ment of absolute power in a single individual, as a means of arresting the conflict of hostile interests; on the principle that it is better to submit to the will of a single individual, who by being made lord and master of the whole community, would have an equal interest in the protection of all the parts. Let us next suppose that, in order to avert the calamitous train of consequences, this little community should adopt a written constitution, with limitations restricting the will of the majority, in order to protect the minority against the oppression which he had shown would necessarily result without such restrictions. It is obvious that the case would not be in the slightest degree varied, if the majority be left in possession of the right of judging exclusively of the extent of its powers, without any right on the part of the minority, to enforce the restrictions imposed by the Constitution on the will of the majority. The point is almost too clear for illustration. Nothing can be more certain than that when a Constitution grants power, and imposes limitations on the exercise of that power, whatever interests may obtain possession of the Government, will be in favor of extending the power at the expense of the limitation; and that, unless those in whose behalf the limitations were imposed have, in some form or mode, the right of enforcing them, the power will ultimately supersede the limitation, and the Government must operate precisely in the same manner as if the will of the majority governed without Constitution or limitation of power.

He had thus presented all possible modes, in which a Government bound upon the will of an absolute majority, would be modified, and had demonstrated that, in all its forms, whether in a majority of the people, as in a mere democracy, or in a majority of their representatives, without a Constitution, or with a Constitution, to be interpreted as the will of the majority, the result would be the same; two hostile interests would inevitably be created by the action of the Government, to be followed by hostile legislation, and that by faction, corruption, anarchy, and despotism.

The great and solemn question here presented itself—Is there any remedy for these evils, on the decision of which depends the question, whether the people can govern themselves, which has been so often asked with so much scepticism and doubt? There is a remedy, and but one, the effects of which, whatever may be the form, is to organize society in reference to this conflict of interests, which springs out of the action of Government; and which can only be done by giving to each part the right of self-protection, which, in a word, instead of considering the community of twenty-four as a single community, having a common interest, and to be governed by the single will of an entire majority, shall, upon all questions tending to bring the parts into conflict, the thirteen against the eleven, take the will, not of the twenty-four as a unit, but that of the thirteen and that of the eleven separately, the majority of each governing the parts, and where they concur, governing the whole, and where they disagree, arresting the action of the Government. This, he would call the concurring, as distinct from the absolute majority. It would not be, as was generally supposed, a minority governing a majority. In either way, the number would be the same, whether taken as the absolute, or as the concurring majority.—Thus, the majority of the thirteen is seven, and of the eleven six, and the two together make thirteen, which is the majority of twenty-four. But though the number is the same, the mode of counting is essentially different; the one representing the strongest interests, and the other, the weaker interests of the community. The first mistake was, in supposing that the government of the absolute majority is the government of this people—that beau ideal of a perfect government, which had been so enthusiastically entertained in every age by the generous and patriotic, where civilization and liberty had made the smallest progress. There could be no greater error; the government of the people is the government of the whole community—of the twenty four—the self-government of all the parts—too perfect to be reduced to practice in the present, or any past stage of human society. The government of the absolute majority, instead of the government of the people, is but the government of the strongest interests, and, when not efficiently checked, is the most tyrannical and oppressive that can be devised. Between this ideal perfection on one side, and despotism on the other; none other can be devised but that which considers society, in reference to its parts, as differently affected by the action of the government, and which takes the sense of each part separately, and thereby the sense of the whole in the manner already illustrated.

These principles, as he had already stated, are not affected by the number of which the community may be composed, and are just as applicable to one of thirteen millions, the number which composes ours, as of the small community of twenty-four which I have supposed for the purpose of illustration; and are not less applicable to the twenty-four States united in one community, than to the case of the twenty-four individuals. There is, indeed a distinction between a large and a small community, not affecting the principle, but the violence of the action. In the former, the similarity of the interests of all the parts, will limit the oppression from the hostile action of the parts, in a great degree, to the fiscal action of the government merely; but in the large community spreading over a country of great extent, and having a great diversity of interests, with different kinds of labor, capital, and production, the conflict and oppression will extend, not only to a monopoly of the appropriations on the part of the stronger interest, but also to unequal taxes, and a general conflict between the entire interests of conflicting sections; which, if not arrested by the most powerful checks, will terminate in the most oppressive tyranny that can be conceived, or in the destruction of the community itself.

If we turn our attention from these supposed cases, and direct it to our Government, and its actual operation, we will find a practical confirmation of the truth of what has been stated, not only of the oppressive operation of the system of an absolute majority, but also a striking and beautiful illustration, in the formation of our system, of the principle of the concurring majority, as distinct from the absolute, which he had asserted to be the only means of efficiently checking the abuse of power, and, of course, the only solid foundation of constitutional liberty. That our Government, for many years, has been gradually verging to consolidation, that the Constitution has gradually become a dead letter, and that all restrictions upon the power of Government have been virtually removed, so as practically, to convert the General Government into a Government of an absolute majority, without check or limitation, cannot be denied by any one who has impartially observed its operation.

It is not necessary to trace the commencement and gradual progress of the causes which have produced this change in our system; it is sufficient to state that the change has taken place within the last few years. What has been the result? Precisely that which might have been anticipated; the growth of faction, corruption, anarchy, and, if not despotism itself, its near approach, as witnessed in the provisions of this bill. And from what have these consequences sprung? We have been involved in no war! We have been at peace with all the world. We have been visited with no national calamity. Our people have been advancing in general intelligence, and, I will add, as great and alarming as has been the advance of political corruption, the morals and virtue of the community at large, have been advancing in improvement. What, he would again repeat, is the cause? No other can be assigned but a departure from the fundamental principles of the Constitution, which has converted the Government into the will of an absolute and irresponsible majority, and which, by the laws which must inevitably govern, in all such majorities, have placed in conflict the great interests of the country, by a system of hostile legislation; by an oppressive and unequal imposition of taxes; by unequal and profuse appropriations, and by rendering the entire labor and capital of the weaker interest subordinate to the stronger.

This is the cause and these the fruits, which have converted the Government into a mere instrument of taking money from one portion of the community to be given to another, and which has rallied around it a great, a powerful, and mercenary corps of office holders, office seekers, and expectants, destitute of principle and patriotism, and who have no standard of morals or politics, but the will of the Executive—the will of him who has the distribution of the loaves and the fishes. He held it impossible for any one to look at the theoretical illustration of the principle of the absolute majority in the cases which he had supposed, and not be struck with the practical illustration in the actual operation of our Government. Under every circumstance, the majority will ever have its American system—(he meant nothing offensive to any Senator)—but the real meaning of the American system is, that system of plunder which the strongest interest has ever waged, and will ever wage, against the weaker, where the latter is not armed with some efficient and constitutional check to arrest its action. Nothing but such check on the part of the weaker interest can arrest it; mere constitutional limitations are wholly insufficient. Whatever interest obtains possession of the Government will, from the nature of things, be in favor of the powers and against the limitations imposed by the constitution, and will resort to every device that can be imagined to remove those restraints. On the contrary, the opposite interest; that which he had designated as the stockholding interest; the tax payers; those on whom the system operates, will resist the abuse of powers, and contend for the limitations. And it is on that point then, that the contest between the delegated and the reserved powers will be waged; but, in this contest, as the interests in possession of the Government are organized and armed by all its powers and patronage, the opposite interest, if not in like manner organized and possessed of a power to protect themselves under the provisions of the Constitution, will be as inevitably crushed as would be a band of unorganized militia, when opposed by a veteran and trained corps of regulars. Let it never be forgotten, that power can only be opposed by power, organization by organization; and on this theory stands our beautiful federal system of government. No free system was ever farther removed from the principle that the absolute majority, without check or limitation, ought to govern. To understand what our government is, we must look to the constitution, which is the basis of the system. He did not intend to enter into any minute examination of the origin and the source of its powers; it was sufficient for his purpose to state, which he did fearlessly, that it derived its power from the people of the separate States, each ratifying by itself, each binding itself by its own separate majority, through its separate convention, and the concurrence of the majorities of the several States forming the constitution; thus taking the sense of the whole by that of the several parts, representing the various interests of the entire community. It was this concurring and perfect majority which formed the constitution. & not that majority which would consider the American people as a single community, and which, instead of representing fairly and fully the interests of the whole, would but represent, as has been stated, the interest of the stronger section. No candid man can dispute that he had given a correct description of the constitution making power, that power which created and organized the Government; which delegated unit, as a common agent certain powers, in trust for the common good of all the States, and which had imposed strict limitation and checks against abuses and usurpations. In administering the delegated powers, the constitution provides very properly, in order to give promptitude and efficiency, that the government should be organized upon the principle of the absolute majority, or rather of two absolute majorities combined; a majority of the States considered as bodies politic, which prevails in this body; and a majority of the people of the States, estimated in federal numbers, in the other house of Congress. A combination of the two prevails in the choice of the President, and, of course, in the appointment of judges, they being nominated by the President and confirmed by the Senate. It is thus that the concurring and the absolute majorities are combined in one complex system; the one in forming the constitution and the other in making and executing the laws; thus beautifully blending the moderation, justice, and equity of the former and more perfect majority, with the promptness and energy of the latter, but less perfect.

To maintain the ascendency of the Constitution over the law making majority, is the great and essential point on which the success of the system must depend; unless that ascendency can be preserved the necessary consequence must be, that the laws will supersede the Constitution, and, finally, the will of the Executive, by the influence of its patronage, will supersede the laws, indications of which, are already perceptible.—This ascendency can only be preserved through the action of the States, as organized bodies, having their own separate Governments, and possessed of the right under the structure of our system, of judging of the extent of their separate powers, and of interposing their authority to arrest the enactments of the general Government within their respective limits. He would not enter, at this time, into the discussion of this important point: as it had been ably and fully presented by the Senator from Kentucky, (Mr. Clay,) and others who had preceded him in this debate, on the same side; whose arguments not only remained unanswered, but were unanswerable. It was only by this power of interposition that the reserved rights of the States could be peacefully and efficiently protected against the encroachments of the general Government, that the limitations imposed upon its authority would be enforced, and its movement confined to the orbit allotted to it by the Constitution.

It had, indeed, been said in debate, that this could be affected by the organization of the General Government itself particularly by the action of this body, which represented the states, and that the states themselves must look to the General Government for the preservation of many of the most important of their reserved rights. He did not (said Mr. C.,) underrate the value to be attached to the organic arrangement of the General government, and the wise distribution of its powers between the several departments, and in particular the structure and the important functions of this body! but to suppose that the Senate or any department of this Government was intended to be the guardian of the reserved rights, was a great and fundamental mistake. The government through all its departments, represents the delegated, and not the reserved powers; and it was a violation of the fundamental principle of free institutions to suppose, that any but the responsible representative of any interest, could be its guardian. The distribution of the powers of the General Government and its organization, in fulfilling the important trusts confided to it; and not, as preposterously supposed, to protect the reserved powers, which are confided wholly to the guardianship of the several States.

Against the view of our system which he had presented, and the right of the State to interpose, it was objected that it would lead to anarchy and dissolution. He considered the objection as without the slightest foundation, and that so far from tending to weakness or disunion, it was the source of the highest power and of the strongest cement. Nor was its tendency in this respect difficult of explanation. The Government of an absolute majority, unchecked by efficient constitutional restraint, though apparently strong, was in reality an exceedingly feeble Government. That tendency to conflict between the parts, which he had shown to be inevitable in such governments, wasted the power of the State in the hostile action of contending factions, which left very little more power than the excess of the strength of the majority over the minority. But a government based upon the principle of the concurring majority, where each great interest possessed within itself the means of self protection, which ultimately requires the mutual consent of all the parts, necessarily causes that unanimity in council, and ardent attachment of all the parts to the whole, which gives an irresistible energy to a government so constituted. He might appeal to history for the truth of these remarks, of which the Roman furnishes the most familiar and striking. It is a well known fact, that from the expulsion of the Tarquins to the time of the establishment of the Tributarian power, the Government fell into a state of the greatest disorder and distraction, and he might add, corruption. How did this happen? The explanation will throw important light on the subject under consideration. The community was divided into two parts—the Patricians and the Plebeians; with the powers of the State principally in the hands of the former, without adequate check to protect the rights of the latter. The result was as might be expected. The patricians converted the powers of the government into the means of making money, to enrich themselves and their dependants. They in a word, had their American system, growing out of the peculiar character of the Government and condition of the country. This requires explanation. At that period, according to the laws of nations, when one nation conquered another, the lands of the vanquished belonged to the victors; and according to the Roman law, the lands thus acquired were divided into parts, one allotted to the poorer class of the people, and the other assigned to the use of the Treasury, of which the patricians had the distribution and administration. The patricians abused their power by withholding from the people that which ought to have been allotted to them, and by converting to their own use that which ought to have gone to the Treasury. In a word, they took to themselves the entire spoils of victory, and they had thus the most powerful motive to keep the State perpetually involved in war to the utter impoverishment and oppression of the people. After resisting the abuse of power by all peaceable means, and the oppression becoming intolerable, the people, at last, withdrew from the city—they, in a word, seceded; and, to induce them to reunite, the patricians conceded to the plebians, as the means of protecting their separate interest, the very power which he contended is necessary to protect the rights of the States; but which is now represented as necessarily leading to disunion. They granted to the people the right of choosing three tribunes from among themselves, whose persons should be sacred, and who should have the right of interposing their veto, not only against the passage of laws, but even against their execution—a power which nature, would pronounce inconsistent with the strength and unity of the State, if not utterly impracticable. Yet so far from that being the effect, from that day, the genius of Rome became ascendant; and victory followed her steps till she had established an almost universal dominion. How can a result so contrary to all anticipation, be explained? The explanation appeared to him to be simple. No measure or movement could be adopted without the concurring assent of both the patricians and plebeians, and each thus became dependant on the other, and of consequence, the desire and objects of neither could be effected without the concurrence of the other. To obtain this concurrence, each was compelled to consult the good will of the other, and to elevate to office, not simply those who might have the confidence of the order to which he belonged, but also that of the other. The result was, that men possessing those qualities which would naturally command confidence, moderation, wisdom, justice, and patriotism, were elevated to office; and these, by the weight of their authority, and the produce of their counsel, together with the spirit of unanimity, necessarily resulting from the concurring assent of the two orders, furnishes the real explanation of the power of the Roman State, and of that extraordinary wisdom, moderation, and firmness, which in so remarkable a degree characterised her public men. He might illustrate the truth of the position which he had laid down, by a reference to the history of all free States, ancient and modern, distinguished for their power and patriotism, and conclusively show, not only that there was not one which had not some contrivance, under some form, by which the concurring assent of the different portions of the community was made necessary, in the action of Government, but also that the virtue, patriotism, and strength of the State, were in direct proportion to the perfection of the means of securing such assent. In estimating the operation of this principle in our system, which depends, as he had stated, on the right of interposition on the part of the State, we must not omit to take into consideration the amending power, by which new powers may be granted; or any derangement of the system be corrected, by the concurring assent of three fourths of the States, and thus, in the same degree, strengthening the power of repairing any derangement occasioned by the executive action of a State. In fact, the power of interposition, fairly understood, may be considered in the light of an appeal against the usurpations of the General Government, the joint agent of all the States, to the States themselves, to be decided under the amending power, affirmatively in favor of the Government, by the voice of three fourths of the States, as the highest power known under the system.

Mr. C. said that he knew the difficulty, in our country, of establishing the truth of the principle for which he contended, though resting upon the clearest reason, and tested by the universal experience of free nations. He knew that the Governments of the several States would be cited as an argument against the conclusion to which he had arrived and which for the most part, were constructed on the principle of the absolute majority; but in his opinion a satisfactory answer could be given; that the objects of expenditure which fell within the sphere of a state Government, were few and inconsiderable, so that be their action ever so irregular, it could occasion but little derangement. If instead of being members of this great confederacy, they formed distinct communities, and were compelled to raise armies, and incur other expenses necessary to their defence, the laws which he had laid down as necessarily controlling the action of a State where the will of an absolute and unchecked majority prevailed, would speedily disclose themselves in faction, anarchy, and corruption. Even as the case is, the operation of the causes to which he had referred, were perceptible in some of the larger and more populous members of the Union, whose Governments had a powerful central action, and which already showed a strong tendency to that monied action which is the invariable forerunner of corruption and convulsions.

But to return to the General Government; we have now sufficient experience to ascertain that the tendency to conflict in its action, is between southern and other sections. The latter having a decided majority, must habitually be possessed of the powers of the Government, both in this and in the other House; and being governed by that instinctive love of power so natural to the human breast, they must become the advocates of the power of Government, and in the same degree opposed to the limitations, while the other and weaker section is as necessarily thrown on the side of the limitations. In one word; the one section is the natural guardian of the delegated powers, and the other of the reserved; and the struggle on the side of the former will be to enlarge the powers, while that on the opposite side will be to restrain them within their constitutional limits.—The contest will, in fact, be a contest between power and liberty, and such he considered the present—a contest in which the weaker section, with its peculiar labor, productions, and situation, has at stake all that can be dear to freemen. Should they be able to maintain in their full vigor their reserved rights, liberty and prosperity will be their portion; but if they yield and permit the stronger interest to consolidate within itself all the powers of the Government, then will its fate be more wretched than that of the aborigines which they have expelled, or of their slaves. In this great struggle between the delegated and reserved powers, so far from repining that his lot, and that of those whom he represented, is cast on the side of the latter, he rejoiced that such is the fact; for though we participate in but few of the advantages of the Government, we are compensated, and more then compensated, in not being so much exposed to its corruption. Nor did he repine that the duty, so difficult to be discharged as the defence of the reserved powers, against apparently such fearful odds, had been assigned to them. To discharge successfully this high duty, requires the highest qualities moral and intellectual; and should we perform it with a zeal and ability in proportion to its magnitude, instead of being mere planters, our section will become distinguished for its patriots and statesmen. But on the other hand, if we prove unworthy of this high destiny—if we yield to the steady encroachment of power, the severest and most debasing calamity and corruption will overspread the land. Every southern man, true to the interests of his section, and faithful to the duties which Providence has allotted him, will be forever excluded from the honors and emoluments of this Government, which will be reserved for those only, who have qualified themselves by political prostitution, for admission into the *Magdalen* Asylum.

FROM THE NEW-YORK COURIER & ENQUIRER

Washington Correspondence.

Washington, D. C. March 27, 1833.

SIR,—In my letter of the 18th I alluded to the efforts which were making to encourage and sustain the President in his warfare against the Bank of the United States. Those efforts are continued. I am watching the movements of the conspirators. They are known to me. A combination, in this quarter, was formed some time since, for the purpose of stock-gambling.—The business is likely to prove unprofitable. I am in possession of the names of most, if not all the co-partners here.—Circumstances, sooner or later, may render it necessary for me to transmit them for publication. Whether your Wall street gentlemen are, or are not interested in these speculations, I am not prepared to state; but that the *knowing ones* here may be certain that I have a *clue* to them, I will remark, that to the honor of one concerned, on your stock exchange, they declined an agency in these stock transactions which have since excited such universal condemnation. It was done, I presume, courteously, but evidently because it was considered disreputable. This brief statement of facts will explain to you the reason why you hear so much about the removal of the public deposits. The object is to reduce the price of stocks. If these deposits should be removed, *by order of the President*, for it will not be done in any other way, the cause of such removal must be reported to Congress at their next session. What will they do? They will refer the subject to a Committee with power to send for persons and papers, and to examine the witnesses under oath. This examination, you may rest assured, will elicit such information, and expose such a scene of management, as will astound the most sceptical. The result, I have no doubt, would not only be honourable, but advantageous to the bank.

Mr. *Vaughn*, the British Minister, is expected shortly. The house of Mr. Livingston, Secretary of State, has been taken for him, and the furniture purchased. Mr. Livingston will, sail for France during the summer.

On Mr. Livingston's retiring from the State Department how is the vacancy in the cabinet to be filled? Mr. Van Buren wishes Mr. Rives to come into the treasury; but that gentleman looks to the State Department; and Mr. Woodbury has his eye upon the Treasury, as successor to Mr. McLane, who it is supposed will be promoted. But what is to become of Mr. Forsyth in all these arrangements? Is he to be burnt in effigy, throughout his own State, for his devotion to the Vice President and then to receive no remuneration? Mr. Barry has a desire to take the place of Mr. Van Ness in Spain. Such are the *longings* of the great.

It is believed that General Jackson has promised the Hon Isaac Hill, that he will visit him during the month of June or July. Secretary Woodbury is to visit New Orleans, Pensacola, and Charleston. He is to go by the way of the Mississippi. In short, all are to be put in motion.

The friends of Col. Richard M. Johnson, seem determined to put him in nomination, at an early day, as a candidate for the Presidency. I have no doubt he has consented to such a movement. This idea is strengthened, by the fact, that a certain divine has written his biography, which will be extensively circulated. He is considered a popular man in the west, and it is supposed here, that he has strong friends in your State. But the political quidnuncs contend, that Col. Johnson has no other object in view, but to procure a nomination as Vice President, on the ticket with Mr. Van Buren, and that this can be effected.

I have heretofore informed you, that Gen. Jackson held the *venerable* Mr. Ritchie in perfect contempt; and I have stated, and truly stated, what the President has said, to use his own language of "*Tom Ritchie.*" Since the adjournment of Congress, he has become more disgusted with the Richmond Enquirer than ever, and his abuse of its editor, is virulent and unceasing. There is a settled determination to establish, in Richmond, a new paper that the administration can depend upon. Revolutions are at hand. Treason is in the camp, and I know it better than those who sit in high places.

I repeat what I said in a former letter, Mr. Van Buren controls every thing here. He is operating with great *tact*. He understands both Blair and Ritchie. I have no doubt he will mould them as he pleases; but it will not be done directly. A portion of the cabinet irresponsible, are beginning to feel the influence of the Vice President's residence at Washington.—He knows the loyal and the disloyal among them.

Gen. Jackson is in the habit of lecturing, and sometimes not in the most moderate terms, all who hesitate about supporting his measures. During the session, the members of Congress did not escape the severity of his animadversions, and especially that portion of them who were designated administration men. A few days since, Mr. *Plummer*, the member from Mississippi, was called to an account, by the President, for voting against the enforcing bill. After some conversation, and pausing a few minutes, Mr. Plummer replied, in substance, that he was willing to support the administration, but not in company with those who voted for that bill. Such are, almost universally, the feelings of the people, in the south and southwestern parts of our country.

THE SPY IN WASHINGTON.

WASHINGTON, D. C. April 3. 1833.

SIR,—The conflagration of the Treasury office is the principle topic of conversation here. Judge *Crauch* has been for several days engaged in examining of witnesses. The stock-jobbers have put into circulation a report, that the fire was probably produced by the friends of the U. S. Bank, with a view to prevent the transfer of the public deposits. In times like these nothing is too absurd to be credited by the creatures of power, if to believe, will subserve their purposes. There, is undoubtedly, a mystery as to the manner in which the burning originated. By some, it is supposed, that it proceeded from a fire made in the room of the chief clerk, about 7 o'clock, in the evening, and that it communicated from the hearth to the floor. By others, it is said, that one of the rafters jutted through the bricks, which they supposed must have caught fire. In whatever manner it may have originated, the loss in papers and records is very great, and it is to be apprehended will prove the source of much injury to individuals, as well as to the Government.

You well know the abhorrence with which at all times, I witness the employment of the "standing army." The late misfortune has afforded a pretext for the introduction of them, like a "body guard," into the public offices. The eye of the citizen is now offended by the consequential strut, before these buildings, of the soldier, armed with his musket and bayonet. So energetic was Gen. *Jackson* that he ordered the troops from Fort Washington to march all night, if necessary, to reach here on Monday morning. Is this to familiarize us to the pomp and pageantry of military parade? If not, what is the object? The exhibition is as ridiculous as it is useless, unless there is something more intended than meets the eye.

At every corner, and in every bar room, whispers and insendos are heard, calculated to implicate individuals. To these rumours I am unwilling to give currency.—The investigation, now in progress, will, I hope, remove all unwarrantable suspicion, and demonstrate that the conflagration was purely accidental.

The principle loss of papers are those which are immediately under the care of the Secretary of the Treasury. His business, will, therefore, be greatly deranged. Will Mr. *McLane*, under such circumstances, leave the Treasury Department?—Will it be deemed expedient or proper to transfer him to the office about to be vacated by *Mr. Livingston*? This depends upon things yet to happen. But the enquiry is not without meaning. You may remember, that in my letter of the 16th December last, when this city was filled with rumours as to foreign appointments and changes in the cabinet, I remarked "sound *policy* forbids the state of hopes "and fear should be disturbed. It will "not be. In all probability, no change "will be made until the close of the present session of Congress." That prediction has been verified; and the difficulties to which I then referred, have been greatly increased since that period. What then is to be done? Why, Mr. *Livingston*, instead of sailing in May, must remain until July or August, unless Mr. *Rives* can