

and palpably, in many of its provisions, by authorizing the President, at his pleasure, to place the different ports of this Union on an unequal footing, contrary to that provision of the Constitution which declares that no preference should be given to one port over another. It also violates the Constitution, by authorizing him, at his discretion, to impose cash duties on one port, while credit is allowed in others; by enabling the President to regulate commerce, a power vested in Congress alone; and, by drawing within the jurisdiction of the U. States' courts, powers never intended to be conferred on them. As great as these objections were, they became insignificant in the provisions of a bill, which, by a single blow, by treating the States as a mere lawless mass of individuals—prostrates all the barriers of the Constitution. He would pass over the minor considerations, and proceed directly to the point. This bill proceeds on the ground that the entire sovereignty of this country belongs to the American People, as forming one great community, and regards the States as mere fractions or counties, and not an integral part of the Union; having no more right to resist the encroachments of the Government than a county has to resist the authority of a State; and treating such resistance as the lawless acts of so many individuals, without possessing sovereign or political rights. It has been said that the bill declares war against South-Carolina. No; it decrees a massacre of her citizens!—War has something ennobling about it, and with all its horrors, brings into action the highest qualities, intellectual and moral.—It was perhaps, in the order of Providence, that it should be permitted that very purpose. But this bill declares no war, except, indeed, it be that which savages wage—a war, not against the community, but the citizens of whom that community is composed. But he regarded it as worse than savage warfare—as an attempt to take away life under the color of law, without the trial by jury, or any other safeguard which the Constitution has thrown around the life of the citizen! It authorizes the President, or even his deputies, when they may suppose the law to be violated, without the intervention of a court or jury, to kill without mercy or discrimination!

It was said by the Senator from Tennessee, (Mr. GRUNDY) to be measures of peace! Yes, such peace as the wolf gives to the lamb; the kite to the dove! Such peace as Russia gives to Poland; or death to its victim! A peace by extinguishing the political existence of the State, by awing her into an abandonment of the exercise of every power which constitutes her a sovereign community. It is to South-Carolina a question of self-preservation, and I proclaim it, that, should this bill pass, and an attempt be made to enforce it, it will be resisted, at every hazard—even that of death itself. Death is not the greatest calamity: there are others still more terrible to the free and brave; and among them may be placed the loss of liberty and honor. There are thousands of her brave sons who, if need be, are prepared cheerfully to lay down their lives in defence of the State, and the great principles of constitutional liberty for which she is contending. God forbid that this should become necessary.—It never can be, unless this Government is resolved to bring the question to extremity, when her gallant sons will stand prepared to perform the last duty; to die nobly.

I go (said Mr. CALHOUN) on the ground that this Constitution was made by the States; that it is a federal union of the States, in which the several States still retain their sovereignty. If these views be correct, he had not characterized the bill too strongly, which presents the question, whether they be or not. He would not enter into the discussion of that question now. He would rest it, for the present, on what he had said on the introduction of the resolutions now on the table, under a hope that another opportunity would be afforded for more ample discussion. He would for the present confine his remarks to the objections which had been raised to the views which he had presented when he introduced them. The authority of Luther Martin had been adduced by the Senator from Delaware, to prove that the citizens of a State, acting under the authority of a State, were liable to be punished as traitors by this Government. As eminent as Mr. Martin was, as a lawyer, and as high as his authority might be considered, on a legal point, he could not accept it, in determining the point at issue. The attitude which he occupied, if taken into view, would lessen, if not destroy, the weight of his authority. He had been violently opposed, in Convention, to the Constitution, and the very letter from which the Senator has quoted, was intended to dissuade Maryland from its adoption. With this view, it was to be expected that every consideration calculated to effect that object should be urged; that real objections should be exaggerated, and that those having no foundation, except mere plausible deductions, should be presented. It is to this spirit that he attributed the opinion of Mr. Martin, in reference to the point under consideration. But if his authority is good on one point, it must be equally so on another. If his opinion be sufficient to prove that a citizen of the State may be punished as a traitor when acting under allegiance to the State, it is also sufficient to show, that no authority

was intended to be given in the Constitution for the protection of manufactures by the General Government, and that the provision in the Constitution, permitting a State to lay an impost duty, with the consent of Congress, was intended to reserve the right of protection to the States themselves, and that each State should protect its own industry. Assuming his opinion to be of equal authority on both points, how embarrassing would be the attitude in which it would place the Senator from Delaware, and those with whom he is acting—that of using the sword and the bayonet to enforce the execution of an unconstitutional act of Congress. He must express his surprise that the slightest authority in favor of power should be received as the most conclusive evidence, while that which is at least equally strong in favor of right and liberty, is wholly overlooked or rejected.

Notwithstanding all that has been said, he must say, that neither the Senator from Delaware, (Mr. CLAYTON) nor any other who had spoken on the same side, had directly and fairly met the great questions at issue: Is this a Federal union? a union of States, as distinct from that of individuals? Is the sovereignty in the several States, or in the American people in the aggregate? The very language which we are compelled to use, when speaking of our political institutions, affords proof conclusive as to its real character. The terms union, federal, united, all imply a combination of sovereignties, a confederation of States. They are never applied to an association of individuals. Who ever heard of the United State of New York, of Massachusetts, or of Virginia? Who ever heard the term Federal, or Union, applied to the aggregation of individuals into one community? Nor is the other point less clear—that the sovereignty is in the several States, and that our system is a union of twenty-four sovereign powers, under a constitutional compact, and not of a divided sovereignty between the States severally and the United States. In spite of all that had been said, he maintained that sovereignty is, in its nature, indivisible. It is the supreme power in a State, and we might just as well speak of half a square, or half of a triangle, as of half a sovereignty. It is a gross error to confound the exercise of sovereign powers with sovereignty itself; or the delegation of such powers with a surrender of them. A sovereign may delegate his powers to be exercised by as many agents, as he may think proper, under such conditions and with such limitations as he may impose; but to surrender any portion of his sovereignty to another is to annihilate the whole. The Senator from Delaware (Mr. CLAYTON) calls this metaphysical reasoning, which, he says, he cannot comprehend. If by metaphysics he means that scholastic refinement which makes distinctions without difference, no one can hold it in more utter contempt than he, [Mr. C.] but if, on the contrary, he means the power of analysis and combination—that power which reduces the most complex idea into its elements, which traces causes to their first principle, and, by the power of generalization and combination, unites the whole into one harmonious system; then so far from deserving contempt, it is the highest attribute of the human mind. It is this power which raises man above the brute—which distinguishes his faculties from mere sagacity which he holds in common with inferior animals. It is the power which has raised the astronomer from being a mere gazer at the stars, to the high intellectual eminence of a Newton or a Laplace; and astronomy itself from a mere observation of insulated facts into that noble science which displays to our admiration the system of the universe. And shall this high power of the mind, which has effected such wonders, when directed to the laws which control the material world, be forever prohibited, under a senseless cry of metaphysics, from being applied to the high purpose of political science and legislation. He held them to be subject to laws as fixed as matter itself, and to be as fit a subject for the application of the highest intellectual power. Denunciation may indeed fall upon the philosophical inquirer into these first principles, as it did upon Galileo and Bacon, when they first unfolded the great discoveries, which have immortalized their names; but the time will come when truth will prevail in spite of prejudice and denunciation; and when politics and legislation will be considered as much a science as astronomy and chemistry.

In connexion with this part of the subject, he understood the Senator from Virginia, (Mr. RIVES,) to say that sovereignty was divided, and that a portion remained with the States, severally, and that the residue was vested in the Union. By Union, he supposed that the Senator meant the United States. If such be his meaning—if he intended to affirm, that the sovereignty was in the twenty-four States, in whatever light he might view them, their opinions would not disagree; but, according to his (Mr. C.)'s conception, the whole sovereignty was in the several States, while the exercise of sovereign powers was divided—a part being exercised under compact, through this General Government, and the residue through the separate State Governments. But if the Senator from Virginia, (Mr. RIVES,) meant to assert, that the twenty-four States formed but one community, with a single sovereign power, as to the objects of the

Union, it would be but the revival of the old question, of whether the Union was a union between States, as distinct communities, or a mere aggregate of the American People, as a mass of individuals, and in this light his opinions would lead directly to consolidation.

But to return to the bill. It is said that the bill ought to pass, because the law must be enforced. The Imperial Edict must be executed. It is under such sophistry, couched in general terms, without looking to the limitations which must ever exist in the practical exercise of power, that the most cruel and despotic acts ever have been covered. It was such sophistry as this, that cast Daniel into the lion's den, and the three Innocents into the fiery furnace. Under the same sophistry the bloody edicts of Nero and Caligula were executed. The law must be enforced. Yes, the "tea tax must be executed." This was the very argument which impelled Lord North and his administration in that mad career which forever separated us from the British crown. Under a similar sophistry, "that religion must be protected," how many massacres have been perpetrated! and how many martyrs have been tied to the stake? What! acting on this vague abstraction are you prepared to enforce a law, without considering whether it be just or unjust, constitutional or unconstitutional. Will you collect money when it is acknowledged that it is not wanted? He who earns the money—who digs it from the earth with the sweat of his brow, has a just title to it against the universe. No one has a right to touch it without his consent, except his Government, and only to the extent of its legitimate wants; to take more is robbery, and you propose by this bill to enforce the robbery by murder. Yes, to this result you must come, by this miserable sophistry, this vague abstraction, of enforcing the law without regard to the fact whether the law be just or unjust, constitutional or unconstitutional.

In the same spirit we are told, that the Union must be preserved, without regard to the means. And how is it proposed to preserve the Union? By force! Does any man, in his senses, believe that this beautiful structure—this harmonious aggregate of States, produced by the joint consent of all, can be preserved by force? Its very introduction will be certain destruction of this Federal Union. No; no. You cannot keep the States united in their constitutional and federal bonds by force. Force may, indeed, hold the parts together; but such union would be the bond between master and slave; a union of extortion on one side, and of unequalled obedience on the other. That obedience which we are told by the Senator from Pennsylvania, (Mr. WILKINS,) is the Union? Yes, extraction on the side of the master—for this very bill is intended to collect what can be no longer called taxes—the voluntary contribution of a free people; but tribute, tribute to be collected under the mouths of the cannon! Your custom house is already transferred to a garrison, and that garrison, with its batteries turned, not against the enemy of your country, but on subjects, (I will not say citizens,) on whom you propose to levy contributions. Has reason fled from our borders? Have we ceased to reflect? It is madness to suppose that the Union can be preserved by force. I tell you plainly, that the bill, should it pass, cannot be enforced. It will prove only a blot upon your statute book, a reproach to the year, and a disgrace to the American Senate. I repeat, that it will not be executed; it will rouse the dormant spirit of the people, and open their eyes to the approach of despotism. The country has sunk into avarice and political corruption, from which nothing could arouse it, but some measure, on the part of the Government, of folly and madness, such as that now under consideration.

Disguise it as you may, the controversy is one between power and liberty, and he would tell the gentlemen who are opposed to him, that as strong as might be the love of power on their side, the love of liberty is still stronger on ours. History furnishes many instances of similar struggles, where the love of liberty has prevailed against power, under every disadvantage, and among them few more striking than that of our own revolution; where, as strong as were the colonies, yet, under the impulse of liberty and the blessing of God, they gloriously triumphed in the contest. There were, indeed, many and striking analogies between that and the present controversy; they both originated substantially in the same cause, with this difference, that, in the present case, the power of taxation is converted into that of regulating industry, by the regulation of commerce, was attempted to be converted into the power of taxation. Were he to trace the analogy further, we would find that the perversion of the taxing power, in one case, has given precisely the same control to the northern section over the industry of the southern section of the Union, which the power to regulate commerce gave to Great Britain over the industry of the colonies; and that the very articles in which the colonies were permitted to have a free trade, and those in which the mother country had a monopoly, are almost identically the same as those under which the Southern States are per-

mitted to have a free trade by the act of 1832, and which the Northern States have, by the same act, secured a monopoly, the only difference is in the means; in the former, the colonies were permitted to have a free trade, with all countries South of Cape Finisterre, a cape in the Northern part of Spain; while north of that the trade of the colonies was prohibited, except through the mother country, by means of her commercial regulations. If we compare the products of the country north and south of Cape Finisterre, we will find them almost identical with the list of the protected and unprotected articles contained in the act of last year. Nor does the analogy terminate here. The very argument resorted to at the commencement of the American revolution, and the measures adopted, and the motives assigned to bring on that contest, (to enforce the law,) are almost identically the same.

But, (said Mr. CALHOUN,) to return from this digression to the consideration of the bill. Whatever opinion may exist upon other points, there is one in which he would suppose there could be none: that this bill rests on principles which, if carried out, will ride over State sovereignties, and that it will be idle for any of its advocates hereafter to talk of State rights. The Senator from Virginia (Mr. RIVES) says that he is the advocate of State rights; but he must permit me to tell him that, although he may differ in premises from the other gentleman with whom he acts on this occasion, yet in supporting this bill he obliterates every vestige of distinction between him and them; saying only that, professing the principles of '98, his example will be more pernicious than that of the most open and bitter opponents of the rights of the States. He would also add, what he was compelled to say, that he must consider him (Mr. RIVES) as less consistent than our old opponents, whose conclusions were fairly drawn from their premises, whilst his premises, ought to have led him to opposite conclusions. The gentleman has told us that the new fangled doctrines, as he chose to call them, had brought State rights into disrepute. He must tell him, in reply, that what he called new fangled, are but the doctrines of '98; and that it is he, (Mr. RIVES,) and others with him, who, professing these doctrines, had degraded them by explaining away their meaning and efficacy. He (Mr. R.) had disclaimed, in behalf of Virginia, the authorship of nullification. Mr. C. would not dispute that point. If Virginia chose to throw away one of her brightest ornaments, she must not hereafter complain that it had become the property of another. But while as a Representative of Carolina, he had no right to complain of the disavowal of the Senator from Virginia, he must believe that he (Mr. R.) had done his native State great injustice, by declaring on this floor, that when she gravely resolved, in '98, that "in cases of deliberate and dangerous infractions of the Constitution, the States, as parties to the compact, have the right and are in duty bound, to interpose to arrest the progress of the evil, and to maintain, within their respective limits the authorities, rights, and liberties appertaining to them," meant no more than to ordain the right to protest and remonstrate. To suppose that, in putting forth so solemn a declaration, which she afterwards sustained by so able and elaborate an argument, she meant no more than to assert what no one had ever denied, would be to suppose that the State had been guilty of the most egregious trifling that was ever exhibited on so solemn an occasion.

Mr. C. said that, in reviewing the ground over which he had passed, it would be apparent that the question in controversy involved that most deeply important of all political questions, whether ours was a federal or a consolidated Government. A question on the decision of which depends, as he solemnly believed, the liberty of the People, their happiness, and the place which we are destined to hold in the moral and intellectual scale of Nations. Never was there a controversy in which more important consequences were involved, not excepting that between Persia and Greece, decided by the battles of Marathon, Plataea, and Salamis, which gave ascendancy to the genius of Europe over that of Asia; and which, in its consequences, has continued to affect the destiny of so large a portion of the world, even to this day. There is, said Mr. C., often close analogies between events apparently very remote, which are strikingly illustrated in this case. In the great contest between Greece and Persia, between European and Asiatic polity and civilization, the very question between the Federal and consolidated form of government was involved. The Asiatic Governments, from the remotest time, with some exceptions on the eastern shore of the Mediterranean, have been based on the principle of consolidation, which considers the whole community as but a unit; and consolidates its powers into a central point.—The opposite principle has prevailed in Europe—Greece, throughout all her States, was based on a federal system. All were united in one common, but loose bond, and the Governments of the several States partook, for the most part, of a complex organization, which distributed political power among different members of the community. The same principles prevailed in ancient Italy; and, if we turn to

the Teutonic race, our great ancestors, the race which occupies the first place in power, civilization, and science, and which possess the largest and fairest part of Europe, we will find that their Governments were based on the federal organization, as has been clearly illustrated by a recent and able writer on the British Constitution, (Mr. Palgrave,) from whose writings he introduced the following extract:

"In this manner the first establishment of the Teutonic States was effected. They were assemblages of sects, clans, and tribes; they were confederated hosts and armies, led on by princes, magistrates, and chieftains, each of whom was originally independent, and each of whom lost a portion of his pristine independence, in proportion as he and his compeers became united under the supremacy of a sovereign, who was superinduced upon the State, first as a military commander, and afterwards as a king. Yet, notwithstanding this political connexion, each member of the State continued to retain a considerable portion of the rights of sovereignty. Every ancient Teutonic monarchy must be considered as a federation; it is not an unit, of which the smaller bodies politic therein contained are the fractions, but they are the integers, and the State is the multiple which results from them. Dukedoms and counties, burghs and baronies, towns and townships, and shires, form the kingdom, all, in a certain degree, strangers to each other, and separate in jurisdiction though all obedient to the supreme executive authority. This general description, though not always strictly applicable in terms, is always substantially and in effect; and hence it becomes necessary to discard the language which has been very generally employed in treating on the English constitution. It has been supposed that the kingdom was reduced into a gradual and regular subordination of Government, and that the various legal districts of which it is composed, arose from the divisions and subdivisions of the country. But this hypothesis, which tends greatly to perplex our history, cannot be supported by fact; and instead of viewing the constitution as a whole, and then proceeding to its parts, we must examine it synthetically, and assume that the supreme authorities of the State were created by the concentration of the power originally belonging to the members and corporations of which it is composed."—[Here Mr. C. gave way for a motion to adjourn.] To be continued.

NEW YORK, March 13, 1833.

About 4 weeks since, a well dressed, good looking lad of about 17 years of age, presented himself at the counter of the U. States Branch Bank in the city, with a letter purporting to be written by the Rev. Gardner Spring, of the Presbyterian church, directed to the Cashier, in which were enclosed two checks, purporting to be signed by S. & M. Allen, one for one thousand dollars, the other for five thousand dollars; with a polite request that the Cashier would send him the money. The Messrs. Allen being Treasurers of the Missionary Fair, the Cashier instantly paid the checks, supposing the affair related to some object connected with the missionary business, and wrote a note to Dr. Spring, expressing his pleasure of paying the checks according to his request, &c. The boy disappeared with the booty, and nothing farther was thought of the transaction until last Thursday, when the Messrs. Allen received a note from the Bank, stating that their account had been overdrawn. Mr. Allen quickly appeared at the Bank, and stated that some error must have occurred, as he had then a balance according to his account, of more than 6000 dollars then in the Bank. The checks were produced, when the forgery was discovered. I believe no clue has yet been had of the offender.

Journal of Commerce.

Interesting Incident.—The following curious fact is reported by a gentleman from the Western part of the State. In August last, a young gentleman in company with his sister and her husband, visited Niagara Falls. While rambling round this tremendous scene, where the sublime and the terrible predominate over all other sentiments, he undertook to seek, in a wild spirit of adventure, a new view of the cataract, from a position under the Table Rock and about half way down the precipice. Disregarding the remonstrances of his friends, he was threading the edge of the cliff, which overhung the gulf of raging waters, when his foot slipped upon the spray wet snow, and he fell upon one knee, on the very brink. He saved himself, only by catching at a large shrub. The roots upon the farther side gave way, and while endeavoring to maintain his balance by seizing hold of the moss and slender roots, he discovered in a crevice from which he had torn the shrub, eight Spanish dollars, of an ancient date, whose sleep of ages was thus most unceremoniously disturbed. After securing his prize, he extricated himself from his perilous situation, and rejoined his friends. Upon this incident, Mr. Fisher has executed a painting, including a view of a part of the Falls, and taking, very judiciously, the moment when the shrub gives way, and the hidden money is unearthed.—Boston Courier.

There is no faith so firm as that which has never been called in question.