We give below extracts from the Daily Advertiser, and from the Rich wirer, upon the proceedings of aw by arms, is levying war again States:" Hence he assumes, isal to obey the citation is an act of shall the State be hung, shot, or exe

slitics have placed her in strange NEW YORK DAILY ADVERTISER.

to-day, from the Milledgeville 5th, a message from Govern-States, citing that State 28th ult: the Supreme Court the pre-

d in it, of more serious importance. against the United States," says the Constitution, "shall consist only in levying war gainst them." Resisting the execution of the laws by arms, is levying war against the United States. It is not in the power of the Gov- devised by the wit of man. ernor, or legislature of Georgia, to sit in judgment, either as a court of errors, or as a court HABTERN SHORE farms, over the Supreme Court of the Unitd States. However much they may consider or sovereignty of the State com-

mitted by the supremacy of the national aws, or the decrees of the national courts, they must either submit to them, or place themselves in the attitude of forcible resistance which is levying war, and therefore directly within the constitutional definition of treason. not interposed and saved him.

the writ of Error, we do not see how the President of the United States can extricate himself from the predicament in which his own ed the proposition on the ground of several of rashness and folly has placed him, without ex- | their members being absent .-- We are preventerting his constitutional authority for enforc- ed from giving the details of proceedings, by ing the execution of the laws. The situation in which he is likely to stand, may teach him our desire to lay the Virginia Report before the importance of comming his labors to the our readers as fully as possible. with those of the other branches of the goto be brought to the bar of the constitutional a depth in many places, as to render the roads tribunal, for the trial and punishment of such utterly impassable. We have no guage by offences.

the moderate tone in which ed an order to dispose of their stock of wood. daries, if she could not exer-

have heard it repeatedly asked (says to our readers. what then! To whom is the State of sorgia answerable? To the Supreme Court? not Is she not a sovereign, free and dependent State, and knowns no master save was chosen a Judge of the Supres vithout permission from abroad. The the State. Mr. Wright is at prese thing that strikes us as being at all reelutions. We should have exp note fire from the enormity of the treed to the pride and sovereignty

ate, or b State."

called at the bar of the federal court." igencer, must sometimes think not rational to suppose, that the sovereign power shall be dragged before a court." was Virginia actually dragged to that bar i the case of the Cohens-and Georgia is to be

nvicted of murder before one A large number of persons were assembled on th houses. The resolutions legislature, the Governor received an order

field, prepared for a conflict human authority. No power of the Supreme entire. a measure, that without served? Will they lay their hands or levy a have the rights of the States invaded, or the Union, will stamp the with perpetual disthe measure. But vernor Gilmer, to incarcerate him for an al- or putting an end to the strifes of contending

useful forms of government, that was ever

AND PEOPLE'S ADVOCATE.

EASTON, MD. TUENDAY, JANUARY 18, 1830.

In the Legislature of Maryland but little has yet been done of a general nature. This brought Fries of Pennsylvania to the propositions of inquiry, petitions, and orders to bar of the court, subjected him to trial, con- bring in bills have been submitted, and some viction, and sentence, and would have sent few bills of a local character have been dispoexecutive magistrate of the United States had sed of. On Tuesday the House of Delegates proposed by message to go into the election If this Indian convict is hung, in defiance of of U. S. Senator on Thursday the 6th; the Senate by their message of Thursday declin-

> Snow Storm .- A violent snow storm comconstitution obliges him to menced on Friday afternoon and continued live power between a supreme, and subordispend the laws of the Union. till Sunday morning—and being accompanied nate legislatures, as they considered the feder-If the latter power, he ought with a high wind, it lies now embanked to such upon this same subject, the Rich- which to determine, but presume at least from 15 to 18 inches of snow has fallen. This visand resentment at the issuing of any | poor. We were pleased yesterday that a sub-

sserted her inalienable rights of The Western Mail due on Saturday afteril. Mail des Saturday morning has not yet arr and bring to punishment | ved. We had not, indeed, expected to receive in the case? Suppose the ation of our paper before we received the one nizance of cases instituted against hereafter to devote our attention more to the ner own Citizens. If they should, be considered as Citizens of a- proceedings of the State Legislature, which of a foreign State, the 11th article are regarded as of more immediate momen

ton Mercury) where will all this Ohio -Thomas Ewing, Esq. a Clay man. The answer seems to us very plan! Why has been elected by the Legislature of Ohio, legislature of Ohio, bys, you, State of Georgia, shall not U.S. Senator. There were seven ballotings very seems to us very plan! Why The State of Georgia, says, taken before a choice was made. The

For Thomas Ewing, M. T. Williams, Scattering.

and o

sary to determine a choice, when compared together from the former. But the we with the decided anti-Jackson character of the preme cannot possibly extend the Ohio legislature heretosore, we consider as set- of the inferior courts over the tling the question that Mr. Clay's prospects in that State are by no means cheering. Mr. Smith, the gentleman elected printer, is a very decided Jacksonian.

We observe by the Washington Telegraph clusion that the supre The 12th inst. that John Ross, president of tion over the state court Cherokees, has personally summoned the To defeat this reasoning governor of Georgia to meet him in the supreme Court on the 5th of March next, to try, federal courts in pursuance of e in the Chancery side of that Court, certain dis- congress to ordain and establish puted rights. We will give the subject more The 1st section of the preceding ar Yet in detail in our next.

anxiety is manifested by the public in regard ny suit in the highest court of law or equity the occasion, among whom were some eigh- of the public we have inserted two articles on ws of the State. And it is added, the State rious? What its effects will be, it is impos- mous case of the Cohens, which we have ex-

know not what direful consequences, may gislatures. The report then goes on to invesyet endanger one of the most beautiful and tigate the subject of jurisdiction, as follows:

"And now, the important question of jurisdiction directly arises; - whether the state atthorities within their respective spheres are controlable by the authorities of the general

The 1st section of the 3d article of the constitution declares, that the judicial power of the United States shall be vested in one supreme court, and in such inferior courts as congress may ordain and establish. The 1st clause the 2d section of the same article expressly de-Many fines this judicial power of the supreme and inferior courts of the United States, and limits i to "all cases in law and equity arising under the constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consult to all cases of admiralty and maratime juris diction; to controversies to which the United States shall be a party; to controversies be tween two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states; and between a state or the citizens thereof and foreign states, citizens or subjects. From these plain provisions of the constitution, it is apparent that the framers of that in strument never intended to distribute legislaal and state legislatures wholly independent

the extent of jurisdiction commensurate with If the authority of American st e of the supreme court. What deemed necessary to relieve this fortifies this conclusion is, that if from the censure of the wise and me had conferred upon the su of our federative system, that of co a control over the state courts. writers is surely the best. Happi been wholly unnecessary to en people of the United States, the do risdiction of the supreme court by statesmen, profoundly versed in political sitive provision for that purpose in a sub ence, and especially in the principles of ment clause. This, subsequent clause de federative system, are recorded clares that "in all cases affecting ambassadors, history and capable of distinct citation. her public ministers and consuls, and those they could minister light to our n which a state shall be a party, the sul ny to our opinions, stability to our court shall have original jurisdiction:"- and veneration to our political all the other specified cases, the appellate jur In the able and luminous debates in

Judicial Power of the Unitpersons, and the number of ballotings necesthe construed to extend to
sary to determine a choice when compared cable to the inferior courts. And er of the inferior courts is made the ba the appellate jurisdiction of the supreme cour (except in the few specified cases.) and

power of the inferior courts reaches not to the state courts, it seems to be a n

sable to establish the doct courts are constitutionally

source of this congressional power: and 35th section of the judicial act of the U. States, The Supreme Court and Georgia.—Much element to fits exercise. That section de-But will she now? The man is actually to the course which the Supreme Court will a state, in which a decision in the suit could it is, therefore, improbable that there should exist them but the people; and that gustature of Georgia, transsummons from the Chief extracted from the Georgia "Athenian" of the

summons from the Chief extracted from the Georgia "Athenian" of the "Ground Tassels —The execution of this great diversity of opinion exists as to the rights decision is against their validity, or where is mere wantonness and lust of domination would pendence unfortunate Indian took place on the 24th inst. of each of the parties. For the information drawn in question the validity of a statute of, be sufficient to beget that disposition, still it or authority exercised under any state, on the may be safely affirmed the ground of their being repugnant to the consti- ple of the several states e seen, was referred to a comport made thereon, which was legislature the Governor received an order d it, request the Governor, from Chief Justice Marshall to defer the exeofficers, to disregard any and from that court, for the purting the execution of the criminal ate; and all the force and means ate; and all the force and means are sometimes and in the fairness and in the the laws and constitution of the placed at the Governor's command, the placed at the Governor's command, any invasion, from any invasion of the Cohens, which we have a placed at the Governor's command, with our people and more intermediately decipied to the state of the state courts, more intimately connected with our people and more immunediately decipied to the state powers the national courts to construct the laws and constitution, or according to the state powers the national courts to construct the laws and constitution, or according to the state powers the national courts to construct the laws and constitution, or according to the state powers the national courts to construct the laws and constitution, or according to the state powers the national courts to construct the laws and constitution, or according to the state powers the national courts to construct the laws and constitution, or according to the state powers the national courts to construct the laws and constitution, or according to the state powers the national courts to construct the state powers the national courts to come to a correct conclusion in the which public justice should be administered to the courts of the sta with our people and more immmediately de- every state." And, says. Mr. Madison, "the 25th section of the act of Congres to e ws of the State. And it is added, the State independent portions of the supremacy, no independent portions of the supremacy independent portions authorized to communicate by express the power,] the same would ensure the full perchance he should possess the power,] the same would ensure the full perchance he should possess the power,] the same would ensure the full perchance he should possess the power,] the same would ensure the full perchance he should possess the power,] the same would ensure the full perchance he should possess the power,] the same would ensure the full perchance he should possess the power,] the same would ensure the full perchance he should possess the power,] the same would ensure the full perchance he should possess the power,] the same would ensure the full perchance he should possess the power,] the same would ensure the full perchance he should possess the power,] the same would ensure the full perchance he should possess the power,] the same would ensure the full perchance he should possess the power,] the same was a same would ensure the full perchance he should possess the power,] the same was a same would ensure the full perchance he should possess the power,] the same was a same was State of Georgia for contempt of the Federal deliberation and calmness, and in a style worjudgments of the state tribunals.—Concede In certain resolutions of the Kentucky lele American colonies before their is thy of the dignified character of the State. that the preservation of honorable peace with gislature, passed in 1798, the offspring and the effects of that indep Tassels then is gone beyond the verge of all We lament our inability to give the report foreign nations is much to be desired, and is idence of Mr. Jefferson's enlightened mind, it the import and origin of the articles of carried and in the supremental t most likely to be effected by a final determina- is solemnly "Resolved, that the several states eration; of the true meaning of that provis tion before the federal court, of controversies composing the United States of America, are in the present constitution which confers in ment of the United States, on importance, viz: the authority of law known to the na-Whom, will they imprison: the State of Georgia? Will they punish the Sheriff or the to defeat the immediate efto defeat the immediate efby ordering the convict to

| Judge of Hall county, on whom no notice was | question legally settled—but we would not | tribunals, because neither indeed not | tribunals, because givers have any right to determine that a vernment for special purposes, delegated to that our wisest judges and most virtuous statesmen, ence of disobeying the fine on the Governor? They dare not.—The constitution siolated, for the purpose of quietin their opinion, is ought to have been.—But serving, each state to itself, the residuary mass of clude, as the result of the whole, that there is this pretended necessity for a controling su- right to their own self-government; and that, no rightful power in the federal legislature to abpervising power in the federal tribunals, or- whenever the general government assumes rogate taxes imposed under the authority of iginates rather in the fictions of the imagina- undelegated powers, its acts are unauthorative, State; nor in the federal judiciary, to arraign is remembered how Where is the dignity of the Supreme Court The report after recapitulating the grounds tion than in the enlightened dictates of the The fact is, that the two governments ought of the citation and examining the rights of States have columns desired and state acceded as a state, and is an integral partowards the Indians. But authority of the Supreme to bear and forbear. Much discretion and decause of offence to foreign nations to have party; that the government created by this The best restraint upon governments of the xercise of its legal and consti- licacy must be shewn in the use of the author- public morals, proceeds to give us a history of their controversies a nally decided by the compact was not made the exclusive or final popular model, consists in the undoubted right owers, is a matter, at least to the ity they possess—and much more care, lest the rise, progress and adoption of the federathe may be immediately and actively they assume a power which does not belong time it. of more serious importance, the two systems must clash with each other—and discord, dissention, and we the powers of Congress and of the State Lesuits to the state tribunals. And this restric- compact among parties having no common ed to those who apprehended danger to libtion of foreigners to the state judiciaries has judge, each party has an equal right to judge for erty from the establishment of the general go-

> or disquietude at home. reasoning and general usage, that a constitu- Virginia, it is "Resolved, that the general astion settles the powers and arranges the jurisdiction of its own tribunals, and not those of ernment as resulting from the compact nother government; and although the convention had the power to affect also those of plain sense and intention of the instrument conthe states, it does not appear and cannot rea- stituting that compact; and as no farther valid

compact is, that the judicial power of the U. | this report, this lucid reasoner remarks, that nited States shall consist in a supreme court, "when the constitution was under the discusand in such inferior courts as congress may sions which preceeded its ratification, it ordain and establish. But it, cannot reasonably well known that great apprehensions were ex be contended that the state tribunals are or- pressed by many, lest the or ission of some dained and established by congress. The judg- positive exception from the powers delegated, es of the state tribunals are neither appointed, of certain rights, and of the freedom of the commissioned, remunerated or impeachable press particularly, might expose them to the by the U. States. And yet, constituted as danger of being drawn by construction with be driven from the benches of justice and ef- more especially of the power to make all laws, fectually destroyed by the United States, in necessary and proper, for carrying their other throwing upon them a multifarious and op- powers into execution. In reply to this obpressive mass of federal concerns, wholly dis- jection, it was invariably urged to be a funda proportionate to the salaries they receive from mental and characteristic principle of the con the states. A power so well calculated to de- stitution, that all powers not given by it were stroy the judicial functions of the state tribu- reserved; that no powers were given beyond ed her claims to the notice of history, and the nals, could equally destroy every security for those enumerated in the constitution, and such only argument she can condescend to use athe preservation of public order and morality; as were fairly incident to them." "If the de- gainst the imputation of unworthy views. as the violaters of the laws and the disturbers cision of the judiciary, (continues the report), of each other within their respective spheres. of public morals would pass unpunished and be raised above the authority of the sovereign -Had they considered the state legislatures unreproved for the want of tribunals to ad- parties to the constitution, the decisions of the subordinate to the federal legislature, the sub- minister justice. To obviate these consequen- other departments, not carried by the forms ordination of the former and the supremacy of ces, it is plausibly contended that the state of the constitution before the judiciary, must the latter, would have been explicitly declared judges become federal judges when deciding be equally authorative and final with the deby a positive provision in the federal constitu- on the authorities of the United States. In cisions of that department However true, me of the Southern Prints still express itation, which at some times would be regard- tion. The federal legislative power bears the such case it would never do to admit them therefore, it may be, that the judicial departwhether the summons addressed to the ed a luxury in a community so renowned for same relation to the state legislative power, sistant with the nature of the state legislative power of the state that the federal judicial power bears to the sistant with the nature of sovereignty, for one forms of the constitution, to decide in the last dismiss such doubts. We have ascertained conviviality, is looked upon generally as a sore state judicial power; and, if either be indepenaffliction on account of the scarcity of fuel, dent, of the other, whilst acting within its own cisions of another, possessed of the perfect the last, in relation to the authorities of the o- and resolutions to each of the countries of the o- and resolutions to each of the countries of the o-Most of the papers in Georgia and South and the general destitution particularly of the sphere, both must also be independent of the rights and attribuets of a sovereign nation.— ther departments of the government; not in relaother. And, if the sederal legislature cannot Hence they are denominated sederal judges, tion to the rights of the parties to the constituabrogute state laws, the federal judiciary can- But, how do they become federal judges? only tional compact, from which the judicial as well They rejoice at the course scription was raised for the relief of the indi- not abrogate state judgments. The word "su- in virtue of the judicial act, which declares, as the other departments hold their delegated corgia Legislature promptly took gent, and that the steam-boat directors adopt- preme" as descriptive of the federal tribunal, that if their decisions are favourable to the trusts. On any other hypothesis, the delegais relative, not absolute; and evidently implies authorities of the United States they shall be tion of judicial power would annul the authothat the supremacy bestowed upon the su- raised to the dignity of sovereign judges, whose rity delegating it; and the concurrence of this preme court is over the inferior courts to be or. acts shall be binding and authoritative:-but department with the others in usurped powers, But what species of jurisdic- noon reached Easton yesterday afternoon at dained and established by congress; and not o- should justice and independence adorn the might subvert forever and beyond the reach within her own ac a quarter past one o'clock. The Northern ver the state courts. This becomes more ap judgment seat, and the judges decide against of any rightful remedy, the very constitution parent from the apportionment of jurisdiction the authorities of the United States, they dwin- which all were instituted to preserve." between the supreme and infer.or courts, which | dle into the impotence of inferior federal judgimmediately follows in the 2nd clause in the es, whose decisions are to be re-examined and of our political constitutions, written by John same day, offered by Mes been guilty of murdering any mail, and had gone so far in the prepar- 2nd section of the same article, where it is declared, that "in all cases affecting ambassa- States. And here is the mockery of a judg- remarks that "Mr. Jefferson, Mr. Pinckney, The PRESIDENT submitter dors, other public ministers and consuls, and ment being final or not, as it may chance to Mr. Marshall, and Mr. Gerry, in their ne- Solicitor of the Treasury, Citizens of Georgia; the Con- from the West, that we can give but little of those in which a state shall be a party, the su- be on one side or the other, and of a court be gotiations with revolutionary France, have cial proceedings instituted for the the Supreme Court no power the Congressional proceedings. We intend preme court shall have original jurisdiction." ing of the last resort or otherwise as its de-In all other cases "before mentioned," the sur cisions may happen to have been for one or to fix the residence of the right, and to display private bills had been acted on, preme court shall have appellate jurisdiction, other of the parties. "A novel spectacle, wor- the wantonness of construction assumed with- king an appropriation for the ex This clearly shews an intention to limit the thy of a system which only admits the judges out right. Presidents Washington and Adams, of Indian titles in the State of jurisdiction of the supreme court to the specif to be impartial on one side of a plain question!" all the successive members of the cabinet, ordered to be engrossed; and the tied cases in the preceding article. But a Upon the whole, if the reasoning of the com- and congress itself concurred in the principles duce the price of public lands now limited jurisdiction with an absolute suprema, mittee be correct, the conclusion is that no advanced by these gentlemen. They prove ket was laid on the table. cy over the state tribunals would be no limital constitutional power resides in the federal au- that an exclusive right of construction in one of Impeachment, sitting for the tion at all; as the power of that supremacy thorities to make the state tribunals subordi- party is a degradation of the other to a state Peck, of Missouri, John B. C. I

> of the supreme court is bottomed up | ginia convention. upon the sub power of the inferior courts. Hence, dicial power of the United States, Mr. it follows, that if the word supreme does not shall says, "I hope no gentleman will think co-ordinate departments or creatures of the

The very small majority obtained for these extend the jurisdiction of the inferior courts, | that a mate will be called to the bar of the

overeign power shall be dragged before The intent is, to enable states to re sims of individuals residing in other contend this construction is warrantwords. But, say gentlemen, there tiallity in it if a state cannot be de- mit the an individual cannot proceed to move nent against a state, though he ing in ed by a state. It is necessary to be standing the pos oided. I'see a difficulty in act of the congress tate defendant, which does not pre- of Pennsylvania umbers of the Federalist, this vernment of the U. St.

In one of them, Mr. Hamilton says, "the | ual states, as one party, and by general government can have no temptation another; that when two nation to absorb the local authorities of the respec- the proper construction of a co tive states. All those things which are proper them, neither has the exclusive right to be provided for by local legislation, can that when one of the states differ never be desirable cases of general jurisdiction. States, there is no common t

ever since been regarded as reasonable upon itself, as well of infractions as of the measure principle and beneficial in its consequence, of redress. In the justly celebrated report by and has never excited murmurs from abroad, Mr. Madison to the Virginia legislature in It is a principle fully settled upon abstract newed authentic public sense of the people of combly views the powers of the federal gor which the states are parties, as limited by the sonably be inferred, that they ever exercised than they are authorized by the grants enu All that is declared in the instrument of merated in that compact." In another part of hey are, exclusively, by the states, they may in some of the powers vested in congress

In the late able and luminous construction would annihilate every means in the state gonate to, and controlable by the supreme court of inferiority and dependence. Their argunate to, and controlable by the supreme court of inferiority and dependence. Their argunate to, and controlable by the supreme court of inferiority and dependence. Their argunate to, and controlable by the supreme court of inferiority and dependence. Their argunate to, and make of the United States. iews to our subject. If the states made pondent. After an arg they demonstrate, that the same for the respondent, and acessary to create, is necessary to agers, as to the legal Wherever the creating consent put to Judge Wals re we are directed to look for the to Monday consent. It would be a much gross- In the Ho of their principles, for no party to ing a day r usurp an exclusive right of constru- private b for one party to do so. As neither taken nor judicial departments the Consernments have eper consente of these departments of construing it.—

if they are all to be considered as the

d by that consent.

of Mr. Marshall is uniformly countenan- several states; that the nd recommended to the American peo; was a solemn covenant for

> s indul- with the greatest consideration In ano- the very important case of Hu and state | tin; and the unanimous judg rent agents | was, that in case of a di uted with dif- tween the general and state

sever

United States, reference was constantly made to the intervention of the State governments 1799, which has been sanctioned by the re- between the people and the general government, to the sleepless vigilance with whi they would descry misgovernment at a die and the steady promptitude with which would communicate it to the public ear .-Warned by the prophetic voice of our fathers; that voice which always ministers light to the mind and virtue to the heart, and animated by a sincere and affectionate zeal to maintain un impaired the costly heritages of their national glory, the general assembly commmunicate to the world the reasons of their conduct.

Should humane folly or injustice question these honest, heart-felt-testimonials of affection for the union, it may occasion the regret, but never can excite the resentment of the general assembly. With the wise and virtuous, the voice of ungenerous reproach is silenced in the recollection of the part this state has borne in the establishment of our national independence; in the perfection of a constitution for the preservation of the States in friendly league, and in constantly maintaining with a loyal and dutiful solicitude, the authorities of the union Come what will, these are the consolations of her memory, her pledges to preserve unimpair-Resolved, therefore, That the supreme court of the U. States have no rightful authority un-

ginia has been "cited and admonished to b States;" and that the general assembly do here-Resolved. That the executive depar

In the Senate, yesterda LINGHUYSEN, and HEND

inted to the consider vate business, numerous private his
th up and acted upon. Mr. Hard
Committee on Public Expenditure,
a report, in pursuance of the reliable
Currow, on the subject of thendead
te to members of Congress, adduding
quest to be discharged frog further