

when not efficiently checked, is the most tyrannical and oppressive that can be devised. Between this ideal perfection on one side, and despotism on the other; none other can be devised but that which considers society, in reference to its parts, as differently affected by the action of Government, and which takes the sense of each part separately, and thereby the sense of the whole in the manner already illustrated.

These principles, as he had already stated, are not affected by the number of which a community may be composed and are just as applicable to one of thirteen millions, the number which composes ours, as of the small community of twenty-four, which I have supposed, for the purpose of illustration; and are not less applicable to the twenty four States united in one community, than to the case of the twenty-four individuals. There is, indeed, a distinction between a large and a small community, not affecting the principle, but the violence of the action. In the former, the similarity of the interests of all the parts, will limit the oppression from the hostile action of the parts, in a great degree, to the fiscal action of the government merely; but in the large community, spreading over a country of great extent, and having a great diversity of interests, with different kinds of labor, capital, and production, the conflict and oppression will extend, not only to a monopoly of the appropriations, on the part of the stronger interests, but will cut in unequal taxes, and a general conflict between the entire interests of conflicting sections; which, if not arrested by the most powerful checks will terminate in the most oppressive tyranny that can be conceived; or in the destruction of the community itself.

If we turn our attention from these supposed cases, and direct it to our government and its actual operation, we will find a practical confirmation of the truth of what has been stated, not only of the oppressive operation of the system of an absolute majority, but also a striking and beautiful illustration, in the formation of our system, of the principle of a concurring majority, as distinct from the absolute, which he had asserted to be the only means of efficiently checking the abuse of power, and, of course, the only solid foundation of constitutional liberty. That our government, for many years, has been gradually verging to consolidation, that the constitution has gradually become a dead letter, and that all restrictions upon the power of government have been virtually removed, so as practically to convert the General Government into a government of an absolute majority, without check or limitation, cannot be denied by any one who has impartially observed its operation.

It is not necessary to trace the commencement and gradual progress of the causes which have produced this change, in our system; it is sufficient to state that the change has taken place within the last few years. What has been the result?—Precisely that which might have been anticipated; the growth of faction, corruption, anarchy, and, if not despotism itself, its near approach, as witnessed in the provisions of this bill. And from what have these consequences sprung? We have been involved in no war. We have been at peace with all the world. We have been visited with no national calamity.—Our people have been advancing in general intelligence, and, I will add, as great and alarming as has been the advance of political corruption, the morals and virtue of the community at large have been advancing in improvement. What, he would again repeat, is the cause? No other can be assigned but a departure from the fundamental principles of the Constitution, which has converted the Government into the will of an absolute and irresponsible majority, and which, by the laws which must inevitably govern, in all such majorities, have placed in conflict the great interests of the country, by a system of hostile legislation; by an oppressive and unequal imposition of taxes; by unequal and profuse appropriations, and by rendering the entire labor and capital of the weaker interest subordinate to the stronger.

This is the cause and these the fruits, which have converted the government into a mere instrument of taking money from one portion of the community to be given to another, and which has rallied around it a great, powerful, and mercenary corps of office holders, office seekers, and expectants, destitute of principle and patriotism, and who have no standard of morals or politics but the will of the Executive—the will of him who has the distribution of the honors and the fishes. He held it impossible for any one to look at the theoretical illustration of the principle of the absolute majority in the cases which he had supposed, and not be struck with the practical illustration in the actual operation of our Government. Under every circumstance, the majority will ever have its American System—he meant nothing ofensive to any Senator—but the real meaning of the American system is, that system of plunder which the strongest interest ever waged, and will ever wage, against the weaker, where the latter is not armed with some efficient and constitutional check to arrest its action. Nothing but such check on the part of the weaker interest can arrest it; mere constitutional limitations are wholly inefficient. What-

ever interest obtains possession of the Government will, from the nature of things, be in favor of the powers and against the limitations imposed by the Constitution, and will resort to every device that can be imagined, to remove those restraints. On the contrary, the opposite interest; that which he had designated as the stockholding interest; the tax payers; those on whom the system operates, will resist the abuse of powers, and contend for the limitations. And it is on that point, then, that the contest between the delegated and the reserved powers will be waged; but, in this contest, as the interests in possession of the Government are organized and armed by all its powers and patronage, the opposite interest, if not in like manner organized and possessed of a power to protect themselves under the provisions of the Constitution, will be as inevitably crushed as would be a band of unorganized militia, when opposed by a veteran and trained corp of regulars. Let it never be forgotten, that power can only be opposed by power, organization by organization; and on this theory stands our beautiful federal system of government. No free system was ever farther removed from the principle that the absolute majority, without check or limitation, ought to govern. To understand what our government is, we must look to the Constitution, which is the basis of the system. He did not intend to enter into any minute examination of the origin and the source of its powers; it was sufficient for his purpose to state, what he did fearlessly, that it derived its power from the people of the separate States, each ratifying by itself, each binding itself by its own separate majority, through its separate convention, and the concurrence of the majorities of the several States forming the constitution; thus taking the sense of the whole by that of the several parts, representing the various interests of the entire community. It was this concurring and perfect majority which formed the Constitution, and not that majority which would consider the American People as a single community, and which, instead of representing fairly and fully the interests of the whole, would but represent, as has been stated, the interest of the stronger section. No candid man can dispute that he had given a correct description of the constitution-making power, that power which created and organized the Government; which delegated to it, as a common agent, certain powers, in trust for the common good of all the States, and which had imposed strict limitation and checks against abuses and usurpations. In administering the delegated powers, the Constitution provides very properly, in order to give promptitude and efficiency, that the Government should be organized upon the principle of the absolute majority, or rather of two absolute majorities combined: a majority of the States considered as bodies politic, which prevails in this body, and a majority of the People of the States, estimated in federal numbers, in the other House of Congress. A combination of the two prevails in the choice of the President; and, of course, in the appointment of judges, they being nominated by the President and confirmed by the Senate. It is thus that the concurring and the absolute majorities are combined in one complex system; the one in forming the Constitution, and the other in making and executing the laws; thus beautifully blending the moderation, justice, and equity of the former and more perfect majority, with the promptness and energy of the latter, but less perfect.

To maintain the ascendancy of the Constitution over the law making majority, is the great and essential point on which the success of the system must depend; unless the ascendancy can be preserved, the necessary consequence must be, that the laws will supersede the Constitution, and, finally, the will of the Executive, by the influence of its patronage, will supersede the laws, indications of which are already perceptible. This ascendancy can only be preserved through the action of the States, as organized bodies, having their own separate Governments, and possessed of the right, under the structure of our system, of judging of the extent of their separate powers, and of interposing their authority to arrest the enactments of the General Government within their respective limits. He would not enter, at this time, into the discussion of this important point; as it had been ably and fully presented by the Senator from Kentucky, [Mr. BIRD] and others who had preceded him in this debate, on the same side; whose arguments not only remained unanswered, but were unanswerable. It was only by this power of interpretation that the reserved rights of the States could be peacefully and efficiently protected against the encroachments of the General Government, that a limitation imposed upon its authority would be enforced, and its movements confined to the orbit allotted to it by the Constitution.

It had, indeed, been said in debate, that this could be effected by the organization of the General Government itself, particularly by the action of this body, which represented the States, and that the States themselves must look to the General Government for the preservation of many of the most important of their reserved rights. He did not [said Mr. C.] underrate the value to be attached to the organic arrangement of the General Government, and the

wise distribution of its powers between the several departments, and in particular the structure and the important functions of this body; but to suppose that the Senate or any department of this Government was intended to be the guardian of the reserved rights, was a great and fundamental mistake. The Government, through all its departments, represents the delegated, and not the reserved powers; and it was a violation of the fundamental principle of free institutions to suppose, that any but the responsible representative of any interest, could be its guardian. The distribution of the powers of the General Government and its organization, were arranged to prevent the abuse of power in fulfilling the important trusts confided to it; and not, as posterously supposed, to protect the reserved powers, which are confided wholly to the guardianship of the several States.

Against the view of our system which he had presented, and the right of the State to interpose, it was objected that it would lead to anarchy and dissolution. He considered the objection as without the slightest foundation, and that so far from tending to weakness or disunion, it was the source of the highest power and of the strongest cement. Nor was its tendency in this respect difficult of explanation. The Government of an absolute majority, unchecked by efficient constitutional restraint, though apparently strong, was in reality an exceedingly feeble Government. That tendency to conflict between the parts, which he had shown to be inevitable in such Governments, wasted the powers of the State in the hostile action of contending factions, which left very little more power than the excess of the strength of the majority over the minority. But a Government based upon the principle of the concurring majority, where each great interest possessed within itself the means of self-protection, which ultimately requires the mutual consent of all the parts, necessarily causes that unanimity in council, and ardent attachment of all the parts, to the whole, which gives an irresistible energy to a Government so constituted.

He might appeal to history for the truth of these remarks, of which the Roman furnished the most familiar and striking. It was a well known fact, that from the expulsion of the Tarquins to the time of the establishment of the Tribunarian power, the Government fell into the state of the greatest disorder and distraction, and he might add, corruption. How did this happen? The explanation will throw important light on the subject under consideration. The community was divided into two parts—the Patricians and the Plebeians, with the powers of the State principally in the hands of the former, without adequate check to protect the rights of the latter. The result was as might be expected. The patricians converted the powers of the government into the means of making money, to enrich themselves and their dependants. They, in a word, had their American system, growing out of the peculiar character of the government and condition of the country. This requires explanation. At that period, according to the laws of nations, when one nation conquered another, the lands of the vanquished belonged to the victors; and, according to the Roman law, the lands thus acquired were divided into parts, one allotted to the poorer class of the people, and the other assigned to the use of the treasury, of which the patricians had the distribution and administration. The patricians abused their power by withholding from the people that which ought to have gone to the treasury. In a word, they took to themselves the entire spoils of victory, and they had thus the most powerful motive to keep the State perpetually involved in war, to the utter impoverishment and oppression of the people. After resisting the abuse of power by all peaceable means; and the oppression becoming intolerable, the people at last withdrew from the city—they, in a word, seceded; and, to induce them to reunite, the patricians conceded to the plebeians, as the means of protecting their separate interest, the very power which he contended is necessary to protect the rights of the States; but which is now represented as necessarily leading to disunion. They granted to the people the right of choosing three tribunes from among themselves, whose persons should be sacred, and who should have the right of interposing their veto, not only against the passage of laws, but even against their execution—a power which those who take a shallow insight into human nature would pronounce inconsistent with the strength and unity of the State, if not utterly impracticable. Yet, so far from that being the effect, from that day the genius of Rome became ascendant; and victory followed her steps till she had established an almost universal dominion.

How can a result so contrary to all anticipation, be explained? The explanation appeared to him to be simple. No measure or movement could be adopted without the concurring assent of both the Patricians and Plebeians, and each thus became dependant on the other, and of consequence the desire and object of neither could be effected without the concurrence of the other. To obtain this concurrence, each was compelled to consult the good will of the other, and to elevate to office, not simply those who might have the confidence of the order to which he belonged, but also that of the other.

The result was, that men possessing those qualities which would naturally command confidence, moderation, wisdom, justice and patriotism, were elevated to office; and these, by the weight of their authority, and the prudence of their counsel, together with that spirit of unanimity, necessarily resulting from the concurring assent of the two orders, furnishes the real explanation of the power of the Roman State, and of that extraordinary wisdom, moderation and firmness, which in so remarkable a degree characterized her public men. He might illustrate the truth of the position which he had laid down by a reference to the history of all free States, ancient and modern, distinguished for their power and patriotism, and conclusively show, not only that there was not one which had not some contrivance, under some form, by which the concurring assent of the different portions of the community was made necessary, in the action of Government, but also that the virtue, patriotism and strength of the State, were in direct proportion to the perfection of the means of securing such assent. In estimating the operation of this principle in our system, which depends as he had stated, on the right of interposition on the part of the States, we must not omit to take into consideration the amending power, by which new powers may be granted, or any derangement of the system be corrected, by the concurring assent of three-fourths of the States, and thus, in the same degree, strengthening the power of repairing any derangement occasioned by the executive action of a State. In fact, the power of interposition fairly understood, may be considered in the light of an appeal against the usurpation of the General Government, the joint agent of all the States, to the States themselves, to be decided upon the amending power, affirmatively in favor of the Government, by the voice of three-fourths of the States, as the highest power known under the system.

Mr. C. said that he knew the difficulty, in our country, of establishing the truth of the principle for which he contended, though resting upon the clearest reason, and tested by the universal experience of free nations. He knew that the Governments of the several States would be cited as an argument against the conclusion to which he had arrived, and which for the most part, were constructed on the principle of the absolute majority; but in his opinion a satisfactory answer could be given; that the objects of expenditure which fell within the sphere of a State Government, were few and inconsiderable, so that be their action ever so irregular, it could occasion but little derangement. If, instead of being members of this great confederacy, they formed distinct communities, and were compelled to raise armies, and incur other expenses necessary to their defence, the laws which he had laid down as necessarily controlling the action of a State where the will of an absolute and unchecked majority prevailed, would speedily disclose themselves in faction, anarchy, and corruption. Even as the case is, the operation of the causes to which he had referred, were perceptible in some of the larger and more populous members of the Union, whose Governments had a powerful central action, and which already showed a strong tendency to that named action which is the invariable forerunner of corruption and convulsions.

But to return to the General Government; we have now sufficient experience to ascertain that the tendency to conflict in its action, is between southern and other sections. The latter having a decided majority, must habitually be possessed of the powers of the Government both in this and in the other House; and being governed by that instinctive love of power so natural to the human breast, they must become the advocates of the power of Government, and in the same degree opposed to the limitations; while the other and weaker section is as necessarily thrown on the side of the limitations. In one word; the one section is the natural guardian of the delegated powers, and the other of the reserved; and the struggle on the side of the former will be to enlarge the powers, while that on the opposite side will be to restrain them within their constitutional limits. The contest will, in fact, be a contest between power and liberty, and such he considered the present—a contest in which the weaker section, with its peculiar labor, productions, and situation, has at stake all that can be dear to freemen. Should they be able to maintain in their full vigor their reserved rights, liberty and prosperity will be their portion; but if they yield and permit the stronger interest to consolidate within itself all the powers of the Government, then will its fate be more wretched than that of the aborigines which they have expelled, or of their slaves. In this great struggle, between the delegated and reserved powers, so far from repining that his lot and that of those whom he represented, is cast on the side of the latter, he rejoiced that such is the fact; for though we participate in but few of the advantages of the Government, we are compensated, and more than compensated, in not being so much exposed to its corruption. Nor did he repine that the duty, so difficult to be discharged as the defence of the reserved powers, against apparently such fearful odds, had been assigned to them. To discharge successfully this high duty, requires the highest qualities moral and intellectual; and should we

perform it with a zeal and ability in proportion to its magnitude, instead of being mere planters, our section will become distinguished for its patriots and statesmen. But on the other hand, if we prove unworthy of this high destiny—if we yield to the steady encroachment of power, the severest and most debasing calamity and corruption will overpread the land. Every southern man, true to the interest of his section, and faithful to the duties which Providence has allotted him, will be forever excluded from the honors and emoluments of the Government, which will be reserved for those only, who have qualified themselves by political prostitution, for admission into the Magdalen Asylum.

Nullification, de Hora, vis: ON A MULE.—A wagoner from Stokes, whom we are well acquainted with, and in whose word as much reliance is to be placed as in that of any one stepped into our Office the other day, and stated the following ludicrous incident, which he witnessed in Camden, S. Carolina. Some North Carolina wagoners had taken offence at some indignity, offered them by a disciple of Nullification; one of them to be revenged, went to the house of a woman that made the State Rights badge, and bespoke one as large as a four pound weight, which having procured, the bottom of Nullification all brightly blazing in the centre, he securely fastened the badge on a Mule's tail, and leisurely paraded her up and down one of the principal streets of the Town, at the head of a strong posse of the knights of the Jackscrew; much to the amusement of the Union wags, and to the mortification of the Nullies. One ginger-eater got a gun and swore he would shoot the mule, but being informed by one of the party in a tone of voice, that he well enough understood, that it would not be altogether safe to do so, he poised firelock and faced about. These merry chaps then went on with their fun without further molestation.—*Carolina Watchman.*

African Colonization.—A law has just been passed by the Legislature of Virginia, giving \$19,000 a year for five years, for the purpose of carrying off free persons of color from that State to Liberia. This is a good beginning in a quarter which has been supposed hitherto insensate to the magnitude of the evils which the Colonization Society was designed to remedy, or blinded by selfish interests to the practicability of the undertaking. It cannot any longer be ridiculed as the scheme of visionary enthusiasts or misguided fanatics; the matter is taken up by men of cool reflection and sound judgment, who pronounce the enterprise warranted by true policy, and demanded by every consideration of expediency. If public opinion could be made to bear upon the subject with all the force it deserves, means, however ample, would be provided, to foster a Society which promises such noble results.

A touch of the sublime.—A young attorney in one of the interior counties of Alabama had volunteered his services on behalf of a man accused of a murder. He arose and addressed the Jury as follows: It is needless to say it produces a great effect.

Gentlemen of the jury.—In this town I passed some of the happiest days of my existence, it is the scene of my childhood—I have pursued the rural walks and seen scenes of this place: I have watch'd the playful form of beauty as she glided through the mazy dance. All my earliest recollections and fondest hopes are here. In throwing my eyes around this delightful apartment I behold many of the earliest friends of my father—his dearest, fondest associates. Oh! how my throbbing bosom beat with gratitude to the Great Dispenser of all good, that he has enabled me to return once more to this delightful village—to end my days amidst its enchanting pleasures.

He proceeded thus far—and stopped for want of breath—stood a few moments, viewing the audience—as if conscious of a mighty effort and again commenced with these words.

Gentlemen of the Jury—it is a pretty tough case; I don't exactly know what to think of it, you must use your own judgment about it.—*Charleston Courier.*

Whaling.—Unparalleled Luck.—About the 1st of August last, the ship Boston, Capt. Sayer, left Norwich, (Conn.) fitted for a twelve months' voyage. We have the pleasure of stating that the Boston has returned, after an absence of only seven months, laden with 1900 barrels of right whale oil, and 16,000 lbs. of whale bone.—*Norwich (Conn.) Repub.*

Taking the Question.—SIR JOHN TREVOR, cousin to Lord Chancellor JEFFERIES, was an able man, but as corrupt as he was able. He was twice Speaker of the House of Commons, and officially had the mortification to put the question to the House, "whether himself ought to be expelled for bribery?" The answer was "Yes."

An Intelligent Grand Jury.—We see it stated that at the opening of the court of quarter sessions in Montreal in January, it was found that but three of the grand jury-men could write their names, and that but one of them was able to read.