

INSOLVENT LAWS.

How far the separate states retain power to enact insolvent laws, discharging the debtor from subsequent liability, has been a matter of doubt for several years. We are informed that this question has been finally decided by the Supreme Court of the United States, at their last session. But from what I can learn of the decision, it partakes more of the character of legislation than adjudication. The result seems to be that such a law may be valid as to some persons, and in some courts, and invalid as to other persons, and in other courts.

As thus—if the Legislature of Ohio enact a law providing generally, that persons unable to pay their debts, in the state may, by surrendering all their property, and conforming to prescribed regulations, be discharged from future liability; and after the enactment of this law, two citizens of Ohio make contracts, and the one becomes unable to pay the other, and suit be brought in the state court of Ohio, discharge under the Ohio law would be valid.

But if after the enactment of the law, a citizen of Ohio make a contract in the state of Ohio with a citizen of Kentucky, and the citizen of Ohio becomes unable to pay, a discharge under the Ohio law is not valid, unless the suit be brought in the state court of Ohio. And, in either case, if the creditor becomes a citizen of another state, so as to sue in the federal court, that court cannot hold the discharge obligatory.

I cannot conceive the course of reasoning by which the minds of eminent jurists are brought to this kind of conclusion. Whatever it may be, I feel confident it can never carry conviction to my mind. A contract made in Ohio, and sued upon in Ohio, it matters not in what tribunal, nor where the parties may reside, must be governed by the law of Ohio—and the operation of the law must be the same between all parties and in all courts. It must be alike invalid, or alike obligatory.

I wish to detract nothing from the high reputation of the judges of the Supreme court, either as men or as lawyers. I must however be permitted to express my opinion, that they have run into some very mischievous errors. One is the deep admixture of political expediency, which is infused into and pervades many of their decisions, especially in expounding the constitution. It was once a leading axiom that justice was blind as to every thing but the case immediately before her. She could neither see parties, nor look to future consequences. In the Supreme Court this axiom is not regarded. Justice there looks with eagle eyes to the parties in the cause, and to the connection between the case to be adjudicated, and its most remote, and often improbable bearings upon the same, or other parties, in different situations.

Thus, in attempting to shape a decision in one case, so as to quadrate with all possible cases, policy & expediency become the principle topics of examination. And a judicial decision is made to bear a strong analogy to legislative enactment.

Another of these errors is the substitution of an elaborate train of reasoning, for brief and explicit decision. This is closely connected with the first error, and is a good degree originates in it. When a proposition is laid down, and either narrowed or extended with a view to remote and merely supposable consequences, all these must be explained. The probability that they may arise, the evils they may bring with them, the indispensable necessity of obviating these anticipated evils must all be made out. Thus a legal opinion, instead of deciding the case in hand is made to resemble the thesis of a student, and consists of hypothesis and inference, spreading over an almost interminable surface.

This is a growing evil, and our state Judges have also been made subject to its influence. Our books of reports begin to resemble volumes of orations, rather than collections of adjudged cases: ingenious sophistry supplies the place of practical exposition & we have intangible subtlety, instead of plain demonstration.

In the cases of state insolvent laws, it is understood that three of the judges, Marshall Story and Duval, considered them wholly invalid, wherever they provided for discharging the contract. The subdivisions of opinion, by which they are made inoperative in some cases, and obligatory in others, existed among the other four judges. Without admitting that the three judges were right, it seems clear to me that the others must be wrong. And I hazard the opinion that half a century hence the decision now made, will not be regarded as law.

Considering the commercial character of our country, and the perfection of legislation and jurisprudence to which many

think we have arrived, we exhibit a singular anomaly on the subject of bankruptcies. The constitution empowers the national legislature to provide one general rule. But this power the national legislature refuses to exercise. And the national judiciary decided that the fact of the constitution conferring this power on the national legislature, divests it out of the states. This is a practical application of the fable of the dog in the manger, who would neither eat the hay nor permit the ox to eat it. The national government will neither enact a bankrupt law, nor permit the states to enact them. And thus the citizens are deprived of a law which the constitution has expressly provided for. By way of set off, I suppose, these scrupulous politicians, who fill the departments of the national government, have given us some enactments and some decisions, which many think the constitution does not authorize. Thus the balance is kept somewhat equal, and the machine preserved in operation.

Cincinnati Gazette

IMPORTANT FROM COLOMBIA.

By the schooner *Eliz. Piggot*, Davis, arrived at Philadelphia, Mr. Sanderson, of the Coffee House, has received a letter dated Lagaira, March 13, of which the following is an extract.

"I enclose you the first copy of the 'Lira' a new paper, which it is intended to publish at Caracas. You will therein find that the Grand American Federation is spoken of. Bolivar's resignation is also therein. His resignation is however to pave the way to place himself a step higher, as there is little doubt that four months will not elapse, before there will be a union of Peru, Colombia and Bolivia, and Bolivar appointed president for life."

ABDICATION OF THE LIBERATOR.

HEAD QUARTERS, CARACAS, Feb 6, 1827. To his excellency the President of the honorable body of the Senate.

MOST EXCELLENT SIR: In no former circumstances has the august authority of Congress been of such necessity to the republic as at this present period, in which every mind has been disturbed, and the whole nation agitated, by internal commotions.

Called by your excellency to take the oath of office as President of the republic, I arrived at the capital, whence I was speedily summoned to the departments of the ancient Venezuela. From Bogota to this city I have issued decrees so important that I make bold to declare it of the greatest moment that your excellency should call the attention of Congress to them, and request that body from me, to take them into their wise consideration. If I have overstepped the boundaries of my authority the fault lies solely within me; but I willingly consecrate even my innocence to the safety of the republic. This sacrifice was required of me, and I glory in not having delayed it.

When in Peru, an official notice brought me intelligence of my elevation, by the people, to the presidency of the republic, I declined to the executive power the acceptance of the chief magistracy of the nation. For fourteen years have I fulfilled the office of supreme head & President of the republic; dangers forced this duty upon me, which no longer existing, leave me at liberty to retire to the enjoyments of private life.

I beg of Congress to cast a regard upon the situation of Colombia, of America, and of the entire world: Every thing seems to flatter us. There is not a Spaniard upon the American continent. Domestic peace has reigned in Colombia since the commencement of the present year. Many powerful nations recognise our political existence, and some are joined to us in the bonds of amity and friendship. A large portion of the American states are in alliance with Colombia, and Spain is at present menaced by Great Britain. What more can we hope for? The womb of time can alone contain the immensity of happiness which has been prepared for us by a bountiful Providence in whom is our only reliance. As to me, suspicious of a tyrannical usurpation rest upon my name, and disturb the hearts of the Colombians. Republicans, jealous of their liberties, cannot consider me without a secret dread, because the pages of history tell them that all those placed in similar situations have been ambitious. In vain do I wish to propose the example of Washington as my defence; and in fact, one or many exceptions can effect nothing against the experience of the world, which has always been oppressed by the powerful. I sigh between the distresses of my fellow citizens, and the sentence which awaits me in the judgment of posterity. I myself am aware that I am not free from ambition; and therefore, I desire to extricate myself from the grasp of that fury, to free my fellow citizens from all inquietude, and to secure after my death that reputation which I

may be entitled to for my zeal in the cause of liberty. With such sentiments I renounce, again and again, the Presidency of the Republic. Congress and the nation must receive the abdication as irrevocable. Nothing will be able to oblige me to continue in the public service, to which I have already dedicated my entire life. And now that the triumph of liberty has placed this sublime right within the enjoyment of every one, shall I alone be deprived of it? No: The Congress and the Colombian people are just; they will not compel me to an ignominious desertion. Few are the days which now remain to me more than two thirds of my existence has already passed; let me, therefore, be permitted to await a peaceful death in the obscure and silent retreat of my paternal residence. My sword and my heart will, nevertheless, be always with Colombia, and my last sighs will ascend to Heaven in prayers for her continued prosperity.

I pray, therefore, Congress and my fellow citizens, to confer on me the title of a private citizen. God guard your excellency.

SIMON BOLIVAR.

Short Courtship.—A pensioner from the neighborhood of Monea, came to our market on Thursday, having buried his wife only eight days previous; he met a young woman in the street, to whom he never spoke before, and addressed her as follows—"My dear, I have a neat little farm and two cows, with a well furnished house—and all I require to make me happy, is a wife. I have fallen in love with you today—If you consent to be my wife, you will live comfortably, and I will pay the rent of my farm with my pension.—Will you have me—now or never?" The young woman hesitated a few moments, and reflecting on the consequence of refusing, replied—"Yes." The happy pair drove off—were married, and went home the same day.

Eniskellen Reporter.

The great National Road of the West.

This great Avenue through the Western States, which is a continuation of the Cumberland Road, is a construction on the M'Adam plan. We are glad to find by the following report to the War Department from the Superintendent of the Road that this system of roadmaking, so highly recommended stands the test of experiment.

"Permit me to say that the work under my superintendency progresses as rapidly as could have been expected under a new system. That part of the road upon which the travelling has been during the Winter, has stood better than its most sanguine friends could have expected when the fact that the travel was admitted at the beginning of the winter, before the compactness, is taken into view. Indeed it has stood admirably, and the effect has been to dissipate the prejudices almost universal against the system.

From the (Frankfort) Commentator. THE WOOLLENS BILL.

Great efforts are making in certain quarters to deceive and delude the public about this measure. The misrepresentations, both as to the actual provisions of the bill, and its probable consequences, are innumerable, and many of them originate in high places. To counteract these efforts to deceive the people, we now copy the bill, as it was reported to the House of Representatives where it passed, and as it stood when defeated in the Senate by the Jackson opposition and the casting vote of Vice President Calhoun.

A BILL for the alteration of the acts imposing duty on imports

Be it enacted, &c. That from and after the first day of August, 1827, in lieu of the duties now imposed by law on the manufactured articles hereafter mentioned, imported into the United States, there shall be charged and paid the duties chargeable thereon in the following manner: First, All manufactures of wool, or of which wool is a component part, except worsted stuff goods, and blankets, whose actual value at the place whence imported shall not exceed 40 cents per square yard, shall be taken & deemed to have cost 40 cents the square yard, and charged with the present duty accordingly. Second, All manufactures of wool, or of which wool shall be a component part, except worsted stuff goods and blankets, whose actual value at the place whence imported shall exceed 40 cents the square yard, and shall not exceed \$2 50 the square yard, shall be taken and deemed to have cost \$2 50 the square yard, and charged with the present duty accordingly. Third, All manufacture of wool, or of which wool is a component part, worsted stuff goods and blankets excepted, whose actual value at the place whence imported shall exceed \$2 50 the square yard, and shall not exceed \$4 the square yard, shall be taken and deemed to have

cost \$4 the square yard, and charged with the present duty, accordingly.

Sec. 2. And be it further enacted, That all unmanufactured wool now charged with a duty of thirty per cent. ad valorem, shall, from and after the 1st day of June, 1828, be charged with a duty of thirty-five per cent. ad valorem, and from and after the 1st day of June, 1829, be charged with a duty of forty per cent. ad valorem, and all wool unmanufactured, whose actual value at the place whence imported, shall exceed ten cents per pound, and not exceed 40 cents per pound, shall be deemed and taken to have cost forty cents per pound, and be charged with the duty, as in this section before provided.

Sec. 3. And be it further enacted, That all imported wool on the skin, shall be charged with a duty of thirty per cent. ad valorem, including the value of the skin until the first day of August, 1827, when a duty of thirty-five per cent. ad valorem, shall be charged and paid until the first day of August, 1828, after which there shall be charged and paid on the same, a duty of forty per cent. ad valorem.

It will be seen that the first object of the bill was, to give proper effect to the now very popular measure, the Tariff of 1824. It does not raise the rate of duty on woollen cloths at all. It was only intended to prevent the frauds which foreign manufacturers and merchants had got into the habit of practising upon the revenue, by undervaluing their goods, when they imported them.

The present duty on such articles, is, according to the Tariff of 1824, "on all manufactures of wool, or partly of wool, (except worsted stuff goods and blankets, which shall pay 25 per cent. ad valorem) a duty of thirty-three and a third per cent. ad valorem. Provided, That on all manufactures of wool, (flannels & baizes excepted,) the actual cost of which, at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per cent. ad valorem."

The present duty on unmanufactured wool, is according to the Tariff of 1824, 30 per cent. ad valorem. Provided, That all (coarse) wool not exceeding ten cents per pound, shall be charged fifteen per cent. ad valorem, and no more.

Wool, on the skins, is not mentioned in the Tariff of 1824. By the Tariff of 1816, "raw hides and skins" may be imported free of duty, and, no doubt, immense numbers of raw sheep skins well covered with wool, are imported free of duty.

The ad valorem duty which is paid upon foreign goods, is a certain rate per cent. upon the value, and to ascertain the value, ten per cent. is added to the cost. So when woollen cloth costs 60 cents per yard, it is of the value of 66 cents per yard, and pays a duty (at 33 1/3 per cent.) of 22 cents per yard.

It will not escape the attentive observer, that on woollen cloths which cost just 40 cents, or \$1 50, or \$2 50 cents, or \$4, the duty would not have been raised or altered at all. On those costing a little over any of those prices, the duty is raised a little.

It has been represented by some deceiving demagogues, that on coarse, cheap woollens such as the "farmers and mechanics," (to use their own words,) wear, the duties or tax was to be raised enormously while the duties on fine cloths, as "Congress men" wear, was not to be raised at all. This is a most gross misrepresentation. The bill included in fact, though not in terms, every description of woollen cloth, ever brought to the western country for sale; and if any are ever imported into the United States which would not come within the provisions of the bill, such importations are extremely rare. To prove this, let it be recollected, that the best cloths which are brought to this country for sale, are retailed in the stores at about \$12 a yard. Such cloths cost, at the manufactory in England about six dollars a yard or a little less. If it should cost more than six there, and be sold here for not more than twelve, some of the dealers would be left without a reasonable profit. Those goods are a yard and three quarters wide, and six dollars running yard, at which we have been computing them, is less than four dollars the square yard, they are consequently within the provisions of the bill. But most of the cloths sold here for the use of dressy people—we do not say wealthy people, because the wealthy people in this country do not, in general, aim to dress elegantly, (and here a principal argument of the demagogues fails)—but such cloths as are generally worn by dressy people, "Congress men," if you please, sell in the stores, at about 10 dollars a yard—costing in England about five dollars the running yard, or three dollars the square yard. On such, the duty or tax would have been greatly raised by the woollens bill. Now the tax on a coat of such cloth (2 yards) is now \$3 50. By the woollens bill, if that bill