

ture of Virginia, in '98 and '99, against the Alien and Sedition Acts, are much dwelt upon.

"It may often happen, as experience proves, that erroneous constructions not anticipated, may not be sufficiently guarded against, in the language used; and it is due to the distinguished individuals, who have misconceived the intention of those proceedings, to suppose that the meaning of the Legislature, though well comprehended at the time, may not now be obvious to those unacquainted with the contemporary indications and impressions.

"But it is believed that by keeping in view the distinction between the Governments of the States, and the States in the sense in which they are parties to the Constitution; between the rights of the parties, in their concurrent and in their individual capacities; between the several modes and objects of interposition against the abuses of power, and especially between interpositions within the purview of the Constitution, and interpositions appealing from the Constitution to the rights of nature, paramount to all constitutions; with an intention, always of explanatory use, to the views and arguments which were combated, the Resolutions of Virginia, as vindicated in the Report on them, will be found entitled to an exposition, showing a consistency of the whole with the doctrine under consideration.

"That the Legislature could not have intended to sanction such a doctrine, is to be inferred from the debates in the House of Delegates, and from the address of the two Houses to their constituents, on the subject of the Resolutions. The tenor of the debates, which were ably conducted, and are understood to have been revised for the press by most, if not all, of the speakers, discloses no reference whatever to a constitutional right in an individual State to arrest by force the operation of a law of the United States. Concert among the States for redress against the alien and sedition laws, as acts of usurped power, was a leading sentiment, and the attainment of a compact, the immediate object of the course adopted by the Legislature, which was that of inviting the other States "to concur in declaring the acts to be unconstitutional, and to co-operate, by the necessary and proper measures, in maintaining unimpaired, the authorities, rights, and liberties reserved to the States respectively, and to the People."* That by the necessary and proper measures to be concurrently and co-operatively taken, were meant measures known to the Constitution, particularly the ordinary control of the People and Legislatures of the States, over the Government of the United States, cannot be doubted; and the interposition of this control, as the event showed, was equal to the occasion.

"It is worthy of remark, and explanatory of the intentions of the Legislature, that the words "not law, but utterly null, void, and of no force or effect," which had followed, in one of the Resolutions, the word "unconstitutional," were struck out by common consent. Though the words were in fact but synonymous with "unconstitutional" yet to guard against a misunderstanding of this phrase as more than declaratory of opinion, the word "unconstitutional" alone was retained, as not liable to that danger.

"The published Address of the Legislature to the People, their constituents, affords another conclusive evidence of its views. The Address warns them against the encroaching spirit of the General Government, argues the unconstitutionality of the alien and sedition acts, points to other instances in which the constitutional limits had been overleaped; dwells upon the dangerous and in deriving power by implication; and in general presses the necessity of watching over the consolidating tendency of Federal policy. But nothing is said that can be understood to look to means of maintaining the rights of the States, beyond the regular ones, within the forms of the Constitution.

"If any further lights on the subject could be needed, a very strong one is reflected in the answers to the Resolutions, by the States which protested against them. The main objection of these, beyond a few general complaints of the inflammatory tendency of the Resolutions, was directed against the assumed authority of a State Legislature to declare a law of the U. S. unconstitutional, which they pronounced an unwarrantable interference with the exclusive jurisdiction of the Supreme Court of the United States. Had the Resolution been regarded as avowing and maintaining a right, in an individual State, to arrest by force the execution of a law of the United States, it must be presumed that it would have been a conspicuous object of their denunciation.

* With cordial salutations,
MR. E. EVERETT. JAMES MADISON.

* See concluding Resolution of 1793.

OUR CLIMATE.—We are informed, says the New York Daily Advertiser, by a gentleman who has particular reason to depend on his recollection of the time, that on New Year's day, thirty-seven years ago, the weather was remarkably pleasant, and so mild in this latitude, that he drank tea in the afternoon without fire, and with open windows.

The Sumter *Whig* gives a fearful account of the emigration from that part of the country, which it classes among "the blessed consequences," of Nullification; and strange to say, this abandonment of their "beloved Carolina," is almost wholly confined to the nullification chivalry, who seem anxious to place their property, and in many cases their persons also, beyond the reach of the storm which under their auspices now lowers over our State. But we will let the *Whig* speak for itself.

Charleston Courier.
"One of the blessed consequences of Nullification, which we are now realizing, is the removal of great numbers of our people, and of the taxable property from the State. If the current of emigration continues to flow for a twelve month as it has for the last month, South-Carolina, (at least this part of it) is likely to become, without a figure, a waste howling wilderness. And it is a matter to be remarked, that it is not the Union men generally, the spiritless submissionists as they have been scornfully termed, but chiefly the brave spirits, the pinks of chivalry, the fire and brimstone eaters, who have suddenly been enlightened as to the vast advantages of the western country. Inasmuch that they are even willing to sacrifice their immovable property, forego the glories of the great triumph which awaits the State, and barter away the golden visions of trade and boundless wealth and prosperity, which we are told are to make our glorious little State another El Dorado, for those advantages, although where they go they must submit, to what they denounce as the grinding despotism of the General Government."

The Editor of the Baltimore Federal Gazette, in the course of some remarks upon the new year, has the following just reflection upon the conduct of the Nullifiers of this State:

"The peculiar and important aspect of our political situation is a matter that must interest every man—every family in this community—and the demonstrations of disaffection evinced among the faithful men in South Carolina, gives a fearful evidence that their attachment to the Union of this great Republic has ceased—it is therefore a matter of some consequence to every one to become familiarly acquainted with all the attendant circumstances, that they may act when their country calls."

The New York Mercantile Advertiser concludes a notice of Gov. Hayne's proclamation with the following novel and happy illustration of the nationality of the Federal Government, drawn from our national motto:

"We firmly believe that the States compose "one nation." It might be presumption in us to attempt to offer any arguments in addition to those used by the President—but we may be excused for referring to the motto on our national emblem—it is *E pluribus UNUM*—which rendered into English is, *ONE, from many*." Was not this motto adopted by the sages of our land, as one mode of expressing their views that we were *ONE NATION*? Without further comment, we refer to the Proclamation of Governor Hayne."

At the late anniversary of the Typographical Society, in Philadelphia, the Nullifiers are technically hit off in the following Toasts, by Wm. Hill, and Mr. McKelley.

"Calhoun, Cooper, Hayne and Hamilton—The leaders of the Nullifiers; may their heads be used for mallets, and their arms for shooting sticks to tighten the quoits of the form of twenty-four."

"The Union—a capital form of Government having no (!) in the history of nations—may a new (§) in the Constitution put a (-) to the foul attempt to erase a (*) from our country's banner; otherwise a (†) will be planted in our reputation, which will cause the (‡) of scorn to be pointed at us. Let the American press so (§) the infamy of Southern Nullifiers that neither the influence of British (£) nor the loss of American (\$) will induce any citizen to resist his country's laws. If one drop of blood is spilled in the cause of disunion, may the ambition of its movers receive such a (-) of exaltation that their (•) may be cut short by the (→) of a hempen cord."

Vocal Clock.—On Monday, April 27, 1762, being at Lurgan, in Ireland, I embraced the opportunity, which I had long desired, of talking with Mr. Miller, the contriver of the statue which was in Lurgan when I was there before. It was the figure of an old man standing in a case with a curtain drawn before him, over against a clock, which stood on the opposite side of the room. Every time the clock struck he opened the door with one hand, drew back the curtain with the other, turned his head, as if looking round on the company, and then said, with a clear, loud, articulate voice—past one, or two, or three, and so on. But so many came to see this, (the like of which, all allowed to be not to be seen in Europe,) that Mr. Miller was in danger of being ruined, not having time to attend to his own business. So, as none offered to purchase it, or reward him for his pains, he took the whole machine to pieces.—*Westly's Journal*.

From the Raleigh Register.
The closing scene.—The Legislature brought their labor to a close on Friday morning last, and by night, but few members remained in the City. A reference to the Captions in this paper, will show what laws were enacted, and what resolutions were adopted. The number of public acts is small, though some of them are of a most important character. We are pleased to state that the deliberations of the Legislature were closed with the greatest harmony, nothing having occurred during the exciting discussions of the session, to mar the pleasures of social intercourse.—We subjoin a brief synopsis of the proceedings of the two Houses, since our last publication:—

A Resolution submitted by Mr. Hinton, of Beaufort, was adopted just before the adjournment, directing the Public Treasurer to subscribe on behalf of the State for as many shares in the stock of the proposed new Bank, as he may have unappropriated money in the Treasury, when it goes into operation.

The resolution submitted by Mr. Potts some days before, in relation to the controversy between South-Carolina and the General Government, which deprecates a resort to force by either party, was taken up for consideration, and after discussion, was on Mr. Polk's motion, again laid on the table, by a vote of 73 to 22.

Protests were submitted by Mr. Clark, of Beaufort, and Mr. Townsend of Perquimans, and ordered to be spread upon the Journals. On the Resolution, reported from the joint select Committee on Federal Relations, instructing our Senators and requesting our Representatives in Congress, to use all constitutional means to procure a peaceable adjustment of the existing controversy between South-Carolina and the General Government, Mr. Clark voted alone in the negative. His protest is confined to that Resolution, on the ground that it is the duty of our delegation in Congress, both by the Constitution under which they act, and by their oath to support the same, to attend to the general concerns of their constituents, the adoption of the Resolution, would seem to anticipate a dereliction on the part of the whole of our representation in Congress of their appropriate duties, and would manifest a disposition in the Legislature to pass, in advance, a vote of censure upon them. Mr. C. also takes the position, that the Legislature is one set of agents and Congress another, appointed for distinct purposes, both deriving their powers from the sovereign people, and that one agent has no right to instruct another, the privilege to do so, being vested alone in the principal from which both derive their existence. These, we believe, are the reasons which he assigns.

Mr. Townsend's protest is confined to the Resolution denouncing Nullification, adopted by both branches of the Legislature. He repudiates the South-Carolina doctrine, not believing it to be a constitutional remedy, but protests against the expression of any opinion on the subject by the Legislature of North-Carolina, as being uncalled for by the existing crisis, ill-timed and ungenerous towards a sister State.

The Resolution which had passed the Senate, requesting South-Carolina to postpone the execution of her Ordinance, was taken up in the House of Commons on Thursday, and laid on the table until the 3d Monday in November next—tantamount to rejection.

The following bills were postponed indefinitely, viz: To exempt from execution a certain portion of the farming utensils, and household and kitchen furniture of the citizens of this State—To repeal part of an act passed at last session, to regulate retailers of spirituous liquors—To prevent the issuing of writs of *capias ad satisfaciendum*, on judgments obtained before Justices of the Peace in the first instance—To compel Sheriffs and Jailors to advertise in the State Gazette—More effectually to prevent litigation and to avoid suits at law—To provide for a division of negroes and chattel property held in common—To authorize the trial of title to real estate when the same shall come in question on petition for partition—To give exclusive jurisdiction to the Superior Courts of Boucombe, and to amend an act passed in 1784, to regulate the descent of real estate, to do away entails, &c.

The new Bank.—We subjoin a synopsis of the provisions of the Act just passed by the Legislature, "To establish the Bank of North Carolina."
The first section provides that the Bank shall be established, with a capital of two millions, one half of which may be subscribed for by the State.
The second provides that the principal Bank shall be located at Raleigh, and for the establishment of such branches as the President and Directors deem expedient.
The third directs the Governor to issue his Proclamation appointing Commissioners to open books of subscription at the places therein specified. At the end of sixty days, the Commissioners to make returns of subscription, and if one million of dollars be not subscribed, then the Governor is to issue another Proclamation announcing the fact, and authorizing new books to be opened. At the end of ninety days, if five hundred thousand dollars be subscribed, then the Governor is to issue another Proclamation appointing a day for the subscribers or their agents to meet at Raleigh, for the purpose of appointing a President and eight directors, to serve until the Legislature meets, when the President is to be elected by that body, and annually thereafter.

The fourth provides that subscribers shall pay the whole amount of subscription within ninety days after the first general meeting. No discount to be made or note issued, until the capital stock is paid in.

The fifth prescribes rules for the government of the Directors.

The sixth incorporates the Stockholders—The charter to extend to the year 1863.

The seventh provides that the Cashiers and Clerks shall give bond and security.

The eighth prescribes a scale of voting.

The ninth declares that the Bank shall hold no property other than is requisite for the transaction of business.

The tenth provides that the total amount of debts which the Bank shall at any time owe, must not exceed three times the amount of the capital stock actually paid in. In case of excess, the directors to be liable in their private capacities.

The eleventh forbids the issuing of Notes under one dollar.

The twelfth prohibits the Bank from dealing in any thing but what pertains strictly to banking concerns.

The thirteenth prescribes six per cent. as the rate of interest, and provides for the making of half-yearly dividends.

The fourteenth provides that on all Notes for which payment may be refused, either at the principal Bank or its branches, 12 per cent. interest may be demanded.

The fifteenth imposes a tax of one per cent. on all individual stock after 1838.

The sixteenth directs a particular and full statement of the affairs of the bank to be annually submitted to the Legislature.

The seventeenth gives to the State the right of choosing one Director for every \$250,000 worth of stock subscribed, and declares that no member of the Legislature shall be eligible either as President or Director.

The eighteenth, nineteenth and twentieth sections relate merely to meetings of the Stockholders.

The twenty-first provides that any officer of the Bank who may embezzle its property, shall be deemed guilty of felony and prosecuted accordingly.

The twenty-second, that books of subscription may be kept open until all the stock is taken.

The twenty-third, that the notes of the Bank shall be received for taxes or debts due the State.

The twenty-fourth and last, that no officer of the Bank shall be indebted, at any time, in a greater sum than \$5,000.

PHILADELPHIA, JAN. 1.

Eulogy on Carroll.—Yesterday the City Council met by adjournment at the City Hall, and proceeded thence to the Hall of the Musical Fund Society, with a large number of the citizens, including the city and county officers, judges of the State and county courts, members of Congress, the clergy, officers and trustees of the University and Jefferson college, medical students and other citizens.

The Hall was crowded with ladies and gentlemen. On the stage was the Right Rev. Bishop WHITE, Hon. HENRY CLAY and Hon. JOSIAH S. JOHNSTON, of the U. S. Senate, the Hon. HORACE BINNEY and Chief Justice GIBSON.
The venerable Bishop WHITE, chaplain of the Revolutionary Congress, opened the meeting with a prayer. Mr. SERGEANT followed with an Eulogy on CHARLES CARROLL, which held his audience in the most undivided attention for nearly an hour and a half, during which reference was made to the services of the signers, and especially to those of CARROLL—but the opportunity was improved to show the nature of the instrument to which he and they placed their names—that it was union as well as independence which was declared, and moreover, that without the former the latter could not be. We will not anticipate the rich treat that awaits our readers, in the publication of this most orthodox exposition of political doctrines—this plea for union. We are sure that every citizen will respond to the sentiments of the distinguished Orator, and say, such are, and of right ought to be, the doctrines of all statesmen. The most perfect order was observed in the building throughout the exercises. Such an assembly, at such a time, and in such admirable order, is most creditable to the character of our city.—*U. S. Gazette*.

Death of the Hon. James Hillhouse.—Letters were received from New Haven yesterday, giving the intelligence that this distinguished individual died in a fit on Friday. His age is not stated, but we presume it is 80. Mr. H. has been one of the most prominent men in N. England. He has been elected to office by his fellow citizens for the last half century, was for a great number of years United States Senator, was a member of the Hartford Convention, and made a brave defence as commander of the military when the British took New Haven, during the Revolution. Few men have been warmer patriots or more zealous in the cause of their country. New Haven is indebted more to his efforts, than that of any other individual. He first planned their beautiful Cemetery and adorned the city by planting its stately Elms. He has been the warm advocate of the Farmington Canal, besides other important improvements.—*N. Y. Daily Adr.*

Preservation of plants during winter by spring water.—A horticulturalist in Scotland has availed himself of the heat of spring water, in the preservation of delicate plants. He places boxes of pine wood over the water, covering them with some coarse stuff, and in these boxes he places pots of cauliflowers, lettuce, various sorts of polargiums, Indian Chrysanthemums, Chinese primroses, &c.; and by this simple and economical method, preserves them all winter. He is of opinion that by means of the temperature of running water, winter gardens may be constructed for a farm or village. Care must be taken to renew the air in the boxes.—*Bib. Use.*

From the National Intelligencer, 17th inst.
A message of much importance was, it is believed, received by the President of the United States to both Houses yesterday. The subject of it is the existing difficulty between the General Government and the State of South-Carolina; and the Message was accompanied by copies of the several acts, proclamations, &c. which have emanated from both governments.

The message is of great length, and it has not been in our power to obtain a copy of it for to-day's paper. We shall, however, from a cursory examination of it, give our readers such a synopsis of it as will possess them of its general course and bearing, which we condense into the following paragraphs:

The message opens by a reference to the last annual Message of the Executive to Congress, and to the intimation therein contained, that should any emergency arise, rendering the execution of the laws of the United States for the collection of the revenue impracticable in any quarter of the Union, application should be made to Congress for such aid as they might appear to require. The message then goes on to say that events which have occurred in the quarter then alluded to, or which have come to the knowledge of the President subsequently to the date of his Annual Message, do present the emergency, as made known to him by the official transmission to him of certain acts of the State of South-Carolina. The President then adverts to his Proclamation of the 10th December, explaining his views, to his expectation that that Proclamation would not have been without effect, which reasonable expectation has not been realized, as appears by the several acts of the Legislature of the State of South-Carolina, which, he says, are calculated, in their positive enactments, and in the spirit of opposition which they obviously evince, wholly to obstruct the collection of the revenue within the limits of that State.

Referring to the Ordinance of the Convention, &c. the President says that notification has been received of the re-assembly of that body; and the interval between now and the 1st of February, the day when the Ordinance is to take effect, is too short to allow of the preliminary steps being taken for that purpose. The President adds that in the mean time the State Authorities are actively engaged in organizing their military resources, and providing means for supporting them, &c., and giving the most solemn assurances of protection and support to all who shall enlist in opposition to the revenue laws of the United States; and the Governor of the State has, in a recent proclamation openly defied the authority of the Executive of the Union, and invited volunteers to sustain the defiance. Thus, says the Message, South-Carolina presents herself in the attitude of hostile preparation, and ready even for military violence, and need be, to enforce her laws for preventing the collection of the duties upon imports within her limits.

The President then proceeds at large to lay before Congress not only the acts and proceedings of South-Carolina, but also freely to acquaint them with those acts which he has already caused to be taken for the due collection of the revenue, and with his views of the subject generally; that the suggestions which the Constitution in his opinion requires him to make in regard to future legislation thereupon may be the better understood.

The Message goes on to state that instructions have been some time ago issued from the Treasury to the Revenue Officers pointing out their respective duties under the existing laws, &c. taking notice of the ground professed by its advocates, that it was pacific in its nature. Since that time, circumstances had changed, and, reviewing the history of the proceedings in South-Carolina, &c. the President invites the attention of Congress to certain acts of the State, as published in the newspapers of the State, of which, although requested, the Executive had not succeeded in obtaining official copies from the proper authority of the State. If these acts, says the President, cannot be defeated and overcome by the exercise of the powers conferred on the Federal Government, the Constitution must be considered as incompetent to its own defence, the supremacy of the laws is at an end, and the rights and liberties of the People can no longer receive protection from the Government of the Union. These aggressions on the authority of Congress, the Message adds, are moreover absolute, indefinite, and without limitation; they offer to the United States no alternative but unconditional submission. It is true, that, in their address to other States, the South-Carolina Convention professes to submit a plan of taxation which they would agree to: it is true also that the Governor of the State, in his Message, suggests the call of a Convention of the States as an alternative: but it is also true that the conditions on which they would be willing to acquiesce, form no part of the Ordinance; and, even if these terms were offered in the same binding form as the Ordinance, they are so indefinite, and depend upon so many contingencies, and are opposed to the known opinions and interest of the great body of the American People, as to be almost hopeless of attainment—and the shortness of the time would