

vor, the vain aspirants after political importance, honor and notoriety—all will crowd into the President's train, and vie with each other in doing his bidding. I am speaking of the probable, natural, inevitable effects of political causes put into action. I do not believe, and therefore I am but unwilling, that the General Assembly intends to open the field for these abominations. I speak with freedom and, not without sincere respect. It is the firm conviction of my mind, that there never was, and cannot be, a process invented, better calculated than that which I am now going to take to an active part in establishing, to place the Federal Executive under the strongest temptation to employ its influence, power and patronage, in the purchase of subservient Senators; and to place the State Assemblies under temptation to provide the commodity for market; to destroy the purity of the people, upon which all depends at last; to destroy the purity of the State Assemblies, and to prostrate their dignity, authority, and influence." Is the dust? As to the Senate, that will suffice, to all my readers who are not yet converted to sawing in the system of the Federal Government, absolutely annihilated.

And if this doctrine shall, in practice, be confined to Virginia, as perhaps it may be, and, judging from present appearances, probably will be; then these abominations will be confined to her alone: her people alone will be exposed to the process of demoralization, her Assembly to the trials of corruption and seduction; and her ancient dignity and pristine glory will only be remembered to point the taunting of scoundrel condition.

Many there are, I know, many good and thinking men, especially in Virginia, who differ with me on this subject; who approve the doctrine I have been contending, in principle, and hope the most beneficial results from it, in practice; who are as firm in the conviction, that it is necessary to the maintenance of the State sovereignties, as I am in the belief, that its probable, and indeed unavoidable effect will be, to impair, degrade, and prostrate them; and whose minds are, therefore, predisposed to condemn my opinions, and my conduct, on this occasion. I do not presume to censure them, and I must patiently abide the censure they will pronounce on me. If, with the sentiments I entertain concerning this doctrine, and the pernicious consequences that are likely to flow from it, I should consent to become an active instrument in establishing it, by setting an example of conforming with it, I could not ask the forgiveness of my country, and should hardly hope for mercy from Heaven.

I see, with no little surprise, that it is declared, in the preamble to the resolutions of the General Assembly, which you have transmitted to me, that "the Assembly deem it their duty *again* to reassert, in behalf of themselves and the people of Virginia, the right of the constituent to instruct, and the duty of the representative to obey or resign;" from which I infer, that the General Assembly supposes, that this same document has been passed before.

I can only say, that this peculiar doctrine ever was asserted before, I do not know, when, where or on what occasion, it was asserted. It certainly is not asserted, nor was it intended to be asserted, in the preamble and resolutions adopted by the General Assembly in February 1812, on the subject of the right of instruction. That paper was the work of my own hands, without assistance from any other person whatever, and drawn up (as I but too well remember) with a haste, which, in my own apprehension at the time, materially impaired its value; yet, upon a recent and careful review of it, I do not find myself inclined to retract, or to modify, in any essential point, the propositions there asserted and maintained; and, therefore, I am willing, and even desirous, that my present opinions and conduct shall be tested by them. I was, then, a young statesman, but not a very young man; and it had been fixed in my mind, by reflection and by the lessons of history, as a rudiment in ethics and in politics, that no proposition can be stated in either, however just and true, when properly understood and applied, that may not, if abused, misapplied, or pushed to extremes, result in vice or folly. Sensible that the right of instruction, and the correlative duty of obedience, might be abused to the purpose of commanding violations of the constitution, and even acts of moral turpitude—so abused, under the influence of excitement and passion, to which the constituent body, as well as the representative, like all other men, might sometimes be subject—I took the utmost pains to guard the doctrine against such abuses. Let us see how I accomplished the object. The very claim which I understand the General Assembly now assert, to power in itself, and to oblige from me, absolute power on the one hand, and blind obedience on the other—is stated in an objection to the reasoning of the preamble, and answered, as follows:

"But it has been said that a State Government may instruct its Senators to promote the cause of rebellion; and it is asked, whether the Senator would be bound by such instruction, to violate the constitution he had sworn to preserve, and to overthrow the Government he had sworn to defend? It may be answered, in the first place, that the particular instruction, which forms the subject of present consideration, could by no possibility involve a breach of the constitution of the United States. It might, and in the opinion of this Assembly, would have been unconstitutional, to charter the Bank of the United States; but, surely, it could not possibly be deemed unconstitutional, not to

taken for granted, that a State in open rebellion against the General Government, would still be entitled to its representation in the Senate, which, to say the least, is extremely doubtful; it is admitted without difficulty, that if a State instructs its Senator to give a vote plainly unconstitutional, or to give the standard of rebellion, the Senator is not bound to obey such instruction.—Every case, such as that supposed, must stand upon its own peculiar circumstances: it supposes all bounds of right transcended, all legitimate rule prostrated, and the propriety of opposition must be determined by the nature of the injustice, the extent of the mischief, and the prudence of resistance. But it is no argument against the exercise of a lawful power, that it may be made the pretext for the assumption of an unlawful power. The right of instruction, rightfully exercised, with no evil intention, to no pernicious object, cannot be affected by the admission, that if a State Government, or the General Government, become corrupt and ambitious, and usurp tyrannical power, it may, of right, and ought to be resisted.

The General Assembly of Virginia is incapable ofiforming the exploded doctrine of non-resistance." And upon this reasoning in the preamble, the two resolutions of a general nature, with which the paper concludes, assert:

That it is the indisputable right of the State Legislature to instruct their Senators in Congress, on all points, either constitutional or politic, whenever the magnitude of the occasion shall require such interference, and that, by consequence, it is the bounden duty of the Senators to obey such instructions; provided the instructions to be given and obeyed, require not the Senator to commit a violation of the constitution, or an act of moral turpitude.

Then, as to "the prudence of resistance" in this case. All questions of resistance to authority present a compound consideration of right and expediency. However, the right of resistance may be in itself, yet it ought never to be resorted to unless there be a reasonable hope of correcting the mischief, and securing some good end, or ought any man, however strong his sense of wrong and injustice, to involve others with himself in a hopeless, useless, dangerous effort of resistance? This last objection to the course I have resolved to pursue I have taken the most effectual care to obviate. I have asked the advice of no man, much as I desired the advice of my friends, and willingly as I should have sought it, if I could have done so without danger of committing them, as men of honor, to share my fate; I have, indeed, communicated my purpose to very few, and to them in the strictest confidence: I have held no correspondence with any member of the General Assembly on this subject, since the commencement of its present session, and, in fact, have written only one short note on a different topic to one of them; lest correspondence commenced on other subjects might lead to correspondence on this. This line of conduct had its inconveniences, to which I was not insensible; but I could not depart from it without abandoning the system of action I had prescribed by the considerations by which all re-

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the constituent to judge and command and his to believe and obey. Can it be really thought that the official oath of a Senator, to support the Constitution of the United States is subject to an exception which exempts him from the duty of supporting it against infringement attempted by the State Legislature that has elected him? that the Senator may and ought to take the oath with *several* reservation, that he shall be commanded by the constituent body to violate it? Surely the General Assembly is not going to give its high sanction to doctrines of this kind, which would sap the foundations of all public virtue. The truth is that in all contests between those who exercise authority and those over whom it is exercised, the former are to be trusted, and the latter are to be distrusted, as to the rightful exercise of such authority—as to the duty of obedience or the right of resistance; both parties must, in the nature of things, judge for themselves; and the only difference between them is, that the party resisting power resists at his peril; which alone suffices, in general, to determine him against resistance.

Those who hold power have the right to exercise judgment, and that those over whom power is exercised have no right to judge for themselves whether they are oppressed or not, were to affirm the very doctrine of passive obedience and non-resistance maintained by the University of Oxford in the reign of James II. The commands of the constituent Legislature cannot justify, or even excuse the Senator, in a palpable violation of the Constitution, or in an act of moral turpitude. The servant, nay, even the slave is not bound to obey, and more, is not excusable for obeying, the unlawful commands of his master.

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when I returned home, after the termination of the session of Congress of 1812-13, I had come to a resolution to leave the Senate; that I would keep it in my power to take my seat, under my last election, to this body, in case an extra session of Congress should be called by the President; but that I would resign the office, or (which was the same thing) decline the acceptance of it, at the commencement of the then next session of the General Assembly. This resolution, dictated by a sense of duty owed my family, was so openly announced that I suppose it must have been generally known, at least, in the city of Richmond. It was not until the scheme of the county of Frederick, to collect and make distress for any public debts or officers' fees which shall remain unpaid by the inhabitants of the county of Clarke, at the time when this act shall commence and be in force, and shall be accountable for the same in like manner, as if this act had never been passed.

The justices of the peace, com-

missioned and qualified as aforesaid, for the said county of Clarke, shall meet at the house now the residence of Joseph M. Nicklin, in Badin town, in said county, on the fourth Monday in March next, and a majority of them being present, shall proceed to the appointment of a clerk of the said court, shall nominate to the Governor, suitable persons to be commissioned as sheriff and coroner of the said county, and fix upon a place for holding the courts of said county, until the necessary buildings shall be constructed at the place designated by the said commissioners.

It shall be lawful for the sheriff of the county of Frederick, to collect and make distress for any public debts or officers' fees which shall remain unpaid by the inhabitants of the county of Clarke, at the time when this act shall commence and be in force, and shall be accountable for the same in like manner, as if this act had never been passed.

JOHN S. GALLAGHER.

March 24, 1836.

THE FREE PRESS.

CHARLESTOWN.

THURSDAY, MARCH 23, 1836.

To the Patrons of the Free Press.

The undersigned is making arrangement to resume the editorial management of this paper, at least during the summer months.

Having undiminished confidence in the unwavering friendship and liberality of the people of Jefferson, he has no fear of being abandoned by them for the essence of seeking to promote the welfare and comfort of his family in another quarter.

This interest in the county has no wise been lessened, nor has his affection for the sheriff of the said commissioners.

It shall be lawful for the sheriff of the county of Frederick, to collect and make distress for any public debts or officers' fees which shall remain unpaid by the inhabitants of the county of Clarke, at the time when this act shall commence and be in force, and shall be accountable for the same in like manner, as if this act had never been passed.

JOHN S. GALLAGHER.

March 24, 1836.

VAN BUREN MEETING.

At a meeting of the friends of the Administration, held at Mr. Stone's Tavern, in Charlestown, on the 23d inst. (a Court day), Mr. THOMAS RAWLINS being called to the chair, and GEORGE R. WOODS, Esq., appointed Secretary, the following Preamble and Resolutions were unanimously adopted:

Whereas, the friends of the Administration, in this county, having, on a former occasion

expressed various subjects of importance, not only to their own State, but, to the cause of republican liberty throughout the country; And,

whereas, this meeting, being of opinion that recent developments have rendered it proper that the same should be again repeated. And that it should be further

Resolved, That Benjamin W. Leigh, by refusing to obey instructions on treason, has both defied the authority of that Legislature and the wishes of the people of Virginia, and that John Tyler's *sudden* resignation should receive from all true Republicans, as from its date, the applause it merits, and the more especially, at the present juncture, because most opportunity condonatory of the recreancy of Mr. Leigh & Co.

Resolved, That this meeting, whilst it

refuses to obey instructions on treason, has both defied the authority of that Legislature and the wishes of the people of Virginia, and that John Tyler's *sudden* resignation should receive from all true Republicans, as from its date, the applause it merits, and the more especially, at the

TO CAPITALISTS.
A Splendid Tannery, &c.
AT HARPER'S FERRY, VA.

FOR SALE.

THE very valuable and eligible real property belonging to the Estate of Townsend Herkimer, deceased, situated on the Island of Virginia, at Harper's Ferry, is now in the market at private sale. To those acquainted with the premises, a detailed description would be altogether unnecessary. As the property, however, is well worthy the attention of distant capitalists, desirous of making a profitable investment in such property, their attention is respectfully called to the following facts, combining to render the establishment here offered unusually eligible.

MACHINERY, supplied with abundant water, is in great order, a large quantity of Vats, with ample room for storage, any additional number, many of them under roof. Shops, Work houses, and, in a word, every other convenience required to carry on the business on the most extensive scale. It is situated nearly at the mouth of the Shenandoah river, by which it connects with the Chesapeake and Ohio Canal, distant only a few hundred yards. The Winchester and Potomac Rail Road, connecting at Harper's Ferry, with the Baltimore and Ohio Rail Road, and now finished, passes within a few rods. The transportation, consequently, is from Baltimore to the low rate of about 25 cents per hundred. It being the only tanning establishment at the place, or for many miles around, the abundant supply of slaughtered hides afforded by Harper's Ferry, and the vicinity, amounting to 10,000 or upwards annually, is entirely open, with but little competition; the price has therefore been fixed at a minimum of ten cents per lb. The same cause, together with the large number received by the U. S. Army, now an ample and advantageous market for the sale of the leather.

An extensive range of mountains in the vicinity affords also an abundant supply of excellent bark; the price has been about \$4 per cord for chestnut bark, the kind principally furnished; and \$3 per cord for black oak. Attached to the property are two commodious dwelling houses, the yards and gardens of one of them highly improved, with all necessary out-buildings, an ice house, slaughter house, with several other buildings of different kinds.

Also, an excellent OIL MILL, supplied by an abundant water power, which, in consequence of the scarcity of Basswood, has not, for several years, been in operation. The machinery and fixtures, however, can easily be adapted to other purposes requiring water power.

The above, together with many others, the detail of which would render this advertisement too lengthy, is universally admitted, by all acquainted with the premises, to constitute a property the most eligible of any which is to be found out of the large cities, and, perhaps not inferior to the latter, if the low price of bark be considered.

This property being left in the occupancy, and under the management of a widow and young children, it will be disposed of on very reasonable terms, both as to price and conditions of credit.

For further information apply either to JAMES P. BAYLOR, tanner and currier; No. 1, Chestnut, Baltimore; JNO. FRAME, at Harper's Ferry; or ANDREW HUNTER, Esq., at Charlestown, Va.

March 3, 1836.—4.

The National Intelligencer and Baltimore Patriot, will insert the above 4 weeks in their respective country papers, and forward their accounts to this Office for collection.

To Carpenters & Lumber Men.

THE undersigned are ready to contract for the new Courthouse to be erected in Charlestown during the next summer.

We will also erect a bridge across the river on the 1st day of April, for the Lumber and Carpenter's Work.

Before any proposals can be made, it will be necessary for the persons desiring to furnish the materials and to do the work, to examine the plans and specifications of the intended building, which may be seen at the office of Andrew Kennedy, or by applying by letter or in person, to either of the three first named Commissioners, residing in Charlestown.

As the contract for Lumber will be heavy, it is desirable to have proposals for it, at an earlier day, if possible; than that named above. And Carpenters, intending to bid, are requested to call on the Commissioners early, in order to aid them in making out a bill of lading for the lumber.

ANDREW KENNEDY,
S. W. LACKLAND,
I. R. DOUGLASS,
B. C. WASHINGTON,
GEORGE RYFORD,
March 17, 1836. Commissioners.

The Morning Gazette, Winchester Republican, and Hagerstown Torch Light, will please publish the above until the 25th April, and send to us.

Take Notice!
THE subscriber informs his friends and the public in general, that he has commenced his operations on the premises of Mr. John Yates, near the Flaming Spring Mill, where he will be ready to supply any who may favor him with a call, on the most accommodating terms, and at the shortest reasonable notice, with any article common to his avocation, such as,

Wagons, Carriages, Ploughs, Carts, Harness, &c. &c.

His shop stands immediately on the main road leading from Charlestown to Hagerstown, opposite Mr. High's Blacksmith Shop, where he may be found at almost every hour in the day.

Come, if you are bound for the West, My Wagons, air are of the best. Or if you should prefer to plough, One of my make will teach you how; Just hold her up—then will she stand, And turn the sod from land to land; But if you wish to get a cart, I'll make you one with all my heart. Or a most splendid carriage, With wife and children, great and small.

JOHN B. HOCKENSMITH.

March 17, 1836.

Medicines, &c.
A. M. of Columbia, 11th & 12th Licensed Compound Syrup, Liverwort, Extract Saponaria, Balsam's Compound, Carpenter's Extract—Saponaria, Cubeb and Cognac, Butter's Fracturing Magnesia, Digestive Elixirs, received and for sale at YOUNG'S Drug & Medicine Store.

Dissolution.
THE Partnership heretofore existing between T. C. Sigafouse & Jacob Foreman, under the firm of T. C. Sigafouse, is dissolved by mutual consent. All those indebted to the firm will please call and make settlement with cash or notes, to T. C. Sigafouse, who is authorized to close the business of the concern.

T. C. SIGAFOUSE,
JACOB FOREMAN.
Bolivar, March 10, 1836.—31.

N. B.—The business will be conducted by the firm of the old stand by JOHN T. ROOKES.

PROSPECTUS
OF A COURSE OF
LECTURES ON CHEMISTRY.

PROPOSE, at the close of the present session of the Charlestown Lyceum, to commence a prospective course of Lectures on Chemistry and Natural Philosophy. If the interest and general enthusiasm of this town and vicinity will encourage the project sufficiently to justify the purchase of a sufficient number of seats, I will proceed to draw up a series of lectures, which I have drafted, on these subjects, and my fondness for the study of them, would enable me to make a satisfactory return for the extension of their favour and patronage.

These interesting sciences, when taught by a course of popular lectures, are not only instructive and useful, but amuse and entertain.

The time of the course will be determined by the subscriber, and will be so arranged that the lecture which I have drafted, on the subject which I have selected, to these subjects, and my fondness for the study of them, would enable me to make a satisfactory return for the extension of their favour and patronage.

Any person wishing to contract, will please furnish the subscriber with his proposition, or before the 10th of August next, stating the whole amount he will furnish, the price per seat, and the quantity per month.

For further information apply either personally to the subscriber on the line of the Potowmack, or to the Trustees appointed by the General Assembly of Maryland, passed at December session, 1834—so authorizes Henry Saenger, George Shaffer & T. L. Shaffer, *To Distribute their Estates by Lot.*

THIS property is situated in the village of Hagerstown, in Washington County, one-half mile back, a large quantity of Vats, with ample room for storage, any additional number, many of them under roof. Shops, Work houses, and, in a word, every other convenience required to carry on the business on the most extensive scale. It is situated nearly at the mouth of the Shenandoah river, by which it connects with the Chesapeake and Ohio Canal, distant only a few hundred yards.

The Winchester and Potomac Rail Road, connecting at Harper's Ferry, with the Baltimore and Ohio Rail Road, and now finished, passes within a few rods.

The transportation, consequently, is from Baltimore to the low rate of about 25 cents per hundred.

It being the only tanning establishment at the place, or for many miles around, the abundant supply of slaughtered hides afforded by Harper's Ferry, and the vicinity, amounting to 10,000 or upwards annually, is entirely open, with but little competition;

the price has therefore been fixed at a minimum of ten cents per lb. The same cause, together with the large number received by the U. S. Army, now an ample and advantageous market for the sale of the tan leather.

An extensive range of mountains in the vicinity affords also an abundant supply of excellent bark; the price has been about \$4 per cord for chestnut bark, the kind principally furnished; and \$3 per cord for black oak.

Attached to the property are two commodious dwelling houses, the yards and gardens of one of them highly improved, with all necessary out-buildings, an ice house, slaughter house, with several other buildings of different kinds.

Also, an excellent OIL MILL, supplied by an abundant water power, which, in consequence of the scarcity of Basswood, has not, for several years, been in operation. The machinery and fixtures, however, can easily be adapted to other purposes requiring water power.

The above, together with many others, the detail of which would render this advertisement too lengthy, is universally admitted, by all acquainted with the premises, to constitute a property the most eligible of any which is to be found out of the large cities, and, perhaps not inferior to the latter, if the low price of bark be considered.

This property being left in the occupancy, and under the management of a widow and young children, it will be disposed of on very reasonable terms, both as to price and conditions of credit.

For further information apply either to JAMES P. BAYLOR, tanner and currier; No. 1, Chestnut, Baltimore; JNO. FRAME, at Harper's Ferry; or ANDREW HUNTER, Esq., at Charlestown, Va.

March 3, 1836.—4.

The National Intelligencer and Baltimore Patriot, will insert the above 4 weeks in their respective country papers, and forward their accounts to this Office for collection.

To Carpenters & Lumber Men.

THE undersigned are ready to contract for the new Courthouse to be erected in Charlestown during the next summer.

We will also erect a bridge across the river on the 1st day of April, for the Lumber and Carpenter's Work.

Before any proposals can be made, it will be necessary for the persons desiring to furnish the materials and to do the work, to examine the plans and specifications of the intended building, which may be seen at the office of Andrew Kennedy, or by applying by letter or in person, to either of the three first named Commissioners, residing in Charlestown.

As the contract for Lumber will be heavy, it is desirable to have proposals for it, at an earlier day, if possible, than that named above. And Carpenters, intending to bid, are requested to call on the Commissioners early, in order to aid them in making out a bill of lading for the lumber.

ANDREW KENNEDY,
S. W. LACKLAND,
I. R. DOUGLASS,
B. C. WASHINGTON,
GEORGE RYFORD,
March 17, 1836. Commissioners.

The Morning Gazette, Winchester Republican, and Hagerstown Torch Light, will please publish the above until the 25th April, and send to us.

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