

relative to amendments, the word *power* does not occur—it declares that “amendments” shall be valid, “when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof.” Retrenching a power of Congress, is as much an amendment, as conferring a power; and therefore to be valid, must require the same number of votes.—When a convention is called, to propose amendments relative to a power claimed by the majority, and denied by the minority, it is evident that the final decision must depend altogether on the form in which the amendment is submitted to the states. If the amendment proposes to give the power, the power will be lost, because a small minority is sufficient to reject it; and for the same reason, the power will be sanctioned, if the amendment proposes to take it away. The form of the amendment then being absolutely decisive, and each party having an equal right to support its own construction, it is the height of extravagance to expect, that a majority maintaining the constitutionality of the power, would agree to incur certain defeat, by soliciting a grant, which they knew that a minority exceeding one fourth was pre-determined to refuse.

It is already we think sufficiently proved, that a minority exceeding one fourth, has not the constitutional right to impose its own construction on a majority. But there is a further evidence which appears to us so striking, that it would be improper to pass entirely without notice. If the framers of the constitution designed, that such a minority should have the right of laying an interdict on the exercise of any power which it considered unconstitutional, why did not those framers plainly say so? Why did they not indicate the manner, in which that right was to be enforced? There was no motive, no apology for a mysterious silence. They might have simply provided, that the declaration of this minority, thro’ their respective state legislatures, or conventions, should be sufficient for the purpose. Instead of making this obvious provision, or any other equivalent to it, they did not even grant to such a minority, the right of calling a convention—a privilege which belongs only to Congress, acting on the application of two thirds of the states. Here then if we admit the pretensions of the nullifiers, is the most astonishing anomaly ever witnessed in government. The constitution intends that a momentous power shall be possessed by a certain proportion of the states; and though an obvious mode might have been provided, for its safe and easy exercise, no mode whatever was designated, and hitherto none better has been devised, than the open resistance of a whole state, to a general law of the land! It will be difficult indeed to believe, that the sage authors of the constitution, were guilty of such a blunder—one which would disgrace the barbarous legislation, of a Tartar horde, or a Hottentot kraal. The necessity and the facility of prescribing regular means, for the exercise of such a power, supposing it to exist, are both so manifest, that the absence of all provision of the kind, is alone conclusive proof, that the existence of the power itself, never was contemplated.

Thus we have shewn, that even if the majority should assent to the calling of a convention, the nullifying minority must, nevertheless, fail, in the accomplishment of their purpose, since they could never cause their construction to be recognized. Each party, according to the principle originally assumed, would remain on the ground of its equal right, to “judge for itself, as well of infractions as of the mode and measure of redress.” In such a position, there would be no impediment to hostilities, and unless one side or the other receded, they must necessarily ensue. If this is evident in the abstract, it is even more manifest, in the case of the existing tariff law, on which it is proposed that the experiment of nullification shall be tried. Suppose that by the operation of such a measure, the ports of South-Carolina are made free. If they remain so, and the state is still to be considered a member of the union, the principal importations of the whole country, must be concentrated in those ports. Congress could not impose duties on the coasting trade—New-York, Pennsylvania, and other states, could not afford to import directly from abroad, articles subject to a duty in their own ports, but exempt from it in those of South-Carolina; and, consequently, all parts of the union would probably obtain their foreign supplies thro’ Charleston. As almost the whole fiscal resources of the government are derived from the custom house, it is evident, that there would be nearly a total failure of the revenue. Other evils equally great would ensue.—Every holder of dutiable articles purchased under the tariff, would find them reduced in value, to the amount of the duties which had been paid on them. Shop-owners, landholders, merchants, a-tisans, all the inhabitants of our other large cities, who owe their prosperity or subsistence to foreign commerce, would be exposed to ruin and beggary. All the dependent agricultural districts would participate in the shock.—In the money market, which is so sensitive to every political and commercial vicissitude, confidence would be destroyed, private credit would be suspended, public credit would be menaced—embarrassment and bankruptcy would pervade the land.—

Is it reasonable to expect, that the other members of the confederacy will permit such a state of things to continue, or even to commence? If every party to the compact “has an equal right to judge for itself, as well of infractions, as of the mode and measure of redress,” surely this is a case, in which the majority would not fail to exercise their privilege. Even states in the minority deprecating such a wild career of political innovation, would at least not disapprove the measures by which it was arrested. According to the latitude of choice conceded, by the fundamental principle of the nullifiers, the majority might, in these circumstances, adopt any mode of proceeding, which seemed most expedient. The reasonable presumption however is that the most obvious, gentle, and effectual plan would be selected—that of immediately blockading all the ports which had been made free. If the nullifying state did not then submit, it must resist by force, and the very first blow would be the commencement of civil war. It is superfluous to enquire, by what species of political agency, the majority of states would, in the present instance, perform this indispensable duty of self defence. They would doubtless, without any reference to new fangled theories, act through the instrumentality of the general government, whose direction is in their hands. An objection from any quarter, to this mode of operation, would be unreasonable; but coming from the nullifiers—those who claim for all parties, an equal right to judge of “the mode and measure of redress,” it would be supremely ridiculous.

From the premises, we think ourselves authorized to conclude, that the believers in the doctrine of nullification, labour under an extreme delusion—that the pretensions of any minority exceeding one fourth, to impose its construction of the constitution on a majority, is in the highest degree chimerical—that those who resort to nullification as a peaceful remedy, are rushing blindfold into hostilities.—The nullifiers have spoken of the natural right of parties, each to interpret a compact for itself, as if it were constitutional right, whose exercise is compatible with the maintenance of a common government, when it is palpably in effect, the mere privilege of mutual warfare. In speculating on the interpretation of the constitution, they entirely forget that the states which ratified this instrument, adopted it as a whole; and as such for the sake of the powers, which they supposed it to confer on the general government, as for the sake of those, which they supposed it to reserve to the states individually.—They forget, that the opinion of any state, believing a power to have been delegated, is entitled to as much consideration as the opinion of another state, believing it to have been reserved.—Finally, they forget, that in every disputed case, where there was a variance in the original understanding of the parties, the intentions of one side or the other must necessarily be frustrated; and that this unavoidable inconvenience may as properly be endured by seven, as by seventeen—by any minority, as by any majority.

When there is a material, and irreconcilable difference of opinion, between the parties to the Federal Compact, it is manifest, that secession is the only effectual remedy for the weaker. It has indeed been maintained, that the right of secession itself, is only the right of nullifying the whole constitution and laws. Those who are misled by such an assertion, can have paid but little attention to the import of the words. Nullification is represented as an act performed under the constitution, and compatible with the continuance of the general government. Secession on the contrary, as is implied by the very term, dissolves the government, releasing those who secede, from the obligations of the compact. To call secession, therefore, a species of nullification, is a mere solecism. But it is farther urged, that admitting the two measures to be essentially different, the scheme of nullification can at worst only eventuate in the other and in the meantime is more gentle in its operation. This is a most pernicious fallacy. Whenever secession is unequivocally proposed to the people, the data will be fairly before them—they will choose, with a full knowledge of the alternatives—they will decide their destiny in open day. But when nullification is recommended to them, as being, in fact, one of the best means of preserving the union, (notwithstanding we have seen that it is decidedly the reverse;) if they credit such a representation, they have not the true data before them—they are deciding upon premises absolutely false, and may precipitate themselves into a revolution, when their purposes are diametrically opposite.—The claims of nullification to a greater gentleness of process, are equally futile. If the southern states, impelled by their wrongs, should, through a convention, or in any other manner, proposed to the majority, that the Union be dissolved by common consent, either those wrongs will be redressed, or their proposition will be accepted: for no rational man will cherish the desperate project, of retaining them in the union by force. The parties would arrange the terms of a peaceful separation. The laws of the general government would be respected by both sides, until the moment of dissolution; and then the ports of each becoming foreign to the other, their respective systems of imposts could be enforced, without collision or in-

convenience. We have already seen, how different would be the consequences of nullification. We have seen, that the nullifying state being still considered a member of the confederacy, no duties could be imposed on her coasting trade—that her ports being free, she would absorb nearly the whole importation of the country, and distribute supplies to every district of the union—that this state of affairs if acquiesced in, would cause a failure of the public revenue, and a convulsion in commerce, which must scatter dismay and ruin, along the whole extent of our coast. The government could not submit to such evils. It would immediately interpose, to secure its own peculiar interests, and those of the community at large committed to its protection. For the nullifying state there would remain, only the two alternatives, of humiliation and civil war.

But while we demonstrate that open secession is greatly preferable to the chimeras of nullification, and that it is in fact the only proper remedy, when the policy of the general government is no longer endurable; let it not be supposed, that we contemplate such an event with indifference, much less with satisfaction. No! even if finally constrained to such a course, by obstinate injustice, every good citizen will adopt it, with the most sincere reluctance, and profound regret. Long! long! may the patriotism and intelligence of the American people, defer that unhappy day, when sordid cupidity, or flagitious ambition shall be permitted, to destroy the magnificent system of Republican Union, which has descended to us, consecrated by the blood of heroes, and the wisdom of sages—by the hopes and the admiration of all civilized men.

Our task is ended if not completed. In this plain essay, the writer has endeavoured to avoid all affectation of learned technicality, or rhetorical ornament, which could only have tended to obscure the subject. His highest aspiration has been, through the medium of a simple and perspicuous style to transmit the rays of truth uncoloured and unrefracted.

GOLETHORPE.

Extract of a letter from Commodore Porter to J. S. Skinner, Esq. dated
CONSTANTINOPLE, FEB. 16, 1832.

I now send you what will be a curiosity in the United States, the seed of the Goualghad or the rare tree. It is the most beautiful thing of the kind I have ever seen. It grows to the size of an ordinary orelard apple tree, throws out many branches extending horizontally, and affords a most delightful shade. It is literally covered with flowers of a dark pink color, and from the smell though not from any resemblance, I should suppose it to be of the family of the *Acacia*, which is of the nature of the locust. This tree in no wise resembles the locust, except in the seed pod and the seed. The bean is precisely that of the locust bean, and if the planting and treatment should be the same as would be practised in the planting and treatment of the locust, you cannot go far wrong. The tree is a rare tree here, and I was informed by the Armenian from whom I obtained the seed, that it was a native of Persia. Its name in Turkish is *Gaul*, (rare) *Aghadj*, (tree) and is pronounced Goolagalegh.

New Ornamental Tree.—The seed mentioned by Com. Porter in the foregoing extract of a letter to Mr. Skinner, has been received and handed to the Editor of the *American Farmer* for cultivation. We have the pleasure of being able to state that it has vegetated, and the plants are now growing finely. According to present appearances the tree is a species of *acacia*: the seed are exactly like those of that tree, as are also the young plants. From the name furnished by the Commodore, we can get no clew to the botanical name. On the label of the box it is marked *Goul aghadj* Rose Tree. The only name we can find any way resembling *goul aghadj* is the Arabic name of the *Candia purpurea gadhy*. The *Candia purpurea* is an Arabian plant, of the habit of *acacia*, and somewhat resembling it; grows six to eight feet high, with large purple and white flowers. If the tree sent by the Commodore is *Candia*, we fear that it will not stand the severity of our winters as that is a hot house plant.—If we succeed in rearing these trees, Skinner will have a considerable number for distribution next spring.

Com. Porter and Mr. Skinner are entitled to the thanks of their country for their exertions to introduce new and valuable articles into our fields and gardens.
American Farmer.

Antediluvian Remains.—We are informed by Dr. V. G. Marshall, of this city, that some workmen in excavating a vault, a few days since at the corner of Vine and Fifth streets, found a tooth of the great American Elephant, weighing between four and five pounds, about fifteen feet below the surface of the ground. Its face is very perfect, but its sides are considerably water-worn, and it must originally have weighed 5 or 6 lbs. It was found in a pebbly stratum; and is unlike the generality of such remains, very white; and is not so hard as similar specimens found at Big Bone Lick.
Cincinnati Republican.

A virtuous mind in a fair body is indeed a fine picture in a good light, and therefore it is no wonder that it makes the beautiful sex all over charms.—*Addison.*

Foreign Intelligence.

LATEST FROM EUROPE.
New-York, July 23.—The *Caledonia*, from Liverpool, of 16th ult. has just arrived, bringing Liverpool dates to the 16th, and London dates to the 15th, both inclusive.

The British Parliament continued in session, and made considerable progress with the Scotch and Irish Reform Bills. The general rejoicings and illuminations for the passage of the English Bill had been postponed, till 27th June, and by that time it is confidently expected that the Scotch and Irish Bills would be the law of the land.

Order and quiet were completely restored in Paris, and mainly in the West of France. Martial law was still in force, however, in Paris.

In Liverpool, the Cholera slowly increased, the new cases on the 15th were 10.

The *Brutus*, of Liverpool, sailed for Quebec on the 18th of May with 349 passengers on board, all healthy, and having a surgeon on board. On the 9th day out, the Cholera manifested itself, and raged with such violence as to induce the Captain to put back. He returned to port on the 26th day, during which time 117 cases and 81 deaths occurred.

The affairs of Belgium had been arranged, by the Conference at London, by further concessions to Holland, in the spirit of those recommended by Russia.

London, June 15.—Sir Walter Scott has arrived in London, and is now at the house of his son-in-law, Mr. Lockart. We regret to learn that this eminent writer and admirable man has not returned with any renewed vigor of constitution, or any chance of gratifying the world with further displays of his genius. He is, indeed, much worse in health than when he set out, and serious apprehensions are entertained of his recovery. In passing down the Rhine, he suffered by another stroke of paralysis in the boat, and had it not been for the presence of mind of his servant in bleeding him, he could not have survived the attack. He has now, we are informed, lost the use of one side, and is not likely to recover it. He has been attended by physicians ever since his return.

TURKEY AND EGYPT.

It would seem that there was no foundation for the report of the fall of St. Jean d’Acre. The *London Morning Herald*, of June 16, says—

By the advices from Alexandria, we learn that the expectations of the most abundant crops would be fully realized.—The fleet from Candia had arrived off port with the reinforcements for the army of Syria. Ibrahim Pacha had had two conflicts with the Turkish forces. In the first, which took place near Tripoli, Omar Pacha, with 3000 men, was put to flight; and in the second, Ibrahim Pacha, having been compelled to make a retrograde movement in consequence of shortness of provisions, was attacked by the Turks, who, however, were repulsed with a loss of two hundred killed, and a number of wounded and prisoners.—St. Jean d’Acre still held out, but orders had been issued to press the siege with vigor. A second frigate, of the large class, had been launched at Alexandria.

The Dog.—At the late fire corner of Courtlandt and West streets, the following incident occurred, which tends in a striking degree, to illustrate the sagacity and fidelity of that most excellent animal—the dog.

A young man slept in the third story of the building in which the fire originated.—His dog, lying by his bedside, scented the fire which had broken out below. He immediately endeavored to awake his master, by laying his fore paws on his breast, and drawing them gently over his body. The young man aroused himself, but not suspecting the object of the animal, fell again to sleep. The dog then seized the bedclothes, and stripped them off his master who a second time covered himself up and went to sleep. The dog, aware that no time was to be lost, took hold of the young man’s shirt with his teeth, and tore it from his arm. At this moment, the flames were bursting into his chamber, and he saved his life by descending the tackle fall, which he threw out of the window, hand over hand. The worst of the story remains to be told. In his hurry to escape destruction, the young man forgot that his keeper had no means of descent, and burst into a flood of tears on finding he could not return to save him.—The faithful creature perished.

Let those of our friends who are advocates of the indiscriminate slaughter of this half man, half beast, read the foregoing fact—and pause.—*N. Y. Gazette.*

There is a problem in the Message which we would like to have solved by some of the President’s partizans. He says the re-chartering of the Bank, “will make the American people debtors to aliens in nearly the whole amount due to this Bank, and send across the Atlantic from two to five millions of specie every year to pay the Bank Dividends.” How is this possible? Should all the stock be owned abroad, a dividend of 6 per cent. would not amount to 1,700,000, and a dividend of 7 per cent. would fall short of 2,000,000. It is not probable that all the stock would be owned in England. This clause in the Message was inserted merely to prejudice the people against the Bank.—*Rhode Island American.*

MOVEMENTS OF THE ARMY.

Major General Scott arrived at Chicago on the 10th inst. At the earnest request of the Captain of the steambot Sheldon Thompson, and in consequence of the extreme heat of the weather, he landed two of the six companies from Fort Monroe, at Fort Gratiot, to be taken up by either the Superior or the William Penn. Before his arrival at Mackinaw, four cases, resembling cholera, occurred on board the Thompson. The four men were placed in the hospital on that Island, and the troops re-embarked on the 8th, all well. At day-light six cases of cholera were reported, and in the course of twenty-four hours, thirteen or fifteen others were seized; and down to the evening of the 11th seventy-seven were attacked, and nineteen died. Two new cases occurred, and six enlisted men died during the night of the 11th.

The troops were landed at Fort Dearborn on the morning of the 11th. Most of the inhabitants of Chicago had fled, and it was difficult to obtain an express. Altho’ the cases had been comparatively fewer since they were landed and comfortably lodged, yet there were not, among the four companies of artillery, more well men than were absolutely wanted to attend the sick, and bury the dead.

Major Whistler, with two companies, marched out of Fort Dearborn to the distance of two miles, to make room, and avoid taking the infection.

It was Gen. Scott’s intention, if the continued prevalence of disease rendered it impossible to march with an effective force, to proceed alone to Gen. Atkinson’s camp, which, on the 9th, was on White Water creek, 35 miles from Fort Winnebago.

Gen. Atkinson had with him 450 regular troops, and about 2100 mounted volunteers. The enemy were 12 miles distant from him, about 800 strong. The country, in many places, was impassable, and much time has been necessarily consumed in throwing bridges over streams, &c. No sickness is reported to have occurred among the troops under his command.

Of the officers with Gen. Scott, Captain Galt, Lieutenant Thornton, Maynard and McDuffie, were seized with the Cholera, but were better at the last dates. Captain James Monroe escaped with a slight attack while on the passage.

In addition to these facts from official communications, we state another, on the authority of a private letter, which demonstrates the value of temperance, as a preventive.

A company of artillery from Point Comfort, belonging to the 1st regiment, “when leaving N. York, voluntarily pledged themselves to each other, to drink no ardent spirits during the campaign. They passed through the fire unscathed, except the loss of one man, and went on last Tuesday, (the 10th), under the command of Lieutenant E. Sprout Sibley, in the steam-boat *William Penn.*—*Washington Globe*, 26th ult.

Norfolk. (Va.) July 25.

With mournful pleasure we announce the arrival here, yesterday morning, of the U. S. schooner Porpoise, Lieut. Com. Armstrong, 13 days from St. Johns, Porto Rico, bearing the remains of the late Lieut. Com. WILLIAM H. COCKE, of the U. S. Navy, which have, in pursuance of a recent application to the Secretary of the Navy, and of instructions issued by him to Com. Jesse D. Elliott, in command of the U. S. squadron on the West India station, been disinterred and brought to his native State to be disposed of as may be most congenial with the wishes of the family and friends of the deceased, to whom the manner in which this service has been performed by Lt. Com. Armstrong, must be peculiarly grateful. The manner in which this gallant officer met his fate is thus briefly related:

Lieut. Cocke commanded the U. S. Schr. Fox, of that gallant little squadron fitted out by Government in the winter of 1823, under the orders of Com. Porter, for the suppression of Piracy in the West India seas. On the 6th of March of that year, the squadron being off St. John’s, Porto Rico, the Fox was despatched into the harbor by Com. P. with a communication for his brother, Capt. John Porter, then lying there in command of the U. S. schr. Greyhound.

A short time after the departure of the Fox four guns were observed to be fired from the Moro Castle. No one suspected they aimed at the friendly schooner, but alas! the result proved that such was the treacherous deed—the last of which, a 42lb. shot, took off the arm of Lieut. Cocke, and cut his body in two—he expired in eight minutes.

Novel Experiment.—The Lynn Messenger says that at one of the District Schools, where both male and female scholars attend, while the teacher was temporarily absent, the boys deliberately commenced kissing all the girls present. They became so elated with the experiment, that the teacher, on his return, found it necessary to administer the oil of birch to every male pupil in the school, which he did with the most striking efficacy to their heart’s content.

The Greenwell Mountainer of the 14th ult. says: “There never was in this District, a better prospect for good crops than we have at present. Should the season continue favorable, it is supposed that there will be a greater quantity of corn made in Greenville, than there ever was before.”