the question of prize or no prize; and with it the legality of the blockade. If, in that of a repeal of the acts, establishing ports of entries in the State, the legality of the seizure must be determined, and that would bring up the question of the constitutionality of giving a preference to the ports of one State over those of another; and, so if we pass from water to land, we will find every attempt there to substitute force for law, must, in like manner, come under the review of the courts of the Union, and the unconstitutionality would be so glaring that the executive and legislative departments, in their attempt to coerce, should either make an attempt, so lawless and desperate, would be without the support of the judicial department. I will not pursue the question farther, as I hold it perfectly clear, that so long as a State retains its federal relations—so long, in a word, as it continues a member of the Union, the contest between it and the General Government must be before the courts and juries; and every attempt, in whatever form, whether by land or water, to substitute force, as the arbiter in their place, must fail. The unconstitutionality of the attempt would be so open and palpable, that it would be impossible to sustain it.

There is indeed one view, and one only, of the contest, in which force could be employed; but that view, as between the parties, would supercede the Constitution itself; that nullification is secession, and would, consequently, place the State, as to the others, in the relation of a foreign State. Such clearly would be the effect of secession; but it is equally clear, that it would place the State beyond the pale of her federal relations, and thereby, all control on the part of the other States over her. She would stand to them simply in the relation of a foreign State, divested of all federal connection, and having none other between them but those belonging to the laws of nations. Standing thus towards one another, force might indeed be employed against a State, but it must be a belligerent force, preceded by a declaration of war, and carried on with all its formalities. Such would be the certain effect of secession; and if nullification be secession—if it be but a different name for the same thing—such, too, must be its effect; which presents the highly important question, are they in fact the same, on the decision of which depends the question whether it be a *peaceable* and *constitutional* remedy, that may be exercised without *terminating* the *federal* relations of the State, or *not?*

I am aware that there is a considerable and respectable portion of our State, with a very large portion of the Union, constituting, in fact, a great majority, who are of the opinion, that they are the same thing, differing only in name; and who, under that impression, denounce it as the most dangerous of all doctrines, and yet, so far from being the same, they are, unless indeed I am greatly deceived, not only perfectly distinguishable, but totally dissimilar in their nature, their object, and effect; and that, so far from deserving the denunciation, so properly belonging to the act with which it is confounded, it is, in truth, the highest and most precious of all the rights of the States, and essential to preserve that very Union, for the supposed effect of destroying which, it is so bitterly anathematised.

I shall now proceed to make good my assertion of their *total dissimilarity*.

First, they are wholly dissimilar in their nature. *One has reference to the parties themselves, and the other to their agents.* Secession is a *withdrawal from the Union;* a separation from *partners,* and, as far as it depends on the number withdrawing, a *dissolution* of the partnership. It presupposes an association, an union of several States or individuals, for a common object. Wherever these exist, secession may, and where they do not, it cannot. Nullification, on the contrary, *presupposes the relation of principal and agent;* the one granting a power to be executed, the other appointed by him, with authority to execute it; *and is simply a declaration on the part of the principal, made in due form, that an act of the agent, transcending his power, is null and void.* It is a right belonging exclusively to the relation between principal and agent, to be found *wherever it exists, and in all its forms,* between several, or an association of principals and their joint agents, as well as between a single principal & his agent.

The difference in their object is no less striking than in their nature.

The object of secession is to *free* the withdrawing member from the *obligation* to the association or union; and is applicable to cases, where the intention of the association, or union has failed, either by an abuse of power on the part of *its members,* or other causes. Its *direct and immediate object, as it concerns the withdrawing member, is the dissolution of the association or union.* On the contrary, the object of nullification is to confine the agent within the limits of its powers by arresting his acts transcending them; *not with the view of destroying the delegated or trust power, but to preserve it by compelling the agent to fulfil the object for which the agency or trust was created; and is applicable only to cases where the trust or delegated powers are transcended on the part of the agent.* Without the power of secession, an association or union, formed for the common good *of all* the members, might prove ruinous to some, by the abuse of power on the part of the others; and without nullification, the agent, might under the color of construction, assume a power never intended to be delegated, or to pervert those delegated, to objects never intended to be comprehended in the trust, to the ruin of the principal, or, in case of a joint agency, to the ruin of some of the principals. Each has, thus, its appropriate object; but these objects in their nature are very dissimilar; so much so, that in case of an association or union, where the powers are delegated to be executed by an agent, the abuse of power, on the part of the *agent,* to the injury of one or more of the members, would not justify secession on their part. The rightful remedy in that case would be nullification. There would be neither right nor pretext to secede; no right, because secession is applicable only to the acts of the members of the association or union, and not to the act of the agent; nor pretext, because there is another and equally efficient remedy, short of the dissolution of the association or union, which can only be justified by necessity. Nullification may, indeed, be succeeded by secession. In the case stated should the other members undertake to grant the power nullified, and should the nature of the power be such as *to defeat the object of the association or union,* at least, as far as the member nullifying is concerned, it would then become an abuse of power on the part of the principals; and thus present a case where secession would apply; but in no other, could it be justified, except it be for a failure of the association or union to effect the object for which it was created, independent of any abuse of power.

It now remains to show, that their effect is as dissimilar as their nature or object.

Nullification leaves the members of the association or union, in the condition it found them, subject to all its burdens, and entitled to all its advantages, comprehending the member nullifying, as well as the others; its object being, not to destroy, but to preserve, as has been stated. It simply arrests the act of the agent, as far as the principal is concerned, leaving, in every other respect, the operation of the joint concern as before; secession, on the contrary, destroys, as far as the withdrawing member is concerned, the association or union, and restores him to the relation he occupied towards the other members before the existence of the association or union. He loses the benefit, but is released from the burden and control; and can no longer be dealt with by his former associates, as one of its members.

Such are clearly the differences between them—differences so marked, that instead of being identified as supposed, they form a contrast, in all the aspects in which they can be regarded. The application of these remarks to the political association or Union of these twenty-four States, and the General Government, their joint agent, is too obvious, after what has been already said, to require any additional illustration; and I will dismiss this part of the subject with a single additional remark.

There are many who acknowledge the right of a State to secede, but deny its right to nullify; and yet, it seems impossible to admit the one without admitting the other. They both presuppose the same structure of the Government, that is a Union of the States, as forming political communities; the same right on the part of the States, as members of the Union, to determine for her citizens, the extent of the powers delegated, and those reserved, and, of course, to decide whether the Constitution has or has not been violated. The simple difference, then, between those who admit secession, and deny nullification, and those who admit both, is, that one acknowledges that the declaration of a State pronouncing that the Constitution has been violated, and is, therefore, null and void, would be obligatory on her citizens, and would arrest all the acts of the Government, within the limits of the State; while they deny, that a similar declaration, made by the same authority, and in the same manner, that an act of the Government has transcended its powers, and that it is, therefore, null and void, would have any obligation; while the other acknowledges the obligation in both cases. The one admits that the declaration of a State assenting to the Constitution bound her citizens, and that her declaration can unbind them; but denies that a similar declaration, as to the extent she has in fact bound them, has any obligatory force on them; while the other gives equal force to the declaration in the several cases.

The one denies the obligation where the object is to *preserve the Union, in the only way it can be,* by confining the Government formed to execute the trust powers, strictly within their limits, and to the objects for which they were delegated, though they give *full* force where the object is *to destroy the Union itself;* while the other, in giving equal weight to both, *prefers the one because it preserves,* and *rejects the other because it destroys;* and yet the former is *the Union,* and the latter the *disunion party!* And all this strange distinction originates, as far as I can judge, in attributing to nullification what belongs exclusively to secession. The difficulty, as to the former, it seems, is that a State cannot be in and out of the Union at the same time. This is, indeed, true, if applied to secession—the throwing off *the authority of the Union itself.* To nullify the Constitution, if I may be pardoned the solecism, would indeed be tantamount to disunion; and as applied to such an act, it would be true, that a State could not be in and out of the Union at the same time; but the act would be secession.

But to apply it to nullification, properly understood, the object of which, instead of resisting or diminishing the powers of the Union, is to preserve them as they are, neither increased nor diminished, and, thereby, the Union itself (for the Union may be as effectually destroyed by increasing, as by diminishing its powers—by consolidation, as by disunion itself,) would be, I would say, had I not great respect for many who do thus apply it, egregious trifling with a grave and deeply important constitutional subject.

Mr. Crawford's Opinions.—Letter from the Hon. Wm. H. Crawford, to the Committee, at Alford's Cross Roads, on the 22d ult.

Wood Lawn, (Ga.) Sept. 13, 1832.

Gentlemen:—Your invitation to a dinner, at Alford's Cross-Roads, on the 22d inst. was received by yesterday's mail. My official duties have commenced, and will not terminate before the second week in November next; it will therefore be impossible for me to attend the proposed dinner. In compliance with your second request, viz: "To lay before the people my views of the measure to be pursued in the present crisis, and in particular in relation to a Southern Convention." The ordinary limits of a letter will hardly admit of the development of my views on this important subject, which will render them distinctly intelligible. Without further preface or circumlocution, I will proceed to state them as far as they can be stated in a letter. I am then for the call of a Convention to revise the Federal Constitution. Let anti-Tariff States pass resolutions in their State Legislatures requiring Congress in the terms of the Constitution to call a Convention to revise the Constitution. To this measure three objections have been made. 1st. That the Tariff States will not concur in the measure, which must therefore fail. 2. That if they should concur, they will have the majority in the Convention, and will prevent any change or modification in it desired by the South—and 3d, That it will produce delay without the possibility of effecting any good. In my judgment neither of these objections are valid. To the first, it may be replied, that if the anti-Tariff States pass resolutions for the said purpose and the Tariff States refuse their concurrence, it will be considered by the anti-Tariff States as a declaration on their part that they are determined to perpetuate the abuses they have introduced in Federal Legislation. The anti-Tariff States will then see the necessity of taking their ultimate measure, which they will then be in situation to take understandingly; because they will have discovered, the strength of the new confederacy which can be formed. If the number and population of the States disposed to secede and form a new confederacy are not sufficient for self protection, I should deem it unwise to separate; for if the separatists will be compelled to form a connection with some powerful Foreign State, to secure their protection, it would, in my opinion, be better to submit to the evils of the Tariff, and even the system of Internal Improvements, (which, in my opinion, are worse than the Tariff, and more clearly unconstitutional,) than to throw themselves into the arms of any foreign State, whose history and character is known to me. 2d. If the Tariff States should concur in the call of a Convention, it is by no means certain they would reject the amendment or modification desired by the South. The conduct of the same men, in Congress and in Convention, would probably be different. In Congress, the only subject of inquiry would be what power has been granted by the Constitution. This question has been so often abusively determined, that it in fact is no inquiry at all. They have several times determined that the power to pass a protective Tariff and to make Internal Improvements has been granted. There is, therefore, no reasonable ground to hope for a change by Congress in that regard. In Convention, the question would be, what powers shall be granted? The Southern members would state candidly what powers they were willing to grant, and what they would not grant, and declare the continuance of the Union depended upon the admission of the modification they had proposed. This declaration from the members of the South, would necessarily have great weight. The Southern and Eastern members would then determine whether Union, with these was preferable to Disunion and the Tariff. If the proposition should be rejected, and a sufficient number of the states would adhere to the south for self defence, a separation would then take place, peaceably, I have no doubt.

I am opposed to a Southern Convention, till after a General Convention has been tried and failed. In other words I am opposed to any unconstitutional, or extra constitutional measure, until every measure of redress promised by the Constitution, shall have been fruitlessly exhausted. Let us keep ourselves in the right; and put our opponents in the wrong. 3dly. This objection appears to my mind rather a recommendation than an objection.

Any measure of resistance, whether nullification or secession, is so fraught with awful consequences, too much caution and deliberation, cannot be exercised. One of the most marked descriptions of the wicked, in the Scriptures, is, *"that their feet are swift to shed blood."* Let us not in a matter of this kind, bring ourselves within the description of the wicked in the scripture. We know not to what consequences the measures now in embryo may lead. The decided advantage which the call of a Convention has over nullification, is, that it is calculated to obtain all the information necessary on the ultimate decision of the question, in a peaceable, constitutional mode, whereas, nullification can only obtain it, if at all, after the barriers of the Constitution shall be passed. It will be seen, that I reject nullification as a peaceable, constitutional measure. For I verily believe, that no man *in his senses ever has believed it to be so.* I reject it as a revolutionary measure, because every constitutional measure of redress has not been tried,