ing the Constitution; or conformably to the constitution, disregarding the law; the court must determine which of these conflicting rules, governs the case. This is of the very essence of judicial duty.

If then the courts are to regard the constitution; and the constitution is superior to any ordinary act of the legislature—the constitution, and not such ordinary act, must govern the case to which they both apply.

Those then who controvert the principle that the constitution is to be considered in court as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law.

This doctrine would subvert the foundation of all written constitutions. It would declare that an act, which according to the principles and theory of our government, is entirely void; is yet, in practice completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence, with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure.

That it thus reduces to nothing what we have deemed the greatest improvement, on political institutions—a written constitution—would of itself be sufficient, in America, where written constitutions have been viewed with so much reverence, for rejecting the construction. But the peculiar expressions of the constitution of the United States furnish additional arguments in favor of its rejection.

The judicial power of the United States is extended to all cases arising under the constitution.

Could it be the intention of those who gave this power, to say that, in using it, the constitution should not be looked into? That a case arising under the constitution should be decided without examining the instrument under which it arises?

This is too extravagant to be maintained.

In some cases then the constitution must be looked into by the judges. And if they can open it at all, what part of it are they forbidden to read, or to obey?

There are many other parts of the constitution which serve to illustrate this subject.

It is declared that 'no tax or duty shall be laid on articles exported from any state.' Suppose a duty on the export of Cotton, of Tobacco, or of Flour; and a suit instituted to recover it. Ought judgment to be rendered in such a case? Ought the Judges to close their eyes on the constitution, and only see the law?

The constitution declares, that 'no bill of attainder or expost facto law shall be passed.'

If however such a bill should be passed and a person should be prosecuted under it; must the court condemn to death those victims whom the constitution endeavors to preserve.

'No person,' says the constitution, 'shall be convicted of treason, 'unless on 'the testimony of two witnesses to the 'same overt act, or on confession in open 'court.'

Here the language of the constitution is addressed specially to the courts. It prescribes, directly for them, a rule of evidence not to be departed from. If the legislature should change that rule, and declare *one* witness, or a confession *out* of court, sufficient for conviction, must the constitutional principle yield to the legislative act?

From these, and many other selections which might be made, it is apparent, that the framers of the constitution contemplated that instrument, as a rule for the government of *courts*, as well as of the legislature.

Why otherwise does it direct the judges to take an oath to support it? This oath certainly applies, in an especial manner, to their conduct in their official character. How immoral to impose it on them, if they were to be used as the instruments, and the knowing instruments, for violating what they swear to support!

The oath of office, too, imposed by the legislature is completely demonstrative of the legislative opinion on this subject.

It is in these words, 'I do solemnly 'swear that I will administer justice, 'without respect to persons, and do equal 'right to the poor and to the rich; and 'that I will faithfully and impartially 'discharge all the duties incumbent on 'me as [illegible] according to the best of my 'abilities and understanding agreeably to *the constitution*, and laws of the United States."

Why does a judge swear to discharge his duties agreeably to the constitution of the United States, if that constitution forms no rule for his government? If it is closed upon him and cannot be inspected by him?

If such be the real state of things, this is worse than solemn mockery. To prescribe, or to take, this oath, becomes equally a crime.

It is also not entirely unworthy of observation, that in declaring what shall be the *supreme* law of the land, the *constitution* itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in *pursuance* of the constitution, have that rank.

Thus the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed be essential to all written constitutions, that a law repugnant to the constitution is void; and that *courts*, as well as other departments, are bound by that instrument.

The rule must be discharged.

WASHINGTON CITY.

FRIDAY, MARCH 25th.

The WESTERN People the true friends of order, liberty and government.

It is with increasing gratification that we remark the successive demonstrations, recently furnished, of the true spirit that animates our friends on the Western waters. We never did believe that they had an interest distinct from that of the Atlantic states; we never did believe that they ever *mistakenly imagined* such an interest; still less did we believe the calumnies of their enemies and of our common enemies, that in the pursuit of such an imaginary interest they would seize the first pretext for violating the impartial laws that unite us, and for dismembering an empire, on whose undivided energies our great and competent security now does and must long continue to depend. Realising the truth of this sentiment in its fullest application to ourselves, we have possessed every pledge that patriotism and intelligence could give, that it was as zealously felt by our western brethren.

The late reprehensible efforts, so unblushingly made to disturb the common harmony, to lessen if not intirely destroy the confidence of our citizens on the other, in those on this side of the mountains, and to shake their reliance on the measures of the general government, has confirmed this conviction, and has exhibited new and unequivocal proofs of the patriotism of our western friends; and that, though separated from us by a considerable tract of country, they are not, from that circumstance less in principle or feeling Americans.

The following paragraphs are taken from the Guardian of Freedom, published at Frankfort, and relate to an inflammatory address recommending a dismemberment of Kentucky from the union. Of the energy of the measures pursued, and of the indignant temper of the country, we need say nothing. The statement is clear, explicit and unequivocal. Its language to the Atlantic states is, we are the unalterable friends of the union, and we are the friends of a government which is also our unalterable friend.

"The publication of the piece signed *A Western American*, in the last Guardian, has created unusual sensations at this place. Shortly after issuing the paper, the Editor was called on by a number of his fellow-citizens, for the author's name—but not feeling at liberty to give the author on such an application, the name was withheld—Saturday last the attorney general called on the Editor for the author, declaring it to be his intention to indict him for an offence against the peace and dignity of the commonwealth. This call, the Editor could not, consistent with the duty he owes his country, disobey—he therefore gave into the hands of the attorney, the author's letter to him on the subject of the publication, on which he was requested to make a memorandum of the call, and endorse his name, as he would be called on as a witness.

"The Editor has no apprehension that his publication of this piece, will be considered by any one who knows him, as indicative of his own political opinions, for to all his acquaintances they are known to be inflexibly attached to the general government—It is therefore but justice to himself to make this known to as many others as are pleased to enquire concerning him. Whilst the Editor of the Guardian has ever denied scurrility and libellous matter a place in his paper, he feels bound to admit all discussion of political opinions, unless particular public circumstances should forbid it. To set himself up as the sole judge of political orthodoxy, appears to him very presumptuous, as it is a regulation which would sometime retrench the blessings of the press, as the Editor's judgment should be erroneous.

"The Editor returns his thanks to his fellow-citizens for their friendly disposition towards him, from the appearance of the publication, until the author was known—it is to his mind, a strong evidence of their conviction that the piece contained sentiments at variance with his own. The attorney is also entitled to his acknowledgements for his politeness in the discharge of his duty.

"In the evening, after the Editor had given the author's letter into the hands of the attorney, an effigy was made and carried through the principal streets of the town, whilst the citizens treated it with the greatest indignity, as expressive of their detestation of the principles the publication contained—after which it was consumed by fire, amidst the loudest acclamations of their desire for the perpetuity of the union, confidence in our government, &c. &c."

The following is from the Frankfort Palladium.

A correspondent has, in our first page, noticed a publication which appeared last week in the Guardian of Freedom. A more inflammatory and ill-timed essay we have seldom seen—and we are happy to add, the reception it met with, was commensurate with its merits. One general burst of indignation against the author and the principles he avowed, was heard from every mouth. The general scope of the piece went to recommend to the inhabitants residing on the Western waters, an immediate secession from the Union. It represented our Eastern brethren as our bitterest enemies—jealous of our rising importance—and studious to deceive us, while they monopolized the whole of our commerce. France was called our friend—and should we raise the standard of revolt, to her we were directed to apply for assistance.

Sentiments more abhorrent to the feelings of the people of Kentucky, could not have been penned. They are warmly attached to the Union, and in general highly approve of the principles which pervade the present administration of its government.

We understand that the attorney general, on Saturday last, officially demanded and obtained the name of the author, for the purpose of instituting a prosecution in behalf of the commonwealth.—He is said to be a Mr. Francis Flourney, of Pendleton county.

Another Federal Misrepresentation cut up by the roots.

From the Virginia Argus.

The following letter from the Honorable Thomas T. Davis to the Editor, will prove, what we at first suspected, that the account of 15,000 Kentuckians being under arms ready to proceed against the Spaniards &c. &c. is entirely unfounded. It was no doubt fabricated by some friend to order and good government.

Mr. Samuel Pleasants,

IN your paper of this morning I find it stated that "Kentucky is in arms," and that this news was brought to Washington by an express who was the bearer of a memorial to me from the people of Kentucky, &c. So far as this report relates to me, 'tis totally without foundation—no express or memorial came to me—and I am totally at a loss to conjecture how a report so totally void of foundation, should have found its way into the newspapers. Yesterday at Hanover Court-house, I saw a citizen of Kentucky, who told me that three men immediately from Kentucky had just passed by that place, that he having heard of the report above alluded to, made strict enquiry as to the fact, and was told that the report was without foundation.

I am Sir respectfully,

Your obedient servant,

THOMAS T. DAVIS.

Swan Tavern, City of Richmond,
16th March, 1803.

New-York, March, 21.

Captain JOHNSON, of the brig Paisley from Cape Francois, informs us that a 74 gun ship, a corvette, and 4 transports, having 2000 troops on board, arrived there on the 2d instant from Toulon, making the French troops at the Cape 5600 effective men; and that a considerable reinforcement was expected daily. Capt. Johnson confirms the account, via Baltimore, of the attack on the Cape by the negroes. General Rochambeau arrived at the Cape from Port Republican on the 2d.

Intelligence was received on the 6th March from Aux-Cayes, stating that the mulattoes there, in the pay of the French had revolted, and nearly exterminated the whites. The general in chief immediately dispatched a body of troops to restore tranquility.

At Tortuda the negroes had succeeded in destroying the hospital, massacreing all the sick, and nearly the whole of the white inhabitants. A 74 gun ship had been ordered from the Cape to reinforce the French troops already on that island.

Business at Cape Francois very dull. Colonial produce scarce and high. The markets glutted with American produce. Flour 6 dollars per barrel, beef 15, pork 18. Vegetables high, and in demand.

The Paisley sailed in company with a national brig, having on board a French governor (or prefect) for New-Orleans.

Extract of a letter from a merchant at Cape-Francois, to his correspondent in this city, dated March 3d, received via Baltimore.

"On the 19th ult. the Blacks proceeded in four columns to attack the Cape. One of them took possession of the Hospital and Fort Belair; the second of the Gate Bouteille; and the third and fourth, who came down by the Plantation D'Estaing and the Fort Bourgois, were to assail Haut-de-Cap, and the posts that lay on the north side of the city: but acting without concert, the two first columns (which were waiting for the other to commence the attack) were defeated before the arrival of the third and fourth. Having no way to retreat, because Haut-de-Cap was untouched, they were ultimately obliged to fly by the top of the Mountains, whither they were closely pursued as far as the rocks and precipices permitted our troops to go. Their loss on this occasion cannot be estimated, because the greater part have carried their death-blow along with them. One hundred and fifty dead bodies have been found on the field of action, and on the paths through which the fugitives retreated. Amongst the prisoners (*who were immediately shot?*) were five officers, four of whom were hanged in the market-place; the fifth has not yet undergone the fate of his companions, because he expressed a willingness to make some important discoveries respecting a number of the friends of the blacks in the city, who are daily arrested, and dealt with according to their deserts.

"Tortuda has experienced another crisis, occasioned by a gang of invaders, who succeeded in crossing the channel. They were joined by the negroes of Labatut and some others, and have done much mischief. Troops have been sent against them. Mr. Labatut and his wife are said to be detained in the woods by these brigands.

"Several parley's have been held lately between the government and a number of negroes in the country, who protest against the conduct of Christophe, Clervaux, &c. live peaceably on their respective plantations, and solicit the protection of the whites. Without relying on these professions, the General takes the advantage of them by gaining time until he is able to take the field, which will shortly be the case, as the reinforcements from France begin to arrive. We expect soon to see better times."

Baltimore, March 22.

A very important, and no less singular than important occurrence took place at the cape of Good-Hope, previous to the sailing of the ship Portsmouth, which arrived on the 15th instant, and it is not a little surprising that it should not have transpired sooner to the public. We have it upon the very best authority, that although the Dutch governor was by capitulation to have had possession of the Cape on the 1st of January, the British troops had, notwithstanding, possession of the place at the time of the Portsmouth's sailing.

The circumstances were these: The commander of the British forces had proposed that the Dutch governor should take possession of the forts and works on the 20th December. As, however, the first day of the New-Year was at hand, the latter preferred postponing it to that day, expecting probably, that the festivity of the moment would give an eclat to his new government among the people. In the mean time the British troops to the number of 1,600 had all embarked, except one company left on shore as a rear guard and to take care of the works till the Dutch, who were then landing to the number of 2,500, should march into them. As fate would have it, however, on the night of the 31st December, a vessel arrived with dispatches from England, enjoining it upon general Dundas, if he had not surrendered the place to the Dutch, to retain possession of it. A great bustle immediately took place in the fleet, and early on the morning of the 1st January, the day when the Dutch troops were to have entered the works, the British forces were seen debarking with all the expedition in their power, and marching with fixed bayonets back again to the fortifications, of which they took possession, and kept out the Dutch. This manoeuvre occasioned, it may be supposed, no small consternation to the Dutch governor, whose imprudent procrastination may be attended with the final loss of the colony to his country.

The stipulations which took place in consequence, between general Dundas and governor Dekker, we shall publish to-morrow.

How far this occurrence may have connection with the recent declaration of war by Algiers against France, and be the precursor of a renewal of hostilities in Europe, is left to the speculation of our readers.

TO COUNTRY SUBSCRIBERS.

Subscribers, who have not complied with the fundamental term of this paper the payment of their annual subscription in advance, are respectfully informed that unless this shall be soon done, the Editor will be under the disagreeable necessity of ceasing to transmit their papers.

Thirty Dollars Reward.

Stolen from the subscriber in the City of Washington, on Monday evening last, the [illegible] instant a handsome well made dark sorrel mare, (saddled and bridled) about fourteen and a half hands high, aged about six years; a small white spot behind the right ear under the bridle, some white on one of the hind legs. A rider, with evident symptoms of guilt passed the George-town ferry, rode off post haste, and was traced near Colchester on the same evening. The above reward will be given on discovery of the mare and thief, or 15 dollars for the mare.

ABENEZER NESMITH,
Near the Navy Yard.
City of Washington 23d March 1803. 3t

Charlotte-Hall School.

NOTICE IS HEREBY GIVEN,

That the Trustees will set up on the 2d Monday in May, to the lowest bidder, the building of a house at Charlotte-Hall for the residence of the Principal; agreeably to a plan which will then be submitted.

An advance of one half the cash will be made to the undertaker upon giving bond and security to be approved of by the Board of Trustees.

Signed by order,
NEALE H. SHAW, Regr.
March 19, 1803. ep 2m t m.

NOTICE.

This is to give notice, that the subscriber of Washington City hath obtained from the Orphan's Court of Washington county, in the district of Columbia, letters of administration on the personal estate of JAMES DENNIS, late of the Congress frigate in the said county, deceased; all persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber at or before the 25th day of September next, they may otherwise by law be excluded from all benefits of the said estate. Given under my hand this 24th day of March, in the year 1803.

JAMES ANDERSON,
Administrator.
March 23d, 1803. 1w3w

By virtue of a decree of the high court of chancery of the state of Maryland, will be sold to the highest bidder, at Joseph Semmes's Tavern, George-town, on Saturday 16th April, inst. at 11 o'clock, A. M. all the right, title and interest of the late Thomas Clark of George-town, deceased, in and to the following property, to wit:—Lot No. 13, in Peter, Beatty, Threlkeld and Deakins's addition to George Town, with the improvements thereon, consisting of a commodious brick dwelling house, coach and smoke-house, and other useful out houses.

Lot No. 4 in same addition, on which is a good three story brick warehouse, and to which lot is a good wharf.

Lots 8 9 10 11 12 13 14 15 and 16, in square 8, in the city of Washington—part of square 3, in said city. Lots No. 173 174 and 175, in Thomas Beale of Georges first addition to George town—Also, sundry lots in said last mentioned addition, purchased by said Clark, of John M. Gantt, Esquire. The purchaser or purchasers to give bond with satisfactory security, for the payment of the purchase money, with interest thereon, from the day of sale, payable in fifteen months from the said time of sale—upon full payment whereof, deeds will be made to the purchasers.

The creditors of the said Thomas Clark are hereby notified to bring into the chancery court of Maryland, their claims against the said Thomas Clark, with the vouchers thereof, within three months from the said time of sale.

JAMES S. MORSELL, *Trustee.*
March 24th, 1803. 3w1w

TO BE LET,

A TWO story DWELLING HOUSE, convenient for one or two families, lately occupied by Messrs. Howard and Varden, situate on N and Third streets, near Barry's wharf. The premises contain a most excellent spot for a garden (40 feet front and 100 feet deep) which has been improved to advantage for a number of years. There is most excellent water directly opposite said house. For terms, apply to Capt. JOSEPH WHEAT, near the premises or to

EPHRAIM MILLS,
Duke street, Alexandria.
March 23. [illegible]

FOR SALE,

SEVERAL pieces of ELEGANT HISTORICAL &c. TAPESTRY, from designs of Le Brun, one of the first painters that ever lived in Europe, intended to ornament either a MUSEUM, a COLUMBIA GALLERY OF ARTS, or a school of drawing and painting, for the instruction of young and ingenious artists, or mechanics, and to gratify the curiosity of all persons of taste, residents, or travelling in the United States.

March 24, 1803.

N. B. Apply to the owner at Stelle's Hotel, Washington City.

In the case of RICHARD WILLSON
AN INSOLVENT DEBTOR.

IT is ordered that three months from and after the first day of April next, be limited and appointed for the creditors, to bring in and exhibit their claims to the Trustee, and that a copy of this order be published once in each week, until the first day of July next in the National Intelligencer, and the Washington Federalist.

Copy Test.
URIAH FORREST, Clerk
Of the Circuit Court of the District of Columbia, for the County of Washington.

ALL persons indebted to the above insolvent debtor, are notified to pay the same, and all creditors thereto, will exhibit their claims to

THOMAS CARPENTER,
Trustee to the estate of Richard Willson.
March 21, 1803.