

When the Constitution was adopted as a whole, it is certain that there were many parts, which, if separately proposed, would have been promptly rejected. It is far from impossible, that every part of a Constitution might be rejected by a majority, and yet taken together as a whole, be unanimously accepted. Free Constitutions will rarely, if ever, be formed, without reciprocal concessions; without articles conditioned on and balancing each other. Is there a Constitution of a single State out of the twenty-four, that would bear the experiment of having its component parts submitted to the People, and separately decided on?

What the fate of the Constitution of the United States would be, if a small proportion of the States could expunge parts of it, particularly valued by a large majority, can have but one answer.

The difficulty is not removed by limiting the doctrine to cases of construction. How many cases of that sort, involving cardinal provisions of the Constitution, have occurred? How many now exist? How many may hereafter spring up? How many might be ingeniously created, entitled to the privilege of a decision in the mode proposed?

Is it certain that the principle of that mode would not reach further than is contemplated? If a single State can of right require three-fourths of its co-States to overrule its exposition of the Constitution, because that proportion is authorized to amend it, would the plea be less plausible that, as the Constitution was unanimously established, it ought to be unanimously expounded?

The reply to all such suggestions seems to be unavoidable and irresistible: that the Constitution is a compact; that its text is to be expounding according to the provisions for expounding it—making a part of the compact; and that none of the parties can rightfully renounce the expounding provision more than any other part. When such a right accrues, as may accrue, it must grow out of abuses of the compact releasing the sufferers from their fealty to it.

In favor of the nullifying claim for the States, individually, it appears, as you observe, that the proceedings of the Legislature 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 were 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 attention, 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 in their parts, and an inconsistency of the whole with the doctrine under consideration.

That the Legislature could not have intended to sanction such a doctrine as 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 of 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 concert, 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 Legislature 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, synon-

ymous 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 mode of deriving power by implication; and in general presses the necessity of watching over the consolidating tendency of the 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 answer 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 United States unconstitutional, which they pronounced an unwarrantable interference with the exclusive jurisdiction of the Supreme court of the United States. Had the Resolutions 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,

JAMES MADISON.

#### TIPPECANOE BATTLE-GROUND.

Although this spot is situated upon the frontier of the vast empire of the United States in the West, in a forest yet unsubdued by the arts of civilization and irresistible progress of improvement; the event with which it is associated, gives it a conspicuous place in the pages of our history.

It is the ground where the first battle and first blood-shed formed the opening scene of the last War. It was there that the ardent patriotism and unshaken bravery of our citizen soldiers, gave promise of the rich harvest of glory which our country afterwards reaped, in many a field of blood. It is a spot fraught with deep interest to every American; with proud yet mournful recollections.

There was achieved the first victory of the last War: There fell Daviess, Spencer, Warrick, and Owen, and many a brave comrade, whose hearts swelled with as lofty patriotism as those whose untimely death our country mourns:—There their bones, rudely disinterred by dastardly savages, long lay, bleaching in the winds, neglected by their country, in whose defense they had marched into the untrodden wilderness and sacrificed their lives. But though they were far from their home and their friends, their country's honour and independence were before them; and their dying moments were cheered by the voice of victory, and the last accents which fell upon their ears were the shouts of triumph.

And yet may that country redeem its former neglect, and place a Monument over the bones of those whose deeds it should be the pride of every American citizen to emulate. But they need it not—their names are placed side by side with the heroes of the Revolution, and their actions entombed in the temple of their country's glory.

Notwithstanding the unfavorable aspect of the weather, a large concourse of citizens and strangers repaired at an early hour to the Battle-Ground, on the 21st. Among the distinguished strangers from a distance, were Generals Tipton and Carr, and several soldiers who were in the battle; the sons of the brave WARRICK and OWEN, and the son of General HARRISON, (whose absence was much regretted.) The bones which were buried in several places around the Battle-Ground, were disinterred and placed in coffins. A long and solemn procession, under the conduct of Major HERST, Doct. VANDEVENTER, Capt. JOSEPH DILL, and AARON FINCH, Esq. acting as Marshals, followed them to the grave, where they were re-interred with the honors of war, after a solemn, pathetic, and affecting appeal to the Throne of Grace by the Rev. H. A. HUNTER, and an eloquent and patriotic Funeral Oration by Ed. A. HANNEGAN, Esq.

The procession formed at 12 o'clock, under the direction of the committee of Arrangement, in the following order:

The Coffin, supported by eight pall bearers, preceded and flanked by the Light Companies. Messrs. Owen and Warrick, chief mourners. The Officers and Soldiers who were engaged in the battle, their relatives and friends. Committee of Arrangement. Citizens. The Mourners, Orator, Chaplain,

committee of Arrangement, and Pall Bearers, wearing crape on the left arm.

After the interment of the bones and the conclusion of the ceremonies connected with it, Gen. TIPTON in a brief address detailed the principal events of the battle, and the circumstances under which it was fought. He repelled the many false imputations, which had been cast upon the conduct of his Commander-in-chief by conflict, and appealed to the recollections of his comrades, several of whom were then present, to sustain the truth of his statement.—*Lafayette Free-Press, Oct. 27.*

#### CANAL LANDS.

Inquiry having been frequently made of us in relation to the sales of the canal lands, we have collected from gentlemen who were present the following information. The whole amount of land sold was 42,012 acres, and the whole amount for which it was sold was about 75,000 dollars. With the exception of a small tract at Fort Wayne, which sold for 70 dollars per acre, the average price per acre was about one dollar and seventy cents. The lands from the mouth of Tippecanoe to Logansport, a distance of 30 miles, were nearly all sold, at an average of two dollars and fifty cents per acre. But few tracts above Logansport sold for more than \$1.25 per acre. The lands yet unsold are said to be equal to those sold. These, together with 30,000 acres selected by the canal Commissioners during the past summer, in lieu of the sold lands and individual reservations, will we understand, be offered for sale in April next. But few pieces of these lands were purchased by speculators. By the terms of sale, one-fourth of the purchase-money only was required to be paid in hand, and seventeen years credit, with six per cent. per annum interest in advance, was allowed on the residue. A considerable number of the purchasers, we learn, made full payments and received patents. *Ind. Journal.*

#### From Niles' Register.

#### FOREIGN NEWS.

By the James Cropper, arrived at Norfolk, London papers of the 13th September, have been received.

It now appears that the new French government has been recognized by Great Britain, Austria, Prussia, the Netherlands and Wurtemberg—that Russia had withdrawn her interdict against the tri-colored flag, and was about to make a formal recognition of Louis Philip, &c.

The affairs of the Netherlands are yet unsettled. A separation of the Dutch and Belgic provinces seems aimed at, so far at least that each shall have its own legislative body, with a common king. The king, however, was making great exertions to pacify the people, being disposed to yield many things requested, and a hope was entertained that harmony would be restored. He has issued a proclamation of a mild and persuasive character. The people of Brussels, though fully resolved on a redress of their grievances, were yet conducting themselves with great moderation.

Immense numbers of tri-colored flags, ribands, cockades, purses, braces, &c. were exhibited in the windows of the London shops.

Some symptoms of a revolution had appeared at Leipsic—but did not proceed to any considerable extent.

Spain is anxious to drive back into France, the emigrants who were returning from that country to their own, but had yet feared to execute their will on that subject.

Talleyrand has been appointed by Louis-Philip, envoy-extraordinary to the court of Great Britain. This appointment does not appear a popular one.

From Russia we learn that Mr. Randolph had arrived at Petersburgh, and had an audience with the emperor. It is stated that he had already committed many extravagancies. On the 26th of August, the French vessels in the roadstead were adorned with the tri-colored flag.

There had been some disturbances at Rouen and other places in France, and a contest at Nismes between parties of Catholics and Protestants—but a general tranquility pervaded; and it would seem that all was quiet again at Paris. The king is becoming more and more popular, because of the plainness of his manners and liberal opinions.

The late Swiss guards, at Paris, appear to have been much insulted on their way home. The hirelings deserved nothing better—they were paid to kill or be killed—a mere money-matter.

The bay of Tity had not surrendered to the French at Algiers, but rather defied their power.

The National guard of France is estimated, at a million men—Lafayette commands the whole.

The ex-king Charles and family remained in England, without any present apparent disposition to leave that country. He and his son had taken out shooting licences. The latter is much of a sportsman.

Large quantities of gold and silver yet arrive from Algiers.

#### SELECTED ITEMS.

*Bishop of New York.* The rev. Benjamin T. Onderdonk has been elected bishop of the New York diocese, in the place of the late bishop Hobart.

The clerical votes were as follows:—Onderdonk 52; Wainwright 21; Author 6; Brownell 1; Reed 1; Delaney, of Philadelphia, 8; Creighton 1; blank 1—total 91. Laity—Onderdonk 56; Wainwright 17; Author 7; Delaney 12; McIlvaine 1.

*Mobile.*—The population of this city is 3,062—viz: white males 1,060, females 548—slaves 1,081, and 873 free persons of color.

*George II. and his queen.*—Monday, 2d September, 1729, went to town. The next day we saw the queen at court; from thence we went to sir R. Walpole's in his chariot, and dined with him and his lady only.

On this occasion he let me into several secrets relating to the king and queen—that the king constantly wrote to her by every opportunity, long letters of two or three sheets, being generally of all his actions—what he did every day even to minute things, and particularly of his amours; what women he admired and took as favorites; and that the queen, to continue him in a disposition to what she desired, returned as long letters, and approved even of his amours, and of the women he took; not scrupling to say that she was but one woman, and an old woman, and he might have more and younger women, and that she was very willing that he should love the best of them. By which means, and a perfect subserviency to his will, she effected whatsoever she desired, without which, I was impossible to keep him within any bounds.

[*Lord King's Journal.*]

*Remarkable hank of silk.* A hank of silk produced by a single worm, was lately reeled in the presence of several gentlemen, in Bolton, which was 305 yards in length, and on being weighed, was found to be of the texture of 15,000 hanks in the pound. A single pound of this silk would reach 716 miles. The worm was only 7 days in spinning the hank, consequently it produced at the rate of 52 yards per diem.

*Trotting.* The celebrated American horse Tom Thumb has again astonished the natives of England. Some time ago, he trotted 100 miles in a little more than 10 continuous hours—and lately he went 16 miles in 55 minutes—being allowed an hour, never breaking from his trot, and winning 500 guineas. He travelled in harness, drawing a light carriage, containing his present owner.

*St. Louis.*—population of this city, Aug. 1830—2,503 male and 1,889 female white persons; 1,168 slaves and 287 free persons of color; total 5,852. There were two females in this city more than 100 years old.

*Another gold mine.* A richer gold mine than any previously discovered has just been found in Georgia, on the land of a Mr. Elrod, in Harold county, seven or eight miles from Gainsville. The Milledgeville Recorder says, by accounts, this gold mine is indeed a treasure. On the 21st September, seven hands made at this mine 205 pennyweights of pure gold, equal to about \$180. It is what is called a ridge mine. The surface is almost covered with rock, which contains gold in greater or less quantities. The gold is obtained by breaking the rock.

*Successor of Red Jacket.* council of the Six Nations of Indians was lately held at Tonawanda village, N. Y. for the purpose of choosing a chief, in the place of Red Jacket. "The council," says the Batavia Times, "we understand was very large. SUSAENAYA, known among the whites by the name of JAMMY JOHNSON, of the WOLF family, a pagan, was chosen chief."

*Smuggling.* We learn from a friend who has just returned from Whitehall, that on Thursday last a Mr. Delance, one of Mr. McNeal's inspectors at that place, made a seizure of twelve bales of woollens, consisting principally of baizes, which had been landed as conjectured from a boat called the Mohican, laden with boards from Champlain. The bales were landed within less than a mile of Whitehall, in the woods, three in a place, and about 3-4 of a mile from each other. Said goods are now in the hands of the collector at Plattsburgh.

[*Rutland (Vt.) Herald.*]

*More logwood blues.* Extract of a letter from an American gentleman in England. "I have spent a day or two in the vicinity of Mr. B.'s establishment. This house sent to Buckley Bent the somewhat famous logwood blue cloths. The quantity made at the establishment is about 150 ends, per week, besides large purchases made by the owner at Leeds, and all designed for the United

States, or Canada, which he expects will be the same thing. From what I can learn, it will be well for your government to keep a sharp look out on the lines the next season. The subject of smuggling and cheating the American government is talked about, with great exultation, as being very successful. I have heard men make their boast of the success they have met with in evading the laws of congress. [Boston Courier.]

*Mr. Adams.* Many persons having doubted whether the late president of the United States would accept the nomination for congress, the Columbian Sentinel published the following extract of a letter from him, dated Quincy, Oct. 15—

"If my fellow citizens of the district should think proper to call for such services as it may be in my power to render them by representing them in the twenty-second congress, I am not aware of any sound principle which would justify me in withholding them. To the manifestations of confidence on the part of those portions of the people who at two several meetings, have seen fit to present my name for the suffrages of the district, I am duly and deeply sensible."

#### VERMONT.

From a correspondent at Montpelier we learn that Hon. Samuel Prentiss has been elected to the United States Senate. The vote stood for Prentiss 120—Hutchinson 29—Palmer 60—9 scattering. Of Prentiss, says our correspondent, we have no fears. He was set up by the Jackson men for Congress a year ago, against Mr. Cahoon Hutchinson had but lately established a paper called "The Henry Clay" at Woodstock, which openly advocated his [H.] election. His friends were against Mr. Hutchinson on the ground that he was a Jackson man. Hutchinson was all for Clay, and the Clay party are broken down. In the election of Governor five of our friends had to go for Crafts to close the contest. Crafts has not hurt us in his message. Our power has been felt, especially on the *Senatorial question*.

The friends of the administration in New England, have done their duty nobly the past year. Of the three Senators of the United States which were to be chosen, we have secured the whole to the support of the administration—have confirmed the democratic ascendancy in New Hampshire and acquired it in Maine. To our brethren in other parts of the country we say, "go ye and do likewise."

[*Boston Statesman.*]

#### BANK NOTE TABLE.

*CORRECTED weekly by G. R. GILMORE, Exchange Office No. 4, Main Street, Cincinnati.*

	OHIO.	DISCOUNT.
Bank of Chillicothe	15	
Bank of Lancaster	15	
Bank of Columbus	15	
Mount Pleasant	15	
Western Reserve	15	
Commercial bank Scioto	15	
Farmers & Mechanics' b'k Steubenville	15	
Farmers' bank of Canton	15	
Saint Clairsville	15	
Marietta	15	
	MICHIGAN.	
Detroit Bank	15	
	PENNSYLVANIA.	
Philadelphia Banks	15	
Pittsburgh "	1	
Boston "	2	
Germantown	2	
Montgomery county	2	
West Chester	2	
Farmers' Bank Lancaster	2	
Harrisburgh	2	
Bucks county	2	
Lancaster Bank	2	
Northampton	2	
Swatara	2	
York Bank	2	
Chambersburgh		