

the validity of the treaties. What inroads then has Georgia made upon the constitution, the sound of which has been reverberated from one end of the continent to the other? A parallel has been drawn between this case and that of Olmstead and the state of Pennsylvania but they are not even analogous, to prove which we submit at the foot of our remarks a statement of that case made by Judge Hopkinson. We trust that the good sense of the community will not pass sentence of condemnation upon Georgia too hastily—that the merits of the question will be fully examined and a deliberate opinion passed upon them.

It is truly alarming to see the strides the Federal power is making towards supremacy. If a state cannot pass and execute laws as they see fit, the right to do which has never been denied to them in former times, without being drawn up before the Supreme Court, of what value is our liberty? If such a doctrine is to prevail we will begin to make ready Freedom's winding sheet and to prepare shrouds for the butchered Constitution. But we hope better things. It may be that these attempts to cripple State sovereignty may result in the awakening of the public mind to the consideration of this important branch of our governmental policy, and in the end to effect the object which the wise and the good have always had in view, that is to define more clearly the powers which belong to the Genl. and State Governments.

From the National Gazette.
THE CASE OF OLMSTEAD.
Extract from Judge Hopkinson's Eulogium on the Hon. Bushrod Washington.

While I refer you to these instructive volumes for a knowledge of the decisions of Judge Washington, I should be unjust to my subject, were I to omit to remind you of a case which should never be forgotten by any citizen of this Republic. It is a lesson of duty so impressive, so honorable to all concerned in it; and most of all to the commonwealth of which we are immediate members—I allude to the trial of General Michael Bright and others, on an indictment for obstructing the execution of the process of a Court of the United States. It was tried in this city, in the Spring of 1809, before Judges Washington and Peters.

It is unnecessary for my purpose to state all the circumstances of this celebrated case. It is sufficient to say, that during the war of our Revolution, Gideon Olmstead and others, having fallen into the hands of the enemy, were put on board of a British sloop, as prisoners of war, to be conducted to New York. During the passage, Olmstead and his companions rose on the British crew, took the vessel from them, and steered for a port in the United States. When within five miles of such a port, a brig, belonging to the State of Pennsylvania, came up with them and captured the sloop as a prize. She was brought to Philadelphia, and there libelled in the Court of Admiralty of the State, then established under an act of the State Legislature. Olmstead and his associates filed their claim, and a judgment was rendered, giving one fourth of the prize to them, and the remainder to the brig; that is to the State of Pennsylvania, her owner Olmstead appealed to the Court of Appeals, established by Congress; where the sentence of the Court of Admiralty was reversed, and the whole prize decreed to Olmstead; and process was issued, directing the Marshal to sell the vessel and cargo, and pay the proceeds accordingly.

The Judge of the Court of Admiralty delivered to David Rittenhouse, then Treasurer of the State, the sum to which the State was entitled by the judgment of that Court, but which, by the decree of reversal, belonged to Olmstead. This money, in the form of certificates, was in the possession of Mr. Rittenhouse at the time of his death, and then came into the hands of his daughters, as his representatives. The property was in this situation when Olmstead filed his libel in the District Court of the United States, then established under the new Constitution, praying for the execution of the decree of the Court of Appeals—A decree was given by the District Court, according to the prayer of the libel. This was in January, 1830. Thus for the State of Pennsylvania had made no movement to assert her claim; but it was now necessary for her, either to surrender her pretensions to this money, or to come forward and defend her citizens who were holding it only for her use, and in doing so, were exposed to the whole power of the federal judiciary. Accordingly, on the second of April, 1803, an act was passed by the legislature of Pennsylvania, requiring the representatives of Mr. Rittenhouse to pay the money into the State Treasury; and directing a suit against them should they refuse. The Governor of the state was also required to protect the just rights of the state by any further measures he might deem necessary; and also to protect the persons and property of the ladies from any process which might issue out of the federal court, in consequence of their obedience to this requisition. The Act of assembly declared that the exercise of jurisdiction by the Court of Appeals was illegally usurped, in contradiction to the just rights of Pennsylvania, and that the decree of reversal was null and void. So of the de-

creed of the District Court. Pause, for a moment, to observe the awful positions in which these two sovereignties, that of the United States and that of Pennsylvania are now placed. The United States were bound to support with their whole force the execution of the judgement of their Courts; and the Governor of Pennsylvania was ordered by its Legislature to resist the execution of that judgement with the whole force of the State. We tremble even now to look back at the precipice on which he stood. A false step, on either side, might have been ruin to both. Nothing but the most calm and consummate prudence, the most disinterested and magnanimous patriotism could have brought us safely through this mortal crisis.

The District Court hesitated to proceed. The question was one of great difficulty and delicacy; the anticipated conflict, terrible in the extreme. The process was suspended, that the case might be submitted to the Supreme Court; which, after a hearing, stood firmly to the Constitution and the law, and commanded the District Judge to issue the process required. It was issued. Many of you may remember with what an agonizing anxiety the result was awaited. Was a civil war to tear the entrails of the state? and citizen to meet citizen in a deadly strife? Was our happy and prosperous career doomed to be so short? Was this glorious Union to dissolve in blood, after a few years, which had proved its unparalleled excellence; had poured, plentifully, bounties upon our land; had raised us from weakness, poverty, and obscurity to the power and dignity of a great nation; which had given liberty, security, and wealth to a virtuous and industrious people, was all to be shattered and lost in an unnatural conflict? The process was issued; and the officer of the Court had no choice but to execute it; and to compel obedience to it by the means given to him by the law. General Michael Bright commanding a brigade of the militia of Pennsylvania, received orders from the Governor, immediately to have in readiness, such a portion of the militia under his command, as might be necessary to execute the orders, and to employ them to protect and defend the persons and property of the representatives of Mr. Rittenhouse against any process founded on the decree of the District Court of the United States. A guard was accordingly placed by General Bright at the houses of these ladies; and he, with the other defendants in the indictment, opposed, with force, the efforts of the marshal to serve the writ issued to him. The process, however, was served; and the state relieved the ladies, not by waging war upon the United States, but by paying the money according to the judgement of the Court. This is enough of the history of this interesting case for our present object. It was for this resistance to the process of a Court of the United States, that General Bright and others of his party, were indicted, and brought to trial before Judges Washington and Peters, holding a Circuit Court of the United States. I have been thus particular in giving the outlines of this case, because, it not only forms a remarkable era in the life of the Judge, but also in the history of our country. At this moment it may furnish a salutary lesson and example to a sister state advancing too far in the path of opposition to the federal power.

The following are the remarks of Mr. Rencher, our representative in Congress, upon the bill "to authorize a change in the disposition of the land granted for the Illinois and Michigan canal." Mr. RENCHER said he should vote for the bill. The work proposed was one of great importance, not only to the State of Illinois, but also to the whole valley of the Mississippi; and to the National Government. All such works of internal improvement were calculated to enhance the value of the public domain. It should not be overlooked, that the General Government owned four fifths of all the lands in the State of Illinois; and consequently, if the canal was constructed, the nation would be the gainer, in the increased value of the public lands, of a proportion of four fifths. Would it, then, be asked, be just to throw upon that State the burden of construction, when not more than one fifth of the benefit of the contemplated improvement would accrue to her? He had no intention of entering into a discussion of the propriety of the passage of the bill which originally granted the lands in question to the State of Illinois; nor would he say whether he should have voted for the measure if he had been here; the question now was, whether the House will give value to the appropriation of lands then made, by passing the bill on the table. He begged leave to say, that much of the lands in the vicinity of the proposed canal was of little value, and would so remain for a number of years, unless that canal should be completed. If that were accomplished, the lands would rise in value, and the benefit to the Treasury of the United States would increase in proportion. The State of Illinois was not able, at present, to perform the work—the General Government was; and the nation would receive a ten-fold

indemnity from the success of the measure now proposed. Pass this bill, sir, (said Mr. R.) and that part of the country that is now a wilderness—a desert—will become the most flourishing part of the State.

We are authorized to state the reasons which induced Mr. Rencher to support the passage of this bill. It will be recollected that a bill passed both Houses of Congress some sessions back, setting apart certain lands which belonged to the general government to enable the state of Illinois to construct a canal which would unite the waters of Lake Michigan with the Illinois river. A portion of those lands have been sold, and the canal commenced. From some cause or other no sale can be found for the remainder. The present bill proposes a retrocession of these lands to the general government in return for which the state asks a new grant for more saleable lands, in order to enable the state to complete the canal, the constructing of which was the design of the original bill. Mr. Rencher conceived the object of the present bill to look merely to an exchange of lands; in the passage of which he did not see that any principle, but mere expediency was involved. The right of the general government to make a donation of their lands for the purposes of internal improvement, was decided upon in the first instance, and the present bill did not involve the question, whether the exercise of this power was right or wrong. He thought the canal being commenced it was not only the duty but the interest of the government to complete it, and without this exchange that object could not be effected. This explanation has been made in order that Mr. Rencher's vote may be properly understood.

The Cause of variance between the President, and Vice President.

It is said that the difference between these two distinguished individuals was first created by a letter from Mr. Crawford charging upon Mr. Calhoun that he was the first and most strenuous mover of Mr. Monroe's Cabinet for the trial of Gen. Jackson by a Court Marshal for disobedience of orders in the Seminole war, when, Mr. Calhoun had induced Gen. Jackson to believe that he had warmly opposed this reference of his case to a Court-Marshal, and that such a proposition was sustained by Mr. Crawford or some other member of the Cabinet. We know nothing certain upon this point and must await a farther development of facts.

We understand, however, that Mr. Calhoun never denied to Gen. Jackson that he had recommended, as one of the President's Cabinet Council, his trial by a Court Marshal upon an alleged disobedience of orders and that in doing so he had not considered himself any less the friend of Gen. Jackson, and that he was not influenced in that recommendation by any spirit of hostility to the General. This we believe to be the true version of the story. Mr. Calhoun was at that time, discharging the duties of Secretary of war, and in relieving himself from the obligations imposed upon him by those duties could do no otherwise, if he believed Genl. Jackson had been guilty of a disobedience of orders, than call for his trial by a Court Martial. So far Mr. Calhoun's course is not censurable, and we trust the President has liberality enough to view it in that light, and if he has been imposed upon by any designing knave, wishing to separate him from his friends and to sow dissension in his ranks, that he will at once acquit Mr. Calhoun of all improper motives in the discharge of what he considered his duty.

We cannot think so lightly of any individual who has been in the Cabinet of the present and former administrations as to believe that he would deny any of his acts when the evidence was at hand to convict him of falsehood—for a minute is made by the President of every thing said and done in the Cabinet Council. If Mr. Calhoun has been guilty of duplicity and falsehood he should be exposed to the American Nation. If on the contrary he is innocent and has not disguised his course in relation to Genl. Jackson the treachery of his enemies, with their names should be laid before the public in order that the people, if they have placed confidence in them heretofore, may be disabused in time.

JAMES BARBOUR, Ex-Secretary of War. This gentleman, has, since his resignation, reached the Legislature of Virginia, by a lean majority of four votes over his competitor. It will be recollected, that, on the first occasion, his seat was contested and that the Legislature sent him, and his competitor back to the people, to try it over. The second trial gave him the scant majority before mentioned, and it is said, that his seat is again contested. Shortly after Mr. Barbour took his seat he introduced several resolutions, proposing amendments to the existing laws of Virginia, one of which is, that females ought not to be imprisoned for debt. The Editors of the National Intelligencer applaud this very much, and in our opinion very properly; but they seem to treat it as something new in this country. In this they are much mistaken. By the laws of North Carolina females cannot be imprisoned for debt, nor can males if they, bona fide, surrender their property for the benefit of their creditors. How different is the policy of N. C. in this respect, from that of Great Britain, how much more humane! We see from a late paper, that on the 20th of November last, application was made to the court of King's Bench, in Dublin,

for the discharge of a female, by the name of Darnly, who had been in prison for more than thirty years, for a debt of £11. We think reform, indeed, is wanted in the civil as well as criminal code of Great Britain.

We are indebted to the Hon. A. B. RICHMOND, for the document containing the correspondence between Mr. Van Buren and Mr. McLean our Minister and the British government. We are sorry that our limits will not permit us to publish this interesting correspondence. Those who wish to read it can do so by calling at our office.

"The Globe" an administration paper recently established at Washington, says that it is authorized to say if the people of the United States will elect Gen. JACKSON to the Presidency for the next four years, he will obey the summons. This sets all our doubts at rest. We are pleased to hear it, and we have no doubt that the Intelligence will be gratifying to the Republican party throughout the United States.

Mr. Wheeler, whose notice to lecture on Astronomy appeared in our paper of last week, has, we understand, been unavoidably detained. He will certainly lecture here in the course of the next week, or the week following. We will give due notice of his arrival, so that none who feel any interest in hearing his lectures, may be disappointed.

The report of the Unity auxiliary Temperance society, is necessarily deferred until our next.

Epitome.

MARRIED, in the Forks of the Yadkin, on the 20th ult., by Joseph Hanes, Esq., Mr. Wm. H. Hamner, to Miss Susan Pickler, daughter of the Rev. Joseph Pickler.

Near this town, on Wednesday the 2d inst. by the Rev. Mr. Stafford, James B. Hampton, Esq. to Mrs. Susan A. Locke.

In Lincoln on Thursday the 13th ult. by the Rev. Mr. Thitchey, Mr. Elkanah Caulten, to Miss Malvina Wilson, daughter of Mr. John Wilson, of Lincoln county.

DIED, In this county on the 21st inst. David Smith, aged 32 years, 9 months and 2 weeks.

Also, in Davidson county, on the 19th ult. David Waggoner, aged 42 years, and, 26 days.

THE MARKETS.

Salisbury, Feb. 5.—Cotton (in seed, \$2, clean, 7 1/2, fair 5 1/2 to 4 1/2, corn 65 to 70, beef 2 1/2 to 3, bacon 10, molasses 50, lard 10, salt 1 1/2, sugar 10 a 12, coffee 12 to 18, flaxseed 60 to 70, apple brandy 40, peach do 45 to 50, tallow 7 to 8, feathers 25, beeswax 16 to 18, oats 30 to 33, pork 4 to 4 1/2, wheat 70 to 75, bagging 16 to 18, rope 10 to 12, glass box 8-10, 50 feet \$3, iron 5, butter 6 to 8.

South Carolina Bank bills 1 1/2 cts. dis. Georgia do 3.

Fayetteville, Jan. 26.—Cotton 8 50 a 9; bacon 6 a 7, apple brandy 40 a 40, corn 60 a 65, flaxseed 1.30 a 1.20, flour, 4 1/2 a 5, molasses 30 a 30, sugar 8 1/2 a 11, salt 70 a 80, whiskey 10 a 4 1/2, wheat 80 a 90.

Notice.

I will sell, to the highest bidder, at the Court House in Salisbury, on Tuesday the 22d, February, the following property belonging to the Estate of Doct. Ferrand, dec'd: One handsome Carriage, and harness. At the same time and place, will be hired until the first of January next, Several Negro Women, terms made known on the day of sale.

R. MACNAMARA.
February, 2d 1830. 3159

No Tariff of Prices.

FREE TRADE.

Earthenware, Looking Glasses, &c.

THOMAS J. BARROW, & Co.

Importers, 88 Water-st. New-York.

OFFER for sale, the largest and most complete assortment of Earthenware, Glass, China, plain and gilt Looking Glasses, &c. which the New York market will afford, comprising every style and variety of the newest patterns. They return their most cordial thanks to their friends in the Southern States, for their support in the persecution now carrying on against them, for their refusal to join a combination in fixing one tariff of prices of Crockery, throughout the trade. It is mainly attributable to the influence of our Southern friends that we have been enabled to survive thus far, in this most trying situation; exposed to the combined influence and capital of the whole trade, endeavoring to effect our ruin and expulsion from business. We pledge ourselves to our friends to give them every satisfaction in our power as regards the quality of our goods, the excellence of our packers and the lowness of our prices for Cash or City Acceptances; and in return, solicit from them a continuance of their patronage, and particularly request those who have influence with their friends to exert it in our behalf, as we trust the cause is one they are all interested in, and much benefit will accrue to us from their friendly act in this way. It has been said, the Combination was broken up. As it regards prices, this is true, and all, we think, friends or foes will allow that we have effected this change; but we do assure our friends, that at no period since we commenced our system of unshackled prices were we in greater want of assistance than at the present moment. This combination of men are leaving no means untried for effecting our ruin, that they may revive the old system; our credit and character are assailed in every shape, our importations waylaid and stopped in every instance where threats are sufficient to intimidate the manufacturers from supplying us; in fine, no vexation or trouble which the malice of men could devise has been neglected in this struggle to subvert us. We once more call upon every friend of a free trade to come up to our support, and pledge ourselves to give them no cause to repent of their liberality. 6162
T. J. BARROW & Co.
88 Water-street, above 6th Slip.

NORTH CAROLINA Literary, Scientific, and Military INSTITUTION.

CAPT. BINGHAM respectfully informs the citizens of North Carolina, that the duties of the above institution will be resumed on Monday, the 10th of January next. The course of education at this institution, it is believed, is so well understood, that a particular exposition at this time is unnecessary. The experience and observations of the past year have suggested some improvements in the discipline of the institution, that will receive immediate attention upon its re-opening. In relation to the expenses of young gentlemen, I would observe that hereafter they must be under immediate supervision; and that no cadet will be permitted to purchase any article, or contract any accounts, without permission. All accounts must be kept in my name, for which I will be responsible; and parents and guardians particularly requested not to pay any account that is not approved and endorsed by me. All necessary expenses will be approved; those that are not, will receive no countenance. The amount of pocket money which students require, will necessarily be very little. The Cadets will board in common, and will be under the immediate supervision of the Superintendent and officers of the institution, who will bestow upon them every necessary care. Any further information can be had on application to the Superintendent. TERMS—For those over 14 years of age, \$175 per annum. Those under 14, \$160 per annum. No extra charges except for clothing and books. Oxford, N. Carolina, Dec. 22, 1830.

ASTRONOMY.



MR. WHEELER, PROPOSES to deliver to the citizens of this place, and the surrounding country, a course of Astronomical lectures, illustrated by the Globes, Orrery and illuminated Diagrams. For plan and terms, see hand-bills. 564 Salisbury, Jan. 29th, 1831.

NEW YORK WHOLESALE FANCY DRY GOODS STORE.

COPARTNERSHIP.

THE Subscribers have entered into Copartnership under the firm of A. G. & F. COCHRAN, and have taken the extensive premises, 132 Pearl Street, for the transaction of the general Fancy Dry Goods business.

A. G. COCHRAN, FERGUS COCHRAN.
New-York, Sept. 21st, 1830.

A. G. & F. COCHRAN

HAVE now on hand, such an assortment of Fancy Goods, as they believe is not surpassed by any other in this country, in variety and selection, comprising the following articles in Canton, French, Italian, and Fancy British Goods: Bk. and Col'd. Italian Lustrings, Imitation, plain and changeable do. Bk. Col'd. and changeable Gros de Naples, Fig'd. do. in great variety. Col'd. changeable, blk. and blue blk. Marcellines. 5-4 Bk. and Col'd. Bombazines. Cape de Lyons, plain and fig'd. Mandarine. Plain and Fig'd. Poppins, Algerines, Palmeynes of the newest styles, French Prints and Ginghams, and Foulard Muslins, Pongees and many other articles for Ladies dresses, Spitalfield, and Pongee Flag and Bandanna Hd'ks, Gos de Naples, Gauze and Crape Hd'ks, and Scarfs. Bk. and Kid Stocks, and Fancy Cravats, Black and Colored Italian Cravats, Imitation, do. Buck, Beaver, Silk and Horse-skin Gloves, Gros de Naples and Gauze Garniture Ribbons, Cap and Belt do. of the newest styles, English and French Silk Hose, and 1/2 Hose, Embroidered and Open work do. Linen Cambrics and Cambrie Hd'ks. Black and Colored French Crapes, Worsted Barege, Brown Cotepoly, &c. Sewing Silks, Twists, Braids, Fancy Buttons, Hooks and Eyes, &c. &c. They will also have an extensive assortment of Lace Goods, consisting of English Bobbinet Gimp and Thread Laces and Edgings, Caps Gapes, Felerines, Chemizettes, Black and White Lace Veils and Showls, with a complete assortment of 4-1 5-4 7-4 and 8-4 Thibet and Merino Showls, Casimere and Merino Long Shawls, &c. A. G. & F. C. have selected their stock with a particular reference to the Southern and Western markets, and as they will add to their assortment constantly as fresh goods arrive, their stock will be kept up throughout the year. All of which they now offer for sale at low prices and on the most liberal terms, and most respectfully invite purchasers to call and examine their stock. Orders will be promptly executed with care and fidelity. New-York, Jan. 1, 1831. 12165

WAR DEPARTMENT.

Washington, Nov. 17, 1830. PENION and BOUNTY LAND REGULATION. THE many impositions which are attempted in relation to Penion and Bounty Land Claims, have caused the Department of War to establish a regulation, which declares that no attention will, in future, be given to applications from persons who act as Agents, unless they are known at the Department, or are vouched for as respectable persons by some one who is known. Notice of this regulation is hereby given, and that all may be informed thereof, it is requested that publishers of the laws of the United States, in the respective States will insert the same, on the next page of their respective papers for three months. By order of the Secretary of War. J. L. EDWARDS, First Clerk Penion Office. WILLIAM GORDON, First Clerk Bounty and Claims Office.