THE ARGUMENT

OF THE

HON. J. S. RICHARDSON,

IN REPLY TO

CHANCELLOR HARPER,

AND IN OPPOSITION TO

Nullification and Convention,

DELIVERED BEFORE A LARGE ASSEMBLAGE OF PEOPLE

NEAR COLUMBIA, ON THE

20th SEPTEMBER, 1830.

COLUMBIA:
PRINTED AT THE "TIMES AND GAZETTE" OFFICE.
1830.

JUDGE RICHARDSON'S ARGUMENT.

Argument of Judge Richardson, made at the meeting holden on the 20th inst. at Columbia, which had been called for the purpose of interchanging opinions upon the proper remedy to be adopted for the grievances we endure, under the protecting Tariff. Judge Harper had expounded the objects of the meeting, and had given his opinion and arguments—that the proper remedy was by a Nullification of the Tariff Laws, to be done by a Convention of the People, to be convened, by virtue of the National Sovereignty of South-Carolina.

Judge Richardson rose, to answer the arguments of Judge Harper, and to expound to the meeting the objections to the course proposed. He stated, that the objections to the whole doctrine of Nullification were insuperable—that the mode of redress, if carried into successful operation, would destroy all State Sovereignty—be a fatal blow to the doctrine of State Rights—and introduce a mode of changing the Federal Constitution, unknown to that compact, and subversive of its provisions. He explained the doctrine of Nullification to be bottomed upon this assumption: That our grievances, under the Tariff of Protection, were too intolerable to be borne; and that, therefore, the Tariff Laws must be nullified by means of the transcendant authority of the State sovereignty. But that, inasmuch as such a Nullification of the Federal Laws would amount to an infraction of the Federal Constitution, and become a virtual secession from the Union, (which, it was admitted, would be an evil more intolerable than the grievances arising out of the Tariff,) within the two last years, the following refinement had been superadded to the doctrine of Nullification: That, after nullifying the Federal Law, the State would still remain in the Union, notwithstanding the act of resistance, unless the other States should, in like manner, call Conventions, and supercede the Nullification of this State, by a vote of three-fourths of the States; in which event, the intolerable grievances complained of must still be borne. Judge R. laid down the following principle to test the force of his objections to the doctrine of Nullification. It was admitted (he said) by all writers, upon rhetoric, law, divinity, or politics, and was equally a maxim of common sense, that, whenever a position or doctrine unavoidably leads to inconsistency, or absurdity, that position or doctrine has no rational foundation, and is false. He then stated, that he would present, not one, but several consequences arising out of the doctrine of Nullification, so absurd in themselves; and so inconsistent with the principles of national sovereignty, the republican doctrine of State rights, and the written provisions of the Federal Constitution, that he did not believe it was within the wit of man, or the power of elocution, to reconcile those discrepances. After requesting the attention of the gentlemen on the opposite side, and challenging argument, either at the present time, or to-morrow, if the meeting would adjourn, and give time for the consideration of his objections, if that were necessary—he begged that gentlemen would meet his arguments fairly, as it had been candidly acknowledged, that Nullification was the final object of the Convention; and then enumerated the objections as follows:—

First. That the State, which nullified a law of Congress, claimed the right of calling upon the other States, and obliging them to call Conventions, in order to

affirm or negative the act of Nullification; whereas, by the provisions of the Federal Constitution, no less than two-thirds of the States, or two-thirds of both houses of Congress, have the power to call Conventions; or, in any other mode, to require alterations or amendments of the Constitution to be considered of. That this wise restriction of the power to two-thirds, (which is intended to prevent the confusion and excitement, which would continually arise, if the power to require the discussion by all the States of Constitutional changes, were allowed to every individual State,) would be entirely laid aside, and is disregarded by the doctrine now proposed. That doctrine would give to the single State, nullifying the law, the power to force the rest of the States to entertain and negative the act, or else, to leave the act of Nullification in complete operation. The next inconsistency arises out of the gentleman's argument, upon the check from the Veto. It is, that, if one State can nullify a law of Congress, or in any way suspend its operation, we are virtually brought back to the simple power, which Congress had under the old and discarded confederation, to pass a law, and leave it to the States to execute the law or not. For there is no material difference, between the power to suspend and render the law inoperative, and the right, under the old Confederation, to leave the law unexecuted. This consequence would utterly destroy the most important, and essential right of Congress (as explained by the Gentleman himself, given by the Constitution—to execute its own laws and the want of which right, under the old Confederation, was the strongest reason for the adoption of the Constitution of '88, in order to correct, thereby, the former imbecility of Congress.

The third inconsistency.

The doctrine of Nullification, if successful, would place the National Sovereignty of each State under the control and supervision of three-fourths of the States. Such a power in three-fourths, to control and supervise the National and Sovereign acts of any one State, is utterly incompatible with, and would entirely destroy, the sovereign power and national independence of every State. He here noticed some consequences, which would or might readily arise out of the establishment of a right in any foreign power or powers to control the State Sovereignty and State Rights. For example, Congress might pass a law, by a bare majority, that all persons, of whatever color, born within the United States, were free and independent citizens. We would of course proceed, under the doctrine of Nullification, if once established, to nullify the law;—Convention would then be called, in all the States, under our own doctrine, who would proceed to affirm or disaffirm the act. If three-fourths of the States (a thing by no means improbable) should uphold the law of Congress,—our State sovereignty and our domestic State Rights, having been placed under the pupilage of three-fourths of the states, by virtue of the doctrine, established by ourselves, could avail us nothing. If we claimed, under the same circumstances, the right to secede from the Union, it would be under the sovereign power of the State;—but that sovereignty having been yielded up to the guardianship and control of three-fourths of the States, those three fourths would no doubt prohibit our secession. What then would we do? We might still resort to physical force,—to the power to fight. Judge R. said, the *power* would remain,—but the Constitutional *right* to fight would be equally under the control of three-fourths. Doubtless in this event, we would go to it manfully, under the power,—but without the *right*, and with the colored population, added to the whites, arrayed against us. The distinction between the power to fight, and the right to fight is an obvious one; the power depends upon physical strength and cannot be alienated;—but the right may be restrained by Conventional law. The Barber who shaves his neighbour has the power to cut his throat, but he has no right to do it. Why has he not the right as well as the power?—for he may have cause to excuse the act. The answer is plainly this. He has given up his natural right of revenging his own wrong by submitting to the laws of the society in which he lives, and those laws forbid the exercise of his natural power, or if you choose, his natural right. He may be *excused* under certain circumstances; but he cannot be *justified*; his own contract to obey the laws forbid the exercise of his natural power. The physical *power* of slaves to rebel, and fight is unquestionable, but all right to rebel and fight is taken away by the particular laws of his society, and therefore they cannot rightfully rebel. The same may be said, in order to illustrate the distinction, of children under lawful age, and of all persons under pupilage, or wardship. And the same may be as justly said, of every people, who have given up their sovereign right to another power, when that other power forbids the exercise of the right. This exhibits the true distinction, between a colony or foreign dependancy which has yielded up its sovereign right to the mother country. And a sovereign, and independant nation;—which last South Carolina now is; but which she would not be, were she once to yield her sovereignty to three fourths of the States: Behold then the direct consequences of the doctrine of Nullification, as expounded by the honorable gentleman, on the other side. Whatever may be the intention of its projectors tho', doutless, virtuous and patriotic, the establishment of the doctrine prostrates state sovereignty and strikes fatally as State Rights. Would it not be better, to have State Rights, preserved in purity, unobscured, by the delusions of a splendid central Government; and State Sovereignty, free from the political heresy, which would raise the state authorities above the Federal Government for one particular purpose; but in the same breath, by striving to reconcile an act of disunion with the preservation of the Union, would place State sovereignty, under the controlling guardianship of three-fourths of the states, lest Sovereignty itself should be, too free, too independant and too sovereign.

The fourth inconsistency is already placed before you by the argument of the honorable gentleman. He says, that while the Constitutional operation of nullification is to destroy the present Tariff Laws, it equally operates to revive the Tariff act of 1816. While with one hand it slays, with the other it restores life; and kindly admits some duties still to be paid to Congress. This revival, it may be presumed is, to preserve allegiance, and to keep us safe within the pale of the Union. Good; but mark the usual consistency of the doctrine. It is brought forward to put down the protecting duties, and yet, it is to revive the original act; which was at the bottom of the protecting system—it puts down *living* protecting duties, and revives *dead* protecting duties. While at the same time, the only constitutional principle to support the doctrine is, that all protecting duties are perversions of the federal Constitution. Can common sense bear all this? Is no one principle of nullification to speak for itself; and to be followed out in all its consequences? If it revives one dead law, why not all other tax laws; and why will it not bring to life John Adams' act of direct taxes. But no, 'tis the potter's clay, in the hands of its advocates; let them mould its distortion into symmetry; we cannot. You are presented in a few words with four unavoidable suicides of nullification,—but the day of wonders is not yet over; and it still lines in the imagination of honorable men. It died after violent throes, at Statesburg; let us now inter it deep; sing a requiem to its manes, leaving its fame, ripe, in those imaginations. After pointing out the inconsistencies, which, in his judgment demonstrated the doctrine to be unconstitutional, false, and dangerous in itself, he turned the attention of the audience to the inquiry, whether the docrine, as expounded in South Carolina, was upheld by the Kentucky and Virginia resolutions of '98 and '99. After much consideration of the subject, and reference to those resolutions, he pronounced it, as his decided opinion, that those resolutions did not support the doctrines under their true construction and meaning. He urged that those resolutions amounted to no more than a solemn protest against the constitutionality of the Alien and Sedition Laws, and a call upon the States generally, to resist those laws; and to bring about their repeal—that, they were never intended to operate, as an actual suspension of those laws, or to affirm a power in an individual State to suspend a law of Congress. He called upon the advocates of nullifica-

tion, and challenged them to produce *a single sentence* from the volumes of Mr. Jefferson's Writings to support the construction of the meaning of the term Nullification, used in the resolutions. He read the letter of Mr. Jefferson to Mr. Giles, of 1825, and another of Mr. Jefferson's letters in 1798, to prove that if Mr. Jefferson ever thought that nullification could operate as a practical means to suspend a law of Congress, he would then have said so; and, finally, concluded that the whole doctrine is as destitute of authority, as of intrinsic reason. Neither Virginia, nor Kentucky, from which states it is supposed to have been taken acknowledge it as theirs; but call it the Carolina doctrine. Mr. Jefferson has recorded it no where; and Mr. Madison stands in mute astonishment at the misuse of his name, when coupled with this strange version of the resolutions of '98 and 99. At best it forms no more than an ingenious but disputable exposition of those resolutions.

Judge R. then turned his attention to the subject of Convention, in order to shew that its material object was to enforce the doctrine of nullification. This had been candidly admitted on the other side. He stated that in December last, an inquiry had been made in the Legislature of this State, as to the power to nullify a federal law; but as great difference of opinion appeared, nothing was done. Since that time, continued discussions had been made in the public prints upon the same subject; and, finally, the public mind had settled down to the opinion, that a Convention of the people alone could exercise such a transcendant right of the State sovereignty. Upon this opinion appearing the proposition to call a Convention has been made. No other object, except that of nullification, was, for some time, coupled with the call of a Convention; but since the doctrine of nullification has been thought questionable, a Convention is still urged upon the people, as a means of some vast and undefined good—and he would therefore enquire, whether it would be expedient, now to call a Convention, for some indefinite purpose, less than nullification. It had been justly said that there were three remedies—1st those which arose out of the ballot box: 2d out of the Jury box: and 3dly out of the cartouch box. Every proposition, he had seen amounted to one of these three; in other words the remedy arose from the rights of ballot, the consciences and understanding of Courts and Juries, and from the right to fight. As to the first of these remedies none was wanted; no party complained of the ballot box; and if any alteration should be required, the legislature had all the authority for that purpose. As to the 2d remedy by the Jury box and the consciences and understanding of a Court and Jury could be as well informed by the opinions of the legislature, as by those of a Convention that as far as protest, remonstrance or argument could go, those of the legislature were as authoritative, as any that could be made by a Convention. Neither body could do more than appeal to reason, to magnanimity, to state pride, and Constitutional law. After all that could be done in this way, it would amount to, no more, than the opinion of a limited number of individuals, selected from the 250,000 persons, who all hold the same opinion. That therefore, any act to be done by the Convention, short of actual resistance, could amount to no more, than what had been already done; and may be again done, by the legislature, as effectually, fully and authoritatively, as by the Convention. It was then obvious, and unquestionable that the third class of remedies alone, called for the extraordinary powers of a Convention; and there could be no other definite, and intelligible object to justify the call. But we have seen that, this third remedy or resistance by force, is unwise, unconstitutional, dangerous, and subversive, of our own rights. In a word, nullification is a false doctrine, destitute of consistency, or reason; and unsupported, even, by the authority supposed.

Notwithstanding this view of the ostensible office of the Convention, many persons were still of opinion, that it ought to be called, in order to bring about some indefinite and possible remedy. But before we would call together a body of men, clothed with the sovereignty of the state, it would be prudent to consider

the evil, as well as the good they might bring about. The power of the Convention would be equal to those of the entire State; they might do any thing, that the people themselves could collectively do, their power would be absolute, and uncontrollable. Any attempt by the legislature, to restrict their power, would be as idle, as an attempt, by an infant, to tie the hands of Hercules. There can be no doubt, that the Convention, would have it in their power to subvert the Constitution, destroy the Government or secede from the Union. In a word they would have in their hands, the whole sovereign right of the State. This is also fairly admitted. I ask said Judge R. if you would confide such tremendous powers to any one man? the answer is no, you would not, unless to answer some immediate, defined, great, and unquestionable good. True history informs us that such power would probably be abused and his own individual exaltion would be raised upon the ruin of the general liberty. Again I ask he said, if you would confide the same power to thirty chosen men? the answer would be again no. You would readily remember the historical fact, that the Athenians had tried that very experiment, in order to divide the sovereign power, and thereby to blunt its edge. But the result was, that they found thirty masters and "thirty Tyrants" proverbial, in history, for their absolute government and tyranical misrule.

I ask, thirdly, if you would be disposed, were it in your power, to confide such vast sovereign authority to the Legislature, at the next general election, on the second Monday and Tuesday in October, without any defined and great object, or plain necessity? I am assured that the answer would be one long, deep, and vehement No; because such a fearful power would exist for two years at least, and they might at the end of that time, declare their session permanent. You would readily apprehend, that the vehement nullifiers, the secret disunionist, and the bold projectors, having once got a foothold in that body, would confederate themselves together; might seduce the weak, bribe the selfish, lure the ambitious, and mislead the credulous; and finally, bring about great innovation, if not erect a despotism. Then, I ask, why you would more readily confide the same tremendous power, to last for an indefinite time, to the same number of men, calling them Conventionists, in place of Senators and Representatives? Where is the difference? Are they not as likely to abuse their authority? Is not the object as indefinite? may they not manage, under one pretence or other; for some plausible purpose, to continue their power to an indefinite period? The gentleman says the final act of the Convention might not be immediately performed. Would not the nullifiers, projectors, and disunionists be as likely to get foothold, in the Convention, as in the General Assembly? Would not every one of us be as easily seduced, bribed, lured, or led astray in the one body, as in the other? would we not meet together, under galling disappointment, and during an excitement of the public mind totally inimical to cool and rational deliberation? It is an idle mockery to answer to these apprehensions, that Conventions have met before to form Constitutions, and done no harm. The plain distinction between the Convention now proposed, and those Conventions is, that they met for one defined, and well-understood object, beyond weich they could not proceed, without immediate suspicion, and an alarming violation of the notorious trust confided to them. But this Convention will meet to answer the purpose of striking out some remedy, as yet unknown; and to arise out of the infinite variety of propositions submitted to them, by any, and every member; or else they are to nullify the Law and to superinduce the evil consequences, which I have demonstrated, must arise from the act of nullification.

I challenge the advocates of this doctrine, to produce a single instance, from our own, or other history, of a Convention being called, or a supreme power being conferred, for *so indefinite a purpose under such a state of excitement*; and great evil, or alarming innovation, failing to arise therefrom. "The basis of our political system," says the venerable Washington in his Farewell Address, "is the right of the people to make, and to alter their Constitutions of Govern-

ment: but the Constitution, which, at any time exists till changed, by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and right of the people to establish government, presupposes the duty of every individual, to obey the established Government. All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe, the regular deliberation, and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community. The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissention, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose, in the absolute power of an individual; and sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty."

I would ask you here to pause, and reflect, on this picture taken from the Legacy of the Father of his Country. Did ever uninspired, or inspired man at the distance of four and thirty years, depict more truly the present posture of our affairs. The nullifiers seek, by a way unknown, to the Constitution, to counteract that, which, "till changed by an explicit and authoritative act of the whole people is sacredly obligatory upon all," says our political Father. "All combinations, &c. under whatever plausible character, to controul, &c. the constituted authorities, &c. are of fatal tendency," &c. "They serve to organize faction," &c. "The alternate domination of one faction over another, &c. sharpened by the spirit of revenge, is itself a frightful despotism." Pause and reflect again. Has or has not the attempt of the nullifiers produced these consequences, in this State? Look to the facts before your eyes. The non-Conventionists are, at this moment, joined by the venerable Thomas Taylor, the Patriarch of Columbia; on the opposite side are arrayed his no less virtuous sons. Two members of Congress are present; one with me, and the other for a Convention. Look a little further, and you find Senator Smith, together with Generals Blair and Tucker, Col. Drayton and Mr. Nuckols, members of Congress, but non-Conventionists. Arrayed against them, stand Senator Hayne, together with Messrs. M'Duffie, Martin, Davis, and Barnwell—the opinion of Mr. Campbell, the ninth member, unknown to me. On my side, Daniel E. Huger, and James L. Petigru; on the other, his friend James Hamilton, and Henry L. Pinckney. The whole State is about as equally divided as our members in Congress. You see, on each side, equal grounds for calling disreputable names. The non Conventionists are joined by the Tariffites, and the loyal; hence they are called submission-men. The Conventionists are joined by the Nullifiers, the few advocates of Disunion, the turbulent, and the bold projectors,—hence they are called Disunionists: when, in truth, the whole body of both parties are sterling Americans. Senator against senator, member against member, friend against friend, and son against father, are before your eyes, in equal proportions. Is or is not faction already *"sharpened by the spirit of revenge."* Read—read, once more, the last, the crowning act of Washington, for his country. Your leading Statesmen are committed; *and the people must interpose.*

I have proved, by argument, that if the Convention be called to nullify a Law of Congress, it leads to Disunion, to inconsistency, and the subversion of State rights. I will now show, that, if it be called for any purpose short of Nullification, who are the *submission men. Let those who have heated the iron for their neighbors, receive, themselves, the brand.* The State has remonstrated again

and again. In February, 1829, it recorded its final protest against the Tariff of protecting duties; and bid adieu to further remonstrance. Since that time, one Senator and four Members of Congress, think the majority hold out signs of a more just policy; that the President may have influence to change the past course; and that our remonstrances are *operating upon the public mind.* Another Senator, and four Members think quite the reverse; and would urge on Convention. On our side we would rest for the present. We deem it unmanly to make further remonstrances; and would leave the majority and the President, under the signs of the times, to develope their final policy, before we act; lest we should counteract our own ends. The Conventionists would have, at least, a peaceable Convention, to advise, or to do something. Now it is evident, that, if they do any thing, less than nullify the Law, they must do some act of further *submission and humiliation;*—they must take their choice of two characters. They must become the real submission-men, by further inconclusive measures; or unconstitutional nullifiers by their practical resistance. They have no alternative; and must take one side of their own dilemma. But is it not more rational and more Constitutional, to avoid the extreme of Nullification? And is it not more manly and more dignified, to avoid their opposite extreme of a peaceable, submissive, and remonstrating Convention? 'Tis past doubt in my judgment, that the doctrine of the Conventionists *prove* them, what I would not volunteer to *call* them, *full-blooded Disunionists*, or *humble Submissionists:* while yet they would attach the latter name to us, because we hold Nullification, both, beyond our power, and dangerous to republican doctrines; and because we disdain further acts of mere humility.—I repeat it, no advocacy can reconcile the inconsistency of the Conventionists; and they inscribe their own name by their own doctrine. It is wise in man to consider well before he acts, what he can carry through; and to attempt no more, lest he bring down ridicule. The Conventionists assume the Lion's skin: if they can nullify the Law, and carry through their purpose; their gallant bearing may wear it fairly. But, if they come short of this, they take "a calf-skin on their recreant limbs." Some recommend a Convention, which is to operate as a safety-valve to let off the collected and hot humours of party discontents; and say, "this is harmless." But what can such a mere talking Convention do, but to "organize faction"—to sharpen its edge, and then to rail at each others extremes; and possibly to end in the realization of the bodings of Washington? A Convention to nullify may have the distinctive virtue of Achilles; but a Convention to rail, must, inevitably, look for a prototype in Thersytes—

> "A factious monster, born to vex the State,
> With wrangling talents, formed for foul debate."

Judge R. said, he would but briefly notice the Tariff of protecting duties.—He stated that he had, upon two occasions, pronounced his opinions, not only upon the impolicy, and the extravagance of the system; but that it was a perversion and abuse, of the constitutional power to raise revenue, by Congress. It had happened to him, at a very early period, to have formed an opinion of it's inherent impolicy. This opinion he had pronounced, at the first Anti-Tariff Meeting, probably ever holden in the U. S. That meeting sent out the first remonstrance against the system; which remonstrance he had signed. He was the Chairman of the Committee of another meeting, who sent out, the first of the second, series of the remonstrances of the State of South-Carolina. These facts indicated his sentiments, and his pride of opinion against the misnamed American System. But he would take occasion here, to do justice to the author of a pamphlet which had been noticed in the debate on the other side. He believed J. N. Cardozo to have been the first political Economist who put the State of South-Carolina upon its guard against the protecting system: And acknowledged his own indebtedness to the strictures of that individual, for his very early impressions against the Tariff of protecting duties, and its anti-commercial tendency. He had not

considered fully the pamphlet noticed, but he considered it prima facie proof of its correctness, that it came from J. N. Cardozo, the early, uniform, temperate, and rational opponent of the American System.—Judge R. said, he could not be the apologist of the high Tariff, which he had so often denounced; but declared it as his opinion, that the settled maxim of all Political Economists, that he had ever read; and which was confirmed by the practice of the Government, for more than forty years. That the consumers pay the duties according to their respective incomes, had never been shaken. That though the exporters of our staples are under some disadvantages, yet they do not pay the duties.—And that, all the States, labour under such disadvantages, from the restrictive system, when compared with Free Trade, that it upheld his hope—that the signs of the times were not altogether fallacious: and that the late policy of the majority, in Congress, may yield to their experience of the evils of their own System. He said, that he felt it a duty, upon so solemn an occasion, to express his opinion distinctly and fearlessly. He would do justice, at such a time, to an enemy, or an enemy's dog;—and he would not spare a known error in a friend. So much was due to truth and to the people. He did consider many popular arguments against the Tariff, as carried to unwise and unjust extravagance: and which, being made to men really labouring under great disadvantages, and under galling disappointment, had done unwilling mischief.

There is often an intemperance in zeal, that overshoots its noblest end. There are Mar-plots in Politics, as well as in Comedy; and it was true, before Junius wrote it, that a man may become not only his own enemy, but the enemy of his friends. I do believe, he said, that your very last paper presented an instance, on my part of the question, which I now feel; and which forms my excuse for the notice of my own Anti-Tariff course. Do not, therefore, misunderstand me. He that could suppose I would arraign the honest aim of our statesmen, knows neither my heart, nor its friendships. But I do hope, and think, that, when acting as advisers, and not as debatants, they would not repeat all they have said, in the hot collision of debate, or, at least all they are supposed to have said. For instance, I know it to be no uncommon opinion, that it has been demonstrated, that we pay 40 per cent. taxes under the Tariff, upon our incomes, and yet 40 per cent. upon the lowest income ever allowed to the United States, *i. e.* $350,000,000, would amount to $140,000,000 imposts: and the same 40 per cent. upon 70,000,000 (the lowest income ever allowed the staple-growing States,) would amount to $28,000,000, or $6,000,000 more than the whole duties (viz. $22,000,000) paid by all the United States together. I do no believe that such extravagance has been thought or really said by any statesman; and yet it is not the less true, that many good citizens suppose, we pay 40 per cent. upon our incomes, to the general Government. Men take such things from the hot current of debate, without attending to the original position, with which the orator set out, in order to govern and restrict his subsequent observations and illustrations. The actual position made, as I understand it, is no more than this: That the income oft $350,000,000 pay $22,000,000 imposts, which amounts to nearly 40 per cent upon $58,000,000, the supposed average value of our exports; but which, in reality, is less than 7 per cent upon our whole income. In the debate now before you, it would be ungenerous to ask one of the orators, who has favored us with his strictures upon party character, to go to that table and put his name to this libel—"Thomas Taylor, Tory;" and yet under an extended construction of his characteristic charges, he might be fairly asked to verify his notices his party politics by so doing. That venerable man, after intense attention to the argument; and having mastered the doctrine of nullification, rose unexpectedly under the vigor of patriot's heart, and a strong mind, to tell where he believed truth lay. He was heard with wonder and delight. Aged virtuous and wise, he rose like Ulysses—like him, "majestic in decay." His evening decline is as benificent, as that of the sun; and like that luminary, he gives his kindest glance while disappearing from the world. We

may be weak here in numbers, but we are strong when flanked by this veteran hero; and as if the protection of honest efforts were to be crowned by all the virtues, you have seen that Washington came to throw his mantle over our cause.

But I will return to the topic suspended for a moment. I admire and regard our vigorous Statesmen, but I love the Country, its peace—its Constitutional integrity and permanency more;—I award the justice,—and no less, than I claim. The very error I arraign they may possibly think, I now verify, in myself. Be it so:— you are to judge. "Censure us in your wisdom, and awake your understandings, that you may the better judge.

Judge R. then gave his opinion as follows. He thought, that all attempts to disprove, that the ultimate consumers paid the duties, and that they fall upon the Exporters or Exporting States, either proved the Government an unjust despotism ever since its adoption; or they prove nothing. But that all the States, depending on Commercial Exchanges, as South-Carolina did, felt the general disadvantages of the Restrictive System, in a greater degree than the rest of the States, was most true. That sectional address and power had been used to some extent, in order to lay the Duties, or take them off advantageously, to the Tariff States; and that there had been a disregard of our peculiar claims upon the same principle—he had no doubt. That, therefore, as he never questioned the impolicy of the protecting Tariff, in reference to all the States,—he equally felt this unjust and unequal practice, under the System. But, *under all circumstances*, after the maturest consideration, that his understanding was capable of; and after collecting all the information within his power—he thought we ought to rest, for a time, and under the prospect before us, where we put ourselves by the Protest, recorded in Congress, February, 1829.—Not to nullify the Law—for that is madness;—not to call a Convention for a less purpose: for that is to go to the ultimate resort, and the length of our tether,—with all its dangers, and without adequate object, for the risk run. It could, at best, be humiliation thrice told: and That would indeed be,—"to bow down, and worship the golden image on the Plains of Dura!" You have nobly redeemed the pledge given by your Chairman, that none should be interrupted HERE. No rude noise is made, and no partizan menaces by interruption, or even by an intemperate look. You have our respect and thanks; and a great step is made towards the acquisition of Truth. The disadvantage, though, is still great, because such meetings are got up, by the side, that would act,—not by those who oppose action. Your Statesmen are committed, say, if you please on both sides. The people must therefore interpose,—assert their rights, and be the final judges. The occasion calls for energy; at once their coolest and their manliest energy.

Adverting to the solemnity with which the meeting had been opened, he invoked the Ruling Power that had been addressed, to send throughout the land his peaceful and his saving virtues to uphold the Union. But should Disunion be our doom, then to restore it by unity among ourselves; transmuting and consolidating all those virtues into manhood—arming every hand, with the sword of the Macedonian Clytus, whetted and ever ready to sever the arm that should be raised against *our* Alexander, over State Sovereignty. Give, then the unconquerable will; arraying all our sons in one long, deep and iron phalanx, unbroken though three-and-twenty States be matched against our single arm. In peace or war, let patriotism assert its place, where exulting Greece had exalted the great paternal virtue; causing its equal, wide and impartial survey; directing every private feeling to the public good. Let the sons of Carolina maintain, by their example, the distinctive title, already won, of "That Glorious little State."

N. B. The Editor of the Southern Times having said that Judge R. opposed "The Carolina Doctrine in every shape," the reader will judge for himself, what doctrines he really opposes: He opposes Nullification and the call of a Convention, at this time, (the two provisions made and argued at the meeting. The Editor is requested to re-publish the short political creed made by Judge R

in his argument on 19th August, at Statesburgh, and which is herewith handed to him.

"1st. Individual liberty is the first benefit, to be secured by Government, and the most indispensable of its obligations. 2ndly. The National Independence, guaranteed by the Federal Constitution, has for its object the security of individual liberty and property. 3dly. The Union is the means by which both national independemce and individual liberty are to be secured against all aggression. 4thly. While national independence is protected by the federal government and individual liberty inviolably protected, the Union is hallowed. Put without these two human prerogatives, derived as well from nature as the Constitution, the Union would become an empty name used by the strong and deceitful, to impose upon the weak and credulous. 5thly. The State governments have, within their immediate and indispensable jurisdiction, the protection of liberty and property. If these principles, which are holden to be primary and cardinal, are correct, it follows, that it is constitutional for a State (the proper guardian of liberty and property) to resist any law, if liberty and property *cannot be otherwise saved*—and when the law is partial, oppressive and permanent and otherwise without adequate remedy, the right ought to be exercised. The right in a sovereign State to secede from the Union is unquestionable."

In reply to Judge Richardson's *Nota Bene*, the editor of the Southern Times begs leave to state that the Judge's exceptions were entirely unexpected. He is sorry that his expressions should be misapprehended and objected to in so serious a manner. He thought it well understood that by the "Carolina Doctrines" was meant that political creed, which holds that a State has the right to *protect* its citizens against all unconstitutional acts of the General Government, and that —not by secession, but under, or at least without violating the Constitution in any regard. The exercise of this right is called nullification. The one is inseperable from the other; for a right which we are not allowed to carry into effect is no right at all. He understood Judge Richardson to deny both the right and the power of exercising it; to say with Col. Drayton, that no State could protect itself from the unauthorized legislation of Congress by any *measure* short of secession—a step evidently putting the Compact at defiance. In other words, that a state, while it remained in the confederacy *has no right at all but that of petitioning*. Under this impression, which he still holds, the editor remarked that Judge Richardson "opposed the 'Carolina Doctrines' in every shape." The latter part of the sentence will be more completely justified when it is stated that Judge Richardson expressed himself against every proposed plan of removing our grievances, save that of "folding our arms and waiting in dignified silence for their termination."