

Printed and published, every Tuesday and Friday, by SAMUEL HALL, in State-Street, BOSTON.

ALL Persons indebted to, or that have any demands upon, the estate of Mr. BENJAMIN DOLBEARE, late of Boston, deceased, are desired to make immediate settlement with JOHN DOLBEARE, Executor. Boston, 27th April, 1787. (f3)


Nathan Frazier & Son
BE desired to inform their Customers, and the Publick, that they have imported in the vessels just arrived from LONDON,

An Assortment of Goods,
Consisting of all the NECESSARY Articles, in the piece-goods way, usually imported at this season of the year; particularly a further assortment of Black LASTINGS and SATTINETS, Low-priced Irish LINENS, &c. &c. All which they are determined to sell, wholesale and retail, at the lowest rate for Cash. They give ready money for Pot and Pearl Ashes. April 30th, 1787.

WANTED—Three Hundred Walnut handspike Rafter,
Six feet long, and four inches square at the but, for which the READY MONEY will be paid, if delivered within fifteen days. Call at Store No. 3, Long Wharf. Boston, May 1, 1787.

Cod Lines and Hooks.
JUST IMPORTED, and to be SOLD. By William Gray, jun. At his Store in SALEM, by Wholesale or Retail, Cod Lines, Cod Hooks, Sail Twine, Seine Twine, Marline, Bridport Sail Cloth; All which he will warrant of an excellent quality.

Samuel Parkman
Has Imported in the *Mary*, Capt. BARNARD, and *Neptune*, Capt. SCOTT, from LONDON, A Fresh Assortment of Prime Goods, Suitable for the Season, Which he will sell by wholesale at a very small profit. Cash given for Pot and Pearl Ashes.

 **For LONDON,**
THE Ship *MARY*, T. BARNARD, Commander, will sail on or about the 20th of May. For freight or passage, apply to the Captain, or at DAVID SEARS'S Store, in State-Street. Cash given for Pot and Pearl Ashes at said Store. Boston, April 26, 1787.

From the Connecticut Magazine, April 26. The following pieces are taken from Jefferson's Notes on Virginia, a work never yet published. We expect that these, and some other extracts which we hope to make from the same work, will be very acceptable to our readers.

Passage of the Patowmac through the Blue Ridge.
JAMES and PATOWMAC rivers penetrate through all the ridges of mountains eastward of the Allegany—that are broken by no water-course. It is in fact the spine of the country be-

tween the Atlantic on one side, and the Mississippi and St. Laurence on the other. The passage of the Patowmac through the blue ridge is perhaps one of the most stupendous scenes in nature. You stand on a very high point of land. On your right comes up the Shenandoah, having ranged along the foot of the mountain a hundred miles to seek a vent. On your left approaches the Patowmac, in quest of a passage also. In the moment of their junction they rush together against the mountain, rend it asunder, and pass off to sea. The first glance of this scene hurries our thoughts into the opinion that this earth has been created in time, that the mountains were formed first, that the rivers began to flow afterwards; that in this place particularly they have been dammed up by the Blue Ridge of mountains, and have formed an ocean which filled the whole valley; that continuing to rise, they have at length broken over at this spot, and have torn the mountain down from its summit to its base. The piles of rock on each hand, but particularly on the Shenandoah, the evident marks of their disrapture and avulsion from their beds, by the most powerful agents of nature, corroborate the impression. But the distant finishing which nature has given to the picture is of a very different character. It is a true contrast to the fore ground. It is as placid and delightful as that is wild and tremendous. For the mountain being cloven asunder, she presents to your eye, thro' the cleft, a small catch of smooth blue horizon, at an infinite distance in the plain country, inviting you, as it were, from the tumult and riot roaring around, to pass thro' the breach and participate of the calm below.

Here the eye ultimately composes itself; and that way too the road happens actually to lead. You cross the Patowmac above the junction, pass along its side through the base of the mountain for three miles, its terrible precipices hanging in fragments over you, and within about 20 miles reach Frederick town and the fine country round that. This scene is worth a voyage across the Atlantick. Yet here, as in the neighbourhood of the Natural Bridge, are people who have passed their lives within half a dozen miles, and have never been to survey these monuments of a war between rivers and mountains, which must have shaken the earth itself to its centre.

Falling Spring.
THE only remarkable cascade in this country is that of the Falling Spring in Augusta. It is a water of James river, where it is called Jackson's river, rising in the warm spring mountains, about twenty miles south-west of the warm spring, and flowing into that valley. About three quarters of a mile from its source, it falls over a rock 200 feet into the valley below. The sheet of water is broken in its breadth, by the rock, in two or three places, but not at all in its height. Between the sheet and the rock, at the bottom, you may walk across dry. This cataract will bear no comparison with that of Niagara, as to the quantity of water composing it; the sheet being only 12 or 15 feet wide above, and somewhat more spread below; but it is half as high again, the latter being only 156 feet, according to the mensuration made by order of M. Vaudrenil, Governour of Canada, and 130 according to a more recent account.

Blowing Cave.
AT the Panther gap, in the ridge which divides the waters of the Cow and the Calf pasture, is what is called the Blowing Cave. It is in the side of a hill, is of about 100 feet diameter, and emits constantly a current of air of such force, as to keep the weeds prostrate to the distance of twenty yards before it. This current is strongest in dry, frosty weather, and in long spells of rain weakens. Regular inspirations and expirations of air by caverns and fissures have been probably enough accounted for, by supposing them combined with intermitting fountains; as they must of course inhale air while their reservoirs are emptying themselves, and again emit it while they are filling. But a constant issue of air, only varying in its force as the weather is dryer or damper, will require a new hypothesis.

The Natural Bridge.
THE Natural Bridge, the most sublime of Nature's works, though not comprehended under the present head, must not be pretermitted. It is on the ascent of a hill, which seems to have been cloven thro' its length by some great convulsion. The fissure, just at the bridge, is, by some admeasurements, 270 feet deep, by others only 205. It is about 45 feet wide at the bottom, and 90 feet at the top; this of course determines the length of the bridge, and its height from the water. Its breadth in the middle, is about 50 feet, but more at the ends, and the thickness of the rock at the summit of the arch, about 40 feet. A part of this thickness is constituted by a coat of earth, which gives growth to many large trees. The residue, with the hill on both sides, is one solid rock of limestone. The arch approaches the semi-elliptical form; but the larger axis of the ellipsis, which would be the chord of the arch, is many times longer than the traverse.

Though the sides of this bridge are provided in some parts with a parapet of fixed rocks, yet few men have resolution enough to walk to them and look over into the abyss. You involuntarily fall on your hands and feet, creep to the parapet and peep over it. Looking down from this height about a minute, gave me a violent head-ach. If the view from the top be painful and intolerable, that from below is delightful in an equal extreme. It is impossible for the emotions arising from the sublime to be felt beyond what they are here: so beautiful an arch, so elevated, so light, and springing as it were up to heaven, the rapture of the spectator is really indescrivable! The fissure continuing narrow, deep, and straight, for a considerable distance above and below the bridge, opens a short but very pleasing view of the north mountain on one side and Blue Ridge on the other, at the distance each of them of about five miles. This bridge is in the county of Rockbridge, to which it has given name, and affords a publick and commodious passage over a valley, which cannot be crossed elsewhere for a considerable distance. The stream passing under it is called Cedar Creek. It is a water of James river, and sufficient in the driest seasons to turn a grist mill, though its fountain is not more than two miles above.

The Mammoth, or Big Buffalo.
OUR quadrupeds have been mostly described by Linnæus and Monf. de Buffon. Of these the Mammoth, or Big Buffalo, as called by the Indians, must certainly have been the largest. Their tradition is that he was carnivorous, and still exists in the northern parts of America. A delegation of warriors from the Delaware tribe having visited the Governour of Virginia, during the present revolution, on matters of business, after these had been discussed and settled in council, the Governour asked them some questions relative to their country, and among others, what they knew or had heard of the animal whose bones were found at the Saltlicks, on the Ohio. The chief speaker immediately put himself into an attitude of oratory, and with a pomp, suited to what he conceived the elevation of the subject, informed him that it was a tradition handed down from their fathers, 'That in ancient times a herd of these tremendous animals came to the big-bone licks, and began an universal destruction of the bear, deer, elks, buffaloes, and other animals which had been created for the Indians: that the Great Man above, looking down and seeing this, was so enraged, that he seized his lightning, descended on earth, seated himself on a neighbouring mountain, on a rock of which his seat and the print of his feet are still to be seen, and hurled his bolts among them till the whole were slaughtered, except the big bull, who presenting his forehead to the shafts, shook them off as they fell: but missing one at length, it wounded him in the side; whereon, springing round, he bounded over the Ohio, over the Wabache, the Illenois, and finally over the great lakes, where he is living at this day.'

It is well known that on the Ohio, and in many parts of America farther north, tusks, grinders, and skeletons of unparalledled magnitude are found in

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NEW-YORK, April 25.

The following Circular Letter has been transmitted, by the United States in Congress assembled, to the Governours of the respective States.

S I R,

OUR secretary for foreign affairs has transmitted to you copies of a letter to him from our minister at the court of London, of the 4th day of March, 1786, and of the papers mentioned to have been enclosed in it.

We have deliberately and dispassionately examined and considered the several facts and matters urged by Britain as infractions of the treaty of peace on the part of America, and we regret that in some of the States too little attention appears to have been paid to the publick faith pledged by that treaty.

Not only the obvious dictates of religion, morality and national honour, but also the first principles of good policy, demand a candid and punctual compliance with engagements constitutionally and fairly made.

Our national constitution having committed to us the management of the national concerns with foreign States and powers, it is our duty to take care that all the rights which they ought to enjoy within our jurisdiction, by the laws of nations and the faith of treaties, remain inviolate. And it is also our duty to provide that the essential interests and peace of the whole confederacy, be not impaired or endangered by deviations from the line of publick faith, into which any of its members may from whatever cause be unadvisedly drawn.

Let it be remembered that the thirteen independent sovereign States have, by express delegation of power, formed and vested in us a general though limited sovereignty, for the general and national purposes specified in the confederation. In this sovereignty they cannot severally participate (except by their delegates) nor with it have concurrent jurisdiction; for the ninth article of the confederation most expressly conveys to us the sole and exclusive right and power of determining on war and peace, and of entering into treaties and alliances, &c.

When therefore a treaty is constitutionally made, ratified and published by us, it immediately becomes binding on the whole nation, and superadded to the laws of the land, without the intervention or fiat of State legislatures. Treaties derive their obligation from being compacts between the sovereign of this, and the sovereign of another nation; whereas laws or statutes derive their force from being acts of a legislature competent to the passing of them. Hence it is clear that treaties must be implicitly received and observed by every member of the nation; for as State legislatures are not competent to the making of such compacts or treaties, so neither are they competent, in that capacity, authoritatively to decide on, or ascertain the construction and sense of them. When doubts arise respecting the construction of State laws, it is not unusual nor improper for the State legislatures, by explanatory or declaratory acts, to remove those doubts: But the case between laws and compacts or treaties, is in this widely different; for when doubts arise respecting the sense and meaning of a treaty, they are so far from being cognizable by a State legislature, that the United States in Congress assembled have no authority to settle and determine them: for as the legislature only, which constitutionally passes a law, has power to revise and amend it; so the sovereigns only, who are parties to a treaty, have power, by mutual consent and posterior articles, to correct or explain it.

In cases between individuals, all doubts respecting the meaning of a treaty, like all doubts respecting the meaning of a law, are in the first instance mere judicial questions, and are to be heard and decided in the courts of justice having cognizance of the causes in which they arise, and whose duty it is to determine them according to the rules and maxims established by the laws of nations for the interpretation of treaties. From these principles it follows of necessary consequence, that no individual State has a right by legislative acts to decide and point out the sense in which their particular citizens and courts shall understand this or that article of a treaty.

It is evident that a contrary doctrine would not only militate against the common and established maxims and ideas relative to this subject, but would prove no less ludicrous in practice than it is irrational in theory; for in that case the same article of the same treaty might by law be made to mean one thing in New-Hampshire, another thing in New-York, and neither the one nor the other of them in Georgia.

How far such legislative acts would be valid and obligatory even within the limits of the State pas-

sing them, is a question which we hope never to have occasion to discuss. Certain however it is that such acts cannot bind either of the contracting sovereigns, and consequently cannot be obligatory on their respective nations.

But if treaties, and every article in them, be (as they are and ought to be) binding on the whole nation; if individual States have no right to accept some articles and reject others; and if the impropriety of State acts to interpret and decide the sense and construction of them, be apparent; still more manifest must be the impropriety of State acts to control, delay or modify the operation and execution of these national compacts.

When it is considered, that the several States assembled by their delegates in Congress, have express power to form treaties, surely the treaties so formed are not afterwards to be subject to such alterations as this or that legislature may think expedient to make, and that too without the consent of either of the parties to it,—that is, in the present case, without the consent of all the United States, who collectively are parties to this treaty on the one side, and his Britannick Majesty on the other. Were the legislatures to possess and to exercise such power, we should soon be involved, as a nation, in anarchy and confusion at home, and in disputes which would probably terminate in hostilities and war with the nations with whom we may have formed treaties. Instances would then be frequent of treaties fully executed in one State, and only partly executed in another; and of the same article being executed in one manner in one State, and in a different manner, or not at all, in another State. History furnishes no precedent of such liberties taken with treaties under form of law in any nation.

Contracts between nations, like contracts between individuals, should be faithfully executed, even though the sword in the one case, and the law in the other, did not compel it. Honest nations, like honest men, require no constraint to do justice; and though impunity and the necessity of affairs may sometimes afford temptations to pare down contracts to the measure of convenience, yet it is never done but at the expense of that esteem, and confidence, and credit, which are of infinitely more worth than all the momentary advantages which such expedients can extort.

But although contracting nations cannot, like individuals, avail themselves of courts of justice to compel performance of contracts; yet an appeal to Heaven and to arms is always in their power, and often in their inclination.

But it is their duty to take care that they never lead their people to make and support such appeals, unless the sincerity and propriety of their conduct affords them good reason to rely with confidence on the justice and protection of Heaven.

Thus much we think it useful to observe in order to explain the principles on which we have unanimously come to the following resolution, viz.

Resolved, That the legislatures of the several States cannot of right pass any act or acts for interpreting, explaining or construing a national treaty, or any part or clause of it; nor for restraining, limiting, or in any manner impeding, retarding or counteracting the operation and execution of the same; for that on being constitutionally made, ratified and published, they become, in virtue of the confederation, part of the law of the land, and are not only independent of the will and power of such legislatures, but also binding and obligatory on them."

As the treaty of peace, so far as it respects the matters and things provided for in it, is a law to the United States, which cannot by all or any of them be altered or changed, all State acts establishing provisions relative to the same objects which are incompatible with it, must in every point of view be improper; such acts do nevertheless exist; but we do not think it necessary either to enumerate them particularly, or to make them severally the subjects of discussion. It appears to us sufficient to observe and insist that the treaty ought to have free course in its operation and execution, and that all obstacles interposed by State acts be removed. We mean to act with the most scrupulous regard to justice and candour towards Great-Britain, and with an equal degree of delicacy, moderation and decision towards the States who have given occasion to these discussions.

For these reasons we have in general terms "Resolved, That all such acts, or parts of acts, as may be now existing in any of the States, repugnant to the treaty of peace, ought to be forthwith repealed; as well to prevent their continuing to be regarded as violations of that treaty, as to avoid the disagreeable necessity there might otherwise be of raising and discussing questions touching their validity and obligation."

Although this resolution applies strictly only to such of the States as have passed the exceptionable acts alluded to, yet to obviate all future disputes and questions, as well as to remove those which now exist, we think it best that every State, without exception, should pass a law on the subject. We have therefore "Resolved, that it be recommended to the several States to make such repeal rather by describing than reciting the said acts; and for that purpose to pass an act declaring in general terms that all such acts, and parts of acts, repugnant to the treaty of peace between the United States and his Britannick Majesty, or any article thereof, shall be, and thereby are repealed; and that the courts of law and equity in all cases and questions cognizable by them respectively, and arising from or touching the said treaty, shall decide and adjudge according to the true intent and meaning of the same; any thing in the said acts, or parts of acts, to the contrary thereof notwithstanding."

Such laws would answer every purpose, and be easily formed. The more they were of the like tenor throughout the States, the better; they might each recite,

Whereas certain laws or statutes made and passed in some of the United States, are regarded and complained of as repugnant to the treaty of peace with Great-Britain, by reason whereof not only the good faith of the United States pledged by that treaty, has been drawn into question, but their essential interests under that treaty greatly affected: And whereas justice to Great-Britain, as well as regard to the honour and interests of the United States, require that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do or may be construed to proceed from the laws of this State, be effectually removed: Therefore

Be it enacted by and it is hereby enacted by the authority of the same, that such of the acts or parts of acts of the legislature of this State, as are repugnant to the treaty of peace between the United States and his Britannick Majesty, or any article thereof, shall be, and hereby are repealed. And further, that the courts of law and equity within this State, be, and they hereby are directed and required in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, to decide and adjudge according to the tenor, true intent and meaning of the same, any thing in the said acts, or part of acts, to the contrary thereof in any wise notwithstanding.

Such a general law would, we think, be preferable to one that should minutely enumerate the acts and clauses intended to be repealed; because omissions might accidentally be made in the enumeration, or questions might arise, and perhaps not be satisfactorily determined, respecting particular acts or clauses, about which contrary opinions may be entertained. By repealing in general terms all acts and clauses repugnant to the treaty, the business will be turned over to its proper department, viz. the judicial; and the courts of law will find no difficulty in deciding whether any particular act or clause is or is not contrary to the treaty. Besides, when it is considered that the judges in general are men of character and learning, and feel, as well as know the obligations of office, and the value of reputation, there is no reason to doubt that their conduct and judgment relative to these, as well as other judicial matters, will be wise and upright.

Be pleased, Sir, to lay this letter before the legislature of your State without delay. We flatter ourselves they will concur with us in opinion that candour and justice are as necessary to true policy as they are to sound morality, and that the most honourable way of delivering ourselves from the embarrassment of mistakes, is fairly to correct and amend them. It certainly is time that all doubts respecting the publick faith be removed, and that all questions and differences between us and Great-Britain be amicably and finally settled. The States are informed of the reasons why his Britannick Majesty still continues to occupy the frontier posts which by the treaty he agreed to evacuate: and we have the strongest assurances that an exact compliance with the treaty on our part, shall be followed by a punctual performance of it on the part of Great-Britain.

It is important that the several legislatures should, as soon as possible, take these matters into consideration: and we request the favour of you to transmit to us an authenticated copy of such acts, and proceedings of the legislature of your State, as may take place on the subject and in pursuance of this letter.

By Order of Congress.

(Signed)

Arthur St. Clair, President.