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COL. JOHNSON'S REPLY TO MR. INGHAM.

From the National Intelligencer of Aug. 12.

TO THE EDITORS.

BLUE SPRING, 2d August, 1831.

Messrs. Gales & Seaton: After having finished the within letter, I discovered in your paper of the 23d ult. that Mr. INGHAM had published his letter to me as well as his statement. You will please, therefore, to publish this letter as my reply, and oblige your obedient servant, R. H. M. JOHNSON.

BLUE SPRING, July 31, 1831.

Dear Sir:—Yours of the 16th instant was this day received, accompanied with a statement, which, it seems you have prepared for the public, purporting to contain separate conversations with the President and myself relative to an allegation made in the public journals, that General JACKSON had authorized a Member of Congress to require of Messrs. Berrien, Branch, and yourself, and your families, to associate with Major Eaton, and his family, under the penalty of being dismissed from office. You refer to two articles in the Globe to justify your appeal to the public, previously to receiving my answer in which it appeared that I had denied the above allegation, if it had any allusion to me. After the publication of this accusation against General Jackson, I received a letter from a friend, intimating that I was the member of Congress to whom allusion was made, and requested to know if I had ever made such a communication. In my answer, I confined myself to the specific accusation thus publicly made against the President and which is attributable to yourself, and most unequivocally denied that General Jackson ever made such a requisition through me, and as positively denied having ever made such a statement to you. On the contrary, I asserted, and now repeat, I did inform you, in each and every interview, that the President disclaimed any right or intention to interfere in any manner whatever with the regulation of your private or social intercourse.

Thus, in a matter in which I was engaged to serve you and other friends, in a matter of a delicate and highly confidential nature, and in which I succeeded, unexpectedly I found myself presented in the public journals as a witness impeaching one of those friends, and ascribing to him declarations which he never made; and placed in that attitude by you, self-respect and self-defence called upon me to correct that erroneous statement. I cannot, therefore, agree with you, that I did in any degree change my view of the subject in considering it improper in any of the parties to come before the public without the opportunity of comparing our different recollections. But if you feel under any obligations of a personal or political character to come before the public previously, you will find me as ready as yourself to meet any responsibility or difficulty which such a course may produce. Up to this date, I have considered my correspondence with you and Mr. Berrien of a character not to be divulged to any one, and have therefore confined it to my own bosom. The object of my first letter to you was to declare frankly and candidly, in the spirit of perfect respect and friendship, that I was misunderstood, provided I was the member of Congress to whom reference was made, that you might have it in your power to correct your misapprehension of my communications.

I did not see how it could impeach your character or lessen your reputation to consider and acknowledge if a mistake, without your assumption of the ground that you understood me better than I understood myself, and that you could make the public believe so. My standard of confidence and friendship, arising from a personal and political intimacy of twenty years, would have dictated that course to me. Such a course could have been injurious to none, and less troublesome to all. But, so far as I am concerned, I feel perfectly willing to take the course adopted by yourself, of placing our views before the public. I do not, however, think that it will be much benefited by our labors; and I am farther induced to believe that the public will place a less value upon the controversy than you do. In denying the confidential character of our conversations, you urge, as one consideration, that the intimation to invite Maj. Eaton and his family to your large parties was offensive, although you are kind enough to believe that I did not so intend it. If the nature of the suggestion changed in your mind the character of the conversation, and the relation of that perfect friendship which had so long existed, would it not have been magnanimous and generous in you to have advised me of it? I now come to the material point in controversy—whether General Jackson, through me, required of you to invite Maj. Eaton and his family to your large parties. This suggestion was made upon my own responsibility, with an anxious desire more effectually to reconcile the then existing difficulties. But Gen. Jackson never did make such a requisition, in any manner whatever, directly or indirectly; nor did I ever intimate to you that he had made such a demand. The complaint made by Gen. Jackson against this part of his cabinet was specific, that he had been informed, and was induced to believe, that they were using their influence to have Major Eaton and his family excluded from all respectable circles, for the purpose of degrading him, and thus drive him from office; and that the attempt had been made even upon the foreign ministers, and in one case had produced the desired effect. He proposed no mode of accommodation or satisfaction, but declared expressly that if such was the fact he would dismiss them from office. He then read to me a paper containing the principles upon which he intended to act, which disclaimed

the right to interfere with the social relations of his cabinet. Acting in the capacity of a mutual friend, and obeying the impulse of my own mind, can it be supposed that I would have misrepresented any of the parties, and thus defeat the object I had in view? I should have considered it a gross violation of the ties of that friendship which then existed between us, to have carried to you such a message, as that you should invite Maj. Eaton and his family, or any other persons, to your large or small parties, under a menace of dismissal from office. When the President mentioned this charge of conspiracy I vindicated you against it. I gave it as my opinion that he was misinformed.—To prevent a rupture, I requested the President to postpone calling upon those members of his cabinet till Saturday, that I might have the opportunity of two days to converse with them.

When I made my report to the President, I informed him that I was confirmed in my opinion previously expressed, that he had been misinformed as to the combination and conspiracy. I informed him of your unequivocal and positive denial of the fact, and communicated every thing which transpired between us calculated to satisfy his mind on the subject.—It was this report of mine that gave him satisfaction, and changed his feelings and determination—not his ground as you have supposed; with me he had no ground to change. He had assumed none except that which I have stated; nor did I ever make use of such an expression to you, that he had changed his ground. It is true that I informed you that the President was very much excited, but I do not now recollect the precise language used to convey my idea of that excitement. I presume you had the advantage of your private memoranda, when you say I compared him to a roaring Lion.

You attribute to me another declaration which I never made—that on our way to Mr. Berrien's I stated that the President had informed me that he would invite Mr. Branch, Mr. Berrien, and yourself, to meet him on the next Friday, when he would inform you of his determination in the presence of Dr. Ely. I never received or communicated such an idea.

The paragraph is substantially correct when that part in reference to Dr. Ely is expunged.

It is true, in some of our various conversations, the name of Dr. Ely was mentioned, but in connection with another part of the subject. The President informed me, that when the rumors against Maj. Eaton and his family had been opened to him by Dr. Ely, he had invited the accusers to make good their charges, and that they had failed—this is the substance of that part of our conversation in which Doctor Ely's name was mentioned. Again, you say I called at your house at about 5 o'clock, when we walked to Mr. Berrien's. The fact is that you called for me at my lodgings about that time, by a previous appointment. This is a mistake in a matter of fact of no great importance, except to show how easily we forget.—If we thus differ in matters of fact, how much more liable to differ as to words: and still more as to the time, manner, and circumstances in which these words have been introduced, and still more as to the precise meaning the speaker wishes to convey to the hearer!

Having thought it important to memorandum our conversation, would it not have given additional proof of your friendship and confidence, and would it not have been an act of justice to me, to have furnished me with it, (so far as I was concerned,) that I might have corrected, if necessary, any erroneous impressions which my conversations may have made upon you? The witness in court is often misunderstood by lawyers and jury, and as often called upon to correct the mistake and to explain his meaning; and you have gained little, in your desire to be accurate, so far as I am concerned, by failing to present me with your private memoranda; and if now furnished, I dare think that I might put a different construction upon your own notes.

Again: you are incorrect in supposing that I informed you that the President requested me to converse with you and your colleagues. It was my own proposition; and in this you will find I am supported by Mr. Berrien.—Nor did I ever say that your families had not returned the call of Mrs. Eaton; and that if they would leave the first card, and open a formal intercourse in that way, the President would be satisfied. Such an idea never entered my mind; for I never did know the precise manner in which the social intercourse existed between your families, whether cards had ever passed from either or not; and sure I am, that the President and myself never had any conversation on the subject.—From first to last, my efforts were put forth to reconcile the parties concerned; they were for the time being successful. I have never claimed any merit for what I did: I felt happy, however, that I was in any way instrumental in prolonging the political relations which have since been severed, in which I have had no agency, and which I deeply regretted. Having thus acted, to my great mortification I find myself dragged before the public to vindicate myself against sentiments and conversations imputed to me by a part of those friends, without the opportunity of explaining to them their misapprehension of what I did say.

Without advertising to any further inaccuracies of your letter and statement, I have the honor to be, very respectfully, your obedient servant, R. H. M. JOHNSON.

HON. SAMUEL D. INGHAM.

EXTRACT FROM MR. BERRIEN'S ADDRESS.

—The announcement of the names of the intended Cabinet seemed to me, however, to present an insuperable bar to my acceptance of the office which was tendered me. I thought I saw clearly the evils which have too obviously resulted from this selection.—So then, it seems, he intended, from the beginning, to be dissatisfied and seek a plausible pretence for contentment.—Essex Democrat.

Mr. Calhoun's Sentiments.

From the Pendleton Messenger.

MR. SYMMES—I must request you to permit me to use your columns, as the medium to make known my sentiments, on the deeply important question of the relation which the States and General Government bear to each other, and which is at this time a subject of so much agitation.

It is one of the peculiarities of the station I occupy, that while it necessarily connects its incumbent with the politics of the day, it affords him no opportunity officially to express his sentiments, except accidentally on an equal division of the body over which he presides. He is thus exposed, as I have often experienced, to have his opinions erroneously and variously represented. In ordinary cases, I conceive the correct course to be to remain silent, leaving to time and circumstances the correction of misrepresentations; but there are occasions so vitally important, that a regard both to duty and character would seem to forbid such a course; and such I conceive to be the present. The frequent allusions to the opinions of those who hold important official stations; while on my part desiring neither to receive unmerited praise nor blame, I feel, I trust, the solicitude which every honest and independent man ought, that my sentiments should be truly known, whether they be such as may be calculated to recommend them to the public favor, or not. Entertaining these impressions, I have concluded that it is my duty to make known my sentiments; and I have adopted the mode, which, on reflection, seemed to be the most simple, and best calculated to effect the object in view.

The question of the relation which the States and General Governments bear to each other, is not one of recent origin. From the commencement of our system it has divided public sentiment. Even in the Convention, while the Constitution was struggling into existence, there were two parties, as to what this relation should be, whose different sentiments constituted no small impediment in forming that instrument. After the General Government went into operation, experience soon proved that the question had not terminated with the labors of the Convention. The great struggle that preceded the political revolution of 1801, which brought Mr. Jefferson into power, turned essentially on it; and the doctrines and arguments on both sides were combated and ably sustained; on the one, in the Virginia and Kentucky resolutions; and on the other, in the replies of the Legislature of Massachusetts and some of the other States. These resolutions and this report, with the decision of the Supreme Court of Pennsylvania about the same time, (particularly in the case of Cobbe, delivered by Chief Justice McKean, and concurred in by the whole bench,) contain, what I believe to be, the true doctrine on this important subject. I refer to them, in order to avoid the necessity of presenting my views, with the reasons in support of them, in detail.

As my object is simply to state my opinions, I might pause with this reference to documents, that so fully and ably state all of the points immediately connected with this deeply important subject, but as there are many who may not have the opportunity or leisure to refer to them, and as it is possible, however clear they may be, that different persons may place different interpretations on their meaning, I will, in order that my sentiments may be fully known, and to avoid all ambiguity, proceed to state summarily the doctrines which I conceive they embrace.

Their great and leading principle is, that the General Government emanated from the people of the several States, forming distinct political communities, and acting in their separate and sovereign capacity, and not from all of the people forming one aggregate political community; that the Constitution of the United States is in fact a compact, to which each State is a party, in the character already described; and that the several States or parties, have a right to judge of its infractions, and in case of a deliberate, palpable, and dangerous exercise of a power, not delegated, they have the right, in the last resort, to use the language of the Virginia resolutions, "to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties pertaining to them." This right of interposition, thus solemnly asserted by the State of Virginia, be it called what it may, state right, veto, nullification, or by any other name, I conceive to be the fundamental principle of our system, resting on facts historically as certain as our Revolution itself, and deductions as simple and demonstrative, as that of any political or moral truth whatever; and I firmly believe that on its recognition depends the stability and safety of our political institutions.

I am not ignorant, that those opposed to the doctrine always now and formerly, regarded it in a very different light, as anarchical and revolutionary.—Could I believe such in fact to be its tendency, to me it would be no recommendation. I yield to none, I trust, in a deep and sincere attachment to our political institutions, and the Union of these States. I never breathed an opposite sentiment; but on the contrary, I have ever considered them the great instruments of preserving our liberty, and promoting the happiness of ourselves and our posterity; and next to these, I have ever held them most dear.—Nearly half my life has passed in the service of the Union, and whatever public reputation I have acquired, is indissolubly identified with it. To be a national hero, indeed, been considered by many, even of my friends, to be my greatest political fault. With these strong feelings of attachment, I have examined with the utmost care, the bearing of the doctrine in question; and so far from anarchical, or revolutionary, I solemnly believe it to be the only solid foundation of our system, and of the Union itself, and that the opposite doctrine, which denies to the States the right of protecting their reserved powers, and which would vest in the General Government (it matters not through what Department) the right of determining exclusively and finally, the power delegated to it, is incompatible with the sovereignty of the States, and of the Constitution itself, considered as the basis of a Federal Union. As strong as this language is, it is not stronger than that used by the illustrious Jefferson, who said, to give to the General Government the final and exclusive right to judge of its powers, is to make "its discretion and not the Constitution, the measure of its powers;" and that "in all cases of compact between parties having no common Judge, each party has an equal right to judge for itself, as well of the operation, as of the mode and measure of redress." Language cannot be more explicit, nor can higher authority be adduced.

That different opinions are entertained on this subject, I consider but as an additional evidence of the great diversity of the human intellect. Had not able, experienced and patriotic individuals, for whom I have the highest respect, taken different views, I doubt I have thought the right too clear to admit of doubt; but I am taught by this, as well as by many similar instances, to treat with deference opinions differing from my own. The error may possibly be with me; but if so, I can only say, that after the most mature and conscientious examination, I have not been able to detect it. But with all proper deference, I must think, that theirs is the error, who deny what seems to be an essential attribute of the conceded sovereignty of the States; and who attribute to the General Government a right utterly incompatible with what all acknowledge to be its limited and restricted character; an error originating principally, as I must think, in not duly reflecting on the nature of our institutions, and on what constitutes the only rational object of all political Constitutions.

It has been well said, by one of the most sagacious men of antiquity, that the object of a Constitution is to restrain the government, as that of laws is to restrain individuals. The remark is correct, nor is it less true, where the Government is vested in a majority, than where it is in a single or a few individuals; in a republic, than a monarchy or aristocracy. No one can have a higher respect for the maxim, that the majority ought to govern, than I have, taken in its proper sense, subject to the restrictions imposed by the Constitution, and confined to subjects in which every portion of the community have similar interests; but it is a great error, to suppose, as many do, that the right of a majority to govern, is a natural and not a conventional right; and therefore, absolute and unlimited. By nature, every individual has the right to govern himself; and Governments, whether founded on majorities or minorities, must derive their right from the assent, expressed or implied, of the governed, and be subject to such limitations as they may impose. Where the interests are the same, that is where the laws that may benefit one, will benefit all, or the reverse; it is just and proper to place them under the control of the majority; but where they are dissimilar, so that the law that may benefit one portion, may be ruinous to another, it would be on the contrary unjust and absurd to subject them to its will; and such, I conceive to be the theory on which our Constitution rests.

That such dissimilarity of interests may exist, it is impossible to doubt. They are to be found in every community, in a greater or less degree, however small or homogenous; and they constitute every where, the great difficulty of forming and preserving free institutions. To guard against the unequal actions of the laws when applied to dissimilar and opposing interests, is, in fact, what mainly renders a Constitution indispensable; to overlook which, in reasoning on our Constitution, would be to omit the principal element by which to determine its character—were there no contrary interests, nothing would be more simple and easy than to form and preserve free institutions.—The right of suffrage alone would be a sufficient guaranty. It is the conflict of opposing interests which renders it the most difficult work of man.

Where the diversity of interests exist in separate and distinct classes of the community, as is the case in England, and was formerly the case in Sparta, Rome, and most of the free states of antiquity, the rational constitutional provision is, that each should be represented in the Government as a separate estate, with a distinct voice, and a negative on the acts of its co-estates, in order to check their encroachments. In England, the Constitution has assumed expressly this form; while in the governments of Sparta and Rome the same thing was effected under different but not much less efficacious forms. The perfection of their organization in this particular, was that which gave to the Constitutions of these renowned states all their celebrity, which secured their liberty for so many centuries, and raised them to so great a height of power and prosperity. Indeed, a Constitutional provision, giving to the great and separate interests of the community the right of self-protection, must appear to those who will duly reflect on the subject, not less essential to the preservation of liberty than the right of suffrage itself. They in fact have a common object, to effect which, the one is as necessary as the other—to secure responsibility, that is, that those who make and execute the laws, should be accountable to those on whom the laws in reality operate; the only solid and durable foundation of liberty. If without the right of suffrage, our rulers would oppress us, so without the right of self-protection, the major would equally oppress the minor interests of the community. The absence of the former, would make the governed the slaves of the rulers, and of the latter the feeble interests the victim of the stronger.

Happily for us, we have no artificial and separate classes of society. We have wisely exploded all such distinctions; but we are not, on that account, exempt from all contrariety of interests, as the present distracted and dangerous condition of our country, unfortunately, too clearly proves. With us they are almost exclusively geographical, resulting mainly from difference of climate, soil, situation, industry and production, but are not, therefore, less necessary to be protected by an adequate Constitutional provision, than where the distinct interests exist in several classes. The necessity is, in truth, greater, as such separate dissimilar geographical interests are more liable to come into conflict, and more dangerous when in that state, than those of any other description; so much so, that ours is the first instance on record, where they have not formed in an extensive territory, separate and independent communities, or subjected the whole to despotic sway. That such may not be our unhappy fate also, must be the sincere prayer of every lover of his country.

So numerous and diversified are the interests of our country, that they could not be fairly represented in a single government, organized so as to give to each great and leading interest, a separate and distinct voice, as in the governments to which I have referred. A plan was adopted better suited to our situation, but perfectly novel in its character. The powers of the government were divided, not as heretofore, in reference to classes, but geographically. One General Government was formed for the whole, to which was delegated all of the powers supposed to be necessary to regulate the interests common to all of the States, leaving others subject to the separate control of the States, being from their local and peculiar character, such that they could not be subject to the will of the majority of the whole Union, without the certain hazard of injustice and oppression. It was thus that the interests of the whole were subjected, as they ought to be, to the will of the whole, while the peculiar and local interests were left under the control of the States separately, to whose custody only, they could be safely confided.—This distribution of power, settled solemnly by a constitutional compact, to which all of the States are parties, constitutes the peculiar character and excellence of our political system. It is truly and emphatically American, without example or parallel.

To realize its perfection, we must view the General Government and the States as a whole, each in its proper sphere sovereign and independent, each perfectly adapted to their respective objects; the States acting separately, representing and protecting the local and peculiar interests; acting jointly, through one General Government, with the weight respectively assigned to each by the Constitution, representing and protecting the interests of the whole; and thus perfecting by an admirable, but simple arrangement, the great principle of representation and responsibility, without which no government can be free, or just. To preserve this sacred distribution, as originally settled, by coercing each to move in its prescribed orb, is the great and difficult problem, on the solution of which, the duration of our Constitution, of our Union, and, in all probability, our Liberty depends. How is this to be effected?

The question is new, when applied to our peculiar political organization, where the separate and conflicting interests of society are represented by distinct, but connected Governments; but is in reality an old

question under a new form, long since perfectly solved. Whenever separate and dissimilar interests have been separately represented in any Government; whenever the sovereign power has been divided in its exercise, the experience and wisdom of ages have devised but one mode, by which such political organization can be preserved; the mode adopted in England, and by all Governments ancient and modern, blessed with Constitutions deserving to be called free; to give to each co-estate the right to judge of its powers, with a negative, or veto, on the acts of the others, in order to protect against encroachments, the interests it particularly represents; a principle which all of our Constitutions recognize in the distribution of power among their respective Departments, as essential to maintain the independence of each, but which to all, who will duly reflect on the subject, must appear far more essential, for the same object, in that great and fundamental distribution of powers between the States and General Government. So essential is the principle, that to withhold the right from either, where the sovereign power is divided, is in fact to annul the division itself, and to consolidate in the one, all the powers of the government; for it is not possible to distinguish, practically, between a government having all power; and one having the right to take what powers it pleases. Nor does it in the least vary the principle, whether the distribution of power be between co-estates, as in England, or between distinctly organized, but connected governments, as with us. The reason is the same in both cases, while the necessity is greater in our case, as the danger of conflict is greater, where the interests of a society are divided geographically, than in any other, as has already been shewn.

These truths do seem to me to be incontrovertible; and I am at a loss to understand how any one, who has maturely reflected on the nature of our institutions, or who has read history, or studied the principles of free governments to any purpose, can call them in question. The explanation must, it appears to me, be sought in the fact, that in every free state, there are those who look more to the necessity of maintaining power, than guarding against its abuses. I do not intend to reproach, but simply to state a fact apparently necessary to explain the contrary of opinion, among the intelligent, where the abstract consideration of the subject, would seem scarcely to admit of doubt. If such be the true cause, I must think the fear of weakening the government too much in this case to be in a great measure unfounded, or, at least, that the danger is much less from that, than the opposite side. I do not deny that a power, of so high a nature, may be abused by a State; but when I reflect that the States unanimously called the General Government into existence with all its powers, which they freely surrendered on their part, under the conviction that their common peace, safety and prosperity required it; that they are bound together by a common origin, and the recollection of common suffering and a common triumph in the great and splendid achievement of their independence; and that the strongest feelings of our nature, and among them, the love of national power and distinction, are on the side of the Union; it does seem to me, that the fear which would strip the States of their sovereignty, and degrade them, in fact, to mere dependent corporations, lest they should abuse a right indispensable to the peaceable protection of those interests, which they reserved under their own peculiar guardianship, when they created the General Government, is unnatural and unreasonable. If those who voluntarily created the system, cannot be trusted to preserve it, what power can?

So far from extreme danger, I hold, that there never was a free state, in which this great conservative principle, indispensable in all, was ever so safely lodged. In others, when the co-estates, representing the dissimilar and conflicting interests of the community came into contact, the only alternative was compromise, submission or force. Not so in ours. Should the General Government and a State come into conflict, we have a higher remedy; the power which called the General Government into existence, which gave it all its authority, and can enlarge, contract, or abolish its powers at its pleasure, may be appealed to. The States themselves may be appealed to, three-fourths of which, in fact, form a power, whose decrees are the Constitution itself, and whose voice can silence all discontent. The utmost extent then of the power is, that a State acting in its sovereign capacity, as one of the parties to the Constitutional compact, may compel the Government, created by that compact, to submit a question touching its infraction, to the parties who created it; to avoid the supposed dangers of which, it is proposed to resort to the novel, the hazardous, and, I must add, fatal project of giving to the General Government the sole and final right of interpreting the Constitution, thereby reversing the whole system, making that instrument the creature of its will, instead of a rule of action impressed on it at its creation, and annihilating in fact the authority which imposed it, and from which the Government itself derives its existence.

That such would be the result, were the right in question vested in the Legislative, or Executive branch of the Government, is conceded by all. No one has been so hardy as to assert, that Congress, or the President ought to have the right, or to deny, that if vested finally and exclusively in either, the consequences which I have stated would not necessarily follow; but its advocates have been reconciled to the doctrine, on the supposition, that there is one Department of the General Government, which, from its peculiar organization, affords an independent tribunal through which the Government may exercise the high authority, which is the subject of consideration, with perfect safety to all.

I yield, I trust, to few in my attachment to the Judiciary Department. I am fully sensible of its importance, and would maintain it to the fullest extent of its Constitutional powers and independence; but it is impossible for me to believe, that it was ever intended by the Constitution, that it should exercise the power in question, or that it is competent to do so, and if it were, that it would be a safe depository of the power.

Its powers are judicial and not political, and are expressly confined by the Constitution "to all cases, in law and equity arising under this Constitution, the laws of the United States, and the treaties made, or which shall be made, under its authority; and which, I have high authority in asserting, excludes political questions, and comprehends those only, where there are parties amenable to the process of the Court." Nor is its incompetency less clear, than its want of Constitutional authority. There may be many and the most dangerous infractions on the part of Congress, of which, it is conceded by all, the court as a judicial tribunal, cannot from its nature take cognizance. The Tariff itself is a strong case in point; and the reason applies equally to all others, where Congress perverts a power, from an object intended, to one not intended, the most insidious and dangerous of all the infractions; and which may be extended to all of its powers, more especially to the extending and appropriating. But supposing it competent to take cognizance of all infractions of every description, the insuperable objection still remains, that it would not be a safe tribunal to exercise the power in question.

*I refer to the authority of Chief Justice Marshall in the case of Jonathan Robbins. I have not been able to refer to the speech, but speak from memory.