

by negotiation—but, if it cannot be thus accomplished, each has a right to retain its own interpretation until a reference be had to the mediation of other nations, an arbitration, or the fate of war. There is no provision in the Constitution, that, in such a case, the Judges of the Supreme Court of the United States shall control and be conclusive. Neither can the Congress, by a law, confer that power. There appears to be a defect in this matter: it is a *casus omissus*, which ought in some way to be remedied. Perhaps the Vice President and Senate of the United States—or Commissioners, appointed, say one by each State—would be a more proper tribunal than the Supreme Court. Be that as it may, I rather think the remedy must be found in an amendment of the Constitution."

Thomas Jefferson, who drew up the Kentucky Resolutions, of 1798, against the Alien and Sedition Laws, expressed his opinion of the relation between the State and Federal Governments, in the following language:

"Resolved, That the several States composing the United States of America are not united on the principle of unlimited submission to the General Government; but that, by compact, under the style and title of a Constitution of the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that, whensoever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this compact each State acceded as a State, and as an integral party, its co-States forming, as to itself, the other party; that the Government created by this compact was not made the exclusive or final judge of the powers delegated to itself—since that would have made its discretion, and not the Constitution, the measure of its powers—but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions, as of the mode and measure of redress."

This same doctrine was laid down by James Madison, in the Virginia Resolutions of 1798, drawn up by him, and adopted, as the expression of the opinions of both branches of the Legislature of Virginia, in the following language:

"Resolved, That this Assembly doth explicitly and pre-emptorily declare, that it views the powers of the Federal Government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorised by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them."

"Resolved, That the General Assembly doth also express its deep regret that a spirit has, in sundry instances, been manifested, by the Federal Government, to enlarge its powers, by

forced constructions of the Constitutional Charter which defines them; and that indications have appeared of a design to expound certain general phrases (which, having been copied from the very limited grant of powers in the former Articles of Confederation, were the less liable to be misconstrued,) so as to destroy the meaning and effect of the particular enumeration which necessarily explains and limits the general phrases, and so as to consolidate the States, by degrees, into one sovereignty—the obvious tendency and inevitable result of which would be to transform the present Republican System of the United States into an absolute, or, at best, a mixed monarchy."

In addition to the above, we give the following Resolutions, passed by the Legislature of Ohio, in 1821:

"Resolved, by the General Assembly of Ohio, That in respect to the powers of the governments of the several States, that compose the American Union, and the powers of the Federal Government, this General Assembly do recognize, and approve the doctrines asserted by the Legislatures of Virginia and Kentucky, in their resolutions of November and December, 1793, and January, 1800, and do consider that their principles have been recognized and adopted, by a majority of the American people. [This resolution carried in the House—yeas 58, nays 7.]

"Resolved, further, That this General Assembly do protest against the doctrine, that the political rights of the separate States that compose the American Union, and their powers as sovereign States, may be settled and determined in the Supreme Court of the United States, so as to conclude and bind them, in cases contrived between individuals, and where they are no one of them parties direct. [Carried, yeas 64, nays 1.]

Extract from the Report introducing the Resolutions.

"The resolutions of Kentucky and Virginia, and of Massachusetts, Rhode Island, the Senate of New York, New Hampshire and Vermont, in reply, and the answer to these replies, by the Legislature of Virginia, were a direct and constitutional appeal to the States, and to the people, upon the great question at issue. The appeal was decided by the Presidential and other elections of 1800. The States and the people recognized and affirmed the doctrines of Kentucky and Virginia, by effecting a total change in the administration of the Federal Government. In the pardon of Callender, convicted under the sedition law, and in the remittance of his fine, the new administration unequivocally recognized the decision and the authority of the States, and of the people. Thus has the question, whether the Federal courts are the sole expositors of the Constitution of the United States in the last resort, or whether the States, "as in all other cases of compact among parties having no common judge," have an equal right to interpret that Constitution for themselves, where their sovereign rights are involved, been decided against the pretension of the Federal judges by the people themselves, the true source of legitimate power."

"A frequent recurrence to fundamental principles is absolutely necessary, to preserve the blessings of liberty."

CONGRESS.

SENATE.

Wednesday, March 14.—The apportionment bill was read a third time and Mr. Webster moved its recommitment to the committee from which it was reported, with general instructions for the report of a bill apportioning the representatives, as nearly as may be, among the several States, according to their representative population as compared with the representative population of the United States. After some discussion the bill was laid on the table and a motion made to reconsider the vote of Monday last, by which the proposition to represent fractions was rejected, which motion is still pending.

Thursday, 15th.—Mr. Smith presented resolutions of the Legislature of Maryland in favor of an appropriation by the government in aid of the removal of the free people of color from the United States.—The bill for the establishment of a Law Library, in connexion with the Library of Congress, was considered and ordered to a third reading.—The act concerning the granting of patents to aliens for useful discoveries and inventions was considered and ordered to a third reading.—The resolution some time ago submitted by Mr. Clay in relation to the tariff was taken up, and Mr. Moore and Mr. Benton spoke at length thereon.

Friday, 16th.—The bill appropriating \$5,000, and \$1,000 per annum for five years, for the purchase of law books for the Library of Congress, was passed.—Mr. Robinson offered a resolution concerning the extension of the privilege of franking to members of the State Legislatures.—The bill to exempt merchandize, imported under certain circumstances, from the operation of the act of May, 1823, respecting the Tariff, was considered, and, after some discussion, laid on the table for the present.—The Senate resumed the consideration of Mr. Clay's resolution, proposing a modification of the Tariff, and Mr. Bibb spoke about two hours thereon, when he gave way to a motion to adjourn. The Senate adjourned to Monday.

Monday, 19th.—Mr. Dickerson, from the committee on manufactures, made an unfavorable report on the subject of the reduction of the duty on alum salt.—Mr. Bibb concluded his remarks in opposition to Mr. Clay's resolution on the subject of the Tariff. Mr. Forsyth moved to refer the whole subject to the committee on agriculture—lost, yeas 18, nays 22. The question recurred on Mr. Hayne's amendment. Mr. Hayne moved a division of the question; and the vote was first taken on striking out the whole of the original resolution, after the word "resolved," and decided in the negative—yeas 13, nays 23. The amendment was declared by the President to be rejected by this vote, and the original resolution consequently adopted.

Tuesday, 20th.—Mr. Hendricks introduced a bill making an appropriation to improve the navigation of the Wabash and for a survey of the Kaskaskia and White river.—Mr. Benton introduced a bill granting to the State of Missouri 500,000 acres of land, to be applied to purposes of internal improve-

ment. At an early hour, the Senate proceeded to the consideration of Executive business, and when the doors were opened, the Senate adjourned.

H. OF REPRESENTATIVES.

Wednesday, March 14.—The House resumed the consideration of the resolution for the appointment of a select committee to examine the affairs of the Bank of the United States. Mr. Wayne concluded his remarks in favor of his amendment, which he modified by striking from it that part which required the committee to act in the recess. After a further debate of some length, a part of which was of a personal character, the question was taken and the amendment rejected—yeas 26, nays 164. Mr. Adams then proposed to amend the original resolution by limiting the enquiry to the alleged violations of the charter of the Bank, &c. and directing the committee to report by the 21st of April. Several ineffectual attempts were made to amend this amendment so as to extend the proposed enquiry, when it was finally adopted—yeas 106, nays 92. The resolution thus amended was agreed to, the committee directed to consist of seven, and the House, at 8 o'clock, adjourned.

Thursday, 15th.—The resolutions offered by Mr. Root, in relation to an amendment of the Constitution, changing the mode of electing the President and Vice President of the United States, were taken up, and after a few remarks from Mr. Root, they were, on his motion, referred to a committee of the whole on the state of the Union.—After disposing of some other matters, the military and general appropriation bills were taken up in committee of the whole on the state of the Union, and after various amendments, and some debate, these bills were reported to the House; when the military appropriation bill was ordered to be engrossed and read a third time.

Friday, 16th.—Mr. Adams, the chairman of the committee on manufactures, for reasons stated, asked to be excused for the remainder of the session, from serving on said committee. This motion was opposed by Messrs. Cambreleng, J. S. Barbour, Drayton, Bates of Maine, Speight and Mercer, and supported by Messrs. Denny, Davis of South Carolina, and Dearborn. Mr. Everett moved to postpone the motion until Monday, and Mr. Stewart moved to postpone it until Wednesday next. At the suggestion of Mr. Wayne, Mr. Adams withdrew the request for the present.—Mr. Duncan, from the committee on public lands, reported a bill to establish a Surveyor General's office in the States of Illinois, Indiana and Missouri, and in the territories of Arkansas and Michigan.—Considerable time was spent in the consideration of the general appropriation bill for the support of government for the year 1832. Various amendments were proposed and agreed to, and others rejected or withdrawn. The bill, as amended, was eventually ordered to be engrossed for a third reading.

Saturday, 17th.—Mr. Bell, from the committee on Indian affairs, reported bills authorizing the appointment of an Agent to reside among the Choctaw Indians, west of the river Mississippi, in pursuance of the treaty of 1830.—Mr. Wickliffe

submitted a resolution directing the committee on private land claims, to enquire into the conduct of the Commissioner of the General Land Office, touching an official request made to that officer by the committee on the public lands. The resolution was amended, by directing the enquiry to be made by the committee on the judiciary, and agreed to.

Monday, 19th.—The bills making appropriations for the military service and for the support of government for the year 1832, together with a large number of private bills, were read a third time and passed.—The bill amending the act for the relief of the insolvent debtors of the United States, passed at the last session, was taken up and discussed—but before any question was taken, the House adjourned.

Tuesday, 20th.—Mr. Wilde submitted a resolution for an enquiry into certain facts connected with an increase of the specie circulation of the country.—The bill in addition to an act for the relief of the insolvent debtors of the United States, was taken up and debated at length, and after some material amendment, was ordered to be engrossed for a third reading. The House then adjourned.



BARBOROUGH.

TUESDAY, MARCH 27, 1832.

Cotton.—By a reference to our Price Current, it will be seen that the price of this article is still improving.

Fire.—On Wednesday morning last, about 4 o'clock, the citizens of this place were roused from their slumbers by the ringing of the bells, accompanied with the appalling cry of fire! fire! On hastening to the spot whence the alarm proceeded, the blacksmith shop of Mr. G. McWilliams was found enveloped in flames, and in a short time the shop, with nearly all its contents were destroyed. The fire was happily here arrested, the wind, although strong at the time, blowing in such a direction as only to endanger a few buildings. This is the third blacksmith shop which Mr. McWilliams has lost by fire—about five years since the second one was destroyed; he then erected one on the commons, but finding it very inconvenient, a few weeks ago he had this one erected on his lot, in the same place the preceding one stood. It is generally supposed that this fire was also the work of an incendiary.

Presidential.—The Legislative Jackson Convention of Virginia adjourned, after a session of three nights, without nominating a candidate for the Vice Presidency, or appointing delegates to the Baltimore Convention. A Jackson Electoral Ticket was formed and adopted on the third night. A resolution declaring it inexpedient to nominate a candidate for the Vice Presidency, was adopted—yeas 97, nays 34. A suggestion was made, but subsequently withdrawn, to send delegates to the Baltimore Convention. A letter from Mr. Philip P. Barbour was read in the debate on the Vice Presidency, wherein he gives consent that his name may be brought forward, if it did not embarrass the re-election of Gen. Jackson, or jeopardize an election of Vice President by the people.

The Comet.—The long talked of and much dreaded Comet, it will be seen, is approaching. The "Time's Telescope for 1832" designates this as the comet of Encke, and says: "it will pass its perihelion the early part of May. The Comet of Biela will be nearest to the earth on the 22d October, when its distance will be about fifty millions of miles." In reference to any injury which the earth may sustain from the approach of Comets, the Telescope adds: "The most likely