

NORTH CAROLINA SENTINEL.

LIBERTY...THE CONSTITUTION...UNION.

VOL. XVI.

NEWBERN. FRIDAY, FEBRUARY 1, 1833.

NO. 830.

PUBLISHED BY THOMAS WATSON.

TERMS.
Three dollars per annum—payable in advance. No paper will be discontinued (but at the discretion of the Editor) until all arrearages have been paid up.

BY AUTHORITY.
LAWS OF THE UNITED STATES, PASSED AT THE Second Session of the Twenty-second Congress.

AN ACT making appropriations, in part, for the support of the Government for the year one thousand eight hundred and thirty-three, and for certain expenses of the year one thousand eight hundred and thirty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and are hereby, appropriated, to be paid out of any unappropriated money in the Treasury, viz:

For pay and mileage of the members of Congress and delegates, three hundred and seven thousand nine hundred and sixty-eight dollars.

For pay of the officers and clerks of both Houses, thirty-four thousand three hundred dollars.

For stationary, fuel, printing, and all other incidental and contingent expenses of the Senate, twenty-five thousand six hundred dollars.

For stationary, fuel, printing, and all other incidental and contingent expenses of the House of Representatives, one hundred thousand dollars.

The said two sums last named to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally and to no other purpose. And no part of this appropriation shall be applied to any printing other than of such documents or papers as are connected with the ordinary proceedings of either of the said Houses, ordered during its Session, and executed by the public printer, agreeably to his contracts, excepting such as may have been ordered by the Joint Committee for preparing a digest laws for the District of Columbia, or such printing as have heretofore been ordered by the House.

For defraying the expenses of the several courts of the United States; also, for jurors and witnesses, and for defraying the expenses of suits in which the United States are concerned, and of prosecution for offences committed against the United States, and for the safe-keeping of prisoners during the year one thousand eight hundred and thirty-two, in addition to the sum heretofore appropriated for those purposes, the further sum of fifty-one thousand six hundred and fifty-five dollars.

A. STEVENSON,
Speaker of the House of Representatives.
HU: L. WHITE,
President of the Senate pro tempore.
APPROVED JANUARY 14, 1833.

AN ACT making appropriations for the Revolutionary and other pensioners of the United States, for the year one thousand eight hundred and thirty-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the pensioners of the United States, for the year one thousand eight hundred and thirty-three:

For the revolutionary pensioners, under the several acts prior to that of the seventh June, one thousand eight hundred and thirty-two, six hundred and twenty-four thousand six hundred eighty-five dollars, in addition to an unexpended balance of three hundred and six thousand five hundred and forty dollars.

For the invalid pensions, in addition to the sum of two hundred and one thousand nine hundred and forty-two dollars in the Treasury, ninety-eight thousand seven hundred and thirty-two dollars.

For pensions to widows and orphans, five thousand five hundred dollars.

APPROVED, January 14, 1833.

AN ACT making appropriations for carrying on the Fortifications of the United States, during the year one thousand eight hundred and thirty-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the preservation of Castle Island, and repair of Fort Independence, Massachusetts, in addition to the sum heretofore appropriated, seventeen thousand dollars.

For Fort Adams, Newport harbor, one hundred thousand dollars.

For repairing Fort Columbus and Castle Williams, New York, fifty thousand dollars.

For Fort Monroe, Virginia, forty-six thousand dollars.

For Fort Calhoun, Virginia, seventy-five thousand dollars.

For completing the works of Oak Island, North Carolina, twenty-two thousand nine hundred dollars.

For the fortifications in the harbor of Charleston, South Carolina, seventy-five thousand dollars.

For the fort at Cocksport Island, Georgia, seventy-five thousand dollars.

For the completion of the fortifications at Pensacola, Florida, one hundred and thirty thousand dollars.

For completing the fort at Mobile Point, Alabama, fifty thousand dollars.

For contingencies of fortifications, ten thousand dollars.

APPROVED, January 14, 1833.

J. M. GRANADE, & Co.

HAVE just received by the Packet Schooner Trent, from New York, the following articles: which they offer low for cash or country Produce, viz.

- 50 lb No. 12 blue Cotton Yarn
- 10 brls. and 10 half brs. Beach red brand family Flour
- 12 drums Figs
- 40 firkins best quality Goshen Butter
- 10 half brs. No. 1 family Mackerel
- 2 doz. Champagne Wine in qt. bottles
- 1 qr. cask L. P. Teneriffe Wine
- 10 brls New Ark cider
- 4 brls Albany Ale
- 10 boxes smoked Herrings
- 1 brl. smoked Tongues
- 10 brls. Cider Brandy
- 2 brls Linsed Oil
- 1 tierce Winter Strain Sperm Oil
- 30 bags Shot assorted sizes
- 3 hds N. O. Sugar
- 5 " retailing Molasses
- 40 casks Stone Lime.

ALSO,
By brig Driver from Bermuda,
5 Puncheons, 3d and 4th proof
Granada Rum, of very fine flavour.
Newbern, Jan. 23, 1833.

A CARD.

THE subscriber respectfully informs his friends and customers, that in consequence of his determination to spend a few months in New York and Philadelphia, with the view of acquiring a more perfect knowledge of the Tailoring business, it will not, for some time, be in his power to attend to their orders. He will, however, very shortly locate himself permanently in his native town, and resume his profession, which he will conduct on an extensive scale, and as he hopes, to the entire satisfaction of all who may favor him with their patronage.

RICHARD B. BERRY.
Newbern, January 24, 1833.

CAUTION.

THE subscriber was lately warranted by John Slye, of Bay River, Craven County, on two articles presented by said Slye; who, contrary to law and usage, obtained judgments without the knowledge of the subscriber, who had no notice whatever given him to attend trial. As soon, however, as he learned that judgments had been obtained, he applied to the Magistrate who gave them, and requested a new trial, that he might make it appear by testimony, that the claims set forth by Slye were not just, but illegal. A new trial was accordingly granted, and notice given to Slye, and the Constable holding the judgments to attend at the Magistrate's on Saturday last. They did not, however, attend; and it is doubtless Slye's intention to endeavor to collect the amount of the illegal judgments, or to pass them away. Under these circumstances, the subscriber considers it his duty to caution all persons from trading for said judgments, as he is prepared to contest their recovery in a court of justice.

ELIJAH LINCOLN.
January 17, 1833.

THREE ABLE AND POPULAR ENGLISH PERIODICALS, At seven Dollars.

THE subscribers propose to republish Blackwood's Magazine, The Metropolitan, and The Foreign Quarterly Review, commencing with the January numbers of 1833, as soon as they are received in this country, and continuing them in weekly numbers, (as far as the receipt will admit of regularity,) so as to furnish the entire matter of the three works within the year.

The works proposed to be republished are of established character for the ability and interest with which they are conducted.—

BLACKWOOD is well known as the ablest and most interesting of the Foreign Periodicals. Its present cost to subscribers in this country is \$11.

THE METROPOLITAN is a new Periodical, edited by Thomas Campbell, (recently editor of the New Monthly,) and Thomas Moore, assisted by Harrison, (author of a Diary of a Physician,) Mrs. Hemans, Mrs. Norton, and other writers of high reputation. The cost of the Metropolitan is \$15.

THE FOREIGN QUARTERLY REVIEW is devoted principally to Continental Literature, and is conducted with great talent. It treats of the literature and institutions of this country with impartiality, and often in terms of high and deserved commendation. It enjoys at present a higher reputation than either of the English or Scottish Reviews. The subscription price is \$9.

The expensiveness of the original publications prevents any extensive circulation of them in this country—the separate cost of the cheapest being 30 per cent. above that of the whole in the proposed republication; and the cost of the three not less than \$35, five times the cost of the re-print.

No intermixture of the works will be permitted to occur, but all the articles of each No. will be printed consecutively as in the original, and in such manner that at the close of the year each work can be separated by the binder, and bound by itself.

The work will be handsomely printed with new type, on fine paper, in Imperial Octavo, (Quarto Form,) in weekly Nos. of 16 pages each. The irregular receipt of the Periodicals may occasion some, but, it is hoped, not any serious irregularity in the publication. Several works being published in weekly numbers, the long intervals in which none are received, followed by an over supply, "all in a heap," will be avoided, and a more reasonable and regular allowance of reading ensured.

Terms—Seven Dollars per annum, payable on delivery of the first No.
PECK & NEWTON.
New Haven, January 1st, 1833.

From the Washington Globe of Jan. 17th.
Yesterday the President of the United States communicated to both Houses of Congress the following

MESSAGE.

Genlemen of the Senate and House of Representatives:

In my Annual Message, at the commencement of your present session, I adverted to the opposition to the revenue laws in a particular quarter of the United States, which, I stated, not merely to thwart their execution, but to endanger the integrity of the Union. And although I then expressed my reliance that it might be overcome by the prudence of the officers of the United States, and the patriotism of the people, I stated that should the emergency arise, rendering the execution of the laws impracticable, from any cause whatever, prompt notice should be given to Congress, with the suggestion of such views and measures as might be necessary to meet it.

Events which have occurred in the quarter then alluded to, or which have come to my knowledge subsequently, present this emergency.

Although unknown to me at the date of the Annual Message, the Convention which assembled at Columbia, in the State of South Carolina, passed on the 24th of November last, an Ordinance declaring certain acts of Congress therein mentioned within the limits of that State to be absolutely null and void, and making it the duty of the Legislature to pass such laws as would be necessary to carry the same into effect, from and after the 1st of February next. A copy of that Ordinance has been officially transmitted to me by the Governor of South Carolina, and is now communicated to Congress.

The consequences to which this extraordinary defiance of the just authority of the Government might lead were clearly foreseen, and it was impossible for me to hesitate as to my own duty in such an emergency. The Ordinance had been passed, however, without any certain knowledge of the recommendation, which, from a view of the interests of the nation at large, the Executive had determined to submit to Congress, and a hope was indulged that by frankly explaining his sentiments and the nature of those duties which the crisis would devolve upon him, the authorities of South Carolina might be induced to retract their steps. In this hope I determined to issue my Proclamation of the 10th of December last, a copy of which I now lay before Congress.

I regret to inform you that these reasonable expectations have not been realized, and that the several acts of the Legislature of South Carolina, which I now lay before you, and which have all and each of them finally passed after a knowledge of the desire of the administration to modify the laws complained of, are to well calculated, both in their positive enactments and in the spirit of opposition which they obviously encourage, wholly to obstruct the collection of the revenue within the limits of that State.

Up to this period, neither the recommendation of the Executive, in regard to our financial policy and impost system, nor the disposition manifested by Congress promptly to act upon that subject, nor the unequivocal expression of the public will in all parts of the Union appears to have produced any relaxation in the measures of opposition adopted by the State of South Carolina, nor is there any reason to hope that the Ordinance and laws will be abandoned. I have no knowledge that an attempt has been made, or that it is in contemplation to re-assemble either the Convention or the Legislature; and it will be perceived, that the interval before the 1st of February is too short to admit of the preliminary steps necessary for that purpose. It appears, moreover, that the State authorities are actively organizing their military resources, and providing the means, and giving the most solemn assurances of protection and support to all who shall enlist in opposition to the revenue laws. A recent Proclamation of the present Governor of South Carolina has openly defied the authority of the executive of the Union, and general orders from the headquarters of the State have announced his determination to accept the services of volunteers, and his belief, that should their country need their services, they will be found at the post of honor and duty, ready to lay down their lives in her defence. Under these orders, the forces referred to are directed to "hold themselves in readiness to take the field at a moment's warning," and in the City of Charleston—within a collection district, and a port of entry, a rendezvous has been opened for the purpose of enlisting men for the magazine and municipal guard. Thus South Carolina presents herself in the attitude of hostile preparation, and ready even for military violence if need be, to enforce her laws for preventing the collection of the duties within her limits.

Proceedings thus announced and matured must be distinguished from menaces of unlawful resistance by irregular bodies of people, who, acting under temporary delusion, may be restrained by reflection and the influence of public opinion from the commission of actual outrage. In the present instance aggression may be regarded as committed when it is officially authorized, and the means of enforcing it fully provided. Under these circumstances, there can be no doubt that it is the determination of the authorities of South Carolina fully to carry into effect their Ordinance and Laws, after the first of February. It therefore becomes my duty to bring the subject to the serious consideration of Congress, in order that such measures as they, in their wisdom may deem fit, shall be seasonably provided, and that it may be thereby understood, that while the Government is disposed to remove all just cause of complaint, as far as may be practicable consistently with a proper regard to the interests of the community at large, it is nevertheless determined that the supremacy of the laws shall be maintained.

In making this communication, it appears to me to be proper, not only that I should lay before you the acts and proceedings of South Carolina, but that I should also fully acquaint you with those steps which I have already caused to be taken for the due collection of the revenue, and with my views of the subject generally, that the suggestions which the Constitution requires me to make in regard to your future legislation, may be better understood.

This subject having early attracted the anxious attention of the executive, as soon as it was probable that the authorities of South Carolina seriously meditated resistance to the faithful execution of the revenue laws, it was deemed advisable, that the Secretary of the Treasury should, particularly instruct the officers of the United States in that part of the Union, as to the nature of the duties prescribed by the existing laws.

Instructions were accordingly issued on the 6th of November to the Collectors in that State, pointing out their respective duties, and enjoining upon each a firm and vigilant, but discreet performance of them in the emergency then apprehended. Therewith transmitted copies of these instructions and of the letter addressed to the District Attorney requesting his co-operation.

These instructions were dictated in the hope that as the opposition to the laws by the anomalous proceeding of nullification was represented to be of a pacific nature, to be pursued substantially according to the forms of the Constitution, and without resorting, in any event, to force or violence, the measures of its

advocates would be taken in conformity with that profession; and, on such supposition, the means afforded by the existing laws would have been adequate to meet any emergency likely to arise.

It was, however, not possible altogether to suppress apprehension of the excesses to which the excitement prevailing in that quarter might lead, but, it certainly was not foreseen that the meditated obstruction to the laws would so soon openly assume its present character.

Subsequently to the date of those instructions however, the Ordinance of the Convention was passed, which, if complied with by the people of that State, must effectually render inoperative the present revenue laws within her limits. That Ordinance declares the Congress of the United States purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and not having more especially an act in alteration of the several acts imposing duties on imposts, approved on the 19th of May, 1828, and also an act entitled "an act to alter and amend the several acts imposing duties on imports," approved on the 14th July, 1832, are unauthorized by the Constitution of the U. States, and violate the true intent and meaning thereof, and are null and void, and no law, nor binding upon the State of South Carolina, its officers and citizens; and all promises, contracts and obligations made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings, which shall be hereafter had in affirmance thereof, are and shall be utterly null and void. It also ordains that it shall not be lawful for any of the constituted authorities, whether of the State of South Carolina, or of the United States, to enforce the payment of duties imposed by the said acts within the limits of the State; but that it shall be the duty of the Legislature to adopt such measures and pass such acts as may be necessary to give full effect to this Ordinance, and to prevent the enforcement and arrest the operation of the said acts, and parts of acts of the Congress of the U. States within the limits of the State, from and after the 1st of February next; and that it shall be the duty of all other constituted authorities, and of all persons residing or being within the limits of the State, and they are hereby required and enjoined, to obey and give effect to this Ordinance, and such acts and measures of the Legislature as may be passed for the enforcement thereof. It further ordains, that in no case shall law or equity, decided in the Courts of the State, wherein shall be drawn in question the authority of this Ordinance, or the validity of such act or acts of the Legislature as may be passed for the purpose of giving effect thereto, or the validity of the said acts of Congress, imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and the person or persons attempting to take such appeal, may be dealt with as for a contempt of Court. It likewise ordains, that all persons holding any office of honor, profit or trust, civil or military, under the State, shall, within such time, and in such manner as the Legislature shall prescribe take an oath well and truly to execute and enforce this Ordinance, and such act or acts of the Legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do, his or their office shall be forthwith vacated, and shall be filled up as if such person or persons were dead or had resigned; and no person hereafter elected to any office of honor, profit or trust, civil or military, shall, until the Legislature shall otherwise provide, and direct, enter on the execution of his office, or be in any respect competent to discharge the duties thereof, until he shall, in like manner, have taken a similar oath; and no person shall be empowered in any of the Courts of the State, in any cause which shall be in question this Ordinance, or any act of the Legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute and enforce this Ordinance, and such act or acts of the Legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof. The Ordinance concludes, "And we, the people of South Carolina, to the end that it may be fully understood by the Government of the United States and the people of the co-States, that we are determined to maintain this Ordinance and declaration at every hazard, do further declare that we will not submit to the application of force on the part of the Federal Government to reduce this State to obedience; but that we will consider the passage, by Congress, of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens; or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress or egress of vessels, to and from the said ports; or any other act on the part of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will therefore hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things which sovereign and independent States may of right do."

This solemn denunciation of the laws and authority of the United States has been followed up by a series of acts on the part of the authorities of that State which manifest a determination to render inevitable a resort to those measures of self defence which the paramount duty of the Federal Government requires, not upon the adoption of which that State will proceed to execute the purpose it has avowed in this Ordinance of withdrawing from the Union.

On the 27th of November, the Legislature assembled at Columbia; and on their meeting, the Governor laid before them the Ordinance of the Convention. In his Message on that occasion, he acquaints them that "this Ordinance has thus become a part of the fundamental law of South Carolina;" that "the die has been at last cast, and South Carolina has at length appealed to her ultimate sovereignty as a member of this confederacy, and has planted herself on her reserved rights. The rightful exercise of this power is not a question which we shall any longer argue. It is sufficient that she has will it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the General Government, within the authorized grants of power, to be drawn in question, when this interposition is exercised in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interests is neither to be concealed or denied. This crisis presents a class of duties which is referable to yourselves. You have been commanded by the people, in their highest sovereignty, to take care that within the limits of this State their will shall be obeyed. "The measure of this crisis is the precise amount of force to employ at this crisis is the precise amount of such enactments as may be necessary to render it utterly impossible to collect within our limits the duties imposed on the protecting tariffs thus nullified."

He proceeds—"That you should arm every citizen with a civil process, by which he may claim, if he pleases, a restitution of his goods, seized under the existing imposts, on his giving security to abide the issue of a suit at law, and at the same time define what shall constitute treason against the State, and by a full of pains and penalties compel obedience to its laws. Disobedience to your own laws, are points too obvious to require any discussion. In one word, you must re-very the whole ground.—You must look to and provide for all possible contingencies. In your own limits your own Courts of Jurisdiction must not only be supreme, but you must look the ultimate issue of any conflict of jurisdiction and power between them and the Courts of the United States." The Governor also asks for power to grant clearances—in violation of the laws of the Union. And, to prepare for the alternative, which must happen unless the United States shall passively surrender their authority and the Executive, disregarding his oath, refrain from executing the laws of the Union, he recommends a thorough revision of the militia system, and that the Governor be authorized to accept for the defence of Charleston and its dependencies the service of 12,000 thousand volunteers, to be organized into a brigade, consisting of infantry, rifle men, cavalry, field-artillery; and that they be armed and equipped from the public arsenals completely for the field, and that appropriations be made for supplying all deficiencies in our munitions of war." In addition to these volunteers drafts, he recommends that the Governor be authorized "to accept the services of ten thousand volunteers from the other divisions of the State, to be organized and arranged in regiments and brigades,—the officers to be selected by the Command-in-Chief, and that this whole force be called the State Guard."

A request has been made by the Secretary of State of South Carolina, for the authentic copies of the acts which have been passed for the purpose of enforcing this Ordinance, but up to the date of the latest advices that request had not been complied with; and on the present occasion, therefore, reference can only be made to those acts as published in the newspapers of the State. The acts to which it is deemed proper to invite the particular attention of Congress are:

1. An act to carry into effect in part an Ordinance to nullify certain acts of Congress, of the United States purporting to be laws laying duties on the importation of foreign commodities, passed in Convention of this State, at Columbia on the 24th of November, 1832.

This act provides that any goods seized or detained under the pretence of securing the duties or the nonpayment of duties, or under any process, order, or decree, or other pretext contrary to the intent and meaning of the Ordinance may be recovered by the vendor or consignee by an act of replevin; that in case of refusing to deliver them or removing them, so that the replevin cannot be executed, the Sheriff may seize the personal estate of the offender to double the amount of the goods; and if any attempt shall be made to retake or seize them, it is the duty of the Sheriff to recapture them; and that any person who shall disobey the process, or remove the goods, and any one who shall attempt to retake or seize the goods under the pretence of securing the duties, or under any process or decree contrary to the interest of the Ordinance, shall be fined and imprisoned, besides being liable for any other offence involved in the act.

It also provides that any person arrested or imprisoned, on any judgment or decree obtained in the Federal Court for duties, shall be entitled to the benefit secured by the habeas corpus act of the State in case of unlawful arrest, and may maintain an action of damages; and that if any estate shall be sold under such judgment or decree, the sale shall be held illegal.

It also provides that any jailor who receives a person committed on any process or other judicial proceedings to enforce the payment of duties, and any other who has his house as a jail to receive such person, shall be fined and imprisoned: And, finally, it provides that persons paying duties may recover them back with interest.

The next is called "An act to provide for the security and protection of the people of the State of South Carolina."

This act provides that if the Government of the United States or any officer thereof, shall, by the employment of naval or military force, attempt to coerce the State of South Carolina into submission to the acts of Congress declared by the Ordinance null and void, or to resist the enforcement of the Ordinance, or of the laws passed in pursuance thereof, or in case of any armed forcible resistance thereto, the Governor is authorized to resist the same, and to into service the whole or so much of the military force of the State as he may deem necessary; and that in case of any overt act of coercion or intention to commit the same, manifested by an unusual assemblage of naval and military forces in or near the State, or the occurrence of any circumstances indicating that armed force is about to be employed against the State or its resistance to its laws, the Governor is authorized to accept the services of such volunteers, and call into service such portions of the militia as may be required to meet the emergency.

The act also provides for accepting the service of the volunteers, and organizing the militia, embracing all free white males between the ages of 16 and 60; and for the purchase of arms, ordnance, and ammunition. It also declares that the power conferred on the Governor shall be applicable to all cases of insurrection or invasion or imminent danger thereof, and to cases where the laws of the State shall be opposed, and the execution thereof forcibly resisted by combinations too powerful to be suppressed by the power vested in the Sheriffs and other civil officers; and declares it to be the duty of the Governor in every such case to call forth such portions of militia and volunteers as may be necessary promptly to suppress such combinations, and cause the laws of the State to be executed.

3d. Is "an act concerning the oath required by the Ordinance," passed in Convention at Columbia, the 25th of November, 1832."

This act prescribes the form of the oath,—which is to obey and execute the Ordinance and all acts passed by the Legislature in pursuance thereof,—and directs the time and place of taking it by the officers of the State, civil, judiciary and military. It is believed that other acts have been passed embracing provision for enforcing the Ordinance, but I have not yet been able to procure them. I transmit, however a copy of Gov. Hamilton's Message to the Legislature of South Carolina,—of Governor Haynes' Inaugural Address to the Legislature, as also of his Proclamation, and general Order of the Governor and Commander-in-Chief, dated the 20th December, giving public notice that the service of volunteers will be accepted, under the act already referred to.

If these measures cannot be defeated and overcome by the powers conferred by the Constitution on the Federal Government, the Constitution must be considered as incompetent to its own defence, the supremacy of the laws is at an end, and the rights and liberties of the citizens can no longer receive protection from the Government of the Union. They not only abrogate the acts of Congress commonly called the tariff act of 1828 and 1832, but they present

advocates would be taken in conformity with that profession; and, on such supposition, the means afforded by the existing laws would have been adequate to meet any emergency likely to arise.

It was, however, not possible altogether to suppress apprehension of the excesses to which the excitement prevailing in that quarter might lead, but, it certainly was not foreseen that the meditated obstruction to the laws would so soon openly assume its present character.

Subsequently to the date of those instructions however, the Ordinance of the Convention was passed, which, if complied with by the people of that State, must effectually render inoperative the present revenue laws within her limits. That Ordinance declares the Congress of the United States purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and not having more especially an act in alteration of the several acts imposing duties on imposts, approved on the 19th of May, 1828, and also an act entitled "an act to alter and amend the several acts imposing duties on imports," approved on the 14th July, 1832, are unauthorized by the Constitution of the U. States, and violate the true intent and meaning thereof, and are null and void, and no law, nor binding upon the State of South Carolina, its officers and citizens; and all promises, contracts and obligations made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings, which shall be hereafter had in affirmance thereof, are and shall be utterly null and void. It also ordains that it shall not be lawful for any of the constituted authorities, whether of the State of South Carolina, or of the United States, to enforce the payment of duties imposed by the said acts within the limits of the State; but that it shall be the duty of the Legislature to adopt such measures and pass such acts as may be necessary to give full effect to this Ordinance, and to prevent the enforcement and arrest the operation of the said acts, and parts of acts of the Congress of the U. States within the limits of the State, from and after the 1st of February next; and that it shall be the duty of all other constituted authorities, and of all persons residing or being within the limits of the State, and they are hereby required and enjoined, to obey and give effect to this Ordinance, and such acts and measures of the Legislature as may be passed for the enforcement thereof. It further ordains, that in no case shall law or equity, decided in the Courts of the State, wherein shall be drawn in question the authority of this Ordinance, or the validity of such act or acts of the Legislature as may be passed for the purpose of giving effect thereto, or the validity of the said acts of Congress, imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and the person or persons attempting to take such appeal, may be dealt with as for a contempt of Court. It likewise ordains, that all persons holding any office of honor, profit or trust, civil or military, under the State, shall, within such time, and in such manner as the Legislature shall prescribe take an oath well and truly to execute and enforce this Ordinance, and such act or acts of the Legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do, his or their office shall be forthwith vacated, and shall be filled up as if such person or persons were dead or had resigned; and no person hereafter elected to any office of honor, profit or trust, civil or military, shall, until the Legislature shall otherwise provide, and direct, enter on the execution of his office, or be in any respect competent to discharge the duties thereof, until he shall, in like manner, have taken a similar oath; and no person shall be empowered in any of the Courts of the State, in any cause which shall be in question this Ordinance, or any act of the Legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute and enforce this Ordinance, and such act or acts of the Legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof. The Ordinance concludes, "And we, the people of South Carolina, to the end that it may be fully understood by the Government of the United States and the people of the co-States, that we are determined to maintain this Ordinance and declaration at every hazard, do further declare that we will not submit to the application of force on the part of the Federal Government to reduce this State to obedience; but that we will consider the passage, by Congress, of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens; or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress or egress of vessels, to and from the said ports; or any other act on the part of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will therefore hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things which sovereign and independent States may of right do."

This solemn denunciation of the laws and authority of the United States has been followed up by a series of acts on the part of the authorities of that State which manifest a determination to render inevitable a resort to those measures of self defence which the paramount duty of the Federal Government requires, not upon the adoption of which that State will proceed to execute the purpose it has avowed in this Ordinance of withdrawing from the Union.

On the 27th of November, the Legislature assembled at Columbia; and on their meeting, the Governor laid before them the Ordinance of the Convention. In his Message on that occasion, he acquaints them that "this Ordinance has thus become a part of the fundamental law of South Carolina;" that "the die has been at last cast, and South Carolina has at length appealed to her ultimate sovereignty as a member of this confederacy, and has planted herself on her reserved rights. The rightful exercise of this power is not a question which we shall any longer argue. It is sufficient that she has will it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the General Government, within the authorized grants of power, to be drawn in question, when this interposition is exercised in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interests is neither to be concealed or denied. This crisis presents a class of duties which is referable to yourselves. You have been commanded by the people, in their highest sovereignty, to take care that within the limits of this State their will shall be obeyed. "The measure of this crisis is the precise amount of force to employ at this crisis is the precise amount of such enactments as may be necessary to render it utterly impossible to collect within our limits the duties imposed on the protecting tariffs thus nullified."

He proceeds—"That you should arm every citizen with a civil process, by which he may claim, if he pleases, a restitution of his goods, seized under the existing imposts, on his giving security to abide the issue of a suit at law, and at the same time define what shall constitute treason against the State, and by a full of pains and penalties compel obedience to its laws. Disobedience to your own laws, are points too obvious to require any discussion. In one word, you must re-very the whole ground.—You must look to and provide for all possible contingencies. In your own limits your own Courts of Jurisdiction must not only be supreme, but you must look the ultimate issue of any conflict of jurisdiction and power between them and the Courts of the United States." The Governor also asks for power to grant clearances—in violation of the laws of the Union. And, to prepare for the alternative, which must happen unless the United States shall passively surrender their authority and the Executive, disregarding his oath, refrain from executing the laws of the Union, he recommends a thorough revision of the militia system, and that the Governor be authorized to accept for the defence of Charleston and its dependencies the service of 12,000 thousand volunteers, to be organized into a brigade, consisting of infantry, rifle men, cavalry, field-artillery; and that they be armed and equipped from the public arsenals completely for the field, and that appropriations be made for supplying all deficiencies in our munitions of war." In addition to these volunteers drafts, he recommends that the Governor be authorized "to accept the services of ten thousand volunteers from the other divisions of the State, to be organized and arranged in regiments and brigades,—the officers to be selected by the Command-in-Chief, and that this whole force be called the State Guard."

A request has been made by the Secretary of State of South Carolina, for the authentic copies of the acts which have been passed for the purpose of enforcing this Ordinance, but up to the date of the latest advices that request had not been complied with; and on the present occasion, therefore, reference can only be made to those acts as published in the newspapers of the State. The acts to which it is deemed proper to invite the particular attention of Congress are:

1. An act to carry into effect in part an Ordinance to nullify certain acts of Congress, of the United States purporting to be laws laying duties on the importation of foreign commodities, passed in Convention of this State, at Columbia on the 24th of November, 1832.

This act provides that any goods seized or detained under the pretence of securing the duties or the nonpayment of duties, or under any process, order, or decree, or other pretext contrary to the intent and meaning of the Ordinance may be recovered by the vendor or consignee by an act of replevin; that in case of refusing to deliver them or removing them, so that the replevin cannot be executed, the Sheriff may seize the personal estate of the offender to double the amount of the goods; and if any attempt shall be made to retake or seize them, it is the duty of the Sheriff to recapture them; and that any person who shall disobey the process, or remove the goods, and any one who shall attempt to retake or seize the goods under the pretence of securing the duties, or under any process or decree contrary to the interest of the Ordinance, shall be fined and imprisoned, besides being liable for any other offence involved in the act.

It also provides that any person arrested or imprisoned, on any judgment or decree obtained in the Federal Court for duties, shall be entitled to the benefit secured