powers in such powers as to them will seem most likely to effect their safety and happiness.' In perfect accordance with this right of freemen, the people of Rhode Island in 1790 adopted a Bill of Rights, in which she declares 'that all power is vested in and derived from the people,' and 'that power of government may be re-assumed by the people whenever it shall be necessary to their happiness.' This is the true American doctrine, and is the chief corner stone upon which rests the superstructure of popular liberty and of equal rights. It was the doctrine of those venerated patriots who laid the foundation of this republic. It was the sentiment of Washington, himself, who declares in that rich legacy which he bequeathed to freemen, 'that the basis of our political system is the right of the people to make and alter their constitutions of government.' In the organic law of my own State are incorporated sentiments honorable to her patriotic sires, and to which her sons will cling with unyielding pertinacity. They embrace the great principle of popular sovereignty. It says, 'All men are born equally free and independent; therefore all government of right originates from the people, is founded in consent, and instituted for the general good.'

This same principle is interwoven with all our constitutions. It has become the common sentiment of the freemen of this free country. It was the natural fruit of the revolutionary contest.—Speaking of civil government, Roger Williams, the great apostle of liberty, says that 'the sovereign and original foundation lies in the people—whom they must needs mean distinct from the government set up, and if so, then a people may erect and establish what form of government seems to them most meet for their civil condition. It is evident such governments as are by them erected, and established, have no more power and for no longer time than the civil power, or *people* consenting and agreeing, will trust them with. This is clear not only in reason but in the experience of all commonwealths where the people are not deprived of their natural freedom by tyrants.' The Supreme Court of the United States recognizes this same principle, when it says, 'A constitution is the form of a government delineated by the mighty hands of the people, in which certain first principles of fundamental law are established. It is paramount to the power of the Legislature.' The Legislatures are creatures of the constitution. They derive their power from the constitution. The constitution is the work or will of the people themselves, in their *original, sovereign, and unlimited capacity. Law is the work of the Legislature in their derivative and subordinate capacity.*'

Such are the authorities which I have considered necessary to present in this answer, going to show what are the political rights and the political powers of the People—emphatically the sovereigns of this country.' They seem to my mind sufficient to justify the conclusions I have expressed. But it is objected that although the people possess the power 'to alter, amend, and institute government,' yet they cannot exercise this power without leave asked and obtained from the existing government. I cannot consider this objecting government. If this be true, the much-vaunted and 'unlimited,' as quoted from the Supreme Court, can have no meaning. If the power is 'original' it cannot certainly be derived from the existing government. If the power is 'unlimited,' then the existing government can have no power to enforce any limitation upon its exercise. It would be a contradiction in terms to say that 'the people have the right, but are not to exercise that right but at the pleasure of the government. This would be to nullify the right itself—to limit its exercise would be to destroy it—to transform liberty into slavery—to break down the dearest rights of freemen, and place in their stead the debasing doctrine of slavish dependence.

If we cannot abolish tyranny in this land of popular liberty, until the tyrant grants permission, we in effect give to tyranny an unlimited duration. Such a doctrine is anti-American. Here we hold [illegible] the people. [illegible] tion we practised upon this principle when we recognized the independence of the South American Republics and of Texas. Those governments came into existence without leave asked of the existing government. The people of the old American States formed governments for themselves, independent of other authority. In more modern times the State of Michigan was admitted into the confederacy of States by the independent and sovereign act of her own people, without the sanction of her then existing government. And so it was with the people of Rhode Island. They acted as they had an inherent right to act in their independent and sovereign capacity. They first held a convention of delegates chosen by the people; that convention called another to form a constitution; a constitution was formed and submitted to the people and was accepted by a majority of her adult population; when the people passed upon the constitution they passed upon all the preliminary steps by which it was brought into existence; when they adopted the constitution they adopted the manner, mode, and the whole process used in its establishment. It has thus become obligatory as the organic law of that Commonwealth. They not only established their form of government, but they rightfully designated their agents to put that government into operation.

Believing in the correctness of the opinions herein before advanced, notwithstanding the objections made against them, the conclusion of the matter is, that no requisition can rightfully be made on me, by any individual acting as Governor of Rhode Island, for the surrender of Thomas Wilson Dorr, who is, in my judgment, its Chief Magistrate, *de jure*.

The acts which he did while Governor were not in violation of any existing law in force; and, in no constitutional sense can he be considered as a *fugitive for justice*.' It has been well said that "a law that punishes a citizen for an innocent action, or in other words for an act which, when done, was in violation of no existing law, is contrary to the great principles of the social compact, and cannot be considered a rightful exercise of legislative authority." The fact that Governor Dorr was prevented by circumstances beyond his control from continuing to exercise the functions of his office, cannot change his relation to the people of that State, or make those acts criminal which were innocent and rightful at the time.—I cannot, for the reasons assigned, comply with your request.

It may, however, be said, that in complying with the second section of the fourth article of the constitution of the United States, a Governor of any State, on whom a requisition may be made, is only to inquire who is the *acting Governor* of the State making such requisition. This position is unsound. In such a case the most notorious usurper who should happen to get the control for a time of any State, must be recognized by the Governors of other States, and thus they might become his instruments to aid in executing his vengeance against those who have dared to oppose his usurpation, and who have fled from the State for safety. I am aware that among independent powers a government "*de facto*" is recognized as representing the nation for the time being. This principle rests on the necessity of the case, and on the ground that one nation has no right to decide whether the government of another is lawful or not. But in my opinion a different rule must apply to the States which are part of one confederate republic. The entire theory of our system rests on the principle that all authority is to be rightful and derived from the people—the acknowledged source of all political power. Any [illegible] government at all, cannot be recognized either by the federal authorities or those of other States. The lawfulness or rightfulness of political power in this country cannot be separated from the existence of such power. If it be not rightful it does not exist. So far then as the constitution of the United States has delegated the authority [illegible] to any such usurpation of a [illegible] State, it [illegible] upon the people who are the sovereigns of every State.

There is a further objection to a compliance with your request. That provision of the Constitution of the United States in regard to extraditions, does not, in my opinion, embrace political offences committed in other States. The language of that part of the second section of the fourth article of the constitution is, '*a person charged with treason, felony, or other crime.*' Treason here means treason against the United States, which had been defined in the last section of the preceding article—and felony and other crimes means offences known as such at common law, and excludes the idea of mere political offences. Would not the consequence of applying this provision to political offences have a direct and inevitable tendency to involve one State in the controversies of another? Should it so happen that a faction in any one State by fraud or violence gets possession of the government in palpable violation of the constitution, and should pass arbitrary laws making it a penal and even a capital offence to call in question their authority—and should their opponents flee for refuge to a neighboring State, and should a requisition be made for their surrender, would it be proper to comply with such requisition, and thus aid in carrying into effect the purposes of such a faction? I think not. We were near witnessing such a state of things in Pennsylvania but a few years since. And it may happen again whenever in this free country an attempt shall be made to set at naught the voice of the people constitutionally and rightfully expressed. Suppose the majority in a State becomes so exasperated that in a period of a great excitement they pass severe laws against the opposing party, who, to escape persecution, flee to other States, are they to be surrendered on a requisition, and that upon the Executive of a sovereign State in whose jurisdiction they have taken refuge? Can this be the meaning of the constitution of this free republic? Can the liberty of the American people rest upon such a principle? I think not. I can give no countenance or support to any such doctrine. It cannot be that the supreme executive of a State, when called upon to exercise his authority to remove a person who is within his jurisdiction, is to disregard the essential principles of civil liberty.—That he is not to enquire whether the person to be sent to another jurisdiction is to be punished for actual crime, or merely for his opposition to the will of a dominant and successful party. I think it is not only his right but his duty so to inquire, as it is the first and highest duty of every Chief Magistrate to uphold the principles of liberty not only in his own jurisdiction but in other States, so far as he may be called upon to do any official act that may effect them or their people. I cannot, therefore, with that propriety which I hope ever to maintain, and with that regard to the constitution and the law which I purpose scrupulously to observe, surrender Gov. Dorr upon your requisition, for the purpose of having him taken to your State for trial upon the charges made against him. I deeply regret the unhappy controversies which have for some time past existed in the State of Rhode Island, and I earnestly hope that the time is not far distant when there shall be a restoration of entire tranquillity and order among her people.

Dated at Charlestown, this 19th day of August, A. D. 1842. HENRY HUBBARD,
Governor of the State of New Hampshire.

DAILY MORNING POST.

THS. PHILLIPS & WM. H. SMITH, EDITORS AND PROPRIETORS

THURSDAY, SEPTEMBER 29, 1842

See First Page.

Are You Assessed?

Voters should remember that unless they shall be assessed *this day*, or TO-MORROW, they cannot vote at the approaching election. To vote they must be assessed at least 10 *days* previous to an election, (exclusive of the election day itself) otherwise they cannot vote. Let all, then, attend to their duty in this matter.

☞The Advocate of yesterday has a long article headed "The Position of the Locofocos," in which, like the Gazette, it quotes from every man and every paper but those it should quote from, in order to show our true position in regard to the Tariff. The Advocate says that it was the "notorious determination" of the locofoco party to destroy the Tariff, and that this intention of theirs was the inducement that made Mr. Clay step in and plan the Revenue laws down to the horizontal duty of 20 per cent. We are at a loss to know how the editor of the Advocate is able to vouch for the "determinations" of the Democratic party. He must have some superior system of divination to discover such "determinations" in the conduct of General Jackson and his supporters, at that time. History, notwithstanding the positive assertions of the Advocate, has no record of these "determinations;" but the Compromise proposed by Henry Clay, stands forth duly recorded in the enactments of Congress—the hostile *intentions* of the Democratic party towards the Tariff, exist only in the weak presumption of an excited opponent—the hostile *deeds* of Henry Clay, are they not written in the laws of the nation?

The Advocate has taken much pains to show that the whig party and Henry Clay are the exclusive champions of "protection." In our article on that subject yesterday we said that Henry Clay was not an advocate of Protection, (as the Advocate uses the term) and that no declaration to that effect could be drawn from him. In this a recent letter from the great Compromiser bears us out. And the editor of the Advocate will have the satisfaction, after cudgelling his brains in the vain attempt to show that his candidate is an unqualified Tariff man, to see his labors destroyed by that candidate himself. In laying down views to be sustained by his followers, Mr. Clay tells them that he goes for

"An adequate Revenue, with *fair protection* to American industry."

Now this plainly connects the subject of Revenue with that of Protection; and shows that Mr. Clay is no longer willing to be deemed the exclusive advocate of *Protection*, without reference to any thing else. But, how much *Revenue* does Mr. Clay want? and how much *Protection* will he give in for? Here is a hold for the Advocate editor, which, if he attends to properly, will furnish him with occupation from this time till November 1844. The term 'judicious tariff" has been called vague and indefinite. Who will presume to explain what is meant by Mr. Clay's "fair protection?"

More Light.

In 1840, during the Presidential canvass, a committee of the citizens of Allegheny addressed letters to the several candidates for the Presidency and Vice Presidency, containing interrogatories touching some of the most important questions involved in the contest, such as a National Bank, the Tariff, etc. The Democratic candidates replied to the questions of the committee, but the candidates of the Whigs did not, and the people who voted for them had to do so without knowing their sentiments on the important questions at issue between the two great parties of the country. It was supposed that Gen. Harrison, if he replied at all, would declare such opinions as would suit the views of his "confidential committee," and that they would of course be in favor of a National Bank—he was admitted by all to be a bank man. But, JOHN TYLER, it was known, had but a short time previous been one of the most decided opponents of an institution of the character, and it was believed that his [illegible] mained unchanged. To gain [illegible] on this matter, the Pittsburgh committee addressed him, and we now learn that Mr. Tyler had prepared an answer, in which he candidly admitted the right of all citizens to call for his sentiments on public questions, and honestly declared that he still held the opinions he had ever entertained, that a "*Bank of the United States was unconstitutional*, and that he could not sanction the incorporation of one without an alteration of the Constitution." The letter was submitted to a number of the whig leaders, and they had it suppressed, fearing that its anti-bank sentiments would injure their cause in a city so much under the influence of the rag barons as is Pittsburgh.

This information we had some days since, from a New York paper, and the following extract from a letter of HENRY A. WISE to his constituents, published in the Madisonian of the 26th, confirms it beyond a doubt.—Speaking of President Tyler's course on the Bank Question, Mr. Wise says:

"Not to go back to 1819 and to the whole history of Mr. Tyler in Congress, in the House and in the Senate, the true history of the [illegible] session of 1839 and 1840 Mr. Tyler addressed to me, in Washington, a letter from Williamsburg, Virginia, saying that a meeting of the Democrats in the city of Pittsburgh, Pennsylvania, had called on him, especially to say whether he would in any event sanction the incorporation of a United States Bank; he enclosed to me the proceedings of their meeting and their resolutions, and he sent to me his reply, with instructions to submit it to the leading members of the Whig party for them to determine whether it should be transmitted to Pittsburgh and be published or not. The substance of that reply I remember well. It was spirited and explicit. After admitting the right of all citizens to call for his sentiments on public questions, and stating that the fair objects of such calls should always be to enable the electors to cast their votes intelligibly, according to their own convictions of right, after knowing the true opinions of candidates, he expressed the opinion, which he had ever entertained, that a Bank of the United States was unconstitutional, and that he could not sanction the incorporation of one without an alteration of the Constitution. He then emphatically asked those who addressed him, if these were their sentiments, whether they would maintain them at the polls, or whether their object was only to divide the whig party by publishing them to the country? This reply, thus given, I did submit to several whig members of Congress, whose opinions I thought most entitled to respect and deference, and they decided that it was impolitic to give it publicity; that Mr. Tyler's opinions were already known, and that it was unnecessary to array them directly against those of many who were in favor of a bank: and all who made the bank a test could ascertain his sentiments in the past, which had never been recanted, and no one could plead either that they had been concealed or that any deception was practised. I accordingly returned the papers to Mr. Tyler.—This was after his nomination and before the election. The leaders here could not pretend that *they* did not know what he would do in regard to a bank."

Among the members to whom Mr. W. refers was the Hon. RICHARD BIDDLE, of this city, and it is not improbable to suppose, that he communicated the sentiments of the letter to the leading federalists here. It is then clear, that the whigs who, for some time past, have been heaping mountains of imprecations upon the devoted head of President Tyler, and applying to him every epithet that could be found in the calendar of Billingsgate, because he would not sign the Bank Bill, had his written declaration in their possession *before the election*, that he could never sanction the incorporation of a Bank without an alteration in the Constitution.

What have the federal leaders to say now about President Tyler deceiving the party that elected him? It now appears that on his part there was no concealment. Even in the warmest part of the contest, when the men whose candidate he was, were resorting to every species of dishonesty to deceive and cheat the people, he boldly avowed his sentiments and desired their publication, although he knew that such an event might probably defeat his election.

Let the federal journals turn their thunders now, against the members of Congress who wished to [illegible] the truth [illegible] the Committee, and who has kept from the public eye an honest expression of his uniform hostility to a U. States Bank. If Mr. Wise, or any friend of President Tyler, has a copy of the letter, they should lay it before the public, by all means. The impression has been made here by the federal leaders, that Mr. Tyler had given assurances during the campaign, that he would aid in carrying out the leading schemes of the federal party, and his course on the bank question, after the election, is pointed to as a violation of his pledge, and an instance of base treachery to the party that elected him. The publication of the letter will silence this charge and remove from John Tyler much of the obloquy incurred by his connexion with the Whig party in 1840.

☞The Gazette and Chronicle are sparring about the "List of Letters" and their Lists of subscribers. The Chronicle employs its usual gasconade on the subject, and offers to "prove its circulation to be larger than any of its cotemporaries." Will the Gazette dare its opponent to the proof? When the discussion has reached its most angry point, we propose to step in and settle it, as the fox did the contest between the lion and the bear, by seizing the bone of contention, (the glory of the greatest circulation, we mean, not the letter list) and bearing it off in triumph.

☞The Gazette has an article in relation to the workingmen, in which it asserts that the Democrats "boasted" they would defeat the whig union ticket by means of the workingmen. Now we believe it is to be a fabrication out of whole cloth.—we have heard no democrat make use of any such expression, nor do we believe that one of them ever thought of such a thing. Besides, the chief movers in the matter of a workingman's ticket were intelligent whigs, whom the Gazette slanders vilely in asserting that *they* were to be used by the Democrats in defeating the federal ticket.

But there is another feature in the Gazette's article which should arrest the attention of the people, and arouse them to their duty at the coming election. It is nothing less than an *unguarded avowal that if the whigs get the Legislature, they will district the State so as to exclude the Democrats from power, in any event.*—The declaration is contained in this sentence:

"The present election is a very important one, and *will decide, probably, the political character of our state government for the next ten years*"

Now what is there in this election that will decide the "political character of our state government for the next ten years," if it be not the intention of the federal party to make such an apportionment of the legislative districts as will defeat the democrats continually. At the last election, the democrats carried the State by 23,000. What has happened since then to weaken them? Have the squabbles of the Clay men and Scott men injured the democratic party? —The Gazette will not say so. And yet they propose, by means of the next election, to decide the character of the State government for the next "ten years!"

This we believe is no unimportant expression, but the determination of the federal party unwarily declared by the Gazette. Let the people look to it.

Tragical and nearly fatal Occurrence.

A double escape! Powerful and desperate effect of Love!—To-day about noon, the sudden report of a pistol, attended by the shrieks of females was heard in the vicinity of our office, followed in an instant, by the appearance of a woman leaping from a balcony in the second story of a house on Commerce, between Little and Wide Water streets, occupied as a boarding house for seafaring persons, by a widow lady, named Mary Ann Anderson. The facts connected with the case are substantially as follows:

It seems that an Italian, named Michael Francis, recently sailmaker of the revenue cutter Taney, had for some time entertained a strong attachment for Mrs. A., with whom he had been a boarder for several years. She had repeatedly rejected his addresses. Francis had several times declared that she should never marry any other man than himself; and so jealously apprehensive was he that she might become the wife of another, that of late he was seldom absent an hour from the house.

This morning he again renewed the declaration of his attachment, and Mrs. A. firmly expressed to him her determination never to become his wife. He was then pacing the room in an agitated manner; Mrs. A. was seated in a corner, near the window engaged in sewing; opposite, but a few feet distant, sat her niece; and beside Mrs. A. was a vacant chair. Francis suddenly seated himself near Mrs. A., and said, 'Mary Ann!' at the same instant, presenting at her head a small rifle barrel pocket pistol, he fired. * * *

The sound of her name, uttered in a tone somewhat unusual, caused her to raise her head quickly when the ball passed immediately in front of her, and lodged in the [illegible] whence it was extracted, with part of the wadding attached, and was since shown to us. The sudden movement of her head, from the cause stated, alone saved Mrs. A. from inevitable destruction. She sprang from her seat, and, rushing into the balcony threw herself at once, into the street below—a height of about 16 feet.

Meanwhile, the young lady, the niece of Mrs. A., who was an eye witness of the whole scene, dreadfully alarmed, ran into the balcony, and called for help. Francis threatened her with instant death, if she made an outcry. He then threw himself on the floor, presenting the empty pistol at his head; in which situation he was found when the crowd, alarmed by the cries of the females, entered the house.

He had, it seems, obtained the pistol mentioned from the trunk of a fellow-boarder, and had another loaded in an adjoining room, with which he designed (it is supposed) to take his own life after killing Mrs. A.; but he was prevented from getting it, by the person who was then in that room—who, it appears, was either intentionally by Francis, or otherwise accidentally fastened up there.

Francis was immediately committed to jail.—*Norfolk Phœnix of Tuesday.*

For the Morning Post.

Craig's Soliloquy.

My anxious aspirations are about to be gratified. But, can I be elected. Ah! there's the rub. Should I be defeated, there is an end to my political life. Then, whether is it better to retire, or to stand out, boldly facing the many victims of my spleen. Ah! me thinks I see in the dim distance, the spirit of the lamented J. C. Gillelaud. Oh! why did I ever disturb that man's ashes? What will his friends say—what would the lamented Harrison say, were he alive?—Would he advise his old friends to support me? Would he say to them, forget the vile stigma he attempted to affix to my character? *What will the friends of Thos. Williams* say, will they support my assertion that he is a whining Spaniel? *What will Geo. Darsie say*, will he admit the truth of my charge, "That if impudence and ignorance qualified a man for office, then, he is eminently qualified"? *What will the friends of R. M. Riddle say?* What will the friends of W. W. Irwin say, will they admit that I was right and that he is a traitor to his party and principles? What will the friends of Walter Forward say? What will the friends of Wm. Little say? What will the "Little Whigs" say? What will the Diamond Alley people say, about the money I screwed out of them for my 3 feet 6 inches of ground? What will James S. Craft say, about the old Mansion House on the bank of the River, where I was born, and the little back window? What will the friends of Wm. Wilkins say? What will the friends of C. Shaler say? This is a long array of victims to my malignant attacks.—The contemplation of which almost freezes the very blood in my veins, and yet the list is not half complete.

What is to be done. Shall I resign? No. That would be an acknowledgement of my weakness. Would no foreign some good kind enemy would come out and abuse me. But that they won't do, the animosity of mine enemies must be deep rooted and settled; only to be vented at the ballot boxes. But, I have it. A happy thought. I will publish a card of defiance which shall by its assumption of independence create a feeling of alarm for the balance of the Ticket, and at the same time draw out some personal abuse, upon which I can fatten into public favor.

[From the Phila. Sp. Times]

PREMEDITATED RIOT AND ARSON AT MANAYUNK; *Constable Shot.*—Information was received by the Sheriff on Friday, that an attempt would be made that night by a party of hand-loom weavers from the city, to burn down Kempton's mill at Manayunk. The Sheriff in consequence of this information, sent two or three officers to apprize the citizens of that borough of the fact, and adopt measures to prevent the outrage, and secure the depredators. Very soon the whole town was organized, and together with the Roxborough volunteers, prepared for the attack. All the men employed in the mill were armed; small parties were also dispatched in different directions, to give notice of the approach of the weavers.

About two o'clock on Saturday morning, a body of some thirty men were seen by the scouts stationed below, approaching the mill. They were at first taken for friends, but the mistake was soon discovered, and scarcely had this been made known, before they were fired upon by the assailants, and Mr. Collins, the Manayunk constable, who had charge of the party, severely wounded in the neck. Several of the other men were shot, some through their hats, some got shot in their clothes; one received a shot in the arm, and another had his arm skinned. They fired back in return, but apparently without much if any effect. The weavers finding that their project was known, returned to the city.

The cause of this contemplated villany, we hear, was that the mill in question has been manufacturing goods such as the hand weavers were in the practice of making. They therefore determined thus effectually to stop off the water power! Hang such rascals! The very mill they wanted to destroy, we understand, has now thousands of yards more goods than they know what to do with, from giving employment to numbers of men who might otherwise starve. And yet the city weavers were not satisfied.

Tennessee.—The Legislature of Tennessee will meet next Monday, for the purpose of districting the state according to the late apportionment bill.