

law of self-preservation authorises the distressed to take a supply by force. In all these cases the unwritten laws of necessity, of self preservation, and public safety, controul the written laws of men and tum. — Further to exemplify the principle, I will state an hypothetical case. Suppose it had been known to the executive of the Union in the autumn of 1808, that we might have the Floridas for a reasonable sum, that that sum had not indeed been so appropriated by law, but that congress were to meet within three weeks, and would appropriate it on the first or second day of their session. Ought he, for so great an advantage to his country to have risked himself by transcending the law, and making the purchase? The public advantage offered in this supposed case, was indeed immense: but a reverence for law, and the probability that the advantage might not be legally accomplished by a delay of only three weeks, were powerful reasons against hazarding the act. But suppose it foreseen that a ***** would find means to protract the proceedings on it by congress until the ensuing spring by which time new circumstances would change the mind of the other party. Ought the executive, in that case, and with that foreknowledge, to have secured the good of his country, and to have trusted to their justice for the transgression of the law? I think he ought, and that the act would have been approved. After the affair of the Chesapeake, we thought war a very possible result. Our magazines were filled with some necessary articles, nor had any appropriations been made for their purchase. We ventured however to provide them and place our country in safety, and stating the case to congress, they sanctioned the act.

To proceed to the conspiracy of Burr, and particularly to general Wilkinson's situation in New Orleans. In judging this case we are bound to consider the state of the information, correct and incorrect, which he then possessed. He expected Burr and his band from above, a British fleet from below, and he knew there was a formidable conspiracy within the city. Under these circumstances was he justifiable, 1st. In seizing notorious conspirators? On this there can be but two opinions: one, of the guilty and their accomplices; the other, that of all honest men—2d. Sending them to the seat of government when the written law gave them the right to trial in the territory? The danger of their rescue, of their continuing their machinations, the tardiness and weakness of the law, apathy of the judges, active patronage of the whole tribe of lawyers, unknown disposition of the judges, an hourly expectation of the enemy, salvation of the city, and the Union itself, which would have been convulsed to its centre, had that conspiracy succeeded, all these constituted a law of necessity and self-preservation, and rendered the *salus populi suprema* over the written law. The officer who is called to act on this superior ground, does indeed risk himself on the justice of the controlling powers of the Constitution, and his station makes it his duty to incur that risk. — But those controlling powers, and his fellow-citizens generally, are bound to judge according to the circumstances under which he acted. They are not to transfer the information of this place or moment to the time and place of this action: but to put themselves into his situation. We know here that there never was danger of a British fleet from below, and that Burr's band was crushed before it reached the Mississippi. But general Wilkinson's information was very different, and he could act on no other.

From these examples and principles, you may see what I think on the question proposed. They do not go to the case of persons charged with petty duties, where consequences are trifling, and time allowed for a legal course, nor to authorise them to take such cases out of the written law. In these the example of overleaping the law is of greater evil than a strict adherence to its imperfect provisions. It is incumbent on those only who accept of great charges to risk themselves on great occasions, when the safety of the nation, or some of its very highest interests are at stake. An officer is bound to obey orders: yet he would be a bad one who should do it in cases for which they were not intended, and which involved the most important consequences. The line of discrimination between cases may be difficult; but the good officer is bound to draw it at his own peril, and throw himself on the justice of his country and the rectitude of his motives.

I have indulged freer views on this question on your assurance that they are for your own eye only, and that they will not get into the hands of newswriters. I met their scurrilities without concern, while in pursuit of the great interests with which I was charged; but in my present retirement, no duty forbids my wish for quiet.

Accept the assurances of my esteem and respect.

TH: JEFFERSON.

From the National Gazette.

A friend has sent us from Lima, the new "Political Constitution of the Peruvian Republic, given by the General Constituent Congress, on the 18th March, 1828." We have read this work with much interest, chiefly on account of the proof which it affords of a comprehensive knowledge of the principles and structure of a free government. The duration of these South American con-

selves do not supply a firm ground of hope or confidence. Such an example as that which Colombia now presents, may disturb the most sanguine political speculators. For five years to come, no alteration or form is regularly admissible in this Peruvian constitution; but in July, 1833, a national convention is to be assembled for the purpose of examining and amending it wholly or in part, and it is "very grave circumstances" should exact this process sooner, then the congress may fix the meeting of the convention to an earlier period. A mere experiment of a constitution is far from being advisable. Among the provisions of the new instrument, which struck us, are the following:

The Peruvian nation is forever free and independent—a separate and sovereign state—its religion is the Roman Catholic, and other worship is not to be tolerated.

Citizenship may be acquired—on the part of the citizens of any other division of America by two years' residence and a previous declaration of intention: It is forfeited by slave trading, bankruptcy, non payment of debts to the public treasury, notorious gambling, drunkenness, the abandonment of a wife without reason, vagrancy, &c.

The Peruvian nation adopts for its government, the popular representative consular form. The two houses of congress are organized as ours are—the powers and duties of the president are also nearly the same, there are no differences in the modes of election and the property qualifications required. The term of the presidency is four years, with immediate reeligibility—[a bad arrangement.] There is a permanent council of state, composed of ten senators, chosen by joint vote of the two houses of congress. The judiciary is independent, and removable by impeachment. All who touch the Peruvian soil are free—under the constitution, all citizens are equal in rights and advantages.

NEW YORK, August 29

The fast sailing packet ship, *Josephine*, capt. Bilton, arrived early yesterday morning from Belfast, whence she sailed on the 25th of July. We have been favored with Belfast papers to the 24th inclusive, containing London dates to the 21st, and with Liverpool advices to the 22d. The papers do not furnish any news of much importance. The subject of our tariff was brought forward in the house of commons, on the 18th, as will be seen by an abstract from the debate in our columns. The Russians had obtained some further advantages, without much sacrifice.

The archbishop of Canterbury, died on the 21st at his palace at Lambeth. His grace, being Primate of all England and Metropolitan, was a Lord of Trade and Plantations, an official Trustee of the British Museum, a governor of the Charterhouse, and Visitor of all Souls and Merton colleges, Oxford.

Tariff of the U. States—In the house of commons, on the 18th of July, Mr. Huskisson rose to move for copies of the American tariffs of 1824 and the present year, with any communications from his majesty's ministers in the U. States, on the subject. It was necessary, before the close of the session, to take some notice, not of the intention, perhaps, but of the tendency of certain acts which had been lately passed in the U. States, detrimental to their own interest, but certainly calculated greatly to injure and impede the trade and manufactures of Great Britain. In 1815, a convention was entered into for four years, which was not introduced by him, but which was nearly one of the first of those reciprocity treaties that had been so much abused. The simple principle was this: that all articles, the growth, produce, and manufacture, of either country, should be received in either upon duties as low as those paid upon any like articles, the growth, produce, or manufacture, of any other country, should be received in either upon duties as low as those paid upon any like articles, the growth, produce, or manufacture, of any other country, and further that there should be no discriminating duties in reference to the national character of the respective ships. In 1816, it was renewed. At this period, when we were exploring the doctrine of prohibition, it was adopted by the Americans with reference to the great staple manufactures of England. About the same time the convention was violated by the U. States imposing an additional duty on iron rolled, instead of beaten into plates, which was an increase occasioned merely by the improvement in the mode of manufacture. This country remonstrated, but without effect; though on the renewal of the convention, the principle was conceded, and it was also agreed that the treaty should be dissolved on either party giving twelve months notice. Since that period the American congress has added other duties, particularly upon wool, hardware, and cotton, and those duties were so great as to amount almost to a prohibition; and, as in the year before, the proposition for an increase was rejected by a majority of one, in the year 1828, it was carried by a great majority.

But he understood that those best informed upon such subjects in the U. States, looked upon the increase as highly prejudicial to their interests; certain it was that every country looked to every question with reference to its own particular interests, and on that principle he did not complain of the U. States; but on that principle also was it that we ought to look to our own course, so as to counteract that feeling in others. He was

prohibitory warfare: but if we did not adopt some course of the kind, we should forfeit our claim to impartiality, and justify complaints on the part of other countries who were dealing with us in a fairer and juster manner. The people of the U. States deceived themselves if they supposed that we had not ample means of manifesting our feelings, even upon the convention; but it was, however, open to us to put an end to that convention by due notice given, and this was in his opinion, the more manly course. The principal exports of America—tobacco, rice, cotton and turpentine were not manufactured in this country, but were merely sent to this country for consumption, and with those articles it would not be difficult to supply ourselves from other sources. He believed that this allowed its existence less to the opinion that it would promote national objects, than electioneering purposes. It was not a matter of surprise that party should prevail in a country where the supreme executive power was an object of competition, not twice in an age, but once every four years. He observed, that these measures were generally brought forward at the period of these elections, with reference to the excitement of the People.

While the trade of the United States with this country amounted to one half of all the exports of their own production, it formed only one-sixth of the whole trade of this country. He would leave it to the sober and temperate consideration of those who ought to be the rulers of the destinies of that country, to decide whether it was a safe game for them to risk one half of their trade, in order to impede us in a branch of our commerce, which is only one sixth of our whole foreign trade. So far from retaliating, he would leave the American Government to find out the folly of their proceedings; and he had no doubt they would soon repent the day they adopted this weak and absurd policy. He was of opinion that for every period of injury the tariff would inflict upon England, the injury to America would be fourfold.

Mr. Hume, said nothing ruffled more in the breasts of the Americans, than our exclusion of their corn. This was the staple of half the country, and it was by the influence of those states which grew corn, that this unwise and impolitic tariff had been passed.

INDENTURES for Apprentices
for sale at this office.

Lost Land Certificate.

NOTICE is hereby given, that six weeks after date, application will be made to the Register of the Land Office at Vincennes, in the state of Indiana, for a Certificate of forfeited land stock, for the amount paid on fractional section No. 22, in township No. 7 south, of range No. 12 west, in the Vincennes District, entered on the 20th day of June, 1807, and forfeited for non payment, agreeably to law; now claimed by me, under the act of congress of the 23d May last, entitled "An act for the relief of purchasers of Public lands, that have reverted for the non-payment of the purchase money;" the original certificate of the purchase of which has been lost or destroyed—Given under my hand this 18th day of August, A. D. 1828.

G. W. JOHNSTON.

Lost Land Certificate

NOTICE is hereby given, that six weeks after date, application will be made to the Register of the Land Office at Vincennes, in the state of Indiana, for a Certificate of Forfeited Land Stock, for the amount paid on the south east quarter of section No. 28, in township No. 6, south, of range No. 14, west, in the Vincennes District, entered on the first day of November, 1811, and forfeited for non payment, agreeable to law, now claimed by me under the act of Congress of the 23d May last, entitled, "An act for the relief of purchasers of public lands that have reverted for the non payment of the purchase money;" the original certificate of purchase of which has been lost or destroyed—Given under my hand, this 29th of August, 1828.

JOHN WILBORNE.

NOTICE.

ALL persons indebted to the subscriber, either by Book Account, or *NOTE*, are hereby earnestly solicited to call and pay their *Notes*, and settle their *Book Accounts*, by payment or note.

J. NY-SWONGER

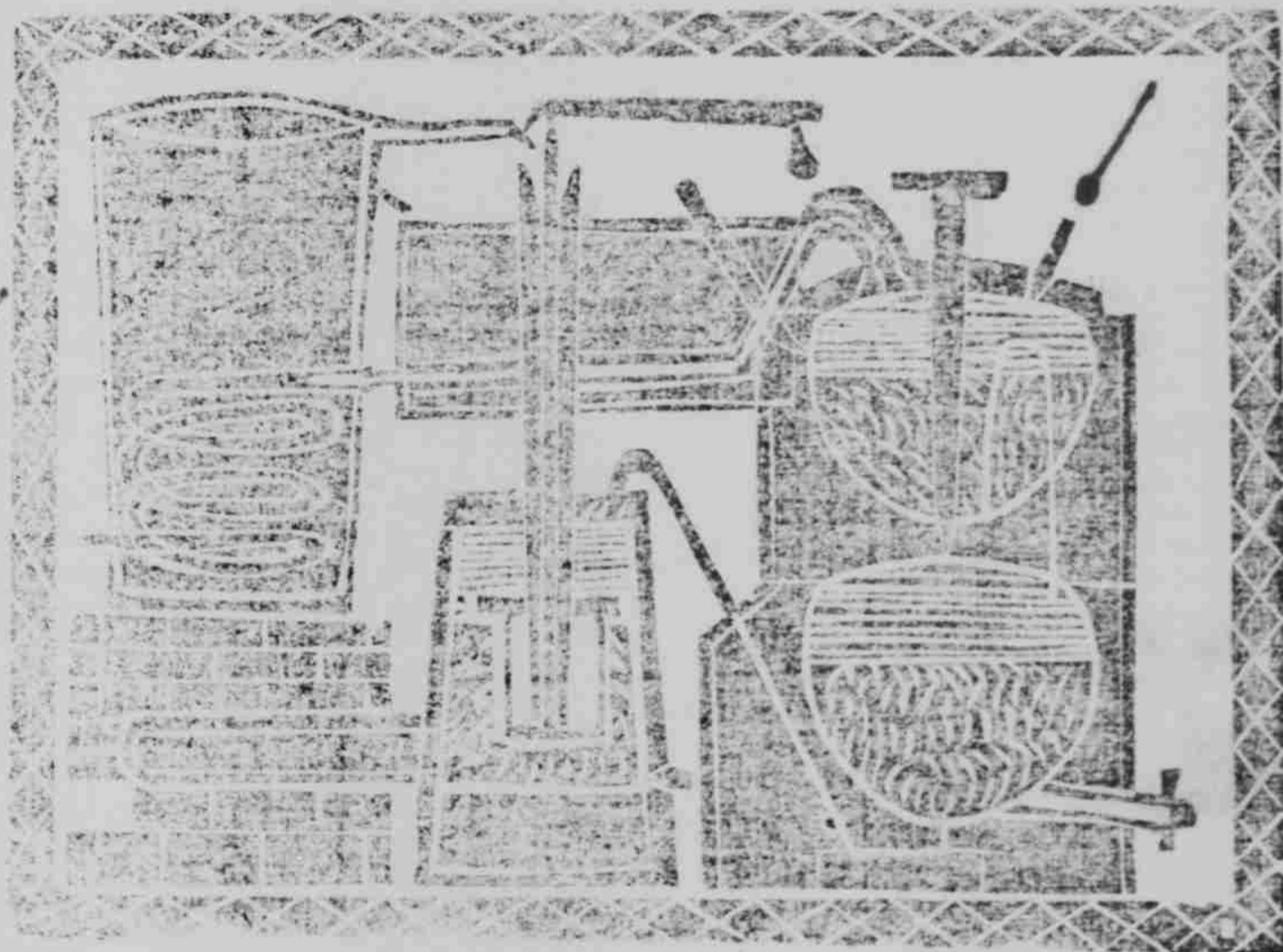
Also,—all those indebted to *Ny-swonger & Thompson*, for *BLACKSMITHING*, are invited to a settlement by the first day of October next—those who do not improve the present opportunity, may call on *Fr. Graeter*, Esq., to settle their accounts.

NY-SWONGER & THOMPSON.

September 9, 1828

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Magistrates BLANKS for Illinois
for sale at this office



JAMES LUSK'S Improved Steam Distillery.

THAT Distillation has been much improved of late years, will hardly be denied. And that it is as well calculated to promote the Farming interest, (particularly on the Wabash river) as any other mode of transporting their surplus grain to market, appears to me to be equally true. Therefore the Inventor submits the above plan of a Distillery to the public, believing that they will do justice to its merits.

One of my IMPROVED STEAM DISTILLERY'S is in successful operation in Knox county, Ia. the property of Thomas Emerson, Esq. — Capt Joseph Warner, of Daviess county, has one in successful operation also—and Mr. Alexander Massey, and Col Robert Buntin, jr. of Knox county, Ia. four miles north of Vincennes, have another in operation. These gentlemen will give any information that may be wanted by those who feel it their interest to adopt my plan. I might here present to the public a number of Certificates, from gentlemen of the highest respectability in Ohio, Kentucky, Tennessee, and Indiana, but deem it unnecessary, as an examination of those in operation, will afford the best evidence of their utility.—Persons wishing to adopt my mode of Distilling, in the counties of *Knox, Sullivan, Vigo, and Parke*, Indiana, will apply to *NOAH ASHLEY* Esq. of Knox county, who has purchased the exclusive right of my patent for the above four counties.

ALEXANDER MASSEY, Esq. is also authorized as my *AGENT* to make use of, and vend to others to be used, the exclusive right and liberty of my improvements, in the counties of *Orange, Washington, Clark, Floyd, Harrison, Crawford, Perry, Spencer, Warrick, Vanderburgh, Posey, Gibson, Pike and Dubois*, in the state of Indiana—also in the counties of *Lawrence, Wabash, Edwards, Wayne, Hamilton, White, Gallatin and Pope*, in the state of Illinois, as granted to me by Letters Patent, dated the 22d day of December, 1827, and recorded in the office of the Secretary of State of the United States. Any person wishing to adopt my Improved Steam Distillery, can apply as above, or to me. Gentlemen wishing to purchase the right of one or more counties, or a state, will be attended to on accommodating terms, by the subscriber.

Vincennes, September 17, 1828.

Captain Joseph Warner, has purchased the right of the above Improvements, for Martin and Daviess counties, Indiana.

J. L.

NOW notice is hereby given to all whom it may concern

THAT by virtue of the authority vested in me, I will sell, for *HORSES, CATTLE, HOGS, or LAND*, the right of the above improvement, either single, or for county or counties—and will also contract for the erection of Distilleries on said plan, on accommodating terms.—On hand, and for sale, two sets of apparatus.

Knox county, September 19, 1828 — 33-1f

ALEXANDER MASSEY.

WANTED—in exchange for MERCHANDIZE,

CORN RYE and HOGS—apply to

MASSEY & R. BUNTIN, JR.