

...the proceedings in the state court are deemed and taken to be moved to the said circuit court and any further proceedings, trial or judgment therein, in the state court, shall be wholly null and void. Are we then about to become nullifiers? ...

Mr. R. said, it had been attempted, and that from his authority, to justify or excuse the despotism of this bill by referring it to the act for the enforcement of the embargo, passed in 1807, during the administration of the illustrious Jefferson, that apostle of democracy. ...

This bill, said Mr. R. has had several of its sharp points knocked off. The Senate has made several amendments to it favorable to liberty and the rights of the citizen, since it came from the executive. ...

CONVENTION OF S. C.

The convention met pursuant to adjournment; Thursday, 14th March, 1833.

The Committee of 21 not being yet prepared to make a further report, obtained leave to sit again.

Friday, 15th March.

Judge Colcock presented the report which was yesterday recommended to the Committee of twenty one, Judge Harper on the part of the same Committee made a further report and Ordinance in relation to the Act of the late Congress entitled "an act further to provide for the collection of the duties on imports." ...

The following resolution was then introduced by Gen. Hamilton, to wit: Resolved, That whilst this Convention, in an offering to the peace and harmony of this Union, in just regard to the interposition of the highly patriotic commonwealth of Virginia, and with a proper deference to the united vote of the whole Southern States in favour of the recent recommendation of the tariff, has made the late modification of the tariff approved by act of Congress of the 2nd March, 1833, the basis of the repeal of her Ordinance of the 24th November, 1832. ...

Convention, that the military preparations heretofore begun by the State should be continued, and that effectual measures should be adopted and completed, for putting the State in a firm attitude of defence. Saturday, 6th March.

The report and Ordinance of the Force Bill which had been made the order of the day were then taken up. The Report and Resolutions relating to the Virginia mediation was agreed to. The Committee to whom was referred the act of the Congress of the United States, entitled "An act further to provide for the collection of duties on imports," beg leave to

REPORT: That they have, so far as time would allow, considered the Act with such attention as the importance of the matters contained in it would seem to require. At the present moment, when a question, which has long divided and perplexed the country, has been adjusted, on terms calculated to quiet agitation and restore harmony, it would have been matter of peculiar gratification to be able to indulge, without restraint, the feelings which such adjustment was calculated to excite. ...

The general purpose of the whole act, though not expressed in the terms of it, is perfectly well known to have been to counteract and render inefficacious an act of this State, adopted in her sovereign capacity, for the protection of her reserved rights. Believing, as we most fully do, that the power attempted to be exercised by the State, is among the reserved powers of the States, and that it may be exercised consistently with the Constitution of the United States, an opinion formed by the good people of this State, upon the fullest and most careful consideration, and expressed through their Delegates in Convention, your Committee must on that ground alone, have been convinced that the purpose of counteracting that act, and the means by which it is sought to be counteracted, are unauthorized by the Constitution. ...

It exempts a class of persons residing within the State—officers of the United States, and persons employed by them or acting under their direction, or any other person professing to act in execution of the revenue laws—from all responsibility to the State laws or State tribunals, for any crime or wrong, when it is alleged that the act was done in execution of the revenue laws or under color thereof. It gives to the same class of persons the right to seek redress for any alleged injury whatever, either to person or property, however foreign to the proper subjects of the jurisdiction, in the Courts of the United States, provided the injury be received in consequence of any act done in execution of the revenue laws. ...

It directly supposes all the Courts of the State, to be inferior & subordinate to those of the United States, and provides for rendering them so, by directing to them the writ of certiorari superceding their jurisdiction. It attempts to limit and control the jurisdiction of the courts of the State; providing for the removal of causes from their cognizance; declaring their judgments void, and providing for the discharge of persons confined under their process. ...

enormous claim to which it is liable, does the Constitution contemplate or authorize the delegation of this discretion to an individual? If it were exercised it would be a plain violation of that part of the Constitution which directs that in regulations of commerce, no preference shall be given to the ports of one State over those of another. The same inequality is occasioned by directing the payment of cash duties. It is vain to say that this has been rendered necessary by the act of the States, and without it, the collection of revenue would be impracticable. ...

The provisions of the act, that all property in the hands of any officer or other person, detained under any revenue law, shall be subject only to the orders and decrees of the Courts of the United States, plainly enacts that it shall not be subject to any process order or decree, of the Courts of the State. We have heretofore been accustomed to regard our superior Courts as having jurisdiction, over all persons and all property within the limits of the State. This jurisdiction is of course superceded, whenever any other Court of concurrent jurisdiction has possession or custody of any cause or any property. ...

The act gives to the President of the United States, for a limited time, an almost unlimited power of control over the commerce of the whole United States; though certainly the power was only contemplated to be exercised against that of S. Carolina. It exempts property in the hands of the officer of the revenue, alleged to be detained for enforcing the payment of duties, from liability to the process of the State Courts. ...

It exempts a class of persons residing within the State—officers of the United States, and persons employed by them or acting under their direction, or any other person professing to act in execution of the revenue laws—from all responsibility to the State laws or State tribunals, for any crime or wrong, when it is alleged that the act was done in execution of the revenue laws or under color thereof. ...

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any criminal might easily procure, would be able to elude the criminal justice of the State. His cause must be removed to the Federal Court; and when upon his trial it shall appear that his act was not done in execution of the law of the United States, your committee can follow, than that he must be acquitted and go with impunity. ...

Having taken this view of the provisions of the act in question, the committee would submit to the solemn consideration and determination of this Convention, whether they do not effect an entire change in the character of our Constitution, and will not, when carried into practice, abolish every vestige of liberty, and render this an absolute, consolidated government, without limitation of powers. ...

The object of many of the politicians who supported this bill—the politicians of that majority in whose hands all power will be—is to establish a consolidated government, is now hardly or at all disguised. The chimera of a government partly consolidated, partly federative, is now scarcely contended for. ...

It is plain, likewise, from the various provisions of the act, that such suits are intended to be allowed against persons acting in execution of the process of the State Courts. Judgments of those Courts are declared to be void, and persons and property exempted from their jurisdiction. ...

It is not only our law, but part of the law of the civilized world, that the judgment of a Court of competent jurisdiction is valid until it is reversed by a competent authority. The judgment of a Superior Court of general jurisdiction, can never be void for want of jurisdiction. ...

protection system, constitutes but a small part of our controversy with the Federal Government. Unless we can obtain the recognition of some effectual constitutional check on the usurpation of power, which can only be derived from the sovereignty of the States, and their right to interpose for the preservation of their reserved powers, we shall experience oppression more cruel and revolting than this. ...

While there remains within the States any spirit of liberty, prompting them to repel Federal usurpations, one of the most obvious means to break that spirit and reduce the State to subjection, will be that which has been attempted by the Act before us. It will be to create or to sustain by the patronage of government or other means, a party within the State, devoted to Federal power, exempted from responsibility to the state authorities, and having power to harass and degrade the state authorities by means of the tribunals of the United States. ...

In alluding to the oath which the State has heretofore thought proper to exact of its citizens, and to one somewhat similar, which the Committee proposes to recommend, they think proper to disclaim, as they do most solemnly disclaim, on behalf of themselves and the Convention, that this or any other measure which the Convention has adopted, has been adopted upon more party views; to secure party ascendancy, or gratify party resentment. ...

The firmness of the State seems, at length, in some degree, to have triumphed. But let it be recollected that the moment of triumph is commonly one of danger. Let it be kept in mind, that this is not a contest ended, but a contest not more than begun, and not to be determined till this act shall cease to disgrace the Statute Book. ...

As the provisions of the act have reference only to certain acts of the people and Legislature of this State, which have been superseded by the late modification of the Tariff, it could not have been contemplated that it should have any immediate operation. And your Committee doubted whether, regarding it as merely a menace, they should recommend any action upon it, or only that the sentiments of the Convention should be expressed in regard to the principles it contains. ...

Retribution—The wickedness of Mr. Forsyth & the servility of Governor Lumpkin, are, it seems, about to fall upon their own State. They have been beaten, at their own dishonest game, by still nobler sharpers than themselves. ...

The history of the force Bill is now known. Governor Cass openly complains of the fraud put upon him: the whole is as follows: It must be remembered that the Force Bill, while seemingly drawn for our case only, fits that of Georgia equally well. ...

Mr. Webster, meanwhile, had drawn up the Force Bill; with a view to the bargain of the Indians. When it reached its last reading, the treaty with the Cherokee Chiefs for their lands, was not completed. They had been taught to spin out the negotiation. Mr. Forsyth, it seems, grew alarmed at the possibility of their yet refusing to sell; which would, of course, plunge Georgia afresh into the Indian question. ...

The very next morning, the Indians, with all the dignity of foreign ambassadors, sent in a request to the President, that he would grant them an audience of leave. They were tired of Washington, and wanted to go and see their own people. ...

One of the leading provisions of the Force Bill, is, that the President shall call out the military force, as soon as he is certified, by a Circuit Judge of the United States, that the laws of Congress are resisted. No discretion is vested in the President. He must act upon notice from the Judge. ...

It is obvious, that the President regarded this provision, as merely shaped for the purpose of rendering less odious the course that he was bent on pursuing, by making it appear a duty, from which he could not escape. He has suffered his hands to be tied. Against us, he cannot proceed; against Georgia, care will be taken that he shall proceed. ...

We do not make public these facts, of which we have entire confidence, with any spirit of exultation; but in one of warning only. Were we even the enemies of Georgia, we should have but little cause to exult at the approach of a contest, which, as being her neither less nor dishonour, must she will unquestionably meet it with that determined spirit, with which she has so often before repelled attempts of this sort. ...

Adopted in Convention March 18th, 1833. ROBERT Y. HAYNE, President. ISAAC W. HAYNE, Clerk. [The Ordinance reported published in our last.]