

# Western Carolinian.

It is even wise to abstain from laws, which however wise and good in themselves, have the semblance of inequality which find no response in the heart of the citizen, and which will be evaded with little remorse. The wisdom of legislation is especially seen in grafting laws on conscience. Dr. Channing.

[BY BURTON CRAIG.]

SALISBURY, ROWAN COUNTY, N. C., MONDAY APRIL 22, 1833.

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## TERMS.

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## SENATE OF U. STATES.

### SPEECH OF MR. CALHOUN, OF SOUTH CAROLINA.

On the Bill further to provide for the collection of duties on Imports. [CONTINUED.]

In the same spirit we are told, that the Union must be preserved, without regard to means. And how is it proposed to preserve the Union? By force! Does any man, in his senses, believe that this beautiful structure—this harmonious aggregate of States, produced by the joint action of all, can be preserved by force? Every introduction will be certain destruction of this Federal Union. No; you cannot keep the States united in their constitutional and federal bonds by force. Free may, indeed, hold the parts together, but such union would be the bond between master and slave; a union of exacting one side and of unequal obedience on the other. That obedience which we demand by the Senator from Pennsylvania (Mr. WILKINS) is the Union! Yes, exaction on the side of the master; for this bill is intended to collect what can be called taxes—the voluntary contributions of a free people; but tribute, to be exacted under the mouths of bayonets! Your custom house is already converted to a garrison, and that garrison with its batteries turned, not against the enemy of your country, but on subjects, (I must say citizens,) on whom you intend to levy contributions. Has reason fled from our borders! Have we ceased to be a people? It is madness to suppose that this Union can be preserved by force. I repeat, plainly, that the bill, should it pass, cannot be enforced. It will prove only a lash upon your statute book, a reproach to your honor, and a disgrace to the American name. I repeat, that it will not be executed; it will rouse the dormant spirit of the people, and open their eyes to the approach of despotism. The country has sunk into avarice and political corruption from which nothing could arise it, but some measure, on the part of the Government, of folly and madness, such as that now under consideration.

Disguise it as you may, the controversy is between power and liberty, and he would tell the gentlemen who are opposed to him, that as strong as might be the love of power on their side, the love of liberty is still stronger on ours. History furnishes many instances of similar struggles, when the love of liberty has prevailed against power under every disadvantage, and among them is more striking than that of our own revolution; where, as strong as was the parent country, and as feeble as were the colonies, yet, under the impulse of liberty and the blessing of God, they gloriously triumphed in the contest. There were, indeed, many and striking analogies between that and the present controversy; they both originated substantially in the same cause, with this difference, that, in the present case, the power of taxation is converted into that of regulating industry—in that the power of regulating industry, by the regulating of commerce, was attempted to be converted into the power of taxation. Were he to trace the analogy further, we would find that the perversion of the taxing power, in one case, was, given precisely the same control to the northern section of the Union when the power to regulate commerce gave to Great Britain over the industry of the colonies; and that the very articles in which the colonies were permitted to have free trade, and those in which the mother country had a monopoly, are almost identically the same as those under which the Southern States are permitted to have a free trade by act of 1832, and which the Northern States have, by the same act, secured a monopoly; the only difference is in the names; in the former, the colonies were permitted to have a free trade, with all countries south of Cape Finisterre, a cape in the northern part of Spain; while north of that the trade of the colonies was prohibited, except through the mother country, by means of her commercial regulations. If we compare the products of the country north and south of Cape Finis- terre, we will find them almost identical with the list of the protected and unprotected articles contained in the act of last year. Nor does the analogy terminate here. The very arguments resorted to at

the commencement of the American revolution, and the measures adopted, and the motives assigned to bring on that contest, (to enforce the law,) are almost identically the same. But, (said Mr. CALHOUN,) to return from this digression to the consideration of the bill. Whatever opinion may exist upon other points, there is one in which he would suppose there could be none; that this bill rests on principles, which if carried out, will ride over State sovereignty, and that it will be idle for any of its advocates hereafter to talk of State rights.—The Senator from Virginia (Mr. RIVES) says that he is the advocate of State rights but he must permit me to tell him that, although he may differ in premises from the other gentleman with whom he acts on this occasion, yet in supporting this bill he obliterates every vestige of distinction between him and them: saying only that, professing the principles of '98, his example will be more pernicious than that of the most open and bitter opponents of the rights of the States. He would also add, what he was compelled to say, that he must consider him (Mr. RIVES) as less consistent than our old opponents, whose conclusions were fairly drawn from their premises, whilst his premises ought to have led him to opposite conclusions. The gentleman has told us that the new fangled doctrines, as he chose to call them, had brought State rights into disrepute. He must tell him, in reply, that what he called new fangled, are but the doctrines of '98; and that it is he, (Mr. RIVES,) and others with him, who, professing those doctrines, had degraded them by explaining away their meaning and efficacy. He (Mr. R.) had disclaimed, in behalf of Virginia, the authorship of nullification. Mr. C. would not dispute that point. If Virginia chose to throw away one of her brightest ornaments, she must not hereafter complain that it had become the property of another. But while as a Representative of Carolina he had no right to complain of the disavowal of the Senator from Virginia, he must believe that he (Mr. R.) had done his native State great injustice, by declaring on this floor, that when she gravely resolved, in '98, that "in cases of deliberate and dangerous infractions of the Constitution, the States, as parties to the compact, have the right, and are in duty bound, to interpose to arrest the progress of the evil, and to maintain, within their respective limits, the authorities, rights, and liberties appertaining to them," meant no more than to ordain the right to protest and remonstrate. To suppose that, in putting forth so solemn a declaration, which she afterwards sustained by so able and elaborate an argument, she meant no more than to assert what no one had ever denied, would be to suppose that the State had been guilty of the most egregious trifling, that ever was exhibited on so solemn an occasion.

Mr. C. said that, in reviewing the ground over which he had passed, it would be apparent that the question in controversy involved that most deeply important of all political questions, whether ours was a test case or a consolidated Government.—A question, on the decision of which depends as he solemnly believed, the liberty of the people, their happiness, and the place which we are destined to hold in the moral and intellectual scale of nations. Never was there a controversy in which more important consequences were involved; not excepting that between Persia and Greece, decided by the battles of Marathon, Plataea, and Salamis; which gave ascendancy to the genius of Europe over that of Asia; and which, in its consequences, has continued to effect the destiny of so large a portion of the world, even to this day.—There is, said Mr. C., often close analogies between events apparently very remote, when are strikingly illustrated in this case. In the great contest between Greece and Persia, between European and Asiatic polity and civilization, the very question between the federal and consolidated form of Government was involved. The Asiatic Governments, from the remotest time, with some exceptions on the eastern shore of the Mediterranean, have been based on the principle of consolidation, which considers the whole community as but a unit, and consolidates its powers in a central point. The opposite principle has prevailed in Europe—Greece, throughout all her States, was based on a federal system.—All were united in one common, but loose bond, and the Governments of the several States partook, for the most part, of a complex organization, which distributed political power among different members of the community. The same principles prevailed in ancient Italy; and, if we turn to the Teutonic race, our great ancestors, the race which occupies the first place in power, civilization, and science, and which possesses the largest and the fairest part of Europe, we will find that their Governments were based on the federal organization as has been clearly illustrated by a recent and able writer on the British constitution, (Mr. Palgrave) from whose writings he introduced the following extract: "In this manner the first establishment of the Teutonic States was effected.—First, we see assemblies of septs, clans, and tribes; they were confederated, basis and arms, led on by princes, magistrates, and chieftains; each of whom was originally independent, and each of whom lost a portion of his pristine independence, in proportion as he and his compeers became united under the supremacy of a sovereign, who was superinduced upon the State, first as a military commander, and afterwards as a king. Yet, notwithstanding this political connexion, each member of the State continued to retain a considerable portion of the rights of sovereignty. Every ancient Teutonic monarchy must be considered as a federation; it is not an unit, of which the smaller bodies politic therein contained are the fractions, but they are the integers, and the State is the multiple which results from them. Dukedoms and counties, boroughs and baronies, towns and townships, and shires, from the kingdom; all, in a certain degree, strangers to each other, and separate in jurisdiction, though all obedient to the supreme executive authority. This general description, though not always strictly applicable in terms, is always so substantially and in effect; and hence it becomes necessary to discard the language which has been very generally employed in treating on the English constitution. It has been supposed that the kingdom was reduced into a regular and gradual subordination of Government, and that the various local districts of which it is composed, arose from the divisions and subdivisions of the country. But this hypothesis, which tends greatly to perplex our history cannot be supported by fact; and instead of viewing the constitution as a whole, and then proceeding to its parts, we must examine it synthetically, and assume that the supreme authorities of the State were created by the concentration of the powers originally belonging to the members and corporations of which it is composed." [Here Mr. C. gave way for a motion to adjourn.]

On the next day, Mr. Calhoun proceeded by remarking that he had omitted, at their proper place, in the course of his observation yesterday, two or three points to which he would now advert, before he resumed the discussion where he had left off. He had stated that the ordinance and acts of South Carolina were directed, not against the revenue, but against the system of protection. But it might be asked, if such was her object, how happens it that she has declared the whole system void; revenue as well as protection, without discrimination? It is this question which he proposed to answer. Her justification would be found in the necessity of the case, and if there be any blame, it could not attach to her. The two were so blended, throughout the whole, as to make the entire revenue system subordinate to the protection, so as to constitute a complete system of protection, in which it was impossible to discriminate the two elements of which it is composed. South Carolina at least could not make the discrimination, and she was reduced to the alternative of acquiescing in a system which she believed to be unconstitutional, and which she felt to be oppressive and ruinous, or to consider the whole as one, equally contaminated through all its parts, by the unconstitutionality of the protective portion; and, as such, to be resisted by the act of the State. He maintained that the State had a right to regard it in the latter character, and that if a loss of revenue followed, the fault was not hers, but of this government, which improperly blended together, in a manner not to be separated by the State, two systems widely dissimilar. If the sincerity of the State be doubted; if it be supposed that her action is against revenue as well as protection, let the two be separated; let so much of the duties as are intended for revenue, be put in one bill, and the residue intended for protection be put in another, and he pledged himself that the ordinance and the acts of the State would cease as to the former, and be directed exclusively against the latter.

He had also stated, in the course of his remarks yesterday, and trusted he had conclusively shown that the act of 1816, with the exception of a single item, to which he had alluded, was, in reality, a revenue measure, and that Carolina, and the other States, in supporting it, had not incurred the slightest responsibility in relation to the system of protection, which had since grown up, and which now so deeply distracts the country.—Sir, said Mr. C., I am writing, as one of the representatives of Carolina, and I believe, I speak the sentiment of the State, to take that act of the basis of a permanent adjustment of the tariff, simply reducing the duties, in an average proportion, on all the items, to the revenue point. I make that offer now to the advocates of the protective system; but I must, in candor inform them, that such an adjustment would distribute the revenue between the protected and unprotected articles more favorably to the State, and to the South, and less to the manufacturing interest, than an average uniform ad valorem, and accordingly, more so than that now proposed by Carolina, through her convention. After such an offer, no man who valued his candor, will dare accuse the State, or those who have represented her here, with inconsistency in reference to the point under consideration. He omitted also, on yesterday, to notice a remark of the Senator from Virginia (Mr. RIVES), that the only difficulty in adjusting the tariff grew out of the ordinance and the acts of South Carolina. He must attribute an assertion, so inconsistent with the facts, to an ignorance of the occurrences of the last few years, in reference to this subject, occasioned by the absence of the gentleman from the United States, to which he himself has alluded in his remarks. If the Senator will take pains to inform himself, he will find that this protective system advanced with a continued and rapid step, in spite of petitions, remonstrances, and protests, of not only Carolina but also of Virginia, and of all the Southern States, until 1825; when Carolina, for the first time, changed the character of her resistance, by holding up her reserved rights as the shield of her defence against further encroachment. This attitude alone, unaided by a single State, arrested the further progress of the system, so that the question from that period to this, on the part of the manufacturers, has been, not how to acquire more, but to retain that which they have acquired. He would inform the gentleman that if this attitude had not been taken on the part of the State, the question would not now be, how duties ought to be repealed, but a question as to the protected articles, between prohibition on one side and the duties established by the act of 1825, on the other. But a single remark will be sufficient in reply to what he must consider the invidious remark of the Senator from Virginia (Mr. RIVES). The act of 1832, which has not yet gone into operation and which was passed but a few months since, was declared by the supporters of the system to be a permanent adjustment, & the bill proposed by the Treasury Department, not essentially different from the act itself, was in like manner declared to be intended, by the administration as a permanent arrangement. What has occurred since, except this ordinance, and these abused acts of the calumniated State, to produce this mighty revolution in reference to this odious system? Unless the Senator from Virginia can assign some other cause, he is bound, upon every principle of fairness, to retract this unjust aspersion upon the acts of South Carolina.

After noticing (said Mr. C.) another omission, he would proceed with his remarks. The Senator from Delaware, (Mr. CLAYTON), as well as others, had relied with great emphasis on the fact that we are citizens of the United States. I (said Mr. C.) do not object to the expression, nor shall I detract from the proud and elevated feelings with which it is associated; but he trusted that it might be permitted to raise the inquiry, in what manner are we citizens of the United States? without weakening the patriotic feeling with which he trusted it would ever be uttered. If by citizen of the United States, he meant a citizen at large, one whose citizenship extended to the entire geographical limits of the country, without having a local citizenship in some State or Territory, a sort of citizen of the world, all he had to say was, that such a citizen would be a perfect non-descript; that not a single individual of this description could be found in the entire mass of our population. Notwithstanding all the pomp and display of eloquence on the occasion, every citizen is a citizen of some State or Territory, and as such, under an express provision of the Constitution, is entitled to all privileges and immunities of citizens in the several States; and it is in this, and in no other sense, that we are citizens of the United States. The Senator from Pennsylvania, (Mr. DALLAS), indeed, relies upon that provision in the Constitution which gives Congress the power to establish a uniform rule of naturalization, and the operation of the rule actually established under this authority, to prove that naturalized citizens are citizens at large, without being citizens of any of the States. He did not deem it necessary to examine the law of Congress upon this subject, or to reply to the argument of the Senator, though he could not doubt that he (Mr. D.) had taken an entirely erroneous view of the subject. It was sufficient that the power of Congress extended simply to the establishment of a uniform rule, by which foreigners might be naturalized in the several States or Territories, without infringing, in any other respect, in reference to naturalization, the rights of the States, as they existed before the adoption of the Constitution.

Having supplied the omissions of yesterday, Mr. C. now resumed the subject at the point where his remarks then terminated. The Senator would remember, that he stated at their close, that the great question at issue was, whether ours is a federal or a consolidated system of Government; a system, in which the parts, to use the emphatic language of M. Palgrave, are the integers, and the whole the multiple—or in which the whole is a unit and the parts the fractions; that he had stated, that on the decision of this question, he believed, depends not only the liberty and prosperity of this country, but the place which we are destined to hold in the intellectual and moral scale of nations. He had stated, also, in his remarks on this point, that there was a striking analogy between this and the great struggle between Persia and

strong, let us suppose them all to be engaged in the same pursuit, and to be of equal wealth. Let us further suppose that they determine to govern the community by the will of a majority; and, to make the case as strong as possible, let us suppose that the majority, in order to meet the expenses of the government, lay an equal tax, say of \$100 on each individual of this little community. Their treasury would contain five hundred dollars.—Three are a majority; and they, by supposition, have contributed three hundred as their portion, and the other two, (the minority) two hundred. The three have the right to make the appropriation as they may think proper. The question is, how would the principle of the absolute and unchecked majority operate, under these circumstances, in this little community? If the three be governed by a sense of justice—if they should appropriate the money to the objects for which it was raised, the common and equal benefit of the five, then the object of the association would be fairly and honestly effected, and each would have a common interest in the government. But, should the majority pursue an opposite course; should they appropriate the money in a manner to benefit their own particular interest, without regard to the interest of the two, (and that they will so act, unless there be some efficient check he who best knows human nature will least doubt,) who does not see that the three and the two would have directly opposite interests, in reference to the action of the government? The three, who contribute to the common treasury but three hundred dollars, could, in fact, by appropriating the five hundred to their own use, convert the action of the government into the means of making money; and, of consequence, would have a direct interest in increasing the taxes. They put in three hundred and take out five; that is, they take back to themselves all that they had put in; and, in addition, that which was put in by their associates; or, in other words, taking taxation and appropriation together, they have gained, and their associates have lost, two hundred dollars by the fiscal action of the government. And opposite interests, in reference to the action of the government, is thus created between them; this one having an interest in favor and the other against the taxes; the one to increase and the other to decrease the taxes; the one to retain the taxes when the money is no longer wanted, and the other to repeal them when the objects for which they were levied have been executed.

Let us now suppose this community of five to be raised to twenty four individuals, to be governed in like manner by the will of a majority; it is obvious that the same principle would divide them into two interests—into a majority and a minority, thirteen against eleven, or in some other proportion; and that all the consequences, which he had shown to be applicable to the small community of five, would be equally applicable to the greater—the cause not depending upon the number, but resulting necessarily from the action of the government itself.—Let us now suppose that, instead of governing themselves directly in an assembly of the whole, without the intervention of agents, they should adopt the representative principle, and that, instead of being governed by a majority of themselves, they should be governed by a majority of their representatives. It is obvious that the operation of the system would not be effected by the change, the representatives being responsible to those who choose them, will conform to the will of their constituents, and would act as they would do, were they present, and acting for themselves; and the same conflict of interest, which we have shown would exist in one case, would equally exist in the other. In either case, the inevitable result would be a system of hostile legislation on the part of the majority, or the stronger interest, against the minority, or the weaker interest; the object of which, on the part of the former, would be to exact as much as possible from the latter, which would necessarily be resisted by all the means in their power.—Warfare, by legislation, would thus be commenced between the parties, with the same object, and not less hostile than that which is carried on between distinct and rival nations—the only distinction would be in the instruments and the mode. Enactments, in the one case, would supply what could only be effected by arms in the other; and the inevitable operation would be to engender the most hostile feeling between the parties, which would merge every feeling of patriotism—that feeling which embraces the whole, and substitute in its place the most violent party attachment; and, instead of having one common center of attachment, around which the affections of the community might rally, there would, in fact, be two—the interests of the majority, to which those who constitute that majority would be more attached than they would be to the whole, and that of the minority, to which they in like manner would also be more attached than to the interests of the whole. Faction would thus take the place of patriotism, and, with the loss of patriotism, corruption must necessarily follow, and, in its train, anarchy, and, finally, despotism, or the establish-

ment of a small community of five persons, separated from the rest of the world; and, to make the example