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From the Washington Globe.

Some time since, a correspondent of the Richmond Enquirer requested that paper to republish the speech of Mr. Livingston, then a very young man, on the Sedition Law; a request which the want of a copy of the speech prevented compliance with. Having found in a volume of American Eloquence the speech of Mr. L. on the Alien bill, which custom and public reprobation have indissolubly coupled in our minds with its Sedition companion, we give it to our readers as a specimen at that early day, of those "powers and purposes" in which Mr. Jefferson, in 1824, expressed the strongest and most affectionate confidence.

**SPEECH OF MR. LIVINGSTON,
ON THE ALIEN BILL.**
Delivered in the House of Representatives of the United States, June 19, 1798.

By the provisions of this bill, the President might order dangerous or suspected aliens, to depart out of the territory of the United States. The penalty provided for disobedience of the President's order, was imprisonment and a perpetual exclusion from the rights of citizenship. The bill provided that, if any alien ordered to depart, should move to the United States, the President might grant him a license to remain for such a time as he should deem proper, and at such place as he should designate.

The bill having been read the third time, the question was about to be taken on its final passage, when Mr. Livingston addressed the House as follows:

MR. SPEAKER,

I esteem it one of the most fortunate occurrences of my life, that, after an inevitable absence from my seat in this House, I have arrived in time to express my dissent to the passage of this bill. It would have been a source of eternal regret, and the keenest remorse, if any private affairs, and domestic concerns, however interesting, had deprived me of the opportunity I am now about to use, of stating my objections, and recording my vote against an act which I believe to be in direct violation of the constitution, and marked with every characteristic of the most odious despotism.

On my arrival, I inquired what subject occupied the attention of the House, and being told it was the Alien bill, I directed the printed copy to be brought to me, but to my great surprise, seven or eight copies of different bills on the same subject, were put into my hands; among them it was difficult (so strongly were they marked with the same family features,) to discover the individual bill then under discussion. This circumstance gave me a suspicion that the principles of the measure were erroneous. Truth marches directly to its end, by a single, undeviating path. Errors either undetermined in its object, or pursued it through a thousand winding ways: the multiplicity of propositions, therefore, to attain the same general but doubtful end, led me to suspect, that neither the object, nor the means proposed to attain it, were proper or necessary. These surmises have been confirmed by a more minute examination of the bill. In the construction of statutes, it is a received rule to examine what was the state of things when they were passed, and what were the evils they were intended to remedy; as these circumstances will be applied in the construction of the law, it may be well to examine them minutely in framing it. The state of things, if we are to judge from the complexion of the bill, must be, that a number of aliens, enjoying the protection of our government, are plotting its destruction; that they are engaged in treasonable machinations against a people, who have given them an asylum and support, and that there exists no provision for their expulsion and punishment. If these things are so, and no remedy exists for the evil, one ought speedily to be provided; but even then, it must be a remedy that is consistent with the constitution under which we act; for, by that instrument, all powers, not expressly given by it to the Union, are reserved to the States; it follows, that unless an express authority can be found, vesting us with the power, be the evil ever so great, it can only be remedied by the several States, who have never delegated the authority to Congress.

We must legislate upon facts, not on surmises; we must have evidence, not vague suspicions, if we mean to legislate with prudence. What facts have been produced? What evidence has been submitted to the House? I have heard, sir, of none; but if evidence of facts could not be procured, at least it might have been expected, that reasonable cause of suspicion should be shown. Here again, gentlemen are at fault; they cannot even show a suspicion why aliens ought to be suspected. We have, indeed, been told, that the fate of Venice, Switzerland and Batavia, was produced by the interference of foreigners. But the instances are unfortunate; because all those powers have been overcome by foreign force, or divided by domestic faction, not by the influence of aliens who resided among them; and if any instruction is to be gained from the history of those republics, it is, that we ought to banish, not aliens, but all those citizens who do not approve the executive acts. This doctrine, I believe, gentlemen are not ready to avow; but if this measure prevails, I shall not think the other remote. If it has been proved, that these governments were destroyed by the conspiracies of aliens, it yet remains to be shown, that we are in the same situation; or that any such plots have been detected or are even reasonably suspected here. Nothing of this kind has yet been done. A modern Theophrastus, indeed, has told us, that he has procured a clue, that will enable him to penetrate the labyrinth and destroy this monster of sedition. Who the fair Ariadne is who kindly gave him the ball, he has not revealed; nor, though

several days have elapsed since he undertook the adventure, has he yet told us where the monster lurks. No evidence then being produced, we have a right to say, that none exists, and yet we are about to sanction a most important act, and on what grounds?—Our individual suspicions, our private fears, our overheated imaginations. Seeing nothing to excite these suspicions, and not feeling those fears, I cannot give my assent to the bill, even if I did not feel a superior obligation to reject it on other grounds.

The first section provides, that it shall be lawful for the President "to order all such aliens, as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machination against the government thereof, to depart out of the United States, in such time as shall be expressed in such order."

Our government, sir, is founded on the establishment of those principles, which constitute the difference between a free constitution and a despotic power; a distribution of the legislative, executive and judiciary powers into several hands; a distribution strongly marked in the three first and great divisions of the constitution. By the first, all legislative power is given to Congress; the second vests all executive functions in the President, and the third declares, that the judiciary powers shall be exercised by the supreme and inferior courts. Here then is a division of the governmental powers strongly marked, decisively pronounced, and every act of one or all of the branches, that tends to confound these powers, or alter their arrangement, must be destructive of the constitution. Examine then, sir, the bill on your table, and declare, whether the few lines, I have repeated from the first section, do not confound these fundamental powers of government, vest them all, in most unqualified terms, in one hand, and thus subvert the basis on which our liberties rest.

Legislative power prescribes the rule of action; the judiciary applies the general rule to particular cases, and it is the province of the executive to see, that the laws are carried into full effect. In all free governments, these powers are exercised by different men, and their union in the same hand is the peculiar characteristic of despotism. If the same power, that makes the law, can construe it to suit his interest, and apply it to gratify his vengeance; if he can go further, and execute, according to his own passions, the judgment which he himself has pronounced upon his own construction of laws which he alone has made, what other features are wanted to complete the picture of tyranny? Yet all this, and more, is proposed to be done by this act; by it the President alone is empowered to make the law, to fix in his mind, what acts, what words, thoughts or looks, shall constitute the crime contemplated by the bill. He is not only authorized to make this law for his own conduct, but to vary it at pleasure, as every gust of passion, every cloud of suspicion shall agitate or darken his mind. The same power that formed the law then applies it to the guilty or innocent victim, whom his own suspicions, or the secret whisper of a spy, have designated as its object.—The President then having construed and applied it, the same President is by the bill authorized to execute his sentence, in case of disobedience, by imprisonment during his pleasure. This then comes completely within the definition of despotism: an union of legislative, executive and judicial powers. But this bill, sir, does not stop here; its provisions are a refinement upon despotism, and present an image of the most fearful tyranny. Even in despotisms, though the monarch legislates, judges and executes, yet the legislates openly; his laws, though oppressive, are known, they precede the offence, and every man, who chooses, may avoid the penalties of disobedience. Yet he judges and executes by proxy, and his private interests or passions do not inflame the mind of his deputy.

But here the law is so closely concealed in the same mind that gave it birth—the crime is "exciting the suspicions of the President"—that no man can tell what conduct will avoid that suspicion: a careless word, perhaps misrepresented or never spoken, may be sufficient evidence, a look may destroy, an idle gesture may ensure punishment; no innocence can protect, no circumspection can avoid the jealousy of suspicion. Surrounded by spies, informers and all that infamous herd which fatten under laws like this, the unfortunate stranger will never know either of the law of accusation or of judgment, until the moment it is put in execution: he will detest your tyranny, and fly from a land of delators, inquisitors and spies. This, sir, is a refinement upon the detestable contrivance of the decemvirs. They hung the tables of their laws so high, that few could read them, a tall man, however, might reach—a short one might climb and learn their contents; but here the law is equally inaccessible to high and low, safely concealed in the breast of its author; no industry or caution can penetrate this recess and attain a knowledge of its provisions, nor even if they could, as the rule is not permanent, would it at all avail.

Having shown, that this bill is at war with the fundamental principles of our government, I might stop here in the certain hope of its rejection. But I can do more; unless we are resolved to prevent the meaning of terms, I can show, that the constitution has endeavored to "make its surety doubly sure, and take a bond of fate," by several express prohibitions of measures like the one you contemplate. One of these is contained in the ninth section of the first article; it is at the head of the articles which restrict the powers of Congress, and declares, that the emigration or importation of such persons as any of the States shall think proper to admit, shall not be prohibited prior to the year 1803." Now, sir, where is the difference between a power to prevent the arrival of aliens, and a power to send them away as soon as they arrive? To me they appear precisely the same. The constitution expressly

says, that Congress shall not do this; and yet Congress are about to delegate this prohibited power, and say the President may exercise it, as his pleasure may direct.

Judiciary power is taken from courts, and given to the executive; the previous safeguard of a presentment by a grand inquest, is removed; the trial by jury is abolished: the "public trial," required by the constitution, is changed into a secret and worse than inquisitorial tribunal. Instead of giving "information on the nature and cause of the accusation," the criminal, alike ignorant of his offence, and the danger to which he is exposed, never hears of either, until the judgment is passed and the sentence is executed. Instead of being "confronted with his accusers," he is kept alike ignorant of their names and their existence; and the forms of a trial being dispensed with, it would be a mockery, to talk of "process for witness," or the "assistance of counsel for defence."—"Thus are all the barriers, which the wisdom and humanity of our country has placed between accused innocence and oppressive power, at once forced and broken down. Not a vestige even of their form remains. No indictments, no jury, no trial, no public procedure, no statement of accusation, no examination of witnesses in its support, no counsel for defence: all is darkness, silence, mystery and suspicion.—But, as if this were not enough, the unfortunate victims of this law are told, in the next section, that, if they can convince the President that his suspicions are unfounded, he may, if he pleases, give them a licence to stay. But how can they remove his suspicions, when they know not on what act they were founded?—How take proof to convince him, when he is not bound to furnish that on which he proceeds? Miserable mockery of justice! Appoint an arbitrary judge, armed with legislative and executive powers added to his own! Let him condemn the unheard, the unaccused object of his suspicions, and then to cover the injustice of the scene, gravely tell him, you ought not to complain, you need only disprove facts you have never heard, remove suspicions that have never been communicated to you; it will be easy to convince your judge, whom you shall not approach, that he is tyrannical and unjust, and when you have done this, we give him the power, he had before, to pardon you if he pleases!

So obviously do the constitutional objections present themselves, that their existence cannot be denied, and two wretched subterfuges are resorted to, to remove them out of sight. In the first place, it is said, the bill does not contemplate the punishment of any crime, and therefore the provisions in the constitution, relative to criminal proceedings and judiciary powers, do not apply. But have the gentlemen, who reason thus, read the bill, or is every thing forgotten, in our zealous hurry to pass it? What are the offences upon which it is to operate? Not only the offence of being "suspected of being dangerous to the peace and safety of the United States," but also that of being "concerned in any treasonable or secret machinations against the government thereof"—and this, we are told, is no crime. A treasonable machination against the government, is not the subject of criminal jurisprudence!—Good heaven! to what absurdities does not an over zealous attachment to particular measures lead us! In order to punish a particular act, we are forced to say, that treason is no crime, and plotting against our government is no offence! And to support this fine hypothesis, we are obliged to plunge deeper into absurdity, and say, that the acts, spoken of in the bill, are no crimes, and therefore the penalty, contained in it, is not a punishment, but merely a prevention; that is to say, we invite strangers to come amongst us; we declare solemnly, that government shall not prevent them; we entice them over by the delusive prospects of advantage; in many parts of the union we permit them to hold lands, and give them other advantages while they are waiting for the period at which we have promised them a full participation of all our rights. An unfortunate stranger, disgusted with tyranny at home, thinks he shall find freedom here; he accepts our conditions; he puts faith in our promises; he vests his all in our hands: he has dissolved his former connexions and made your country his own; but while he is patiently waiting the expiration of the period that is to crown the work, entitle him to all the rights of a citizen—the tale of a domestic spy, or the calumny of a secret enemy, draws on him the suspicions of the President, and unheard, he is ordered to quit the spot he had selected for his retreat, the country which he had chosen for his own, perhaps the family which was his only consolation in life, he is ordered to retire to a country whose government, irritated by his renunciation of its authority, will receive only to punish him—and all this, we are told, is no punishment!

So manifest do these violations of the constitution appear to me, so futile the arguments in their defence, that they press seriously on my mind, and sink it even to despondency: They are so glaring to my understanding, that I have felt it my duty to speak of them in a manner, that may perhaps give offence to men whom I esteem, and who seem to think differently on this subject; none, however, I can assure them, is intended. I have seen measures carried in this House, which I thought militated against the spirit of the constitution; but never before have I been witness to so open, so wanton, so undisguised an attack.

I have now done, sir, with the bill, and come to consider the consequences of its operation. One of the most serious has been anticipated, when I described the blow it would give to the constitution of our country. We should cautiously beware of the first act of violation; habituated to overleap its bounds, we become familiarized to the guilt, and disregard the danger of a second offence; until proceeding from one unauthorized act to another, we at length throw off all restraint which our constitution has imposed; and very soon not even the semblance of its form will remain:

But, if regardless of our duty as citizens, and our solemn obligations as representatives; regardless of every sanction human and divine, we are ready to violate the constitution we have sworn to defend—will the people submit to our unauthorized acts—will the States sanction our usurped power? Sir, they ought not to submit—they would deserve the chains which these measures are forging for them, if they did not resist. For, let no man vainly imagine, that the evil is to stop here; that a few unprotected aliens only are to be affected by this inquisitorial power. The same arguments, which enforce those provisions against aliens, apply with equal strength to enacting them in the case of citizens. The citizen has no other protection for his personal security, that I know, against laws like this, than the humane provisions I have cited from the constitution. But all these apply in common to the citizen and the stranger: all crimes are to be tried by jury: no person shall be held to answer on presentment: in all criminal prosecutions, the accused is to have a public trial: the accused is to be informed of the nature of the charge; to be confronted with the witnesses against him; may have process to enforce the appearance of those in his favor, and is to be allowed counsel in his defence.—Unless, therefore, we can believe, that treasonable machinations and the other offences, described in the bill, are not crimes, that an alien is not a person, and that one charged with treasonable practices is not accused—unless we can believe all this in contradiction to our understanding, to received opinions and the uniform practice of our courts, we must allow, that all these provisions extend equally to alien and native, and that the citizen has no other security for his personal safety, than is extended to the stranger, who is within his gates. If, therefore, this security is violated in one instance, what pledge have we that it will not be in the other? The same plea of necessity will justify both. Either the offences, described in the act, are crimes, or they are not. If they are, then all the humane provisions of the constitution forbid this mode of punishing, or preventing them, equally as relates to aliens and citizens. If they are not crimes, the citizen has no more safety by the constitution, than the alien; for all these provisions apply only to crimes. So that in either event, the citizen has the same reason to expect a similar law to the one now before you, which will subject his person to the uncontrolled despotism of a single man. You have already been told of plots and conspiracies; and all the frightful images, that are necessary to keep up the present system of terror and alarm, have been presented to you; but who are implicated by these dark hints—these mysterious allusions? They are our own citizens, sir, not aliens. If there is any necessity for the system now proposed, it is more necessary to be enforced against our own citizens, than against strangers; and I have no doubt, that either in this or some other shape, this will be attempted. I now ask, sir, whether the people of America are prepared for this? Whether they are willing to part with all the means which the wisdom of their ancestors discovered; and their own caution so lately adopted to secure their own persons? Whether they are willing to submit to imprisonment, or exile, whenever suspicion, calumny, or vengeance, shall mark them for ruin? Are they base enough to be prepared for this? No, sir, they will, I repeat it, they will resist this tyrannical system; the people will oppose, the States will not submit to its operations; they ought not to acquiesce, and I pray to God they never may.

My opinions, sir, on this subject, are explicit, and I wish they may be known; they are, that whenever our laws manifestly infringe the constitution under which they were made, the people ought not to hesitate which they should obey: if we exceed our powers, we become tyrants, and our acts have no effect.—Thus, sir, one of the first effects of measures, such as this, if they be acquiesced in, will be disaffection among the States, and opposition among the people to your government; tumults, violations and a recurrence to first revolutionary principles: if they are submitted to, the consequences will be worse. After such manifest violation of the principles of our constitution, the form will not long be sacred; presently every vestige of it will be lost and swallowed up in the gulf of despotism. But should the evil proceed no further than the execution of the present law, what a fearful picture will our country present! The system of espionage thus established, the country will swarm with informers, spies, delators and all that odious tribe, that breed in the sunshine of despotic power, that suck the blood of the unfortunate, and creep into the bosom of sleeping innocence only to awaken it with a burning wound. The hours of the most unsuspecting confidence; the intimacies of friendship, or the recesses of domestic retirement, afford no security: the companion whom you must trust, the friend in whom you most confide, the domestic who waits in your chamber, are all tempted to betray your imprudence or guardless follies; to misrepresent your words, to convey them, distorted by calumny, to the secret tribunal where jealousy presides, where fear officiates as accuser, where suspicion is the only evidence that is heard.

These, bad as they are, are not the only ill consequences of these measures. Among them we may reckon the loss of wealth, of population and of commerce. Gentlemen, who support the bill, seemed to be aware of this, when yesterday they introduced a clause to secure the property of those who might be ordered to go off. They should have foreseen the consequences of the steps, which they have been taking: it is now too late to discover that large sums are drawn from the banks, that a great capital is taken from commerce. It is ridiculous to observe the solicitude they show to retain the wealth of these dangerous men, whose persons they are so eager to get rid of. If they wish to retain it, it must be by giving them

security to their persons, and assuring them that while they respect the laws, the laws will protect them from arbitrary powers; it must be, in short, by rejecting the bill on your table. I might mention other inferior considerations: but I ought, sir, rather to entreat the pardon of the House, for having touched on this.—Compared to the breach of our constitution, and the establishment of arbitrary power, every other topic is trifling; arguments of convenience sink into nothing; the preservation of wealth, the increase of commerce, however weighty on other occasions, here lose their importance, when the fundamental principles of freedom are in danger. I am tempted to borrow the impressive language of a foreign speaker, and exclaim—"Perish our commerce, let our constitution live!" perish our riches, let our freedom live. This, sir, would be the sentiment of every American, were the alternative between submission and wealth: but here, sir, it is proposed to destroy our wealth in order to ruin our commerce: not in order to preserve our constitution, but to break it—not to secure our freedom, but to abandon it.

I have done, sir; but before I sit down, let me entreat gentlemen seriously to reflect, before they pronounce the decisive vote, that gives the first open stab to the principles of our government. Our mistaken zeal, like the patriarch of old, has bound one victim; it lies at the foot of the altar; a sacrifice of the first born offspring of freedom is proposed by those who gave it birth. The hand is already raised to strike, and nothing, I fear, but the voice of heaven, can arrest the impious blow.

Let not gentlemen flatter themselves that the fervor of the moment can make the people insensible to these aggressions. It is an honest, noble warmth, produced by an indignant sense of injury. It will never, I trust, be extinct, while there is a proper cause to excite it. But the people of America, sir, though watchful against foreign aggressions, are not careless of domestic encroachment; they are as jealous, sir, of their liberties at home, as of the power and prosperity of their country abroad; they will awake to a sense of their danger. Do not let us flatter ourselves, then, that these measures will be unobserved or disregarded; do not let us be told, sir, that we excite a fervor against foreign aggressions only to establish tyranny at home; that, like the arch traitor, we cry "Hail Columbia," at the moment we are betraying her to destruction; that we sing out, "happy land," when we are plunging it in ruin and disgrace; and that we are absurd enough to call ourselves "free and enlightened," while we advocate principles, that would have disgraced the age of Gothic barbarity, and establish a code, compared to which the ordeal is wise, and the trial by battle is merciful and just.

From the Winaw (S. C.) Intelligencer.

Cotton.—The late decline in the price of this staple of our agriculture, is better proof than volumes of argument "that the producer may in certain cases, pay the whole of a tax." The price fell the full amount, and we believe something more than the amount of the expected English duty.

This, however, ought before to have been evident to any man of common reflection. The cotton market of Liverpool, necessarily regulates the market of the world, from its great excess of purchases over any and all others. And in the present distressed state of the agricultural produce of this country, there is nothing to which the cotton planter can transfer his labor with hopes of better profit. As he cannot therefore diminish the quantity of cotton produced, the consequence is, and must be, not only that his income will be reduced, but that his already depreciated property becomes every day of less value, as his lands and negroes will be estimated according to the diminished profits that may be derived from them.

The cotton planter bitterly oppressed at home, and taxed abroad as a matter of retaliation by those who would be under a just master his best customers, struggling to keep want from the door, and to retain some of the hard earnings of better days, complains of the difficulty attending even those modest wishes. By way of consolation, a "moderate" man tells him, "It is true, this tariff is oppressive and unconstitutional, worse than the oppression which roused the men of 1776 to peril all things, but you must trust to the generosity and magnanimity of those who are fattening on your distresses; it is better to submit to unconstitutional oppression than to make any opposition which might bring down upon you the whole force of your oppressors, which you are not able to meet." Another, also a "moderate!" man, cries "Treason, Rebellion." A third undertakes to prove to him in the face of facts, that he ought not to find fault with the Tariff—that it does him little, if any harm, and besides that it is the "will of the majority."

Whence arises this power of "the majority," to which we are called on to pay such unbounded obedience,—much more than Eastern submission? Does it arise in any natural right pertaining to those who form this "majority," to rule over and govern us for their interests and advantage? Are we their born "thralls," and hereditary vassals? Oh, no. Whence then comes this power? "From the Union?" And how does it come from the Union?—The very word supposes equality of rights and equality of laws. And the power of the Union, an Union formed between equals, arises from the compact which created it. Beyond the letter of the compact, this "Union" has no power. The legal power of the majority is only to do those things entrusted to it by the Constitution, and no disproportion of members can confer on it any authority not found in the bond.

We have no intention to deny that the majority may "legally" commit an act of injustice, provided any of the provisions of the Constitution, put it in their power to make