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POLITICAL.

MR. CALHOUN'S SENTIMENTS. (Concluded.)

Against those conclusive arguments, as they seem to me, it is objected, that if one party has the right to judge of infractions of the Constitution, so has the other, and that consequently in cases of contested powers between a State and the General Government, each would have a right to maintain its opinion, as is the case when sovereign powers differ in the construction of treaties or compacts, and that of course it would come to be a mere question of force. The error is in the assumption, that the General Government is a party to the Constitutional Compact. The States, as has been shown, formed the compact, acting as sovereign and independent Communities. The General Government is but its creature; and though in reality a government with all the rights and authority which belong to any other government within the orb of its powers, it is, nevertheless, a government emanating from a compact between sovereigns, and partaking in its nature and objects, of the character of a joint commission appointed to superintend and administer the interests in which all are jointly concerned, but having, beyond its proper sphere, no more power than it did not exist. To deny this would be to deny the most incontestable facts, and the clearest conclusions; while to acknowledge its truth is to destroy utterly the objection, that the appeal would be to force, in the supposed. For if each party has a right to judge, then under our system of government, the final cognizance of a question of contested power would be in the States, and not in the General Government. It would be the duty of the latter, as in all similar cases of a contest between one or more of the principals and a joint commission or agency to refer the contest to the principles themselves. Such are the plain dictates of reason and analogy both. On no sound principle can the agents have a right to final cognizance, as against the principals, much less to use force against them, to maintain their construction of their powers. Such a right would be monstrous; and has never, heretofore, been claimed in similar cases. That the doctrine is applicable to the case of a contested power between the States and the General Government, we have the authority not only of reason and analogy, but of the distinguished statesman already referred to. Mr. Jefferson, at a late period of his life, after long experience and mature reflection, says, "With respect to our State and Federal Governments, I do not think their relations are correctly understood by foreigners. They suppose the former subordinate to the latter. This is not the case. They are co-ordinate departments of one simple and integral whole. But you may ask if the two departments should claim each the same subject of power, where is the umpire to decide between them? In cases of little urgency or importance, the prudence of both parties will keep them aloof from the questionable ground; but if it can neither be avoided nor compromised, a convention of the States must be called, to ascribe the doubtful power to that department which they may think best." It is thus that our Constitution, by authorizing amendments, and by proscribing the authority and mode of making them, has by a simple contri-

vance, with its characteristic wisdom, provided a power which in the last resort, supercedes effectually the necessity, and even the pretext for force; a power to which none can fairly object; with which the interests of all are safe; which can definitely close all controversies in the only effectual mode, by freeing the compact of every defect and uncertainty, by an amendment of the instrument itself. It is impossible for human wisdom, in a system like ours, to devise another mode which shall be safe and effectual, and at the same time consistent with what are the relations and acknowledged powers of the two great departments of our government. It gives a beauty and security peculiar to our system, which if duly appreciated, will transmit its blessings to the remotest generations; but if not, our splendid anticipation of the future will prove but an empty dream. Stripped of all its covering, the naked question is, whether ours is a federal or a consolidated government; a constitutional or absolute one; a government resting ultimately on the solid basis of the sovereignty of the States; or on the unrestrained will of a majority; a form of government, as in all other unlimited ones, in which injustice and violence and force must finally prevail. Let it never be forgotten that where the majority rules, the minority is the subject; and that if we should absurdly attribute to the former, the exclusive right of constructing the Constitution, there would be in fact between the sovereign and subject, under such a government, no Constitution; or at least nothing deserving the name, or serving the legitimate object of so sacred an instrument. How the States are to express this high power of interposition which constitutes so essential a portion of their reserved rights that it cannot be delegated without an entire surrender of their sovereignty, and converting our system from a federal into a consolidated government, is a question, that the States only are competent to determine. The arguments which prove that they possess the power, equally prove that they are in the language of Jefferson "the rightful judges of the mode and measure of redress." But the spirit of forbearance, as well as the nature of the right itself, forbids a recourse to it, except in cases of dangerous infractions of the Constitution; and then only in the last resort, when all reasonable hope of relief, from the ordinary action of the government, has failed; when if the right to interpose did not exist, the alternative would be submission and oppression on one side, or resistance by force on the other. That our system should afford in such extreme cases, an intermediate point between these dire alternatives, by which the government may be brought to a pause, and thereby an interval obtained to compromise differences, or, if impracticable, be compelled to submit the question to a constitutional adjustment, through an appeal to the States themselves, is an evidence of its high wisdom; an element not as is supposed by some, of weakness, but of strength; not anarchy or revolution, but of peace and safety." Its general recognition would of itself in a great measure, if not altogether, supercede the necessity of its exercise, by impressing on the movements of the government, that moderation and justice so essential to harmony and peace, in a country of such a vast extent, and diversity of interests as ours; and would, if controversy should come, turn the resentment of the aggrieved, from the system to those who had abused its powers, (a point all important,) and cause them to seek redress, not in

revolution or overthrow, but in reformation. It is, in fact, properly understood, a substitute where the alternative would be force, tending to prevent, and if that fails to correct peaceably, the aberrations to which all political systems are liable and which if permitted to accumulate, without correction, must finally end in a general catastrophe. I have now said what I intended in reference to this abstract question of the relation of the States to the General Government, and would here conclude, did I not believe that a mere general statement on an abstract question, without including that which may have caused its agitation, would be considered by many imperfect, and unsatisfactory. Feeling that such would be justly the case, I am compelled, reluctantly, to touch on the Tariff, so far, at least, as may be necessary to illustrate the opinions which I have already advanced. Anxious, however, to intrude as little as possible on the public attention, I will be as brief as possible, and with that view, will, as far as may be consistent with my object, avoid all debateable topics. Whatever diversity of opinion may exist, in relation to the principle, or the effect on the productive industry of the country, of the present, or any other Tariff of protection, there are certain political consequences flowing from the present, which none can doubt, and all must deplore. It would be in vain to attempt to conceal that it has divided the country into two great geographical divisions, and arrayed them against each other, in opinion at least, if not interests also, on some of the most vital of political subjects; on its finance, its commerce, and its industry; subjects calculated above all others, in time of peace, to produce excitement, and in relation to which, the Tariff has placed the sections in question in deep and dangerous conflict. Is there be any point on which the (I was going to say Southern) section, but to avoid, as far as possible, the painful feelings such discussions are calculated to excite, I shall say) weaker of the two sections is unanimous, it is that its prosperity depends, in a great measure, on free trade, light taxes, economical, and as far as possible, equal distributions of the public revenue, and an unshackled industry, leaving them to pursue whatever may appear most advantageous to their interests. From the Potomac to the Mississippi, there are few indeed, however divided on other parts, who would not if dependent on their volition, and if they regarded the interests of their particular section only, remove from commerce and industry every shackle, reduce the revenue to the lowest point that the wants of the government fairly required, and restrict the appropriations to the peace, the security, and the engagements of the public; and do not believe that the opposite system is calculated to throw on them an unequal burthen, to repress their prosperity, and to encroach on their enjoyment. On all these deeply important measures, the opposite opinion prevails, if not with equal unanimity, with at least a greatly preponderating majority, in the other and stronger section; so much so, that no two distinct nations ever entertained more opposite views of policy than these two sections do, on all the important points to which I have referred. Nor is it less certain that this unhappy conflict flowing directly from the Tariff, has extended itself to the halls of legislation, and has converted the deliberations of Congress into an annual struggle between the two sections, the stronger to maintain and increase the superiority it has already acquired, and the other to throw

off, or diminish its burdens; a struggle in which all the noble and generous feelings of patriotism are gradually subsiding into sectional and selfish attachments. Nor has the effect of this dangerous conflict ended here. It has not only divided the two sections on the important point already stated, but on the deeper and more dangerous questions, the constitutionality of a protective Tariff, and the general principles and theory of the Constitution itself: the stronger, in order to maintain their superiority, giving a construction to the instrument, which the other believes would convert the General Government into a consolidated, irresponsible government, with the total destruction of liberty, and the weaker seeing no hope of relief with such assumption of powers, turning its eyes to the reserved sovereignty of the states, as the only refuge from oppression. I shall not extend these remarks, as I might, by shewing that while the effect of the system of protection was rapidly alienating one section, it was not less rapidly, by its necessary operations, distracting and corrupting the other; and between the two, subjecting the administration to violent and sudden changes, totally inconsistent with all stability and wisdom in the management of the affairs of the nation, of which we already see fearful symptoms. Nor do I deem it necessary to inquire whether this unhappy conflict grows out of true or mistaken views of interest on either, or both sides. Regarded in either light, it ought to admonish us of the extreme danger to which our system is exposed, and the great moderation and wisdom necessary to preserve it. It comes from mistaken views; if the interests of the two sections as affected by the Tariff, be really the same, and the system instead of acting unequally, in reality diffuses equal blessings, and imposes equal burdens on every part, it ought to teach us how liable those, who are differently situated, and who view their interests under different aspects, are to come to different conclusions; even when their interests are strictly the same, and consequently with what extreme caution any system of policy ought to be adopted, and consequently, with what a spirit of moderation pursued, in a country of such great extent and diversity as ours. But if on the contrary, the conflict springs really, from contrariety of interests, if the burden be on one side, and the benefit on the other, then are we taught a lesson not less important, how little regard we have for the interests of others, while in pursuit of our own, or at least how apt we are to consider our own interests, the interests of all others; and of course how great the danger in a country of such acknowledged diversity of interests, of the feebler by the stronger interests, and in consequence of it, of the most fatal sectional conflicts. But whichever may be the cause, the real, or supposed diversity of interest, it cannot be doubted, that the political consequences of the prohibitory system, be its effects in other respects, beneficial or otherwise, are really such, as I have stated; nor can it be doubted, that a conflict between the great sections on questions so vitally important, indicates a condition of

the country, so distempered and dangerous, as to demand the most serious and prompt attention. It is only, when we come to consider of the remedy, that under the aspect, I am viewing the subject, there can be among the informed and considerate any diversity of opinion. Those, who have duly reflected on its dangerous and inveterate character, suppose that the disease will cure itself; that events ought to be left to take their own course; and that experience, in a short time, will prove, that the interest of the whole community, is the same, in reference to the Tariff, or, at least, whatever diversity there may now be, time will assimilate. Such has been their language from the beginning; but unfortunately the progress of events has been the reverse. The country is now more divided than in 1824, and then, more than in 1816. The majority may have increased, but the opposite sides are beyond dispute more determined and excited, than at any preceding period. Formerly the system was resisted mainly, as inexpedient; but now, as unconstitutional, unequal, unjust and oppressive. Then relief was sought, exclusively from the General Government; but now, many driven to despair, are raising their eyes to the reserved sovereignty of the States as their only refuge. If we turn from the past and present to the future, we shall find nothing to lessen, but much to aggravate the danger. The increasing embarrassment, and distress of the staple States, the growing conviction, from experience, that they are caused by the prohibitory system principally, and that under its continued operation, their present pursuits must become profitless, and a conviction, that their great and peculiar agricultural capital, cannot be diverted from its ancient and hereditary channels, without ruinous losses, all conspire to increase, instead of dispelling the gloom that hangs over the future. In fact, to those who will duly reflect on the subject, the hope, that the disease will cure itself, must appear perfectly illusory. The question is in reality one between the exporting and non-exporting interests of the country. Were there no exports there would be no tariff. It would be perfectly useless. On the contrary, so long as there are States, which raise the great agricultural staples, with the view of obtaining their supplies, and which must depend on the general market of the world, for their sales, the conflict must remain, if the system should continue, and the disease become more and more inveterate. Their interest, and that of those, who by high duties would confine the purchase of their supplies to the general market, must, from the nature of things in reference to the Tariff, be in conflict. Till then, we cease to raise the great staples, cotton, rice and tobacco, for the same markets, and till we can find some other profitable investment for the immense amount of capital and labour now employed in their production, the present unhappy and dangerous conflict cannot terminate unless with the prohibitory system itself. In the meantime, while idly waiting for its termination through its own action, the progress of events, in another quarter is rapidly bringing the contest to an immediate and decisive issue. We are fast approaching a period, very novel in the history of nations, and bearing directly and powerfully on the point under consideration, the final payment of a long standing funded debt; a period that cannot be sensibly retarded, or the natural consequences of it eluded, without proving disastrous to those, who may at

* The system if continued, must end not only in subjecting the industry and property of the weaker section to the control of the stronger, but in proscription and political disfranchisement. It must finally control elections and appointments to office, as well as acts of legislation, to the great increase of the feelings of animosity, and of the fatal tendency to a complete alienation between the two sections.