

J. S. PRESSLEY'S SPEECH.

MR. CHAIRMAN—Were I possessed of the eloquence of those who have preceded me in this discussion, or had I any assurance that the sentiments I am about to advance, were in entire accordance with the views of a majority of my fellow citizens, then, perhaps, I might flatter myself, that there would be accorded to me a patient auditory. But, while I regret that it is my misfortune to differ with many of my fellow-citizens, yet, at the same time, I felicitate myself that we live in an age and under a government, where are tolerated liberty of conscience, and freedom of discussion. I felicitate myself, that we live not in an age, where it is the order of the day, to accord an implicit acquiescence to the dogmas of the schoolmen. That, in matters of opinion, we are under no imperative necessity of bowing in undisputed submission to the opinions of a majority. That the dogmas of the schoolmen, or the categories of Aristotle, do not challenge any control over our minds, in bringing us to conclusions on subjects of legitimate inquiry. That we recognize in any man, or set of men, the right to dictate to us in matters of opinion. We are free to accord a decent respect to the opinions of great and good men; but at the same time, we are not disposed implicitly to acquiesce in any opinion, or doctrine, merely because it challenges for itself the sanction of public opinion.

Mr. Chairman, there is a resolution on your table, proposing that this Legislature do call a convention of the people, for the purpose of taking into consideration certain acts of Congress, commonly called the tariff laws. Now, sir, as this proposes the adoption of a measure, pregnant with important results, it is surely the dictate of wisdom to inquire whether the evils complained of are of such magnitude as to authorize the adoption of such a measure. We could suppose a state of things, which, in our opinion, might justify the adoption of the measures proposed, and that state of things is this: If the tariff be a palpable infraction of the constitution—if it be intolerably oppressive, and beyond the reach of the hope of a remedy.—To each of these topics, respectively, is the attention of the committee respectfully invited. And here permit me to say, that I have listened, with pleasure, to the arguments of every gentleman, on what side soever, and humbly trust that the same courtesy may be accorded to the humble individual who now addresses the committee, although it be his misfortune to be in the minority.

I now propose to inquire, whether the tariff be unconstitutional, or not? I am aware that it has been asserted and reiterated, times without number, that it is. But this, I take it, is a *petitio principii*; taking for granted the thing to be proved. Now, it is a proposition to which every one must assent: that assertion is one thing—that proof is another. In opposition to the assertion, that the *protection* of manufactures is unconstitutional, I unqualifiedly assert, that it is constitutional. And if I cannot substantiate this position by testimony the most unequivocal, from the express terms of the constitution itself, and the cotemporaneous and continued exposition of that instrument by those who framed it, and those who have been charged with the administration of the government from its first organization down to the present period, then will I consent to forfeit my claim to prove any thing.

To begin then with the constitution. The express terms of the consti-

tution, are: If it be unconstitutional; if it be repugnant, either to the letter or the spirit of that instrument, "The Congress shall have power to lay and collect taxes, duties, imposts and excises; to pay the debts," &c. The word excises is followed by a semicolon, which goes to disprove the construction that has been sometimes given to this clause. It has been contended, that the particle *to*, in this, must be taken to signify, *for the purpose of*.

Now, I am free to confess, that in the grammatical construction of some sentences, the preposition *to* is susceptible of this meaning; but, it does not necessarily follow that it is to be taken in this sense here. The fact, that the word excises, is followed by a semicolon, goes very far in establishing the reverse of this; and that the words, "*to pay the debts*," is a substantive power, and instead of reading it, according to the construction of some, "The Congress shall have power, to lay and collect taxes, duties, imposts, and excises, *for the purpose of paying the debts*," it appears to me, to be a more natural construction, to supply the ellipsis, and read, "The Congress shall have power, to lay and collect taxes, duties, imposts, and excises,"—"The Congress shall have power, to pay the debts," &c. If the former construction be contended for, viz: that impost duties are laid for the exclusive purpose of paying the debts, it appears to me to intimate that this is the only source of revenue from which the extinguishment of the national debts is to accrue, whereas it is well known there are other sources. To what purpose, I would ask, are the moneys applied, arising from the sale of public lands, from the post-office department, from the sinking fund, and dividends arising from shares in bank stock held by the United States?

Again: "Congress shall have power to regulate commerce" &c. But, here it will be asked, if Congress under the power to *regulate*, possess the power to *destroy* commerce? Now, this interrogatory, appears to me, to proceed upon the supposition that the word *regulate*, signifies to promote, whereas it has no such meaning. Its signification is to adjust by rule; and this might be done by *restricting*, as well as *promoting* commerce.

I think, I have established beyond controversy, that the protection of manufactures is not a violation of the *letter* of the constitution.

But it has been said, "that it is a violation of the constitution in its spirit." Now, I would ask, how are we to arrive at the ascertainment of the *spirit* of the constitution, if it be not by the contemporaneous and continued exposition of it, by those who framed it, and by those who have directed the administration of the government from its first organization to the present time? If this be not the way sanctioned by reason, then I know of none.

What then, are the arguments in favor of the protection of manufactures deducible from this source? The preamble of the very second act, that Congress passed under the authority of the constitution, recites thus, "Whereas it is necessary, for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares and merchandizes."

But, it is said, that it was proposed in the convention, to give Congress the power to protect manufactures, and that it was rejected. Now I am free to confess, that it was proposed in the convention to protect manufactures by pecuniary *bounties*. And hence it has been inferred, that because

the proposition to encourage manufactures by pecuniary bounties was rejected, it is therefore unconstitutional to protect manufactures by any mode whatever. Fish, flesh, vegetables and drinks, all contribute to the nutriment of the human system; but where is the individual who will maintain that these are all the same species? Yet it would be no less illogical to maintain this proposition than that it was unconstitutional to protect manufactures, because the proposition to encourage them by pecuniary bounties was rejected.

Alexander Hamilton in his report on manufactures, enumerates eleven different modes of protecting them. He intimates that some doubts existed in relation to the constitutionality of protecting them by pecuniary bounties; but he never once insinuates that there existed any doubts as to the constitutionality of the other ten modes.

Again: Washington in his message to Congress, December 7th, 1776, "Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to ensure a continuance of their efforts in every way which shall appear eligible." Jefferson, in adverting to the effects of the embargo, says, "The situation into which we have thus been forced, has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains, that the establishments formed, and forming, will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of *protecting duties and prohibitions*, become permanent." Madison holds a similar language in his message to Congress, May 23d, 1809, he says, "It will be worthy, at the time of their just and provident care, to make such further alterations in the laws as will more especially *protect and foster* the several branches of manufacture, which have been recently instituted, or extended by the laudable exertions of our citizens." Monroe, speaking of the encouragement of manufactures, says, "Under this impression, I recommend a review of the tariff for the purpose of affording such additional *protection* to those articles which we are prepared to manufacture, or which are more immediately connected with the defence and independence of the country."

In exact accordance with the foregoing, are some fifteen or twenty other passages which are at hand; but that I may not detain the committee I shall omit the quotation of them.

I shall next advert to the debates of the first Congress under the constitution, exhibiting sentiments in perfect correspondence with the preceding extracts. Mr. Madison "moved to lay an impost of eight cents on all beer imported: he did not think this would give a monopoly, but hoped it would be such an *encouragement* as to induce the manufacture to take *deep root in every state in the union*." Mr. Climer "did not object to this mode of *encouraging manufactures*, and of obtaining, by combining the two objects in one bill: he was satisfied that a political necessity existed for both the one and the other."

Mr. Wadsworth "By moderating the duties, we shall obtain revenue, and give that encouragement to manufactures which is intended. A similar language is held by several other gentlemen, viz: Messrs. Carroll, Ames, Fitzsimons, Hartley, White, Boudinot, Sinnickson, Lawrence, &c.

But, I shall not now consume the time of the committee in reading them all.

I now pass on to a quotation from Mr. M'Duffie, in relation to the power in question. In *One of the People*, after quoting the powers couched in the constitution, "to lay and collect taxes, duties, imposts and excises"—"to declare war," &c. he goes on to say, that "these powers are possessed in the most *general* and *unlimited* terms." &c.

I hold in my hand an essay, the production of the individual who presides over the literary institution of this place. It is, I am free to confess, a most lucid and resistless argument in favor of *protecting* manufactures.

But, lest I should trespass on the patience of the committee, I shall invite their attention to but one other quotation on this topic, and that is from the speech of our distinguished fellow-citizen, the Vice-President of the United States, in 1816, on Mr. Randolph's motion to strike out a clause of the bill. It is at once a luminous and cogent argument in favor of the encouragement of manufactures. He urges, with characteristic ability, the necessity of extending to the manufacturers, such "*protection* as would put them beyond the reach of contingency."

Now, what is it, I would ask, more or less than a reflection on the character of those illustrious individuals, to say, that they, when under a solemn oath, to "preserve, protect, and defend the constitution, have incurred a *palpable* infraction of that instrument?"

It is said, that the tariff is intolerably oppressive. Now, Mr. Chairman, if, after proper inquiry, facts be found to support this allegation, then we cannot resist the conclusion. But if, on the other hand, it should be found to be unsupported by facts, then we must resist it. Now, how stands the case? Let us discard mere speculative theory, and appeal to facts.—One fact is worth a thousand quibbles. We were told that this system would prove ruinous in its operation, and intolerably oppressive. And this opinion appeared to be chiefly based upon the assumption, that it would destroy the price of cotton—that it would annihilate our commerce, produce a diminution in the revenue, and effect a great rise in the price of goods. Now, when we bring these speculations in collision with facts, we will find that not one of them is verified. I will not speak with positive certainty in relation to our commercial interests. But, in the absence of proof, that they are materially crippled, I must be excused for withholding my assent.

As respects cotton, it has been at a better price since the passing of the tariff of '28, than it was the three preceding years. I readily admit, that it has experienced a great diminution in price since the year 1817. But, if this can be rationally accounted for independently of the tariff, then it will conclusively follow, that it is not attributable to that cause. This is, doubtless, the effect of over production. We know, that it is a principle pervading the whole commercial world, that in proportion as any commodity increases in quantity, it diminishes in price. Now, let us apply this rule to cotton; and here let me ask the attention of the committee, while I advert to the increase of the quantity of cotton in the United States during forty years. The quantity raised in pounds in the year 1790, was 100,000; in 1800, 17,000,000; in 1804, 35,000,000; in 1817, 85,000,000; in 1822, 144,000,000; in 1827, 294,300,115. Here we have an exhibit of the vast increase of this article. And it is worthy of atten-

tion, that the period in which this increase has advanced with the greatest rapidity, is, from 1822 till 1827; and this is the very time in which it diminished most rapidly in price.

As a further proof, that the tariff has not reduced the price of cotton, permit me to avert to the opinion of Mr. M^dDuffie in his last speech in Congress, in which I understand him as fairly giving up the point. But why should the tariff reduce the price of cotton? Great Britain has not adopted any retaliatory measure.

Again: it is generally supposed that England is opposed to our tariff; but, if it had a direct tendency to lower the price of cotton, it appears to me that it would go very much to diminish their opposition to it.

Another view which appears to my mind conclusive on this point, is, that *our* cotton commands as high a price at Liverpool, as the cotton of any other nation.

If our commerce has experienced any material injury, I am not aware of it. There is one fact which ought not to be overlooked; and that is, that a portion of our shipping is employed in exporting domestic manufactures. And as relates to the revenue—so far from its diminishing, it has actually increased.

But we were told goods would rise. Now, for a complete refutation of this: it is only necessary to appeal to the experience of every man. I shall not consume the time of the committee, by attempting a detailed account of all the various items that have actually undergone a diminution in price.—Let two or three suffice. I can now purchase cloth for \$6 50: three years ago, the same quality would have sold for \$10 00. Three years ago, nails sold in the country, from 14 to 12 1-2 cents: they can now be bought for 9 cents. In the year 1822, manufactories of cotton bagging, in Kentucky, were in a very languishing condition, and cotton bagging rose to from 40 to 50 cents per yard. In 1823, they were revived, and in a short time, this article fell to from 27 to 30 cents per yard, and can now be had for 15 cents in Augusta. I have adverted to these items, out of many, that might be adduced as a practical illustration of the effects of competition.

We are told this system operates unequally. But when we recollect that our cotton is protected by an imposition of a duty of 3 cents a pound on foreign cotton; and that there is a duty on hemp and indigo, for the benefit of the planting interest; and that our commercial interests are protected by a law of Congress, requiring American vessels to pay a tonnage duty of only 6 cents—but foreign vessels 50 cents. Thus, an American vessel of 400 tons, engaged in the foreign trade, paid on each entry, only \$24 tonnage duty; while a foreign vessel, of the same description, paid \$200! And an American vessel of 100 tons, engaged in the coasting trade, and making twelve entries per annum, paid but *six dollars*; whereas a foreign vessel, of the same size, and making the same number of entries, would pay *six hundred*! In attending to these facts, it will be found to be less unequal, than is generally supposed.

But, suppose the tariff were unequal and oppressive—has a state a constitutional right to arrest a law of Congress, and render it inoperative within the limits of the state? The negative of this question, will be clearly, in our opinion, made out, by adverting to a brief analysis of the theory of the government. We find, that in 1778, the third year of the

revolutionary war, that the colonies, impelled by a sense of common danger and common defence, entered into articles of "*confederation and perpetual union.*" These articles of confederation conferred on Congress but few powers. Under them, Congress had no power to make commercial treaties that would be binding on the states. Each state claimed for itself the right of violating the conditions of treaties. The Congress possessed no power to enact laws operating upon the individual citizen. Their powers were circumscribed to the passing of laws to make requisitions upon the states, as states. These requisitions were often disregarded, and the Congress was not invested with any coercive power to enforce obedience. Hence they seemed destined to experience all the withering effects of an exhausted treasury and a languishing commerce. It occurred to the minds of some of our leading statesmen, that it would be absolutely necessary so to alter and amend the articles of confederation as to confer enlarged powers upon Congress. For this purpose five of the states sent commissioners to Annapolis to deliberate on this matter. The result of their deliberations was to recommend to all the states the expediency of sending delegates to a general convention, for the purpose of making such amendments to the articles of confederation as would render them adequate to the exigencies of the government. In compliance with this recommendation, all the then states, except Rhode-Island, sent delegates to Philadelphia in 1787. After taking into consideration the object of their mission, they came to the conclusion that it would be necessary to remodel the government, and instead of circumscribing their operations by the limits of their commission and amending the articles of confederation, they abolished them altogether, and framed a new constitution, greatly enlarging the sphere of operations of the general government, giving them the power to regulate commerce, and to enact laws operating directly upon the individual citizen. The states ceded away to the general government a great many of the functions antecedently exercised by the states, at the same time placing a prohibition upon the exercise of them by the states individually. Anterior to the adoption of this constitution, by the states, they were not bound by its provisions. But so soon as they, by their voluntary act, adopted it, they were unquestionably bound by the stipulations of the compact.

Thus it must be apparent to every one, that in discarding the articles of confederation, and adopting the constitution, our government underwent a radical change in its fundamental principles. It was an express stipulation of this compact, that, "this constitution and laws made in pursuance thereof, &c. shall be the supreme law of the land, any thing in the constitution, or laws of any state, to the contrary notwithstanding." Thus we see the states voluntarily stripping themselves of many of the most important attributes of sovereignty. Let it then not be contended that the states under the constitution, are absolutely sovereign—that they stand in the same relation to each other, as independent nations. The cases are not analogous. Did ever England, France and Russia, enter into formal compact by a cession of certain specified powers? We know they are subject to the laws of nations, which have grown up from immemorial usage. But they are individually known as independent nations—it is not so with South-Carolina. The cabinets of Europe know the United States; but as for South-Carolina, as such, they know her not. Here, then, we see

the futility of attempting to run the parallel; and at the same time, the utter fallacy of contending for this right existing in the states individually as a constitutional right.

But will we be told that this is one of the reserved rights? I ask you not for the reserved rights—I know they are not enumerated. But one thing I know, that right and obligation are reciprocal. If I have a right to a piece of property, there is a corresponding obligation on others to abstain from it. If a state have a right, (I speak of a perfect right) to nullify an act of Congress, there must be a corresponding obligation on Congress to refrain from enforcing it.

But the resolutions of the Virginia and Kentucky legislatures are greatly relied on, in support of the existence of this right. Yet if we take Madison's resolutions with his explanation, they will not be found to corroborate this doctrine. What is the language of Madison in his resolutions? He says the case must not be *obscure* or *doubtful*. It must be a *dangerous, deliberate* and *palpable* infraction of the compact. I think I have shown conclusively, that it is not a palpable violation of the constitution. Did Virginia call a convention, or nullify? Did Kentucky call a convention, or nullify? Let the history of the times answer.

"If any thing more were wanting to demonstrate the position, that a state has no constitutional right to nullify a law or act of Congress, that part of the constitution already noticed, would, we conceive be final and conclusive. "This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby; and any thing in the constitution or laws of any state to the contrary notwithstanding."

Another item. What then is the true question before us? I apprehend it to be, is the law constitutional? and that is a question for the supreme court. That this is the rightful umpire, I need only appeal to the constitution itself. "The judicial power shall extend to all cases in law and equity arising under the constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party;" &c. Again: "In all cases affecting ambassadors and other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction."

Luther Martin, who was a member of the convention that framed the constitution, in giving an exposition of the principles of the constitution, to the Legislature of Maryland, distinctly recognized in the supreme court this power. And when the Legislature of Pennsylvania, dissatisfied with a law of the general government, transmitted resolutions to Virginia, soliciting the concurrence of the latter state in appointing an impartial tribunal, to decide on controversies between the federal judiciary and a state, Virginia returned for answer, that there was one already appointed, and that tribunal was the supreme court. This position is further corroborated by the 39th and 78th; and other numbers of the Federalist, shall unequivocally demonstrate, that the federal judiciary was intended as the umpire. And I do aver, without the least apprehension of success-

ful contradiction, that from the adoption of the constitution till the present time, the supreme court has adjudicated questions of a similar character. And I feel the utmost confidence in asserting, that there is not a lawyer within the sound of my voice, that will so far jeopard his reputation as a jurist, as to deny this: sometimes deciding acts of Congress constitutional and sometimes unconstitutional: and yet it is our painful lot, frequently to hear this dignified tribunal stigmatized as a "*mere creature of a creature.*"

Mr. Chairman I have done: and in conclusion I would say, that the signs of the times are well calculated to awaken apprehensions for the permanency and safety of the union. We have England pointed to as a more natural ally than our northern brethren. But let us not forget that instructive lesson which the history of the ancient Britons imparts. When they were harrassed by their northern neighbors the Picts and Scots, they called in the Saxons to their succour. The latter having succeeded in repelling these invaders of the Britons, and seeing their (the Britons) defenceless situation, took possession, and settled themselves in the greater part of the south of Britain. Let us then beware of those rocks on which others have slipt, and profit by their example—let us not be deaf to the admonitions of history—let us beware of the machinations of factious demagogues, and in the language of the farewell address of Washington, "frown indignantly on the very first dawning of any attempt to separate one portion of the union from the rest." Yes, Greece had her Alexander, Rome her Cæsar, England her Cromwell, France her Bonaparte, and America—may Heaven in mercy avert it—America *may* have her Burrs.

A. P. BUTLER'S SPEECH.

MR. BUTLER, having been alluded to by his friend from Richland, as the author of the resolutions under consideration, and his friend from Charleston, who opened the debate, having made some strictures upon the propriety and precise character of these resolutions, said, he hoped he might be permitted to make a few remarks, by way of reply and explanation, before he entered upon the main subject of debate. While he would not shrink from any of the responsibility of the resolutions, he was not disposed to take more credit to himself in regard to them, than he deserved. It is true he submitted them to the committee that reported them to the house, but he was not entitled to the exclusive credit of originating and preparing them. They were agreed upon by his friend from St. Bartholomew, (Mr. Smith) and himself, jointly. His friend, with his habitual notions of propriety, suggested that extracts from Mr. Jefferson and Mr. Madison's resolutions of '98 and 99, should be made the preamble to, and basis of, the two last resolutions, which were conclusions from them; and which Mr. B. said he suggested and insisted upon, as proper to be acted upon by the Legislature. Mr. B. said he could not see any thing in the resolutions calculated to offend the pride of any Carolinian. If the principles they avow are correct, he was satisfied; and he thought not

the less of them, because they were presented in the language of those who organized and understood the constitution. Indeed, they were offered, designedly in the language of Mr. Madison and Mr. Jefferson, because any attempt to change the phraseology, would only have impaired their force, and weakened their authority. These resolutions have passed the ordeal of trial, and have been sanctioned by the verdict of time and the approbation of the purest patriots and wisest statesmen of this country. We have hoisted an old flag to be sure, but a proud one; one that is associated with triumph, and the glory of other days. The proudest standard of the Roman army was that which bore the eagles of the legion. The soldiers worshipped it and swore by it, and they were never so unanimous, or roused to a higher sense of glory, or excited to more daring acts of courage, than when they saw them exposed in the hour of danger. These said Mr. B. (alluding to the resolutions) are the eagles of the republican party. He feared, from the strong current of feeling which was prevailing in favor of federal power, they were in danger; and that it would require all the patriotism and firmness of the republican ranks to sustain and vindicate them. Out of this house, (Mr. B. said he was glad he had not heard the charge made in the house) those who advocated the principles of the resolutions on the table, were branded as rebels and traitors. If he were guilty of treason and rebellion, he wished it to be the treason and rebellion of Thomas Jefferson and James Madison. He wished it to be that treason and rebellion which were committed in maintaining and vindicating his rights and liberty against unauthorized power; he wished it to be that treason and rebellion which were committed in preserving from violation the constitution, as it came from the hands of its makers against those whose avarice and ambition were polluting, and destroying it. These resolutions would be a shield against the ungenerous and unfounded imputations of timidity and apologists of federal power, which had been made out of this house.

In the primitive days of the republic, when federal power had not acquired so much fascination, as to make it criminal to question its unauthorized exactions, the principles of the report under consideration were regarded as orthodox doctrines, and as the true expositions of the federal constitution. The Virginia and Kentucky resolutions were not, as some would make them, useless exhibitions of rhetoric, written out by mere dialecticians, for debate and display; but they were introduced into grave deliberative bodies, by the suggestion of wise and virtuous statesmen, for practical ends. They were introduced and adopted for the purpose of supporting the dignity, asserting the rights, and vindicating the power of the states. That this is a federative republic of sovereign states, that have a right to judge for themselves when they are wronged, and to resist the exercise of any power to which they have not consented, within the limits of their own exclusive jurisdiction; that they are in all respects, where they have not delegated the power to others, as separate and independent nations; having vested in a common government certain specified powers in which they had a common interest, which is obligatory on them, as long as it confines itself within its limited and derivative agency. But when this government assumes to exercise powers not granted by its constituents, its acts are to be regarded by each sovereign state as the acts of any other government attempting to exercise unauthorized power.

In the language of the 4th resolution, "That the several states composing the United States of America, are not united upon the principles of unlimited submission to the general government, but by a compact under the style and title of the government of the United States and amendments thereto, they constituted a government for special purposes; delegated to that government certain definite powers, reserving *each state to itself* the residuary mass of right, to their own self government; and that whenever the general government assumes undelegated powers, its acts are authoritative, void, and of no force. To this compact each state acceded as a state and an integral party. That the government created by this compact was not made the exclusive and final judge of the powers delegated to itself; since that would have made its discretion, and not the constitution, the measure of its powers; but that as in all other cases of a compact between parties having no common judge, each party has a right to judge for itself as well of infractions, as the mode and measure of redress."

Language cannot be more explicit—explanation cannot give it greater definition. The design and intention of this resolution is obvious. It is in vain to change its meaning by any ingenuity or substitution of phrase. Their own language, the origin, and contemporaneous history of these resolutions, point to the same meaning—they were originally suggested by Mr. Jefferson, and were introduced into the Legislatures of Virginia and Kentucky, by Mr. Madison and Mr. Nicholas, all of them prominent republicans at that time, and opposed to the principles of administering the federal government, as contended for by Gen. Hamilton, Mr. Adams, and others, who were in power, and the most distinguished federalists of their time. They were in exact accordance with the views of Mr. Jefferson, who was from the origin of the government, the able, untiring, and consistent advocate of the rights of the states and constitutional liberty. A man whose name will be venerated as long as the title deed of our independence and freedom, which he wrote, remains to teach posterity lessons of liberty. When the federal constitution was organizing and adopted, Mr. Jefferson was in Europe, an anxious, and from his distance from the scene of those engaged, a comparatively impartial spectator of what was going on. When he left the country, he left it as thirteen separate sovereign states, united for a few common purposes. The war of the revolution had been achieved in the name and for these thirteen states. They were bound under an honorary obligation, and in good faith, to execute and perfect all treaties, and to pay off the expenses of the war, but in all other respects they were separate. Whether they would yield up, by the new constitution, which they were about to form, all their separate existence, was a question of deep importance. That it was the design of some that they should, is certain; but Mr. Jefferson thought that they ought not, and by the terms of the new constitution, he saw they had not done so.—On his arrival in this country, when the federal constitution was about going into operation, and when he was about to assume upon himself some portion of its administration, he found that some of the most prominent statesmen in the government entertained very different views from himself. Among these, were General Hamilton and Mr. Adams—the one Secretary of the Treasury, and the other Vice-President. General Hamilton regarded the new constitution as only containing the seminal

principle of a government, which might be cultivated according to the views of those who administer it. He was in favor of a strong government, exercising substantive powers on the entire people of the United States. The strength which it wanted in its organization, he thought ought to be imparted to it by its administration. It was as strong in its origin and organization, as the people, whose enthusiasm for liberty, not having subsided, would receive. Honestly entertaining these views, he sought, upon all occasions, to enlarge its powers. His model of a perfect government, was the British constitution, as it was administered, with all its patronage, and incident corruption; and he did not hesitate to express his opinion, that ours ought to approximate it as nearly as possible. Mr. Adams believed that the British constitution, without its corruption, was the best government on earth. General H. thought the British government, with its corruption, was the best, and that without it would be impracticable. They were both patriots, and entertained their views honestly. When the American people were about to embark upon an ocean of untried experiment, that there should be a great difference of opinion was to be expected; and if there was a difference of opinion in the adoption of the constitution, the same difference might be expected in its administration.

No government can be, at once, made perfect. Its defects must be remedied by time and experience, which dictate the wisest of all legislation. All governments that have ever existed, are the accretions of time. There are periods in the history of every government, when principles kindred must be engrafted into it. The British government is the growth of many ages—latent principles which inhered in and belonged to it, have been developed at different times. The spirit of liberty pervaded it more than any other government of the old world, and it has been cultivated to a higher degree than in any other country except our own. It was a very different government in the different periods of its history.

Yet in all these periods, you can see vestages of the same constitution, but under very different modifications; and in its practical operation, not to be recognized as the same. This is true of all governments.—Melancholy experience has taught us, that it is true of ours. The precedent of yesterday is the prescription of to-day. The bias it receives from those administering it will long characterize it. General Hamilton, who was a man profoundly conversant with the conduct of human affairs, knew that powers (gradually to be sure) could be assumed by the government, that were not originally intended. After it was once adopted, it could carry with it its own sanctions. Its adoption might be opposed with more success than its administration. In other words, a government with limited powers in its adoption, might be made to have all power in its administration. Hence his disposition to make it a national consolidated government, over one undivided empire. Mr. Jefferson was astonished at the views of these politicians, and with his characteristic confidence and boldness, promptly and constantly opposed them. His ideas were, that a country so widely differing in its local interest, and aptitude for different pursuits, should be governed by a government of a federal character, where the substantive and habitual power should reside in the different parts. That the general government of these separate

parts, should have a few limited, but necessary powers, in which all had a common interest. Hence, he always maintained, that the less power was exercised by the federal government, and more by the state governments, the better. He regarded the federal government as a derivative agency, emanating from the states, with such powers as were necessary to manage the external relations of the country. As it regards foreign powers, the states are united as one nation; and for the purpose of carrying on and managing the extra territorial relations of the country, Congress has ample power. It has power to declare war, to regulate commerce, to make treaties, and to raise revenue to pay the debts of the nation, and to provide for the common defence and general welfare, as they are defined and indicated by the constitution. But when Congress attempts to exercise the internal government of the country, affecting frequently the adverse interests of the different parts, it disregards and defeats the intention of its institution. Mr. Jefferson saw that Congress was making encroachments, from the commencement upon the state governments, that would ultimately not only jeopardise their existence, but the liberties of the people. He was always jealous of this central power, believing that those who administered it, were too much disposed to enlarge its powers, contrary to the design and intention of those who made it, and in violation of the soundest dictates of practical wisdom. The only barriers that were interposed by the constitution, or rather to be deduced from the organization of the constitution, were to be found in the state governments. Of these he was a bold and able friend. With these views of the government, he recommended, and in fact drafted the Kentucky and Virginia resolutions. They were intended distinctly to oppose and arrest unauthorized federal legislation. They were introduced to arrest, within the limits of Virginia and Kentucky, the operations of the alien and sedition laws that were passed when Mr. Adams' administration was in the full tide of its power, and when nearly every department of the general government was prostituted to subserve its unrighteous purposes. The same objections were made to these resolutions at that time, by the apologists of federal power, that are made by those who oppose them now.

It was said then, that they would, in the practical enforcement, lead to civil war and disunion. The debates in the Massachusetts Legislature, are commentaries upon their true character, as well as the grounds upon which they were opposed. They were opposed and assailed by every federal state in the union, with great bitterness and violence. But in spite of opposition, the republicans went on and sustained them. The revolution of 1800, when Mr. Jefferson went into power, turned upon the doctrines of these resolutions. Success has imparted to them its sanction and authority. Mr. B. said, that the resolutions of Virginia and Kentucky ought to be regarded as conclusive authority. The authors of them were the architects of the constitution. They understood every part of it, and their luminous explanation cannot but be satisfactory to those who look at it, with a disposition to understand and preserve its true character. It is in vain to attempt to torture those resolutions into the meaning attributed to them by Mr. Clay, in one of his late speeches. He was the first who had the hardihood to give to them a different meaning from what was uniformly associated with them from the time of their adoption. Mr.

Webster, who is certainly a man of talents, and distinguished for his adroitness in debate, boldly met and combatted their doctrines, but did not attempt to avoid them by a false construction. The same uniform construction had been given to these resolutions, from the time they were published until Mr. Clay's late speech, and Mr. Madison's late letter to the editor of the North American Review.

Mr. B. said, if he conjectured rightly, the coincidence of Mr. Clay's and Mr. Madison's explanation, was the result of previous conference and understanding. Mr. Clay's opinion was the result of explanations, which he had probably extracted from Mr. Madison. This is more than likely, as Mr. Madison had been written to by others on the subject, and had given a similar opinion. It is certain that Mr. Madison's late explanations are directly in conflict with the obvious purport and design of his resolutions. In 1799, Mr. Madison refers to a mode of redress in cases of palpable violations of the constitution, as resulting to the state sovereignties, from the nature of their relations to the federal government. These are his words: "It is a plain principle, founded in common sense, and illustrated by common practice, and essential to the nature of compacts, that when resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges, whether the bargain made by: the constitution, has been preserved or violated." In his late letter he maintains that the Supreme Court is the rightful tribunal to decide all controversies between the states and general government. By his resolutions he has established land marks of constitutional liberty that are not to be effaced by any plausible explanation or ingenious distinctions. They will remain as imperishable memorials of his own fame; and it is to be hoped, as eternal guards of his country's liberty.— When he wrote these resolutions he preferred the suggestions of perilous liberty to the counsels of security and quietude. Honest apprehension may control him now; with the kindness of parental feeling, he prefers that posterity should rather enjoy, in peace and quietude, such rights as they have, than peril any thing to assert and maintain rights, to which they are entitled by enforcing his principles. But he must recollect, that in his better days, he has taught them lessons of liberty which they cannot disregard, but which his own bright example animates them to vindicate. They prefer the gallant Ulysses to the cautious and timid Mentor. Far be it, said Mr. B. from him, to throw any reproach on Mr. Madison.— What he has done entitles him to the ceaseless gratitude and admiration of his country. When Manlius was accused in the latter days of his life, by the Roman people, for some delinquency, in acting contrary to the precepts and practice of his youth, the only defence he made was to point to the spot where he had overcome Brennus, the most daring invader and most dangerous enemy of his country.

But independently of the authority of these resolutions, are not these principles fairly deducible from the nature of the constitution? The people of the United States are not governed only, by one supreme government. The people of each state have a peculiar government of their own; and what the federal government does not possess, the states separately do. They are separate and independent of each, and of the federal government, in all respects in which they have not delegated power to the federal government. As far as power has been delegated, the federal gov-

ernment is sovereign. As far as the states have not delegated power, they are sovereign and supreme in the exercise of government within their own limits. Under the confederation, Congress could pass ordinances, and prescribe measures, but it was the province of the states, as independent sovereignties, to enforce them. The states were then, only under the obligation of honor and good faith, bound to carry into effect the suggestion of Congress. Since the adoption of the federal constitution, Congress can enforce such measures as it has power to pass. But where power has not been delegated, Congress is as impotent now, as before the adoption of the constitution, and the states as sovereign. Whosoever Congress transcends the limits of its authority, its acts are no more obligatory upon the states, than the acts of the states, if they transcend their limits, are binding upon the federal government. By the partition of power both have their bounds, which they cannot pass. It is admitted that Congress has no power to pass laws to punish libel, or to send our free negroes to Liberia; and yet Congress has done the first, and looking at the indications of the future, may do the other. But would such acts be obligatory on the states? Because Congress has certain conceded power, is it any reason that any power it might take would, on that account, be the more binding upon the states? Would not such an exercise of power be void within the states? And would they not have a right to judge and declare it such? If there is no tribunal provided by the parties, they certainly would. For instance, for the argument—suppose the states had not conceded the power to Congress to declare war, but reserved to themselves the right to contribute money and men, as they might choose, at the time of the emergency; and that Congress had assumed the power to declare war, and even to send the officers into the states to levy money and men to carry it on; would not the states have a right to resist the enforcement of the law? And, again, suppose the states had reserved every other right to themselves, but the power to declare war, and that Congress having this single power, were to assume others, and attempt to enforce them in the states, would not the states have a right to guard their exclusive jurisdictions against the operation of such laws, as much as if they had been passed by England and France. Because Congress has one power and exercises ten, is it any reason nine should be obligatory? Usurpation and oppression are the same, no matter from whence they proceed. The states must have the power to preserve their sovereignty, if they have any, or it is not worthy the possession. Did the states, when they adopted the federal constitution, by delegating a few specific but important powers to Congress, thereby abandon their entire sovereignty. If so, they have no right to complain. But, by nothing they did, when the constitution was adopted, can such an inference be authorized. Commissioners met at Annapolis, and recommended a convention of the states to amend the articles of confederation, which was a mere league of honor and good faith. Delegates met at Philadelphia and formed the constitution, which was as yet not at all obligatory on the states. It was sent to Congress, and by that body recommended to the states for their adoption. Thus far the states were the parties. The people in each state in their sovereign capacity, met and adopted the constitution. But mind, it was adopted by the people of each state, separately. Virginia, North-Carolina, South-Carolina, Georgia, and the other states agreed to it in convention in their separate.

independent, and sovereign capacities. A majority of the states, jointly, could not adopt it. The states, as thirteen sovereign constituents, organized a government, enforceable by its own powers on the people of each state, as far as power was delegated; and all power not delegated, was reserved to the people of each state. The constitution of the United States is a special and limited power of attorney from the people of each state. Its agents, to make their acts obligatory upon their principles, must confine themselves within the strict limits of their derivative authority. It is certainly, always, a grave, and frequently a difficult question to decide, whether Congress, which exercises a primary and powerful agency under the constitution, has transcended its limits or not: This is a precedent question, which must be settled before the principles of Mr. Madison and Mr. Jefferson's resolutions are applicable to our situation.

South-Carolina, and five other states, have solemnly decided that Congress has transcended its limits of authority, in passing laws for the express purpose of protecting domestic manufactures. But as South-Carolina is about to take a more decided attitude, and come to some responsible decision, it is proper that her decisions heretofore made, should be thoroughly reviewed and investigated—more particularly, as the question has been seriously made and ably discussed during this debate.

The complaints of South-Carolina against the prohibitory system are not of yesterday's origin—they have been long, deliberately and solemnly made and repeated. But it is said, by the honorable gentleman from St. Philips and St. Michaels, (Mr. Huger) that she ought not to complain, as she has, in a great measure contributed to originate and foster this policy herself. If this charge be true, she has certainly acted as the foolish hen, that at times hatches vipers, by setting upon strange eggs? It is a policy that is entirely alien to her interests, and destructive of her rights and liberties; and those who have been nurtured by it, with the spirit and ingratitude of the Cocatrice, are ready to sting the bosom that gave them life.

But the charge is, not true. It will be found, upon examination, that a temporary act of generosity, honorable to its authors, has been converted into a concession of a right. The statesmen of South-Carolina at no time ever conceded the substantive power to the federal government to protect domestic manufactures. In 1816, when it was proposed to diminish the taxes and duties which had been imposed to support the war, with a generosity that has always characterized the south, her members did agree to regulate them so as *incidentally* to sustain for a while (the act terminating by its limitation in three years) the manufacturers that had grown up during the war, and which had been serviceable to the country, as well as profitable to the owners. Mr. Lowndes, who was then in Congress, did not regard it as conceding the power subsequently claimed. For in 1819, when the distinct right to protect domestic manufactures was claimed, when memorials were sent from the manufacturers, claiming an increase of duties for protection, and when the policy of prohibition was to be commenced, Mr. Lowndes raised his voice against it. Being profoundly acquainted with the various interests of the country, he saw that the south must become a victim to the policy. That the protection of one branch of industry must be at the expense of others—if manufactories were protected, it must be by burthens imposed on commerce and agriculture, the peculiar pursuits of his constituents. As a faithful sentinel, he

gave the alarm to the south, and he never uttered the voice of warning, but when there was some danger. He was not driven to his decisions by party excitement or sectional prejudice; but he came to them as a wise statesman, by patient research and profound reflection. In 1820, memorials were sent on to Congress from the city of Charleston, and from the district which Mr. B. said he had the honor to represent, discussing the doctrines of the tariff and appealing to the justice and magnanimity of their northern brethren: these were the only two places that did send on memorials. But these memorials, and the complaints of the south, were disregarded. The north had the power, and their memorials were attended to, while ours were treated with indifference. In spite of the light of discussion, and the eloquence and exertions of our members in Congress, the friends of northern monopoly went on; and by the delusions of the west, and the avarice of the north, the tariff of 1824 passed. The people of this state, as with one feeling, were excited to the highest degree of alarm and indignation. Without the dictation of any politicians, the insinuation now made, they met nearly in every district in the state, and passed resolutions and sent on memorials to Congress. In 1828, the Legislature passed resolutions on the subject. Mr. B. said he was opposed to these resolutions, because he thought it was not the province of the Legislature to adopt them, but of the people, who could finally act upon the resolutions, and who would commit themselves as far as they intended to act; and the people, when informed, would act with becoming spirit and patriotism. The Legislature might precipitate the state into an attitude, which the people would not be bound to sustain. He believed, too, that the resolutions were introduced to subserve the ends of a party without any ultimate purpose. That many who were most forward in getting up these resolutions would be the first to shrink from maintaining them, in the time of trial—and this was proved to be a melancholy truth: while some have proved true, many have faltered and shrunk from the consequences. Mr. B. said that he would confess that, at that time, he had a generous confidence in the counsels of the nation, and entertained hopes that the tariff would be repealed. He believed it was constitutional, in the technical sense of the word; and as far as it is only cognizable by the courts, he believes so yet. He regarded it as an abuse of power, that would be remedied by the operations of the government itself. Mr. B. said he had always voted against resolutions by the Legislature, unless for some definite and practical end. In 1828, his hopes deserted him, and he voted for a convention. By the acts of this year, he was satisfied all hopes of redress from Congress were vain. He awoke from his confidence, only, in the language of the gallant hero of Black Stocks, "to curse the illusion." Since that time he was in favor of the states taking some decided attitude, to assert and maintain her rights.

By the measures she has taken, she stands responsibly committed to maintain the doctrines of state sovereignty. She cannot recede but in disgrace. A state should move cautiously, but should always be determined and prepared to maintain every inch of its ground. Her own consistency, her honor, her dignity and her most vital interests require South Carolina to go on, if she is right. If she is right she cannot fail; and if she is wrong, she has gone too far already. If right, onward is the word, if wrong, let her acknowledge it, and recede. If the laws complained of are constitu-

tional, she has been wrong, if they are unconstitutional, oppressive, and dangerous, she is right in what she has done, and should fear no consequences. It is right to resist unconstitutional oppressions, no matter what may be the consequences.

Are the laws passed expressly for the protection of domestic manufactories constitutional? If we have given our bond for a pound of flesh, we must pay it; for we know we are in the hands of Shylock, who insists upon its strict exaction. But we insist upon the strict meaning of the bond. As far as our money is demanded for revenue, let us pay it, as far as it is for the protection of domestic manufactures, it is our duty to refuse it.

These laws purport to be for revenue; when it was acknowledged at the time of their enactment that there was more revenue than was sufficient to pay the public debt and meet the exigencies of government. They are disguised under false pretexes. They purport to be for one purpose, when they are intended for another. "The hand is the hand of Esau, but the voice is the voice of Jacob." A court cannot reach their design; as it is not their province to enter into the motives and objects of legislation: its motto is *ita est lex scripta*. If the act were stript of its fraudulent disguises, a court might decide upon its validity—and it would be bound to decide, that no such power was in the constitution or intended to be in it. But because a court cannot examine and determine upon the true character of these laws, does it follow that one of the original parties, and existing constituents of government cannot? If the states cannot do this, then is their sovereignty but a name. This right cannot be denied, without striking at the very existence of a confederated republic. It is a right inestimable, and not to be relinquished by the states. Assuming then the right of a state to make the investigation, the next inquiry is, for what purpose were the high duties upon foreign commerce imposed, by the acts of 1824 and '28? Not for revenue to pay the public debt, because the duties already imposed were more than sufficient for that—not for the purpose of defraying the expenses of a war; for we were in a profound peace—not for the purpose of commercial relation, or to carry into effect any treaty, or to provide for the common defence; there were no complaints on these subjects. High taxes are imposed, when there were no demand for them for supporting any ends of the government. Why were these high duties, then imposed? Let northern avarice and western thrift, answer this question. Let the memorials of the manufactories, winning for protection, answer it. Let the following extract of the report of the committee on manufactories, in 1827, answer the question. "That duties on imports are not levied for the purpose of revenue; but for the *protection* of national industry, against foreign competition; hence they cannot and ought not to be repealed." "The tariff and internal improvements form one system." This is the clue into the labarinth of fraud and combination. The west was interested in internal improvements, and the northern and middle states in manufactories; and united they formed the principal partners of the American system, the profits of which they enjoy, and the burthens of which must be borne by the south. Too disinterested and honest, she was above participating in the plunder of unauthorized power, and in the end, is to be made the victim upon which "ambition is to build up its empire, and avarice is to seek its hidden treasures."

—These acts were passed, expressly to protect domestic manufactures—

and now, sir, let us examine the authority of Congress to pass such laws: No such express power can be found in the constitution—and it is not to be found within the scope of powers delegated to the government. By the constitution, Congress has power to raise revenue, to pay the public debt, and provide for the common defence and general welfare—to declare war—to regulate commerce—to make treaties—to regulate the currency, and to establish post roads, to disseminate intelligence to the people. It is obvious that the government was instituted for external purposes. To these ends, the enumerated powers were given—and as long as the government confines itself within them, it answers the ends of its institution. Every part has a common interest in the exercise of these powers. Does Congress declare war against a foreign nation? She has a right to our blood and treasure to maintain it. Does Congress adopt any measure to regulate commerce? It is our duty to submit to all its privations, and to support it. Does Congress make treaties? It is our duty to support them in good faith; and so of any other legitimate exercise of power; or of the fair and honest means to carry them into effect—where the end is fairly constitutional, let us not withhold the liberal means to it. The general government was intended for external purposes and extraordinary emergencies, to which the states, singly, were not competent. Mr. Madison in his speech upon the adoption of the federal government, characterizes the government thus: "The powers of the general government relate to external objects, and are few, but the power of the states relate to those great objects which immediately concern the prosperity of the people. Let us observe also, that the powers of the general government are those which will be exercised only in time of war, while those of the state governments will be exercised in time of peace. But I hope the time of war will be little compared with the time of peace. I could not complete the view which ought to be taken of the subject, without this remark, that the powers vested in the proposed government, are not so much an augmentation of the authority of the general government, as a change rendered necessary for giving efficacy to those that were vested in it before." Now sir, is the regulation of the domestic industry an external power, or an internal power? Is it not an exercise of power regulating the internal concerns of the country? It is so; and without disguise, its authors justify it as necessary and proper to their interests. Experience has shewn that such a power was wisely withheld from Congress. The exercise of this power will always, as it has done, produce discord and sectional jealousy. But as far as authority goes, we have it in abundance, that Congress has no power to protect domestic manufactures. Mr. Madison in the debate on the fishery bill, in 1792, meets the question, and in so many words denies the right of Congress to protect any one branch of industry by act. But to put the matter at rest, such a power was proposed and expressly rejected in the convention which framed the constitution. Those wise men saw the danger and probable tendency of such a measure, and properly withheld it. A majority of representatives in Congress have done, what could not have been originally done but by a vote of three-fourths of the states. Mr. B. said, that his honorable friend from St. Philips and St. Michaels, admitted that such a power had been proposed and rejected. But he contended that as all other nations had the power to regulate and protect manufactures, such a power belonged to the federal government and

was implied in the power to regulate commerce. Now the power to regulate commerce was given expressly, to preserve, improve, and defend, the foreign commerce, which was then the most profitable employment of the states, all of which were on the ocean, having a common interest, and being identified by common feeling. They were the old thirteen states that knew and loved each other. The acts of 1824 and '28 were passed directly in contravention of the spirit of this power. They were passed to protect interests entirely alien to, and destructive of foreign commerce: interests of newly added sisters, that, like Lear's daughters, threaten to degrade and destroy the parent. By these acts, commerce is curtailed and prohibited. But it is said that they were passed for commercial retaliation on Great Britain, to countervail her corn laws. It is the last thing that the manufacturers would desire, that England would repeal her corn laws. A greater calamity could not befall them; as in that country provisions would be more abundant and consequently labor cheaper; which would enable the British manufacturers to undersell the American manufacturers—the very thing they wish to avoid. The truth is, these laws were not passed to regulate commerce, as contemplated by the constitution, but to protect domestic manufactures, as not contemplated by the constitution.

The gentleman from Abbeville (Mr. Pressley,) contends for the power upon a new ground, and certainly upon a very safe and strong ground, if he can successfully maintain it. He says, "to lay and collect taxes, duties, imposts and excises, is a distinct, substantive power, *provided*, these words are separated from 'to pay the debts' &c. by a *semicolon*; and that by an *elipsis*, 'to pay the debts and provide for the common defence and general welfare,' is another substantive power." This is attaching an importance to a semicolon, and giving a latitude to an elipsis, of rather an alarming character. It is making our constitutional liberties depend on the punctuation of a printer, and the capricious conceit of a grammarian. But it seems that every one relies on his own trade to defend the city. The currier with leather, the carpenter with wood, the blacksmith with iron, the schoolmaster with grammar. A semicolon and an elipsis are certainly potent agents, as used by the gentleman, and with them, he can no doubt defend his position. He seems to attach as much importance to grammar as a certain Dominic, who was so much afraid of violating the rules of his favorite study, that in his last breath, he guarded his words, by saying "I die, or am dying;" grammarians not having determined which is the most proper. In the utterance of these words, in the Latin language, *morior, vel mortuus sum*, he went off.

The common, and certainly the strongest ground, upon which the power to protect manufactories rests, is that it is incident to the power to raise and collect revenue. All revenue laws will, and ought incidentally to protect manufactories—as far as they can be protected under laws honestly for revenue, it is well enough. No one can be opposed to manufactories if they succeed as other employments do. If they are profitable, they will flourish—they ought to stand upon the same footing with other pursuits. If they can succeed under the protection of laws passed for honest and constitutional ends, it is very desirable. But were the high duties imposed by the laws of 1824 and '28 intended for revenue? The fact is denied by the committee of manufactures, as well as the truth of the case. Before

the laws alluded to were passed, the existing duties were more than was sufficient for the demands of revenue. Suppose 20 per cent. upon imposts, was more than sufficient for revenue, and 50 per cent. was imposed in addition, which would be the incident and which the principle. The 20 per cent. was constitutional, and as far as it could be arranged for the purpose, manufactures might be protected. But the 50 per cent. which was not imposed for revenue, but expressly for protection, is unconstitutional. It cannot be and is not pretended, that an increase of duties was required to pay the public debt, for there are now, and were before these laws, more than was necessary for that purpose; so much so that a proposition is now suggested to return to the people the surplus revenue; and if this is done according to the plan suggested, it will consummate this stupendous scheme of fraud and imposition, intended by the restrictive system. For every dollar South Carolina pays into the treasury, she will not receive one-fourth—while Ohio, that pays comparatively nothing into the treasury, will be made rich, confirming her own declaration, that the only interest she has in the union, is the approbation of the national treasury. She has numerical strength, and has been, on that account, the peculiar favorite of government bounties, while South Carolina that pays the money into the treasury, only knows the government by its exactions and injustice. The constitutionality of the system cannot be defended—it is regarded as constitutional, only by those who enjoy its bounties. And now sir, said Mr. B. what are its operations on this section of the union?

Those who enjoy its benefits, and those who bear its burthens, have long since answered this question. Who contend for the system? those states that have manufactures, and those states that take the money which its injustice exacts. I say take, because it is little less than plunder and robbery. Who complain of the system? those states that are engaged in agriculture and commerce, and whose staples constitute more than two-thirds of the exports, by which commercial exchanges are made for the whole union—Neither is mistaken. Those who bear, feel their burthens; and those who receive the benefits, prosper in their enjoyment. If those states that have manufactures, and which receive the benefits of this system, were required to pay the duties; would they do it? Is it not justice they should do it? But no, unless some other sections paid the duties, they would not want the system. And who do pay the duties? Mr. B. said he again repeated, let a northern writer answer, who says, that when the American system, of which the tariff is the pioneer, shall be perfect, it will throw all the burthens of the government on the slave-holding states. It will permanently fix a tax upon slave labor. That the present duties are nothing but a drop in the bucket, compared to what the manufacturers demand and will have. The experience of a few years, Mr. B. said, he feared, would confirm the melancholy truth of these remarks. The disadvantages to South Carolina of the money which has been taken away by this system, cannot be calculated. A system resembling, but more intolerable than the bed of Procrustes, because its effects are not at once seen, and its victims are reconciled to it by its own silent and secret operation. If the people knew at once its design and effects, they would not submit to it for a moment. Its tendency is to destroy the freedom of commerce, and consequently

credit, and to drive every one to live upon his acre of ground, milk his cow, and clothe himself with the wool of his sheep—and this is mistaken for prosperity. It is that prosperity found in the quietude of the slave, that has been secretly and ignorantly driven from the pursuit of his choice. The right of choice is liberty—and sir, said Mr. B. a right he did not wish to be driven from, he did not wish to live under legislative dictation of his interests. If the money which is unjustly taken away from South Carolina had remained in circulation, it would have given her some portion of that prosperity which is enjoyed by the northern states—the sources and means of wealth are here. The valuable staples of the country grow and are cultivated here, yet their proceeds are not allowed to remain; but a less favored portion of the country by nature, takes them, and while they are growing rich, we are growing poor. We are not allowed to sell and buy at the markets we choose, but we pay high taxes, (none of which are returned to us,) to enhance the property and build up markets for the benefit of others. If the consumer pays the tax as contended, the northern monopolist receives more than an equivalent for what he pays, by the enhanced value of his property, while the planter at the south receives nothing in return, but occasionally contempt for his complaints. The 40 per cent. which he pays, where does it go? To the government, to enable it to oppress him, and to enable the manufacturers to cheap him, by selling their goods at enhanced prices. The people here are perfectly unrequited for the burthens imposed upon them by government. They are gradually sinking under them, and must ultimately go down in ruin.—“Our little barque is sinking, while we poor mates stand on the dying deck and hear the surges threat.”

The grave question now presents itself, what shall we do? Shall we submit? Shall we submit to a law that we consider unconstitutional, and which we know to be unjust, oppressive and dangerous to our liberties? If the law can properly be thus characterized, are we not slaves, if we are bound to submit to it? Sir Francis Seymour, in the celebrated parliament that first questioned the arbitrary and encroaching prerogative of the Stuarts, in speaking of the King's right to ship-money, said “that he was a bad subject who was not ready to lay down his life for his king in the exercise of his rightful authority: but that he was not only a bad subject, but a slave, who suffered his property to be taken from him without his consent, and contrary to the laws of the kingdom.” Mr. B. said that he was not a good citizen who was not ready at any moment to lay down his life for the union, and to support the government in the exercise of any of its legitimate and delegated powers, but if he was satisfied that the government had usurped power which oppressed him, he was a slave, if forced to submit to it.

Mr. B. said he had not learned the lessons of submission. He could not read them in the conduct and examples of a gallant ancestry, in every page of whose history, from the settlement of the colony to this time, was to be found the right and duty of resisting unauthorized power.—He could not read them upon the tomb-stones of Gadsden, Laurens and Rutledge, the fathers of the republic. Living in a state that was the theatre of a revolution, in which the right of resistance to oppression was consecrated; a state in which there was scarcely a bush that was not stained, or a stream that was not crimsoned by the blood of men contending for their liberty;

he could not brook the idea of her submitting to a system, that must degrade and ruin her. There is scarcely any people that has borne more and complained less. We have been ten years complaining, and submitting to our wrongs. Such a resignation is to be praised, because it was founded in generous confidence. In the language of Gen. Sumter, on this very subject, "it is not my design to exaggerate the wrongs of our state, or praise its resignation in supporting them. This resignation would be *dire* necessity, if the evil were inevitable: but if the evil can be avoided, it would be alike destitute of courage and dignity." The cause of liberty never runs smooth. It is acquired by peril, and must be preserved by vigilance and firmness. Supine indifference and confident security are inconsistent with its permanent existence. Those who have been in the van of the great contests to obtain and preserve it, have had to contend with difficulty, and to encounter toil and hazard. It is the natural disposition of large masses to love quietude and security, while evils are tolerable, rather than make any exertions to right themselves. Even Moses, the inspired man of God, found it difficult to prevail upon his brethren to leave the land of their captivity, for the land of promise and liberty. Contented with their servile condition, they dreaded to embark in the wilderness of uncertainty. But who is it that would not rather have gone with Moses, and submitted to all the privations of the wilderness, than have remained and been fed out of the flesh pots of Egypt, by the hands of a master.

A virtuous and gallant people, in a good cause, never have failed. If we are right and do not fault in our measures, we must succeed. If our principles are right, South-Carolina, small as she is, can maintain them as well as twenty states joined. The constitution will be her shield. Weak as we appear, and strong as the federal government may seem, in the hour of trial, we may have the strength of David, they the weakness of Goliath. If the federal government is wrong, and we right, justice will prevail. Principles will be established which will save this government from the ruin which its uncontrolled tendency to abuse, threatens.

But some of our opponents who are opposed to the states acting, at any time, say that we have experienced no practical evil from the tariff. That goods are cheaper now than before its enactment. That we sell our cotton as well, and that the people at the north pay as much of the duties as we do. From those who think thus, we have little to hope. It shows that they have not examined the subject, or are unwilling to come to the conclusion that a fair examination would lead to; and find an apology for submission in their ignorance and confidence. As to the first objection—can it be maintained that the tariff has made goods cheaper?—if so, perhaps 30 or 50 per cent. more may reduce them to nothing. The question is not if goods are cheaper, but how much cheaper they would be, if the tariff were taken off. The tariff was imposed expressly upon the ground, that European goods were cheaper than they could be made here. The duties were imposed upon foreign goods expressly to prohibit their coming into our markets. And, notwithstanding these duties, European goods can be sold as cheap as nearly any of the American fabrics. Goods are cheaper now in Europe, than they were ever known, in any period of the world; and for very obvious reasons—ten laborers are now engaged, where there was one, 15 years ago. Europe was then engaged in a gene-

ral war. There were comparatively few left to be employed in manufactures. The wages of labor was of course higher; fewer fabrics were made, and of course they were dearer. Laborers are now many, more than can get employment; wages low, and capital cheap. And to add to these causes of reducing the prices of goods, labor-saving machines have been improved to a degree, beyond all calculation. From these causes European goods must always be cheaper than American. The wages of a laborer here, is from 50 cents to a dollar, while many laborers in Europe can be employed for their bread, and scarcely any but can be employed for half our prices. Interest is from 6 to 7 per cent, here, and from 2 1-2 to 3 there. There are 100 laborers employed there, where there is one here. In the face of these facts, can it be pretended that goods can be as cheap here, as there. Mr. B. said the matter was too plain to be dwelt upon. If a planter were to carry his cotton to England, he could get twice as much for it in the way of goods, as he could to receive specie for it and lay it out for goods in this country with the present duties upon them. For instance, if a planter had 100 bags of cotton, and wished to exchange them for sugar, he could buy sugar at 3 cents in the West Indies, but a short distance from New-Orleans; but if he had received money for it, and wished to buy sugar in New-Orleans, he would have to give 6 cents. But if he laid out his cotton in sugar in the West Indies, he would have to pay 3 cents a pound before he could land it; which would make it 6 cents.

The same remarks may be made of iron, or any other article highly taxed. These taxes must fall principally upon those engaged in agriculture and commerce, because they are required for none of the burthens they bear. The European manufacturers must have our cotton until they can make it the interest of other countries to supply them, which they can do; and when they do, they will refuse to take ours, as we refuse to take their goods. But the price of cotton has fallen, and will continue to fall, under the operation of the prohibitory system. "Between the years 1820 and 1828, the production of cotton exported was increased from 127,000,000 to 300,000,000 pounds, while the aggregate value of it was only increased 22 to 28 millions of dollars, indicating a fall in the price of cotton from 18 to 9 cents a pound; on the other hand, the exports of most of the other productions of domestic industry, particularly grain, decreased more in quantity than value, indicating a gradual rise in the price." It is impossible to say what has been the extent of the injury of the tariff to us; we know that we are taxed contrary to our consent, and that we have been deprived of the benefit of our resources and the proceeds of our industry. Part of our blood has not only been taken, but the circulation of what is left impeded.

There are others opposed to the state's acting at this time, because they think the President's veto upon the Maysville road, holds out prospects of hope that the system will undergo some satisfactory modification—as the only difference between himself and those gentlemen, was as to the time, he would say but a word—that a few months time would dispel the delusions of their hopes, and confirm the truth of his fears. For he had not the least expectation that the tariff would be repealed or satisfactorily modified.

There were a few that thought the supreme court the proper tribunal to decide all controversies between the federal government and the states.

Mr. B. said he would pass over this part of the subject with a single remark, as another gentleman was understood to be well prepared, and would no doubt argue it ably. James the 1st, said it was the divine right of Kings' to settle the laws, and it was the province of their judges to interpret them. With a little paraphrase sir, this is applicable to our condition. It is the right of Mr. Clay and Mr. Webster to settle the laws, and the province of Chief Justice Marshall and Judge Johnson, (memorable for his eight points, in which he intrepidly volunteered against the cause of his state,) to interpret them. Mr. B. said that the idea of submission could not be tolerated; hopes from the government itself were delusive, and the supreme court could not be trusted.

Mr. B. said, the state must rely upon herself for redress. She must interpose in her sovereign capacity to arrest the evil. She held her destinies in her own hand. He did not believe there was any danger from this power. Without some such checking power in the states, the federal government must degenerate into intolerable abuses, into tyranny and corruption. Fears were entertained that such a power would destroy the government, and lead to civil war and anarchy. These were fears that were actively conjured up to sustain the government, and paralyze the state. It is a power that results from the nature of the compact, to be exercised by the states, for preserving the pristine purity of the union. The fewer and more limited the purposes of the union, the stronger it will be. As originally formed there is nothing to prevent it lasting forever. No one wishes to destroy it, and there is no state in the union that would make greater sacrifices to preserve it, than South Carolina. If any thing should occur now from abroad, requiring her to take the part of her distant sisters, she would do it with her wonted zeal and disinterestedness.

The power she contends for is one sacred to all the states. There is not the least danger of its too frequent exercise. The difficulty is ever to prevail on a state to exercise it. There are causes that will always prevent a state from using it, except in cases of extraordinary emergency. The federal government has its patronage and influence in every state. There are always men who fill its offices, or want its offices—whose ambition and avarice will sustain the government, to receive its honors and bounties. There is another class in every state that will be inclined to abject submission—and another class that honestly will think with it—and no class that would oppose it but in a good cause, in which they would be sustained by truth and justice—when all those concur, the rights and liberties of the state will require it. No state will interpose without the concurrence of more than two-thirds of her population. Such a power is favorable, instead of being hostile to the existence of the government, because, it will make all satisfied with it as long as it is known there is a power to check its abuses. All that Congress has to do, at such a juncture, is to call a convention of the states to settle the controversy, according to the spirit of the constitution, which was formed by compromise; and which was not obligatory till three-fourths agreed to it.

The question for the committee to decide, is, how shall the state interpose in her sovereign capacity? Can she do it by the Legislature, or must she do it in convention. Mr. B. said, he had always maintained the doctrine, that the sovereignty of the state, in relation to the federal government, resided in the people of the state. That no decisive mea-

saures should be taken in relation to that government; but by the people themselves—and he asked why distrust the people; would they do wrong? He was willing to be governed by their decision. These are his reasons for a convention. That the federal constitution was adopted by the people in convention—the people of each state were the original constituents, and having formed it, they have a right to judge of its infractions, and to decide upon the mode and measure of redress.

Mr. Madison speaking of the constitution, makes this remark: “should all the states adopt it, it will then be a government of thirteen states of America, not through the intervention of the Legislatures but the people at large.” Mr. B. said, that it was not only right, but expedient that a convention should exercise this power. The calling of a convention will be a difficulty, (it requiring two-thirds of the Legislature to call it,) a proper restraint upon the precipitate exercise of any power of a state, affecting the general government.

Now, sir, what are the objections to a convention. By some it is contended, that the Legislature could do all that a convention can; the sovereignty of the state being vested in the Legislature. This Mr. B. said, he denied, and for the reasons stated. Others with a view to defeat the measure, say, that the convention would have all power, and would remodel the whole government of the state. This, as all such arguments are, is addressed to the fears of the members. Past experience authorises no such conclusions. There have been five or six conventions of different kinds since the formation of a state constitution, and they have invariably, in good faith, confined themselves to the subject submitted to them. They would do so again. Delegates would be elected for a special purpose—they would go from the people directly, to take into consideration the grave and momentous questions which had been agitated during the canvass. Would delegates thus elected, violate their faith, and assume to exercise powers not virtually committed to them? Never. No doubt during the canvass men would endeavor to get into power for selfish purposes, by appealing to the low and vulgar prejudices of the people. But sir, enlightened public opinion would put them down—and should a demagogue happen to be elected by his prostitution, to the prejudices which he himself had created, he could not hold his head up in the assembly of patriots, who would be assembled for the purpose of deciding great constitutional questions of liberty. While all would be intent upon common calamity, either differing or agreeing as to the measures to be pursued, should such a demagogue rise in the assembly, with some local and selfish project to distract it, he would only build up a funeral pile to consume him. He would be burned up by the indignation of every honest man. Mr. B. said that it was his decided opinion, that a convention would be bound to confine itself to the subject submitted to it. Mr. B. said, that it ought not if it could, change the character of the representation in the Legislature; the great bugbear of apprehension with some. No constitution could be better organized than that of South Carolina. No law can be passed by the Legislature to destroy the peculiar interests of either section of the state. The parish representation will protect the rice planters, and large proprietors of slaves from any exclusive tax or burthen; while the house of representatives would be a paladium of safety for the up country. No law can pass to produce heart-burnings and jealousy—

all interests must concur before it is passed—thus is legislation made satisfactory to all. A convention would not if it could; and could not if it would, alter this admirably organized constitution, and for all other alterations of the constitution the Legislature is competent. But sir, said Mr. B. would not a convention be a delegated body, called by the Legislature under the constitution? The constitution is the power of attorney of the people, and a Legislature is their agent. A convention called by the Legislature, would be called by the agent of the people, which could specify the subject of deliberation of that assembly, but not limit its powers, as to the measures proper to be pursued. It would be the province of the convention to say what measures the state ought to pursue, in relation to her differences with the general government. It could recommend submission, conference with other states, send delegates specially instructed to Congress, or declare the laws complained of unconstitutional and void, and direct the Legislature to pass all such laws as were necessary to maintain its decisions, or it could leave its authoritative ordinances to be carried into effect by the juries of the country. The convention would have full power over the subject submitted to it—and who is it that is not ready to abide by the decisions of his country thus made? Mr. B. said he was ready to swim or sink by the decision of a convention. It would have all the wisdom and patriotism of the country in it. Its deliberations would be characterized by dignity, gravity and wisdom, and its decisions by firmness and safety. It would be the decision of his country, and under the guidance of Heaven, he believed it would decide right, and that it might do so, Mr. B. said it was his sincere prayer.

WM. McWILLIE'S SPEECH.

MR. CHAIRMAN—I agree to the fullest extent, with the gentlemen who have preceded me in this debate, as to the importance of the resolutions now submitted to the consideration of the committee; not only to this state, but to the United States; and perhaps to the world. The subject overwhelms me! I believe that in all probability, what we now say and do, will be said and done for good or evil. Be it so; and although I am but on the threshold of my political life; although this is the first time I have ever addressed this Legislature on any subject calling for the expression of my political opinions, yet I shrink not from my share of the responsibility. I am ready to respond to whatever destiny it may bring. I admit that to be sustained by this house, and by my country, is one among the warmest, the most earnest desires of my heart; but even for this I would not compromise my own principles—what I believe to be my country's safety. Under any and all circumstances, I must be permitted to retain, at least, the proud consciousness of having done my duty; of having acted in accordance with the best dictates of my mind and heart. I trust that all who hear me—I think that all who know me, will award to me the merit of being honest, even if they should believe me to be in error. The fact that I am found urging and enforcing my opinions with a minority; that I am against what seems to be the popular sentiment here, and dare to enter the breach amidst the fire of that eloquence which has

fallen from the lips of the member from Edgetield who last addressed this committee, and more especially the member from Richland; that I am found struggling side by side, with those who have been branded with the odious epithet of *consolidationists* and *submission men*, should be conclusive evidence on this point. So far as I am individually concerned, I regard not such slanders; I know that principles do not depend upon names. I feel that no member of this committee can love Carolina more than I do—God forbid, that there should be any who love the union less. Carolina is my native state. To me she has been kind—to her I owe every thing. Seldom, even for a few short weeks, have I ever breathed another atmosphere. With her I drew my first breath—with her or for her I hope to breathe my last.

I am aware, that by some, the remarks I am about to make will be considered as cold and tame; and as the abandonment of the principles heretofore professed by those who advocate this side of this great question. But I think not. If I understand my own opinions, they are those of the republican party in 1801. They are the opinions of Jefferson, who has been justly called the greatest of the apostles of liberty. They are also, according to my conceptions, the genuine principles of the radicals of this state in 1825, as expressed in Smith's resolutions. These doctrines were among the earliest impressions of my youth; they have grown with my growth and strengthened with my strength. They are sanctified by the experience of the past; my understanding approves of them, and they are incorporated with my principles—they are doctrines which have for their foundation, justice and equal rights; their object is human happiness—they should govern the world; and I now say, once for all, that I am ready to go as far as he who goes the farthest, in opposition to any violation of those principles, provided that opposition can be made constitutional and successful. If we will keep up proper distinctions as to such rights as are constitutional and such as are essentially sovereign, the resolutions now submitted, as I understand them, involve a question rather of expediency than of right—of policy than of principle.

Is there, within the sound of my voice, a single individual who advocates the American system? I think not. I can say, at least for those with whom I associate, that I have heard no such opinions. All denounce it—all oppose it.

How or why then is it that we differ so much? If I understand aright the opinions of gentlemen on this floor, it is,

1st. As to the right of a state, under the constitution, to nullify an act of Congress, or in other words, by interposing its *veto*, to arrest the execution of a law of the general government and render it inoperative within the limits of the state.

2d. As to the manner in which such an act of nullification would be likely to operate.

3d. As to the present necessity and expediency of calling a convention of the people of this state, for the purpose of taking into consideration the violations of the constitution of the United States, in reference to the tariff policy.

Such, I would fain hope, is the extent of our difference of opinion, and that personal aggrandizement and the political aspirations of men, do not enter into our deliberations. On occasions like the present, our country

should be every thing—men and parties nothing. These are my feelings; I am willing to take whatever position they may assign me; and for the honesty with which I shall follow them out, I am willing to be judged *here* or *hereafter*.

I shall first speak of nullification; for certainly we understand each other well enough to supercede the necessity of further consuming the time of this committee, in debating either the constitutionality or expediency of the tariff policy. This subject has been treated of so much and so ably, that public opinion in this state, may be justly said to have settled down in opposition to it. I consider the argument of the gentleman who opened this debate (Judge Huger,) as a candid and able exposition of its character and effects; and at this late period, I will not detain the committee, by arguing that part of the proposition, but will consent that it is proved to be unwise, unjust and unequal in its operation, and that it is a fraud upon the constitution. I will therefore, at once proceed to enquire as to the nature of the remedy proposed—and first of nullification.

I presume my opinions on this point are sufficiently well understood, to make it unnecessary for me to say, that I am opposed to this mode of action. But perhaps the whys and the wherefores may not be. I am opposed to it, because I do not consider it, as a constitutional, but as an *ultra* constitutional remedy, and that it will not operate in that peaceful and salutary way which its advocates appear to think. On the contrary, if I am not more deceived in reference to this nullifying process than I ever have on any other subject, it must result in a ridiculous farce, or a bloody tragedy. The advocates of nullification tell us, that its action will be peaceable and effectual! My mind is so thoroughly satisfied on this subject, that I might as well be told of a peaceable war or a friendly fight, as of a peaceable, and at the same time, an effectual act of nullification, in reference to the tariff policy. I would as soon expect to see Mount Etna throw forth ice, or the frozen regions of the north pressed with a harvest of tropical fruits. Gentlemen also tell us, that this is the only mode left us to save the union! and that such is their object!!

It may be; but I must say, I would have equal faith in the physician who would propose to take out my heart, with a view to save my life; to destroy the principle of vitality, that he might preserve life itself. So it would be with the scheme proposed. Its operation, as I understand it, would destroy the very government which it professes to save. Is not the effect of nullification to dissolve the political compact between the states, and thus to destroy the union?

This is a grave question. The member from Richland (Col. Preston) has told you, that at Washington, the sappers and miners are at work, tearing away stone by stone, the foundation from the temple of our liberties—that this vast fabric which rears its proud cupolas so high, and spreads its mighty arches athwart the republic, shall come down in one overwhelming ruin. I am not the advocate of the course pursued by Congress. I deprecate much of its policy. But it seems to me, I see dangers more immediate and nearer home. I think the very question which we are now discussing, involves the basis on which the whole superstructure of our government rests; and which, if decided wrong, may endanger the union. That union which was purchased by the toil and suffering and blood of the revolution. It is to us our common property and our common

glory. It is the richest inheritance which has descended to us from our fathers, and has thus long been the shield and rampart of our liberty. It still stands the proudest monument of the patriotism and talents of those who devised and established it. I have heretofore hoped, and still hope, that it may remain in after ages as the beacon light to every people desiring rational freedom. Shall such be its lofty destiny? The answer to this question may be contained in the decision of the resolutions now under consideration. How strong the motive then to debate them gravely; with minds free from every party feeling; leaving nothing—hoping nothing, but for our country; we ought so to discuss them, and not seek to gain a paltry triumph in argument; not endeavor to obtain the decision by appeals to the passions and prejudices; not strive to increase our party by specious fallacies. I shall adopt such a course; and I pledge myself that every word I utter shall be the deliberate convictions of my mind or heart.

I have been much surprised at the course the debate has taken. Gentlemen have appeared to argue these topics entirely in reference to the Virginia and Kentucky resolutions, and not in reference to the constitution, and the nature and theory, of our government. The question, to a spectator who was not familiar with our local politics, would seem to be, whether South Carolina had or had not the right, under the Virginia and Kentucky resolutions, to nullify an act of Congress, and not whether she had such a right under the constitution. There are few matters I admit, in which I would venture to differ from the authors of those resolutions had they spoken *explicitly* to the point under consideration. But in all controverted questions of constitutional right, I would as certainly look to the constitution itself in forming my political opinions, as I would to the bible, in forming my religious creed. I will however, confine my remarks to the course which the argument has taken; and endeavour to ascertain whether Madison, or Jefferson has, at any time, asserted the right of a state under the constitution to nullify an act of Congress. I feel persuaded, that the evidence which I shall offer, will be conclusive to those who have not prejudged the question.

I will first call to the notice of the committee, Mr. Jefferson's letter to Mr. Nicholas, dated 5th September, 1799. From that paper I think two things will appear: first, that Mr. Jefferson did not write the Kentucky resolutions of 1799, but that he expressly declined it. In those resolutions only, does the ill omened word *nullification* appear. It does not occur at all in the resolutions of 1798, of which he was the acknowledged author.

In the second place, it will appear in the same letter that Mr. Jefferson recognizes no such intermediate right as the one contended for, between protestation and secession:—but on the contrary, that letter manifestly shows that the first step to be taken by Kentucky, was to make firm protestation against the precedent and principle of the alien and sedition laws; then to wait with a proper confidence, that the good sense and patriotism of the American people would bring back the government to the true principles of the federal compact, and that after these hopes had failed, in cases of repeated and enormous violations of that compact, the state might resort to separation. This is manifestly the true sense and understanding of this letter; and from the manner in which Mr. Jefferson speaks of the rights of the state, and what she might rightfully do, he distinctly refers to the

right of secession; thus negating the idea that there was, according to his understanding of the constitution, any half way measures such as contended for by the advocates of nullification.

If we examine the writings and opinions of Mr. Jefferson, we never find the term used, or the idea held out in any form, that a state has under the constitution, a right to arrest the execution of a law of Congress.

It appears to me most certain, that if Mr. Jefferson had entertained such opinions, they would have been made public. Such more especially would have been the case, inasmuch as he was one of those politicians who most ably advocated the rights of the states. I take the proper distinction between the right of which Mr. Jefferson speaks in the Kentucky resolutions and the doctrines of nullification, to be this:—He refers to a sovereign right, for which the constitution had not provided; and for which the common judicial tribunals of the country could not afford a peaceable remedy. In the resolutions of 1798, he expressly states, that the course of the general government would drive the states "into revolution and blood." The advocates of nullification say, that it is a right under the constitution; and that its operation will be peaceable and agreeable to the forms of law.

It is in this particular that I resist this doctrine; as I believe it is but another name for secession, and is calculated to mislead the people in relation to fundamental principles as it has been explained by gentlemen on this floor and elsewhere, they would believe themselves to be peaceably in the pursuit of their legal and constitutional rights, whilst they were on the high road to *revolution*.

I insist that things be called by their proper names; that our constituents may know their effect, and fully understand the measures which we propose to them; that they may not be goaded on to the assertion of legal rights which they do not possess, or rendered fanatic in the pursuit of constitutional principles which do not exist. In the name of God let the people understand the case; and I am willing, when they are so enlightened, to submit to their verdict. And I pledge myself, so far as I am able, to prevent it, they shall not be deceived.

I think I have exhibited a true exposition of the opinions of Mr. Jefferson. Notwithstanding he has been so often quoted as the asserter and supporter of the opinions of the *nullifying* party, yet directly the contrary is the true state of the fact!—he is with me and not with those opposed to me.

I will next, Mr. Chairman, bring the attention of the committee to the Virginia resolutions, and I believe, with greater certainty be able to show, that they do not support the doctrines of nullification as a constitutional remedy. If I can disembarass the question from those, the discussion will be at an end,—for it seems that this political heresy is indebted for its existence to the Virginia and Kentucky resolutions.

It will certainly be considered fair, to refer to the report of Mr. Madison, on the resolutions which were adopted by the Virginia Legislature, and intended to declare expressly and distinctly what was the understanding of those resolutions by him who wrote them, and those who adopted them.

It contains their own exposition, at the time, and in fact, is a part of the *res gesta*. Mr. Madison, in that report uses the following language,

"The resolution of the general assembly relates to those great and extraordinary cases, in which all the forms of the constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it."

What, I would ask, is the meaning of this language? Does it speak of constitutional rights? No! But of rights for the protection of which the constitution had not provided. Of rights, as I understand them, which are essential to a state in its sovereign capacity—revolutionary in their tendency.

I would ask the committee, if the conduct of Virginia on that occasion, did not speak volumes, as to what was her understanding of the rights referred to. With the adoption of those resolutions, she filled her armories with arms; intending, no doubt, to have used them, had there not been a reaction in public opinion. "This is a mode of nullification which I can comprehend. But I cannot understand it, as a peaceable and a constitutional remedy. Such a positive declaration ought to be conclusive:—and it is to my mind unaccountable, how the construction contended for should ever have been given. There is, however, still other evidence on this point which must satisfy the minds of all, unless there may be those who are determined not to be convinced. I refer, in the first place, to the debate in the house of delegates of Virginia on the subject; from which it will appear, that in those resolutions as originally drafted, the seventh resolve set forth that the alien and sedition acts "are unconstitutional and not law, but utterly null, void and of no effect." In the course of the proceeding, all the words after "unconstitutional" were stricken out before their adoption, by unanimous consent. This is a fact which should be conclusive, that the doctrines of nullification were not asserted; but on the contrary were expressly negated. Thus it seems that the only instance where the word "null" occurs, it was unhesitatingly expunged. Nor does any other part of that debate, or the history of that transaction support the proposition of gentlemen. The contrary, in every instance seems to be expressly declared.

In following up these remarks, I will next call the attention of the committee to the letter of Mr. Madison, published in the North American Review, of October last. If any thing were wanting, at this day, to settle the understanding and true construction of the Virginia resolutions, that is the highest authority that can be offered. Mr. Madison may justly say on this subject, "*omnia vidi, et magna pars fui.*" He drew the resolutions, wrote the famous report;—he was then, and has ever since been recognized as one of the most able constitutional lawyers and politicians this country has produced. When speaking of the constitution of the United States, he says, "That it being a compact among the states in their highest sovereign capacity, and constituting the people thereof one people for certain purposes, it cannot be altered or annulled at the will of the states individually, as the constitution of the state may be at its individual will." And further, when treating more directly of the right of a state to nullify an act of Congress, he says, "That to have left a final decision, in such cases, to each of the states, then thirteen, and already twenty-four, could not fail to make the constitution and laws of the United States different in different states, was obvious; and not less obvious, that this diversity of independent decisions, must altogether distract the

government of the union, and speedily put an end to the union itself. A uniform authority of the laws, is in itself a vital principle. Some of the most important laws could not be partially executed. They must be executed in all the states, or they could be duly executed in none. An impost or an excise for example, if not in force in some states, would be defeated in others. It is well known that this was among the lessons of experience which had a primary influence in bringing about the existing constitution. Such is the language of Mr. Madison; and is it not the language of reason, and of common sense? Is it in the nature of things that a government, liable to be controlled by twenty-four independent wills, could be efficient, answer any practical purpose, or even continue to exist? Would such a government be any government? It is as much an absurdity, as to say a thing is, and is not.

I have been accustomed to regard, with a degree of veneration, the wisdom of those *great* and *good* men who framed our constitution. But that veneration would be lost, if such a right had been reserved by an express insertion in that instrument, among the reserved powers. Their labors would have been vain, and our government would long since have been at an end. Mr. Madison was one of those most influential in inducing the states to adopt our present form of government:—and he tells us that such a right was not reserved to the states under the constitution. He distinctly tells us too, that it was not intended by the Virginia resolutions to assert such a right.

This I would consider as conclusive, and when I first saw his letter on this subject, I could not but regard this agitating question as forever settled. To my utter astonishment, however, I have heard gentlemen say in this debate, that "Mr. Madison was now in his dotage, that he had abandoned his former principles, and therefore, he was not to be permitted to explain his own acts." This is hardihood indeed! If the Messiah were again to appear on earth, the preachers of his holy gospel, might, with the same propriety, refuse to permit him to explain a doubtful text.

Can gentlemen be candid, when they deny this right, and say that he is not now to be trusted? This may be their opinion—but, thank heaven, I differ widely from them. I cannot believe that this grey-headed patriot, whom his country has delighted to honor, and which country he has so ably and faithfully served, could wilfully utter a falsehood? And it would appear to me impossible that any man could carefully read his letter, and then pronounce that its author was in his dotage. No! I recognize in him a different character—I venerate his name, and see him as one standing between us and the graves of our fathers, telling us what they did—what we should do. Mr. Madison, in the letter referred to, after denying the right of a state to nullify an act of Congress, portraying its effects, and shewing the guards which the constitution had thrown around the sovereignty of the states, uses the following language.—"In the event of a failure of every constitutional resort, and an accumulation of usurpations and abuses, rendering passive obedience and non-resistance a greater evil than resistance and revolution, there can remain but one resort, the last of all; an appeal from the cancelled obligations of the constitutional compact, to original rights and the law of self-preservation. This is the *ultima ratio* under all governments, whether consolidated, confederated, or a compound of both; and it cannot be doubted, that a

single member of the union, in the extremity supposed, but in that only, would have a right, as an *extra* and *ultra-constitutional* right, to make the appeal."

This is a mode of resistance that is intelligible;—and, to my mind, nothing can be more contradictory in terms, than to suppose that there is a state between submission to, and resistance of the law. Ours is a government of laws.—While we submit to those laws we constitute one nation; but when we resist and reject them, the integrity of the union is dissolved. Our government is not bound together in bonds of despotism, which are rivetted upon us by bayonets. The discussion of the resolutions now before us, shows most forcibly the necessity of recurring to first principles—of permitting the constitution to speak for itself. If we look into the resolutions of other states, passed by their Legislatures at the time, or soon after the adoption of the Virginia and Kentucky resolutions, we shall readily find other doctrines which our opponents might use with the same justice with which we use those last referred to. This state did not even give a response to those so important and much talked of resolutions. But now, when they are, (as we construe them) repudiated by both Virginia and Kentucky, we make them the corner stone of our political faith. Is it dignified in South Carolina, to dress herself up in the thrown-off clothes of any state? Is it right or proper that we, her Legislature, should adopt *verbatim et literatim*, the resolutions of 1798? Is it dealing fairly with our constituents to express ourselves knowingly in language which admits of two constructions, from which nullification or the contrary may be inferred? Is it honest or patriotic, thus to shrink from responsibility; again throwing the apple of discord among our people? No! If we are for nullification let us say so—language of our own may be found to express the idea, vague and undefined as it is.

In the progress of this discussion much reliance has been placed on the authority of the names of political men, and the course adopted by different states. I will not trouble the committee with such arguments, for I presume even those who are opposed to me would admit that the weight of authority is against nullification. I will make but one reference, and that only because I know it will be respected by those opposed to me. I refer to Mr. McDuffie's publication, signed "one of the people." In that publication, the author treats of national and state rights, and the right of a state to interpose to arrest the execution of a law of Congress (which is nullification) somewhat at length; and among others, he makes the following strong and appropriate remarks:—"I confess I am at a loss to know how such a proposition ought to be treated. No climax of political heresies can be imagined in which this might not fairly claim the most prominent place. It resolves the government at once into the elements of physical force, and introduces us directly into a scene of anarchy and blood. There is not a single power delegated to the general government, which it would not be in the power of every state government to destroy, under the authority of this licentious principle. It will be only necessary for a state legislature to pass a law forbidding that which the federal Legislature enjoins, or enjoining that which the federal Legislature forbids, and the work is accomplished."

It is due to a proper understanding of my own opinions, and what I presume were those of Mr. McDuffie's, to say, that I understand him here

to refer to rights under the constitution, and which are peaceable and legal in their operation, and not to sovereign rights. In her sovereign character, I believe South Carolina has the right to arrest the execution of any law. But in doing so, she must assume a sovereign's responsibilities, and, if necessary, appeal to the sword, the common arbiter of sovereigns. Let us not deceive ourselves or others with the idea that this remedy is either constitutional or peaceable. It is not the one, and in all human probability, would not be the other.

So much for the Virginia and Kentucky Resolutions. I will now take leave of this part of the argument, trusting that I have been able to shew, that neither of them, under the authority and sanction of Madison or Jefferson, supports the doctrine of nullification.

I will next briefly enquire, what were the circumstances which led to the adoption of our present form of government? and make a few remarks upon the history of those times.

A power somewhat analagous to the one now contended for on the part of the states, under the old articles of confederation, perhaps, was the strongest circumstance inducing the adoption of the present constitution. A few years were sufficient to satisfy the states that a government purely federative, formed of so many distinct sovereignties, and liable to be controlled by so many conflicting interests and opinions, was wholly inadequate to the object which it proposed. Under the confederation, the government of the United States had no direct action on either the people of the states, or their property; but was compelled to depend upon the state governments for the execution of its laws, or rather its requisitions or requests. The present government was formed expressly with a view of giving the federal compact a direct operation on the persons and property of the people; thus drawing closer the bonds of union, and thereby creating a national confederacy to a certain extent and for certain purposes, in contradistinction to a confederacy of independent nations.

The operation of the general government since that time has certainly recognized this view of the subject. It has gone steadily forward in the execution of its laws and treaties, by its own means and its own officers, without reference to individual states; thus asserting our national existence.

Most certainly it was the intention of the constitution to make the laws of the general government, made under it, paramount to all enactments by the states. It declares that they "shall be the supreme laws of the land; and the judges in every state shall be bound thereby; any thing in the constitution or laws of any state to the contrary notwithstanding." If this had not been the sense in which the constitution of the United States was received, would not something have been said on that point? Would not some clause have been introduced, declaring to what extent the power of the general government shall operate, when it contravenes or comes in contact with the state authorities? If the right of nullification, as contended for, had been intended to be reserved to the states, would not the constitution of the United States have recognized it? If the states have the constitutional right to nullify, the general government is bound by the constitution to respect and obey the act of nullification, or the constitution would be incompatible with itself.

I will now ask this committee, to refer to the various publications

which took place at the time of the adoption of the constitution, and more especially to the "Federalist," which was written expressly with a view of allaying the jealousies and apprehensions of the states, in reference to the powers delegated by that instrument to the general government, and with a view of influencing the states to its adoption, and see if any such right as the one contended for is ever hinted at. If such a right had been reserved to the states, would Madison, Jay and Hamilton have hesitated to have said so? Would they have scrupled to avow it? Would they have affected silence on this point, when it was all important that every thing should be known on this great subject? They, as honest men and patriots, would certainly have expressed it; and such an expression would, at once, have quieted every apprehension on the part of the states, and would have secured the adoption of that instrument, so much the object of their solicitude. But so far from arguing in favor of such a right, they clearly negative the idea of its existence, by omitting to speak of it, when they enumerate the various influences which would be at work, and would be sufficient, as they supposed, to confine the general government within its legitimate sphere of action. They refer to public opinion, and the judicial tribunals, the sympathy between the legislative and constituent bodies, the liability of the president and judges to impeachment; but say not one word about nullification. If the nullifying power had an existence in the constitution, it would have superseded the necessity of a reference to any other. This state of things admits of but one construction; and that is, that no such right was intended to be reserved to the states. I would also refer the attention of the committee to the fact, that the tariff of which we complain, is a commercial law; and the states have delegated all commercial powers to the general government, and consequently, can have no reserved rights on that point.

There is no view I can take of this matter, which does not lead to absurdity; and it is a maxim of politics as well as of common sense, that whenever any doctrine leads to such a conclusion, it has no just foundation and must be false. Let us see if this would not be the case with nullification? I will take an instance which will be familiar to all. Suppose Georgia were to nullify the treaties made by the general government with the Indian tribes within her territorial limits; and Massachusetts or some other state were to nullify the act making appropriations for their removal. Here would be certain acts of nullification inconsistent with each other; placing the government in the situation of the "ass between two bundles of hay." Or, suppose the nation to be engaged in war; would a state be competent to nullify an act making appropriations, and providing the means for carrying on that war? I will not follow this view of the subject any further, for there is no end to the absurdities in which it involves us.

I will now, Mr. Chairman, notice some of the modes by which it is proposed to reconcile the doctrines of nullification with the safety of the union, and give to those doctrines a peaceable and legal operation. The advocates of this doctrine, and who, strange to tell, are the advocates of state rights and strict construction too, say, that if a state were to nullify an act of Congress, that act would become inoperative and void within the limits of the state so nullifying, unless Congress should call a convention of the states, and obtain an express grant of the disputed power.— This position involves this absurdity; that, notwithstanding we contend

that the tariff is an intolerable and unconstitutional oppression, yet if three fourths of the states should still declare it constitutional, we would be bound to submit. Would not the result of such a step, be virtually an abandonment of all sovereignty on the part of the states?

If we constitute a tribunal, by the congregation of the states in convention, to decide upon and control the sovereign rights of the states, the states as sovereignties will cease to exist. The right of resistance by force, would be taken from us, and that too by our own consent; and all our acts tending thus to the assertion of the sovereign rights of the states, would be treason or rebellion. If we appeal to Cæsar we must abide by Cæsar's decisions, be they what they may.

Is this doctrine of nullification more in unison with a strict construction of the constitution than the "general welfare" doctrines? Nullification is, as I have endeavored to prove, negated by the constitution: and this mode of obtaining a convention of the states to act judicially, is the creation of a tribunal, for purposes unknown to that instrument; and expressly in contradiction to the mode prescribed, requiring the concurrence of two thirds of both houses of Congress, or the recommendation of two thirds of the states, to call a convention. The present-latitudinarian notions give to each state the power or right to compel this call. Are those notions compatible with a strict construction of republicanism?

There is another "practical mode of nullification" suggested both in and out of this house, which appears to me equally absurd. This mode is nullification by the Legislature or a convention, and then the purpose seems to be, to submit the matter to the judicial tribunals. In this event, it appears to be conceded that the court would be against us; but there would be a strong hope in the juries of the country. Although I entertain the highest respect for the trial by jury, yet, I cannot see how this mode can be made effectual, even if the juries should be in our favor;—because the court would have the power of sending the cases back to the juries, and continuing to do so, until verdicts should be found in favor of the plaintiffs, which would settle the matter finally. The object of all legislation should be for the benefit of the people; but they could take no benefit from such an act of nullification. The importing merchant resting in uncertainty as to what might be the decision of the courts, would proceed to sell his goods at the usual profit, and, perhaps, the additional expenses of a law suit. No advantage can result from such a course; but, on the contrary, much of evil. It would strongly tend to alienate the minds of the people from the government; and, in all probability, be the beginning of *anarchy*. But suppose there was some plausibility in the idea, how easy would it be for Congress to require the payment of duties in money, which would prevent the possibility of reference to a jury. In such an event, there would be no resort. The act of nullification would itself be nullified. It would remain a dead letter, unless we directed the executive to resist the execution of the tariff laws by force.

A question would here arise, whether the general government could permit its laws to be so arrested? I would say it could not. If it could, the whole revenue would be stopped; and I believe it is well understood that money is as necessary to a government, as power to machinery.

Should the doctrines of nullification be acted upon, this is the point where the first blow would be struck. It would be the beginning of civil war.

When, or where, or how it would end, no man can tell! Countrymen would be opposed to each; their swords would clash in deadly combat, and be wet with the blood of brothers!! Our property, our lives, our families, our country, our all would be involved in the general struggle!!! Before we approach the crater of this *volcano*, will we not calculate where the missiles may fall, and the *lava* run?

The member from Richland (Col. Preston,) has endeavoured to simplify the effect of nullification, by calling a decision of the supreme court, declaring a law to be unconstitutional, an act of nullification.

This case does not appear to me to be analogous. The court is a co-ordinate branch of the government, in the regular discharge of one of the duties for which it was created. It does not strike my mind, that there is any resemblance between the judicial nullification, (if it may be so called) and that proposed. The same gentleman tells us, that Virginia nullified the "alien and sedition" laws. I think she did not—it is true, Virginia did exempt the members of her Legislature from its penalties, in regard to such things as they might write or say, in the performance of their official duties. This exemption, I am persuaded, would have existed, if no such act had ever been passed. The very nature of their duties and office required that it should be so. Virginia as I understand it, rather recognized than nullified the sedition law, by that act. The single exception to its action shews its general operation. We might as well say, that the law of arrest was nullified in South Carolina, because we the members of her Legislature are exempted from arrest during our continuance here. But we all know this is not the case. The law on that subject is as much of force in the state generally, as if we were not exempted from its sanctions.

It may be safely said that where force begins, law and government end. When we nullify, I am persuaded it will be the beginning of violence, and this republic will be no more. Have we come to this? Are we prepared to say that we will no longer be called the countrymen of Washington; and that the history of the revolution and of the late war shall no longer be our history? Are we prepared to say, that the eagle, the emblem of our national glory, shall no longer be our eagle? That our beautiful standard, the standard of stars and stripes, emblematical of the union of these states, shall no longer be our standard? Are we prepared to discard this standard, with which is associated all that we have of national character, and around which our fathers rallied when they drove the proud oppressors from our shores: that standard which has floated broad and high, triumphant and glorious in the rush of many a fight, where the strongest of our countrymen have striven, and the bravest have bled? Can we deface its honors? Will we trample it in the dust? Shall all that has been said of it in rhetoric, in poetry and in song, be heard no more? No. I at least for one, must answer no—of this my conscience will be clear—if the departing genius of my country, the expiring spirit of liberty, shall hereafter arise from the tombs of my slaughtered countrymen, and shake her gory locks before me, and ask "who did this thing?" I, at least for one, will be able to answer, "thou canst not say I did it!"

I know there are many who can look even to secession as a peaceable remedy, and talk about loosening the bonds of our union as familiarly as of loosening the tie of their cravats; and who, by their conduct, are preparing the people of this state for such a consummation. They are deceiv-

ed themselves, and are deceiving the people. The history of the world does not furnish a precedent justifying such an opinion. No! our union is bound in the *gordian* knot; a knot which must be well soaked in the blood of our brethren before even the sword will cut it. We are urged too, by all the powers of persuasion and of rhetoric, to act at the moment decisively. Even in this debate, we have been told that the object of the north and west is to emancipate our slaves, to destroy our property. This is an argument I did not expect to hear in this house. It is a subject, although a slave owner, on which I have no apprehensions—nor have I yet heard of the first man who hesitated to purchase a slave, because he feared such an interference. It is what I have often heard said, but have never seen reduced to practice. Are not men's actions more conclusive of their opinions, than fine spun theories of the brain? I have no fears in this matter from the general government; but I have sometimes feared the effect of our own madness and temerity. If any thing would be likely to destroy the value of this property, it would be disunion or civil war. We might then hear the shout of liberty, from quarters which would appal the stoutest hearts. We might realize the horrors of St. Domingo; where the labours of man, the monuments of art, where infancy and age; woman's feebleness and man's strength, were swept away in one vast, overwhelming tide of blood. Disunion would be the beginning of evil; its continuance would be misery and crime; and its end, utter desolation. We then should see some proud despot rise to power on the ruins of liberty; who would march to his triumphs over the graves of his countrymen; the dust of his feet laid by their tears, and his person fanned by the sighs of widows and orphans his ambition had made.

I am aware that the common mode of replying to suggestions like these, is, as we have already heard in this debate, to tell us that we appeal to the *fears* of men. That we talk to the people of "trumpets, blunderbusses, drums and thunder," that we may create alarms. For myself I can say, such is not the case—I speak only of what I believe will be the practical consequences of nullification. I take not my counsels of *fear*—can a passion so mean—a principle so base—be the attribute of a freeman's heart, when his country and his liberty are the subjects of discussion? No! For myself I fear *nothing*; but for my country, I fear *everything*. The gentleman from Richland has told us, that he is "unwilling to die by inches; that when his spirit leaves him, he wishes that it may go in one bright and glorious flash, shouting the praises of liberty." This is a gallant thought—I am proud that he is my countryman—I know not how I then shall act, or how I may die—but I trust that if he and I shall ever meet where the dead shall lie thick around us, that my hand will be as steady and my heart as firm as his. I trust that I then shall strike as far and as strong for life as others; and feel as much the glorious rapture of the conflict. But if these things must come, let my hand be free; let me not fear that I may see upon it the stain of blood, that my body may fill a traitor's grave, or my epitaph record a traitor's name! Let us have no false devices, such as nullification. Let us assume a sovereign's responsibility, and if necessary, respond to his perils, or enjoy his triumphs.

I will now take leave of this part of the subject, hoping, that if I have failed in every thing else, I may have succeeded in shewing that nullification is not a constitutional remedy, and that its practical effects are doubt-

ful and dangerous. If I have done this, I feel that I have done much. If we doubt on a matter involving issues so important to the destinies of millions we cannot act. And have we not yet too much to hope, to venture upon this untried experiment.

Will we, in the midst of darkness, dangers and death, consent to follow this false idol? This veiled prophet? This thing whose followers are unable to assign it a local habitation, but tell us it stands in some place on the narrow isthmus between peace and war, and to which our language does not furnish a name? Can you believe in its professions? Has it life and liberty and happiness at its disposal? No! Remove the veil and I pledge myself, you will see a monster's figure and a demon's face. That over this state, perhaps these United States, (or rather dis-united States) shall carry fire and quench the flames in blood.

As illustrative of my conclusions on this subject, I would remark, that I admit the state in her sovereign character has the right to interpose for the protection of her citizens, against the violations of the constitutional compact. It is a right essential to sovereignty. The same must be said of the federal government. It too being sovereign, has of necessity in the exercise of legitimate functions the right to judge of the limitations and extent of that sovereignty. This Legislature, which, for all practical purposes, represents the sovereignty of the state, has said the tariff law is unconstitutional. The Congress of the United States which represents the sovereignty of the federal government, by enacting this law, has affirmed its constitutionality. Here is a case in which sovereigns differ. The only direct appeal is to the sword, the *ultima ratio* of all sovereigns; unless we consent to await the action of public opinion and the other legitimate modes of bringing the government back to the true principles of the original compact. What I ask of this committee is to wait, and not make this appeal now—confidently hoping that the good sense of the American people will yet save us from this last and greatest of evils, which I most fervently pray to Heaven, may be averted from this my beloved country.

Having thus stated my objections to nullification, I will now proceed to point out, why I am opposed, at this time, to the call of a convention. I am opposed to it, because I really can see no object which we could propose to a convention, unless it be nullification or secession. I will ask the members of this committee, if this Legislature has not every other power on this subject which a convention could or would have? It is competent to all the purposes of legislation; it can even change the constitution; it is the embodied sovereignty of the state. Why then call a convention, unless you want it to do something which we cannot do? It is competent for this Legislature to bring all the powers of petition, of remonstrance, and of argument, and of every other moral resource, to bear upon this subject. Man has but two natures, his moral and physical; we can address the one, and when we believe that it has become necessary to make use of the other, in the last appeal, let the question be submitted to the people in convention. I believe that a convention, at this time, could do no good, but might be the cause of great evil. It commits us for immediate violence or submission. If we elect a nullification convention, it will be a miracle if it does not dissolve the union. If we elect a convention pledged to the preservation of the union, the moral position we now

occupy will be lost. That position is worth much—was it not this which enabled our President to say to the people of Ohio, in his address to them at Cincinnati, “that a leading object with him, in putting his *veto* on the Lexington and Maysville turnpike road bill, was, that he might preserve the union?” Some of those who advocate the cause of a convention say, that they wish it to meet, and after remonstrating, to adjourn to some future day, leaving time for the remonstrance to produce its effect; and then, if necessary, to act more decisively. This is a mode which would be impracticable. The people would not elect any man to a convention, without the most solemn pledge as to the course he would ultimately pursue. I at least for one, would not; and I certainly would assist in hanging any man for whom I voted, who violated this pledge. How would this question be agitated before the people? Would it not be upon the ground of union or disunion? I should not know how else to treat it. The people deal upon broad grounds—they would not enter into the abstractions and metaphysical niceties of politicians. Such is the variety of inducements which have been held out to the people to call a convention, that, I doubt exceedingly, if one were to be now called, whether a majority could be obtained in favor of any given proposition. This diversity of opinion is, to my mind, conclusive that we should not act—let us agree among ourselves, before we move in a matter so important. I have no hesitation in saying, that if the tariff should produce the predicted and anticipated evils, and should not be repealed or modified by Congress, we shall agree; and the other southern states will unite with us. It was justly said by the gentleman from Edgefield (Mr. Butler,) who preceded me in this debate on yesterday, “that in a charge of cavalry, the foremost horse must regulate his gait, to the speed of the hinder horses.” So with our state: let her rein up a little, until the other states shall come up, and are prepared to feel and act with her. Then the embodied expression of public opinion in the south, must have its weight. I wish I could have the faith, if that faith were well founded, which some gentlemen appear to have, in the effect of a convention: for if we are to believe all we have heard of its wonderful efficacy, it is the great political *elixir* that is to relieve us from every ill, and like the spear of Achilles, if it should wound it would heal. It promises every thing—but I have never yet been informed how it is to produce the mighty results proposed. In the canvass last summer before the people, from nearly every district in the state, I heard it said, if you vote for a convention, you will accomplish your object, you will compel the repeal of the tariff. Convention then was the word; I feared that nullification would be the deed. I am still of the same opinion; but I am even as yet, left to dark inferences on this subject. All that has yet been proposed by the arguments in its favor, has been as suggested by the member from York, that it would make our opponents believe that we were in earnest. Has poor South Carolina come to this. Must she assume the highest attributes of sovereignty before she can be accredited. No! the world knows we are in earnest—we have spoken through this Legislature and by our senators and representatives in Congress in unmeasured terms; a language that cannot be doubted. Another gentleman has told us, that he wanted a convention, merely to declare the tariff law unconstitutional. Is this all? Can its advocates tell us of nothing else that it can or will do? If this is the case, we certainly have had much ado about nothing.

From what I had heard of its omnipotence before entering these walls, I had thought or rather imagined that its advocates believed, if it would speak with the voice of *Jupiter* when he thunders from Olympus and causes the world to tremble; or that if it should but stretch its hand, it could heave the Gods, the ocean and the land."

I have no belief that we should be benefitted by calling a convention at this time. But on the contrary, I believe it would commit us to immediate revolution; or to a more abject submission to the tariff policy. The people will settle this matter at the ballot box—it will not be done in convention. If I believed as is stated in the last resolution, that this state had nothing to hope from the wisdom and justice of the federal government, I might bring my mind to vote for the call of a convention. But I have hopes, and I think that very resolution indicates hope. It fixes the time for the assembling of a convention after the adjournment of the present Congress—why postpone it if nothing is expected?

I will now submit to the consideration of the committee, some of the grounds on which I predicate my hope. I have, in the first place, entire confidence in the truth and justice of our cause. I believe our efforts in defence of our constitutional rights, will yet prove successful. It is a maxim which I have been taught, and which I believe, that truth in a government like ours, must ultimately prevail. Let the press be free to combat error, and it will go down. With us every thing is open to discussion; and public opinion, when it settles down, will be right. If we judge of the future by the past, which is the only fair mode of forming our estimates, we may entertain such expectations. Were not Virginia and Kentucky excited as we now are, during the administration of the elder Adams, against the alien and sedition laws? Did not the people get right? Did they not peaceably and without either convention or nullification correct the evil? Will they not do so again? The voice of the people is the voice of God?—It is truth. Our cause while thus supported must prevail. From it, is derived all that is irresistible in argument, and overwhelming in sentiment. It is true, that for a season we may be deluded by our passions or by falsehood: but all the fixed and lasting sympathies of our natures are with justice and virtue. So true is this position, that even our oppressors seek out plausible pretences for the policy which they advocate, thus attempting to delude us. They offer the inducements of interests and the fascinations of hope; like that evil spirit who tempts his followers to crime in the garb and image of an "angel of light," pledging them to happiness "amidst perfumes and oil and wine." Yes! truth must prevail; and have we not reason to believe that it has already commenced its triumphant march? I believe it had its beginning, in the shape of governmental reform, in the election of Andrew Jackson to the presidency. From him we have every thing to hope and nothing to fear; we know that he is a patriot, and that he will serve his country with his best ability. May his *military renown*, the glory of conquest, the hero of Orleans, be lost in the president of the people—and may the measure of his honor be filled by the restoration of the government to its proper constitutional limits, the principles of 1801: the true standard of republicanism:—Thus "holding the scale of empire with the same steady hand with which he ruled the storm of mighty war." This will be to the other actions of his eventful life, as the noon-tide sun to the pale lights of heaven.

In the confidence of hope, I feel that such will be the case; that under his administration, our government will be to the whole republic, as the heart to the human system; imparting life and strength to all its members: One being palsied through which even though the vital stream may flow, it brings not life nor strength. Have we not already witnessed the most patriotic sacrifices and prompt decisions? I may justly say, that with our president every nerve is strung for action, and his bosom pants for fame, the fame of adding to his countries happiness and honor. See his *veto* on the Lexington and Maysville turnpike road bill, together with other bills not approved of; and also his message at the opening of the present session of Congress. From these facts we know that he is resolved to pay off the national debt, and that during his administration, the system of internal improvement is at an end. Having gained this point, do I say too much, when, I say the battle is half won?—that southern principles begin to triumph? Is not this system equally odious with the tariff policy? With the abandonment of the one, have we not a right to hope for the destruction of the other? Their advocates were ever the same—they are twin monsters, descended from an unholy alliance—fed by the same spoon and at the same mouth. They must perish together. Will the people of the west, if they cannot obtain the money arising from the tariff, for purposes of internal improvement, continue to tax themselves and us?—Even the veriest thief or robber, would prefer a life of honesty, if attended with like results. I would also refer the committee to the evidence produced by the proceedings during the last session of Congress, to shew that this system is giving way, even in our national councils, independently of the president's *veto*. And for further argument on this point, as I have already consumed so much of your time, I will call your attention to the very able address of our senator in Congress, (Judge Smith) "to the good people of South Carolina." This document is more conclusive than any thing I can say on the subject. I would also refer to that same document to prove, that from the indications already given, we may expect at no distant period, to obtain such a modification of the tariff policy, as will be compatible with the spirit of our institutions and the interests of the south. The duty on tea, coffee, salt, molasses and cocoa, has been already reduced to the revenue system. This is a good beginning; our opponents are weakened—the policy has lost the *sweetening* of the molasses to Louisiana and the *seasoning* of the salt to New-York. Is not their allegiance to the system weakened? Did not New-York, by one of her most able men (Storrs) threaten the abandonment of the American System, if the duty on salt should be repealed?

This is a subject on which, I have observed, reflected and felt much: my all is at stake. Those were my conclusions; and I am gratified to find that I am sustained by the opinions of a majority of our representatives in Congress, and also the whole southern delegation. Is not this a circumstance which should weigh with us? They are the sentinels upon the watch tower of liberty—will they not warn us of approaching dangers before it is too late? I know they will: and the fact that they are divided in conclusions, should be to us satisfactory that the propriety of acting now is doubtful; and if doubtful, no prudent patriot can act—the issues are too important.

In the progress of this debate, much has been said, calculated to inflame

and rouse us to the madness of passion. We have been told that we are slaves; that our rights are trampled in the dust; that our petitions and remonstrances have been spurned at with contempt; that our interests are at variance with those of our brethren of the north and west; that we have nothing to hope from their justice; that they are a leagued, banded and corrupt majority—moved by no principle but that of gain, acknowledging no constitutional criterion but profit; and that we are already frowning mutual defiance from the opposite banks of the Potomac. If these things are so, we have but one alternative, which, I presume was hinted at, when we were so eloquently told of the 28th of July last, a day so glorious in the annals of France; in the scenes of which Paris played a proud part. If we believe things have come to this, let us say so directly, and at once. But I would beg gentlemen to remember, that with us, revolution would not be a matter of such facility as in France. Washington is not to the United States what Paris is to France. If it was, I might be prepared to sacrifice it to the establishment of our principles. But no! when we by force change our government, the war must reach to the home and the fireside of the most humble peasant. We all have an interest in the government for which we are ready to give our blood. Politicians nor parties cannot change its form, unless by the action of public opinion—if effected by violence, the destroying angel will smite more than the first-born; nor shall the mark of the passover be on the lintel or side post of any man's door.

I admit that we have much cause of complaint against the general government; but I trust our condition is not so bad as has been represented. Our object now is deliberation; cool deliberation, in which the passions should have no room to sway. Reason should hold the helm—and does she not say to us for the present, "It is better to bear the ills we have, than fly to others we know not of?" I, for one, am ready to listen to her councils. I am not disposed to be satisfied with a determination; because it is high toned and chivalrous, when I see its end must be destruction. I would ask gentlemen, if we have not reason to believe, that by precipitating the state at this time to a rupture with the general government, we should be alone in the contest? Could Carolina, single handed, enter upon such a conflict, with even the hope of success? Let us deal honestly with ourselves and with each other. We are utterly unprepared for such a struggle. Could not a single frigate blockade the port of Charleston, and cut off our commerce with the whole world, unless England would again receive us into her maternal embraces? The navy of no other country could relieve us. Such an alliance would be impossible. My mind shudders at the idea. I even now see before me, two members of this house, whose bodies bear the scars honorably testimonial of our resistance to her oppressions. The spirit of our fathers would, from the grave, rebuke our madness—and their blood shed in vain would cry to heaven against us? This cannot be—let us wait—I believe we have much to expect from the good sense and patriotism of the American people. But if I am deceived in my confidence in public opinion, still we should delay; for, we cannot be ruined before the other southern states feel that they too are oppressed. Yes! if our wrongs are as great as we suppose them, if not redressed, they must act and feel with us. Let this be the case, and we have nothing to fear, either to our own state or to the union.

The advocates of the tariff then, even if as bad as represented, would find it to their interest to yield to us our just demand. Or, if they should still remain deaf to the claims of consanguinity and the obligations of the constitutional compact, we should then have, and to a greater advantage, the last resort.

I presume from what has been said in the course of this debate, that the Potomac is looked to by some, if a dissolution should take place, as the dividing line between the governments of the north and south. Possibly it would be so: but even of this we have no certainty. When the proud barque is wrecked, no man can foresee where the fury of the tempest will permit the shattered fragments to rest. May not the western divide from the Atlantic states, or each state go off to itself? We shall then present a spectacle similar to the petty principalities of Italy, and will be reduced to such a condition of feebleness, anarchy and blood, as shall make us willing to seek protection and rest in the arms of the most abject despotism. Such is the probable consequence; for I consider nothing that has ever been said more true, than the declaration of Washington in his farewell address to the American people, when he remarks, that "united we stand, divided we fall." No! not even the word of God, when he spoke by the voice of his prophets to man, was more true, than "united we stand, divided we fall." This was manifestly the opinion of Mr. Jefferson, when he wrote to Mr. Giles of Virginia. He there speaks of disunion as a thing not to be thought of; and tells us that if it has a beginning, we may go on dividing and sub-dividing until we come to an unit. But admitting that the Potomac could be made the line of division between a northern and southern republic; I have no hesitation in saying that it will be one of the greatest calamities that could befall us. I am satisfied, that as much of our happiness and prosperity as a people, results from our geographical position in reference to the rest of the world, as from the excellence of our political institutions. A change in our relations to each other, would destroy the effect of this locality, and of necessity, involve a change in our institutions themselves. Situated as we now are, all our neighboring nations are weak; and we are separated from the stronger nations of Europe, by the mighty barriers of the Atlantic.

But if we should form a northern and southern republic; although we might be weak in reference to other nations, we would be strong in reference to each other. Warned by the experience of other nations in every age of the world, we should be led to the formation of stronger governments. Armies would be required for defence, and protection—the executive departments would require to be strengthened—a government assimilating itself to monarchy would be the consequence—wars would become more frequent—taxes would accumulate—the people would be oppressed—and all the beauty of our institutions would gradually fade away.

I am aware, that in these opinions I differ from many. We have been told in this debate, that our government, as administered, is the worst on earth; that no people have ever submitted to taxation so oppressive as that now imposed on us; that the voice of desolation and mourning is heard throughout our state; that the owl now inhabits those splendid edifices in the lower country, once the abode of affluence, intelligence and a generous, splendid hospitality; that man can no longer there meet his fellow

around the festive board, nor is the song of beauty and of joy any more to be heard in those princely halls; that we are reduced to a state worse than colonial vassalage; that an evil, greater than the blast of the *Sorocco* has passed over our once beautiful, and happy, and honored and much loved state. And all this is attributed to the tariff. Bad as I believe this accursed policy is, and determined as I am, to resort to every necessary and proper means, to procure its repeal; yet let us still look to things as they are. It cannot be the tariff which has so soon given wealth and affluence to the north, and produced effects so fatal to the south. No! The decline in the low country is attributable to other causes; in a great degree to the unhealthiness of the climate; the *malaria*. I am at least, certain it is not the tariff, unless the laws of nature have been reversed; unless the effect has preceded the cause. Is there a member of this committee who does not know, that this desolation existed before 1824, when the tariff laws, of which we first complained, were enacted?

It has also been attempted to be proved to the cotton and rice planters of this state, that they pay forty-five *per cent.* to the general government, on all the cotton and rice which they export.

I am a cotton planter, and I know I pay no such duty. I may be deceived. But I am as certain that this is too strong a statement of the case, as I am that I exist. I had thought the doctrine, that the consumer substantially paid the duty, nearly as well established in the science of political economy, as that in mathematics it was axiomatically true that twice two was equal to four. I have said, however, that I would avoid this part of the subject; resting its true exposition on the arguments already made by others; and I feel it due to the respectful hearing, which you have given me, not to trespass much longer on your patience. Perhaps my remarks might here properly be brought to a close. I certainly did not anticipate the necessity to which I am reduced. I could not have supposed, that it ever would have fallen to my lot, to endeavor to awaken the principles of patriotism in the Legislative hall of South Carolina; that I should be called upon to remind her brave and chivalrous sons of their allegiance to their government—of their attachments to the union; that I should be compelled to defend our common country against my countrymen. In this debate, that country has been spurned and spit upon. We have been told that our government is the most positive despotism on earth—and that our people are the most oppressed. Can this be true?—has my life been all one delusion? When in the midst of revelry and of songs, the joyous acclamations of freemen, and the thunder of artillery, I have celebrated her triumphs and her glory—was I deluded?—were manacles then upon my hands, and did I bow at the feet of despotic power? Was I a slave? No! I was then as I now am, a freeman; a citizen of this happy, vast and powerful republic; an American citizen; and I trust I shall ever feel as I now do, a Roman's pride of citizenship. I conjure this committee, by all the obligations of philanthropy and patriotism, to consider candidly this matter; to look well to the blessings we enjoy as well as the evils we suffer; to compare our situation with that of other nations of the earth, in the spirit of honest inquiry; and if our people are not more prosperous, free and happy than the citizens of those countries, I will consent to any change. Give me a precedent, which if adopted, would better our condition, and I am ready to follow it out. But can

such a precedent be found? I think not. If we look to Great Britain, a nation the most free, enlightened and happy in Europe, we see a king, a nobility, a clergy, and worst of all, a people ground to the very dust by a system of taxation which is intolerable, and a national debt which they can never pay. This is the best model of government Europe can afford.—Could we change our institutions for those? Would we prefer a chief magistrate, forced upon us by bayonets, or priestcraft, or kingly divine right to a president, chosen by ourselves in the unlimited exercise of our own free will, and who, like the benevolent author of our being, the great ruler of the universe, governs us by love and a sense of patriotic duty? Or do we desire a proud, haughty, arrogant and supercilious nobility to lord it over us? One of the first lessons we inculcate upon the minds of our children is, that all men are born equal—that they are freemen, the proudest title that man can bear—we acknowledge no superior but God—we make the mind and heart the measure of the man—with us there is no magic in a name—we enquire what men are, not what their ancestors have been—we know that the hereditary aristocracy of every country is principally made up of the worthless sons of worthy sires—that they are the supporters of power, and the oppressors of the people. We are blessed that we have none of them. Nor have we an established church or clergy. Here persecution kindles no fires for the trial of orthodoxy—nor does she water the earth with the blood of unbelievers. Ours is a religion which leans upon no arm of flesh—but one which, we trust, will irradiate the darkness of death—will identify the memory of the past with the hope of the future—and will connect the last agonies of time with the first raptures of eternity. These are some of the leading features of our institutions. May I not, without the fear of contradiction, say, that in this country, all the necessities of man are provided for—that asylums are every where erected for pauperism; and hospitals for disease—that all the sources of satisfaction are open to our citizens—and that every delight is offered to their hearts? We have glory, wealth and happiness—compared with most other nations, our condition is one of perfect felicity.

I would ask this committee, if these our beautiful and happy institutions, on which rest not only our own national character and glory, but the hopes of mankind are to be permitted now to perish? Is man destined ever to be the slave of legal forms? Is liberty but an *ignis fatuus* gleam which is ever to be pursued, but never to be grasped? I trust not—I believe that man is capable of self government—it is for us, however, to prove the fact—it is for us to assert the dignity of his nature, and shew his capacity for self control. God grant, that the predictions of our enemies may not be fulfilled—but that our government, the worlds last hope, may continue forever in her onward course; and that her example may be to the enslaved nations of the earth, like the pillar of cloud by day, and of fire by night; conducting them to happiness and freedom.

I know that the opinions and hopes which I have advanced, will be considered by many, as those of passive obedience and non-resistance, and that they separate me politically from many for whose personal friendship I have the highest regard. In adopting them I may be wrong; but if wrong, I claim to be honest. If I know my own heart, no earthly consideration could induce me to utter, on this subject, one word, which I did not most con-

scientifically believe—I may be wrong in head, but God knows I am right at heart—I love Carolina even with the fondness of a woman's love—if she has one son who should be attached to her above all others, I am that son. It was here that my father when poor, the “dew upon his thin robe being heavy and chill,” abandoning European oppressions and despotisms, found an asylum and a home—it was here that he was received and welcomed, prospered and was honored—here too rest his remains. Even the very savage of the wilderness loves the country that contains the graves of his fathers. These are circumstances which should attach me—but there are others, if possible, stronger than these. Here is the home of my mother, my brethren and my children—here is every association that is near my heart—all that I have ever loved on earth—here is all that I have, all that I am, and all that I shall probably ever be. Such are the pledges which I bring of my love, the hostages I offer for my fidelity—here in this very hall, I look around me, and see the faces of those whom I have known from my earliest infancy, the companions of my college life—and he who preceded in this debate was even my classmate, and is endeared to me by the double tie of friend and countryman. Can it be necessary that I should here say, that I feel to my native state a patriot's devotion? No! I could as soon prove recreant to the mother who bore me; to the bosom which sustained me. My all is with Carolina—with her I hope to live; for her perhaps I too might be prepared to die. I can now say, at least, if the time shall ever come which will try the hearts and hands of men, I will be with her, even if it should be “when death's brief pang is quickest, and the battles wreck lies thickest”—yes! to her I owe my first and paramount allegiance; the allegiance of the heart—when she, by her constitutional authorities shall have determined on her course, I will pledge my moral and physical energies to her success. I will then nail my colours to the mast; if necessary go down with the ship. But God grant that this necessity may never come; and that the union may remain unshaken, amidst the vicissitudes of time and the desolations of empires. If the American people are true to themselves this will be. Our fields shall ever brighten under their golden harvests; our commerce shall press the bosom of every sea; our armies shall hurl back the invaders strength; and our fleets, whitening the heavens with their canvass, shall sweep the ocean with the thunder of their cannon. This is what we have done, and what we now are, in the morning of our national existence. What mind will be able to calculate our power, when we shall have attained to the full maturity of our strength? When all the departments of industry and of science shall be full; when hundreds of millions shall crowd our territory. To tell it, would require that the tongue should be touched with prophetic fire—even the imagination with all her creative powers can but illy define the out-line of this mighty picture; our reasonable expectations.

Oh God! let my country live to see this looked for consummation, in which all the fond hopes of the patriot's heart shall be lost in the fullness of fruition; and that we, as one people, may go forward, gloriously and forever, “with freedom's soil beneath our feet, and freedom's banner;” the broad and glorious banner of stars and of stripes, the banner of the union, proudly “streaming o'er us.”