rights, the liberty of conscience and of the press, cannot be cancelled, abridged, restrained or modified by any authority of the U. States.—With these impressions, with a solemn appeal to the Searcher of all hearts, for the purity of our intentions and under the conviction that whatsoever imperfections may exist in the Constitution, ought rather to be examined in the mode prescribed therein than to bring the Union in danger by a delay: with the hope of obtaining amendments previous to the ratification: We the said delegates, in the name and in the behalf of the people of Virginia do by these presents, assent to and ratify the Constitution recommended on the 17th day of Sept. 1787, by the Federal Convention, for the Government of the U. States, hereby announcing to all those whom it may concern, that the said Constitution is binding upon the said people, according to an authentic copy hereto annexed, in the words following," &c.

It thus appears that that sagacious State, (I fear, however, that her sagacity is not as sharp sighted now as formerly,) ratified the Constitution, with an explanation as to her reserved powers; that they were powers subject to her own will—and reserved against every department of the General Government—Legislative, Executive, and Judicial—as if she had a prophetic knowledge of the attempts now made to impair and destroy them—which explanation can be considered in no other light than as containing a condition on which she ratified, and in fact, making part of the Constitution of the U. States—extending as well to the other States as to herself. I am no lawyer, and it may appear to be presumption in me to lay down the rule of law which governs in such cases, in a controversy with so distinguished an advocate as the Senator from Massachusetts, but I will lay it down as a rule in such case, which I have no fear that the gentleman will contradict, than in case of a contract between several partners, if the entrance of one on condition be admitted, the condition enures to the benefit of all the partners. But I do not rest the argument simply upon this view; Virginia proposed the tenth amended article, the one in question, and her ratification must be at least received as the highest evidence of its true meaning and interpretation.

If these views be correct, and I do not see how they can be resisted, the right of the States to judge of the extent of their reserved powers stands on the most solid foundation, and is good against every department of the General Government, and the Judiciary is as much excluded from an interference with the reserved powers, as the Legislative or Executive departments. To prove the opposite, the Senator relies upon the authority of Mr. Madison, in the Federalist, to prove that it was intended to invest the court with the power in question. In reply, I will meet Mr. Madison with his own opinion, given on a most solemn occasion, and backed by the sagacious Commonwealth of Virginia. The opinion to which I allude will be found in the celebrated report of 1799, of which Mr. Madison was the author. It says:

"But it is objected, that the judicial authority is to be regarded as the sole expositor of the Constitution in the last resort; and it may be asked for what reason, the declaration by the General Assembly, supposing it to be theoretically true, could be required at the present day, and in so solemn a manner.

"On this objection it might be observed, first: that there may be instances of usurped power, which the forms of the Constitution would never draw within the control of the Judiciary depatment; secondly, that if the decision of the Judiciary be raised above the authority of the sovereign parties to the Constitution, the decisions of the other departments, not carried by the forms of the Constitution before the Judiciary, must be equally authoritative and final with decisions of the department. But the proper answer to this objections is, that 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. The resolution supposes that dangerous powers not delegated, may not only be usurped and executed by the other departments, but that the judicial department, also, may exercise and sanction dangerous powers beyond the grant of the constitution; and, consequently, that the ultimate right of the parties to the Constitution to judge whether the compact was dangerously violated, must extend to violations by one delegated authority, as well as to another, by the Judiciary, as well as by the Executive, or the Legislative."

The Senator also relies upon the authority of Luther Martin to the same point, to which I have already replied so fully, on another occasion, in answer to the Senator from Delaware Mr. Clayton, that I do not deem it necessary to add any further remarks on the present occasion.

But why should I waste words in reply to these or any other authorities, when it has been so clearly established that the rights of the States are reserved against all and every department of the Government; that no authority in opposition can possibly shake a position so well established. Nor do I think it necessary to repeat the argument which I offered, when the bill was under discussion, to show that the clause in the Constitution, which provides that the judicial power shall extend to all cases in law and equity, arising under the Constitution, and to the laws and treaties made under its authority, has no bearing on the point in controversy; and that even the boasted power of the Supreme Court to decide a law to be unconstitutional, so far from being derived from this or any other portion of the Constitution, results from the necessity of the case, where two rules of unequal authority come in conflict; and is a power belonging to all courts, superior and inferior, State and general, domestic and foreign.

I have now, I trust, shown satisfactorily that there is no provision in the constitution to authorize the General Government, through any of its departments, to control the action of the State within the sphere of its reserved powers, and that of course according to the principles laid down by the Senator from Massachusetts himself, the government of the States, as well as the General Government, has the right to determine the extent of their respective powers, without the right on the part of either to control the other.—The necessary result is, the veto, to which he so much objects; and to get clear of which, he informs us was the object for which the present constitution was formed. I know not whence he has derived his information, but my impression is very different, as to the immediate motives which led to the formation of the instrument. I have always understood that the principal object was, to give to Congress the power to regulate commerce, to lay imposts duties, and to raise a revenue for the payment of the public debt, and the expenses of the Government, and to subject the aciton of the citizens individually, to the operation of the laws, as a substitute for force. If the object had been to get clear of the veto of the States, as the Senator states, the Convention certainly performed their work in a most bungling manner. There was unquestionably a large party in that body, headed by men of distinguished talents and influence, who commenced early and worked earnestly to the last, to deprive the States—not directly, for that would have been too bold an attempt, but indirectly—of the veto. The good sense of the Convention however, put down every effort, however disguised and perseveringly made. I do not deem it necessary to give the journals the history of these various and unsuccessful attempts, though it would afford a very instructive lesson. It is sufficient to say that it was attempted by proposing to give Congress power to annul the acts of the States, which they might deem inconsistent with the constitution; to give to the President the power of appointing the Governors of the States, with a view of vetoing State laws through his authority; and finally to give to the judiciary the power to decide controversies between the States and the General Government; all of which failed—fortunately for the liberty of the country—utterly and entirely failed; and, in their failure, we have the strongest evidence that it was not the intention of the Convention to deprive the States of the veto power. Had the attempt to deprive them of this power been directly made, and failed, every one would have seen and felt that it would furnish conclusive evidence in favor of its existence.—Now, I would ask, what possible difference can it make, in what form this attempt was made? Whether by attempting to confer on the General Government a power incompatible with the exercise of the veto on the part of the States, or by attempting directly to deprive them of the right of exercising it. We have thus direct and strong proof, that, in the opinion of the Convention, the States unless deprived of it, possess the veto power, or, what is another name for the same thing, the right of Nullification. I know that there is a diversity of opinion among the friends of State Rights, in regard to this power, which I regret, as I cannot but consider it is a power essential to the protection of the minor interests of the community, and the liberty and the union of the country.—It was the very shield of State Rights and the only power by which that system of injustice against which we have contended for more than 13 years could be arrested; by which a system of hostile legislation, of plundering by law, which must necessarily lead to a conflict of arms can be prevented.

But I rest the right of a State to judge of the extent of its reserved powers, in the last resort, on higher grounds—that the Constitution, is a compact to which the States are parties, in their sovereign capacity, and that as in all other cases of compact between parties having no common umpire, each has a right to judge for itself. To the truth of this proposition, the Senator from Massachusetts has himself assented, if the Constitution itself be a compact—and that it is, I have shown, I trust beyond the possibility of a doubt. Having established that point, I now claim, as I stated I would do in the course of the discussion, the admissions of the Senator, and, among them, the right of secession and nullification, which he conceded would necessarily follow, if the constitution be indeed a compact.

I have now replied to the arguments of the Senator from Massachusetts, so far as they directly apply to the resolutions, and will, in conclusion, notice some of his general and detached remarks. To prove that ours is a consolidated Government, and that there is an immediate connexion between the Government and the citizen, he relies on the fact, that the laws act directly on individuals. That such is the case, I will not deny: but I am very far from conceding the point, that it affords the decisive proof, or even any proof at all, of the position which the Senator wishes to maintain. I hold it to be perfectly within the competency of two or more States to subject their citizens in certain cases, to the direct action of each other, without surrendering or impairing their sovereignty. I recollect while I was a member of Mr. Monroe's cabinet, a proposition was submitted by the British Government, to permit a mutual right of search and seizure, on the part of each Government, of the citizens of the other, on board of vessels engaged in the slave trade, and to establish a joint tribunal for their trial and punishment. The proposition was declined, not because it would impair the sovereignty of either, but on the ground of general expediency, and because it would be incompatible with the provisions of the Constitution, which establish the judicial power, which must be appointed by the President and Senate. If I am not mistaken, propositions of the same kind were made and acceded to by some of the continental powers.

With the same view the Senator cited the suitability of the States, as evidence of their want of sovereignty; at which I must express my surprise, coming from the quarter it does. No one knows better than the Senator, that it is perfectly within the competency of a sovereign State to permit itself to be sued. We have on the statute book a standing law, under which the U. S. may be sued in certain land cases. If the provision in the Constitution on this point, proves any thing, it proves, by the extreme jealousy with which the right of suing a State is permitted, the very reverse of that for which the Senator contends.

Among other objections to the views of the constitution for which I contend, it is said that they are novel. I hold this to be a great mistake. The novelty is not on my side, but on that of the Senator from Massachusetts. The doctrine of consolidation which he maintains, is of recent growth. It is not the doctrine of Hamilton, Ames, or any of the distinguished Federalists of that period, all of whom strenuously maintained the federative character of the Constitution; though they were accused of supporting a system of policy, which would necessarily lead to consolidation. The first disclosure of that doctrine was in the case of McCulloh, in which the Supreme Court held the doctrine, though wrapt up in language somewhat indistinct and ambiguous. The next and more open avowal was by the Senator of Massachusetts himself about three years ago, in the debate on Foot's resolution. The first official annunciation of the doctrine was in the recent proclamation of the President, of which the bill that has recently passed this body, is the bitter fruit.

It is further objected by the Senator from Massachusetts, and others, against this doctrine of State rights, as maintained in this debate, that, if they should prevail, the peace of the country would be destroyed. But what if they should not prevail? Would there be peace? Yes, the peace of despotism; that peace which is enforced by the bayonet and the sword; the peace of death, where all the vital functions of liberty have ceased. It is this peace which the doctrine of State sovereignty may disturb by that conflict, which, in every free State, if properly organized, necessarily exists between liberty and power; but which, if restrained within proper limits, is a salutary exercise to our moral and intellectual faculties. In the case of Carolina, which has caused all this discussion, who does not see, if the effusion of blood be prevented, that the excitement, the agitation, and the inquiry, which it has caused, will be followed by the most beneficial consequences. The country had sunk into avarice, intrigue, and electioneering, from which nothing but some such event could rouse, or restore those honest and patriotic feelings, which had almost disappeared under their baneful influence. What Government has ever attained power and distinction without such conflicts? Look at the degraded state of all those nations, where they have been put down by the iron arm of the Government.

I, for my part, have no fear of any dangerous conflict, under the fullest acknowledgment of State sovereignty; the very fact that the States may interpose, will produce moderation and justice. The General Government will abstain from the exercise of any power in which they may suppose three-fourths of the States will not sustain them; while on the other hand the States will not interpose but on the conviction that they will be supported by one-fourth of their co-States. Moderation and justice will produce confidence, attachment, and patriotism, and these, in turn, will offer most powerful barriers against the excess of conflicts between the States and the head of the confederacy.

But we are told that should the doctrine prevail, the present system would be as bad, if not worse, than the old confederation. I regard the assertion only as evidence of that extravagance of declaration, in which, from excitement of feeling, we so often indulge. Admit the power, and still the present system would be as far removed from the weakness of the old confederation as it would be from the lawless and despotic violence of consolidation. So far from being the same, the difference between the confederation and the present constitution would still be most strongly marked. If there were no other distinction, the fact that the former required the concurrence of the States to execute its acts, and the latter the act of a State to arrest its acts, would make a distinction as broad as the ocean; in the former, the vis inertiæ of our nature was in opposition to the action of the system. Not to act, was to defeat. In the latter, the same principle is on the opposite side; action is required to defeat. He who understands human nature, will see, in this difference, the difference between a feeble and illy contrived confederation, and the restrained energy of a federal system.

Of the same character is the objection, that the doctrine will be the source of weakness. If we look to mere organization and physical power as the only source of strength, without taking into the estimate the operation of moral causes, such would appear to be the fact; but if we take into the estimate the latter, you will find that those governments have the greatest strength in which power has been most efficiently checked. The Government of Rome furnishes a memorable example. There two independent and distinct powers existed—the people acting by tribes, in which the plebeians prevailed, and by centuries in which the patricians ruled. The tribunes were the appropriate representatives of the one power, and the Senate of the other; each possessed of the authority of checking and overruling one another, not as departments of the government, as supposed by the Senator from Massachusetts, but as independent powers—as much so as the State and General Governments. A shallow observer would perceive in such an organization, nothing but the perpetual source of anarchy, discord, and weakness; and yet experience has proved that it was the most powerful government that ever existed; and reason teaches that this power was derived from the very circumstance which hasty reflection would consider the cause of weakness. I will venture an assertion, which may be considered extravagant, but in which history will fully bear me out, that we have no knowledge of any people in which a power of arresting the improper acts of the Government, or what may be called the negative power of government, was too strong, except Poland, where every freeman possessed a veto; but even there, although it existed in so extravagant a form, it was the source of the highest and most lofty attachment to liberty, and the most heroic courage; qualities that more than once saved Europe from the domination of the crescent and scymetar. It is worthy of remark that the fate of Poland is not to be attributed so much to the excess of this negative power of itself, as to the facility which it afforded to foreign influence in controlling its political improvements.

I am not surprised that, with the idea of a perfect government which the Senator from Massachusetts has formed, a government of an absolute majority, unchecked and unrestrained, operating through a representative body, that he should be so much shocked with what he is pleased to call the absurdity of State veto. But let me tell him, that this scheme of a perfect government, as beautiful as he conceives it to be, though often tried has invariably failed, and has always run, whenever tried, through the same uniform process of faction, corruption, anarchy and despotism.—He considers the representative principle as the great modern improvement in legislation, and of itself sufficient to secure liberty. I cannot regard it in the light in which he does. Instead of modern, it is of remote origin; and has existed in greater or less perfection, in every free State from the remotest antiquity. Nor do I consider it as of itself sufficient to secure liberty, tho' I regard it as one of the indispensable means—the means of securing the people against the tyranny and oppression of their rulers. To secure liberty, another means is still necessary, the means of securing the different portions of society against the injustice and oppression of each other, which can only be effected by veto, interposition or nullification, or by whatever name the restraining or negative power of Government may be called.

The Senator appears to be enamoured with his conception of a consolidated government, and avows himself to be prepared, seeking no lead, to rush in its defence, to the front rank, where the blows fall heaviest and thickest. I admire his gallantry and courage; but I will tell him that he will find in the opposite ranks, under the flag of liberty, spirits as gallant as his own; and that experience will teach him, that it is infinitely easier to carry on the war of legislative exaction by bills and enactments, than to extort by sword and bayonet, from the brave and the free.

The bill which has passed this body, is intended to decide this great controversy, between that view of our Government, entertained by the Senator and those who act with him, and that supported on our side. It has merged the tariff, and all other questions connected with it, in the higher and direct issue, which it presents between the Federal system of Government and consolidation. I consider the bill far worse and more dangerous to liberty than the tariff.—It has been most wantonly passed, when its avowed object no longer justified it. I consider it as chains forged and fitted to the limbs of the State, and hung up to be used when occasion may require. We are told, in order to justify the passage of this fatal measure, that it was necessary to present the olive branch with one hand, and the sword with the other. We scorn the alternative. You have no right to present the sword. The Constitution never put the instrument in your hands to be employed against a State; and as to the olive branch, whether we receive it or not, will not depend on your menace, but on our own estimate of what is due to ourselves and the rest of the community, in reference to the difficult subject, on which we have taken issue.

The Senator from Massachusetts has struggled hard to sustain his cause; but the lead was too heavy for him to bear. I am not surprised at the ardor and zeal with which he has entered the controversy. It is a great struggle between power and liberty—power on the side of the north and liberty on the side of the south. But, while I am not surprised at the part which the Senator from Massachusetts has taken, I must express my amazement at the principles advanced by the Senator from Georgia, nearest me, (Mr. Forsyth.) I had supposed it was imposible, that one of his experience and sagacity should not perceive the new and dangerous direction which the controversy is about to take. For the first time we have heard of an ominous reference to a provision in the Constitution, which I have never known to be before alluded to in discussion, or in connexion with any of our measures. I refer to that provision in the Constitution, in which the General Government guaranties a republican form of Government to the States—a power which, hereafter if not rigidly restricted to the objects intended by the Constitution, is destined to be a pretext to interfere with our political affairs and domestic institutions in a manner infinitely more dangerous than any other power which has ever been exercised on the part of the General Government. I had supposed, that every southern Senator at least, would have been awake to the danger which menaces us from this new quarter; and, that no sentiment would be uttered on their part, calculated to countenance the exercise of this dangerous power. With these impressions, I heard the Senator with amazement, alluding to Carolina, as furnishing a case which called for the enforcement of this guarantee. Does he not see the hazard of the indefinite extension of this dangerous power? There exists in every southern State a domestic institution which would require a far less bold construction to consider the government of every State in that quarter not to be republican; and, of course, to demand on the part of this government, a suppression of the institution to which I allude, in fulfilment of the guarantee. I believe there is now no hostile feelings combined with political considerations, in any section, connected with this delicate subject. But it requires no stretch of the imagination to see the danger, which must one day come, if not vigilantly watched. With the rapid strides with which this Government is advancing to power, a time will come, and that not far distant, when petitions will be received, from the quarter to which I allude, for protection: when the faith of the guarantee will be at least as applicable to that case as the Senator from Georgia now thinks it is to Carolina. Unless his doctrine be opposed by united and firm resistance, its ultimate effect will be to drive the white population from the southern Atlantic States.

ALBANY, APRIL 24.

Sagacity of a Horse.—An incident occurred this forenoon well calculated to excite admiration for that noblest of animals, the Horse. A fine, large, dark bay, that is seen daily in our streets, attached to Mr. John Taylor's Beer Dray, was standing in front of Mr. Usher's grocery, in Division street. A load of hay coming up Division, was obstructed by the dray. As the wagon came up to the dray, the man upon his load of hay said, "get out of the way." The dray-horse looked round, and seeing that he blocked up the street, moved round the corner of Division into Greene street, and, after the wagon had passed, backed his dray round into Division street, and resumed the exact position which he left to enable the waggoner to pass! The drayman was not present—no person touched a rein, nor was a word spoken to the horse except by the wagoner, who ordered him to "get out of the way!"—*Daily Adv.*

Shocking Occurrence at Liverpool.—On Saturday night, a man named Miller, who lodges at Ogdensweient, Litherland alley, after throwing some rum into the fire, to show "the goodness of the spirit" to his wife and landlady, shortly afterwards threw some of it on his wife's gown, saying he would show them more of the goodness of the spirit, and moving the candle towards his wife, he added, it would burn the spirit without damaging the gown. The moment the flame of the candle was brought into contact with the gown, the woman was at once enveloped in flame, and so horribly burnt that she died in a few hours. Verdict, accidental death.—*Liv. Mercury.*