beauty and brilliancy of his language, he has never been surpassed by the most splendid specimens of Roman or Arabian oratory. Even the tongue of Tully, which made the mighty Roman tremble, and struck horror to Catinus; never excelled in the glory of oratory the Heaven touched tongue of Clay. When he rises in Congress like some mighty lion that is about to spring upon his prey and crush him to the earth—every eye is fixed—every tongue is mute, and silence holds her reign while power of the eloquence holds spell-bound the great phalanx of genius that surrounds him.

As a Statesman he has proved himself not only the friend and benefactor of man, but the Saviour of his country when the dark cloud of war was gathering in the South, and brother was ready to imbrue his hands in the blood of a brother. Like the Angel of Peace Henry Clay came forward, rolled back the dark cloud of war, and the rainbow of reason appeared on the horizon of Carolina.

But whether we view him as a statesman of an orator he is the same original and glorious character. The Parliament of England has recoiled with the strains of Burke and Chatham, and our own Congress has been charmed by the burning and brilliant eloquence of Webster and many other illustrious characters, but greater than Burke and Fox—greater than Webster and the most brilliant orators of the House, is Henry Clay, the great and determined opposer of all usurpation.

Henry Clay is the guardian and guarantee of American Liberty. Give him the reins of Empire, and the silver shod horse of the despot will never trample on the ruins of our empire—give him the reins of empire, and the flag of freedom will forever wave on the walls of Washington. His fame has gone forth to the world—the pages of history have recorded his renown, and his memory will forever be engraved on the hearts of his countrymen.

MILFORD BARD.

A GOOD IDEA, PROPERLY PROMULGATED.—A suitor appeared in a Court in London, about the 20th of last month; and was about making known the grounds of his application, when the judges told him that they had already made a decision fatal to his plea. The suitor confessed his utter ignorance of any such decision.

"It was in all the newspapers," said the Court.

"But I do not see the newspapers," said the man.

"That is not our fault," replied the judges.—"You should see the newspapers, and every other man should."

That is a decision of an English Court, and we suppose it is operative here as well as there.

[U. S. Gazette.]