PROCLAMATION

BY ANDREW JACKSON,

President of the United States.

WHEREAS a Convention assembled in the State of South Carolina have passed an Ordinance, by which they declare "That the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially" two acts, for the same purposes, passed on the 29th of May, 1828, and on the 14th of July, 1832, "are unauthorized by the Constitution of the United States, and violate the true meaning and extent thereof, and are null and void, and no law," nor binding on the citizens of that State or its officers: and by the said Ordinance it is further declared to be unlawful for any of the constituted authorities of the State, or of the United States, to enforce the payment of the duties imposed by the said acts within the same State, and that it is the duty of the Legislature to pass such laws as may be necessary to give full effect to the said Ordinance:

AND WHEREAS, by the said Ordinance it is further ordained, that in no case of law or equity, decided in the courts of said State, wherein shall be drawn in question the validity of the said Ordinance, or of the acts of the Legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose and that any person attempting to take such appeal shall be punished as for a contempt of court.

And, finally, the said Ordinance declares that the people of South Carolina will maintain the said Ordinance at every hazard; and that they will consider the passage of any act by Congress abolishing or closing the ports of the said state, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the Federal Government to coerce the state, shut up her ports, destroy or harass her commerce, or to enforce the said acts 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 the said state will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion 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:

AND WHEREAS the said Ordinance prescribes to the people of South Carolina a course of conduct, in direct violation of their duty as citizens of the United states, contrary to the laws of their country, subversive of its constitution, and having for its object the destruction of Union—that Union, which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence—that sacred Union, hitherto inviolate, which, perfected by our happy Constitution, has brought us, by the favor of Heaven, to a state of prosperity at home, and high consideration abroad, rarely, if ever, equalled in the history of nations: To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow-citizens have reposed in me, I, ANDREW JACKSON, *President of the United States* have thought proper to issue this my PROCLAMATION, stating my views of the Constitution and laws applicable to the measures adopted by the Convention of south Carolina, and to the reasons they have put forth to sustain, them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the Convention."

"The Ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional, and too oppressive to be endured, but on the strange position that any one state may not only declare an act of Congress void, but prohibit its execution—that they may do this consistently with the Constitution—that the true construction of that instrument permits a state to retain its place in the Union, and yet be bound by no other of its laws than those it may choose to consider as constitutional: It is true, they add, that to justify this abrogation of a law, it must be palpably contrary to the Constitution; but it is evident, that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws. For, as by the theory there is no appeal, the reasons alledged by the state, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress. There is, however, a restraint in this last case, which makes the assumed power of a state more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress—one to the Judiciary, the other to the people and the states. There is no appeal from the state decision in theory; and the practical illustration shows that the courts are closed against an application to review it, both judges and jurors being sworn to decide in its favor. But reasoning on this subject is superfluous when our social compact in express terms declares, that the laws of the United states, its Constitution, and treaties made under it, are the supreme law of the land; and, for greater caution, adds, "that the judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding." And it may be asserted, without fear of refutation, that no Federal Government could exist without a similar provision. Look for a moment to the consequence. If south Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port, and no revenue could be collected any where; for all imposts must be equal. It is no answer to repeat that an unconstitutional law is no law, so long as the question of its legality is to be decided by the state itself; for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented, as unconstitutional, and, has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and non-intercouse law in the Eastern states, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but, fortunately, none of those states discovered that they had the right now claimed by south Carolina. The war into which we were forced, to support the dignity of the nation and the rights of our citizens, might have ended in defeat and disgrace, instead of victory and honor, if the states who supposed it a ruinous and unconstitutional measure, had thought they possessed the right of nullifying the act by which it was declared, and denying supplies for its prosecution. Hardly and unequally as these measures bore upon several members of the Union, to the Legislatures of none did this efficient and peaceable remedy as it is called, suggest itself. The discovery of this important feature in our constitution was reserved to the present day. To the statesmen of south Carolina belongs the invention, and upon the citizens of that state will unfortunately fall the evils of reducing it to practice.

If the doctrine of a state veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation, had it been proposed to form a feature in our Government.

In our colonial state, although dependant on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defence, and before the declaration on Independence, we were known in our aggregate character as THE UNITED COLONIES OF AMERICA. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts; and when the terms of our confederation were reduced to form, it was in that of a solemn league of several states, by which they agreed that they would, collectively, form one nation for the purpose of conducting some certain domestic concerns, and all foreign relations. In the instrument forming that Union, is found an article which declares that "every state shall abide by the determinations of Congress on all questions which by that confederation should be submitted to them."

Under the confederation, then, no State could legally annul a decission of the Congress, or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisition, but they were not complied with. The Government could not operate on individuals. They had no judiciary, no means of collecting revenue.

But the defects of the confederation need not be detailed. Under its operation, we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy constitution was formed; but formed in vain, if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble made in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it. The most important among these objects, that which is placed first in rank, on which all the others rest, is, "*to form a more perfect Union.*" Now is it possible that, even if there were no express provision giving supremacy to the constitution and laws of the United States over those of the States it can be conceived, that an instrument made for the purpose of '*forming a more perfect Union*' than that of the confederation, could be so constructed by the assembled wisdom of our country as to substitute for that confederation a form of goverment dependent for its existence on the local interest, the party spirit of a State or, of a prevailing faction in a State? Every man of plain unsophisticated understanding, who hears the question, will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculaied to destroy it.

I considr then, the power to annul a law of the United States assumed by one State, *incompatible with the existence of the Union, contradicted expressly by the letter of the Consitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was founded.*

This right to secede is deduced from the nature of the Constitution, which they say is a compact between sovereign States, who have preserved their whole sovereiguty, and, therefore, are subject to no superior; that because they made the compact, they can break it when, in their opinion, it has been departed from by the other States. Fallacious as this course of reasoning is, it enlists State pride, and finds advocates in the honest prejudices of those who have not studied the nature of our government sufficiently to see the radical error on which it rests.

The people of the United States formed the Constitution, acting through the State Legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction, show it to be a government in which the people of all the states collectively are represented. We are ONE PEOPLE in the choice of the President and Vice President. Here the states have no other agency than to direct the mode in which the votes shall be given. The candidates having a majority of all the votes are chosen. The electors of a majority of states may have given their votes for one candidate, and yet another be chosen. The people, then, and not the states, are represented in the Executive branch.

In the House of Representatives there is this difference, that the people of one state do not, as in the case of President and Vice President, all vote for the same officers. The people of the states do not vote for all the members, each state electing only its own representatives. But this creates no material distinction. When chosen they are all representatives of the United states, not representatives of the particular state from which they come. They are paid by the United states, not by the state; nor are they accountable to it for any act done in the performance of their legislative functions; and, however may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United states, to promote the general good.

The Constitution of the United states, then forms a *government*, not a league; and whether it be formed by compact between states, or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the states: they retained all the power they did not grant. But each state having expressly parted with so many powers as to constitute jointly with the other statas a single Nation, cannot from that period possess any right to secede because ruch secession does not break a league, but destroys the unity of a nation; and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offence against the w[illegible]

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right, but would pause before they made a revolution, or incur the penalties consequent on a failure.

Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves a aggrieved, depart from it: but it is precisely because it is a compact they cannot. A compact is an agrement or binding obligation It may, by its terms, have a sanction or penalty for its breach, or it may not.—If it contains no sanction, it may be broken with no other consequence than moral guilt: if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations, generally, has no sanction other than a moral one; or it should contain a penalty, there is no common superior, it cannot be enforced. A Government on the contrary, always has a sanction, express or implied, and in our case, it is both necessarily implied and expressly given. An attempt by force of arms to destroy a Government, is an offence, by whatever means the constitutional compact may have been formed; and such Government had the right by the law of self defence to pass acts for punishing the offender unless that right is modified, restrained, or resumed, by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect; under this great provision has been made for punishing acts which obstruct the due administration of the laws.

It seem superfluous to add any thing to show the nature of that Union which connects us; but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further developement to my views on this subject. No one fellow citizens, has a higher reverence for the reserved rights of the states than the Magistrate who now addresses you. No one would make greater personal sacrifices, or official exertions to defend them from violation; but equal care must be taken to prevent on their part an improper inference with or resumption of the rights they have vested in the nation. The line has not been so distiuctly drawn as to aviod doubts in some cases of the exercise power. Men of the best intentions and soundest views may differ in their construction of some parts of the Constitution: but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovreignty of the States, and on their having formed in this sovereign capacity a compact which is called the Constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so, have been anticipated.

The States severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties—declare war—levy taxes—exercise exclusive judicial and legislative powers were all of them functions of sovereign power. The States, then, for all these inportant purposes, were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the Government of the United States—they became American citizens, and owed obedience to the Constitution of the United States, and to laws made in conformity with the powers it vested in Congress—This last position has not been, and cannot be denied. How then can that State be said to be sovereign and independent, whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws, when they come in conflict with those passed by another? What shows conclusively that the States cannot be said to have reserved an undivided sovereignty, is, that they expressly ceded the right to punish treason—not treason against their seperate power—but treason against the United States. Treason is an offence against *sovereignty*, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not less sacred, because they have for their common interest made the Gennral Government the depository of these powers. The unity of our political character [as has been shown for another purpose] commenced with its very evistence. Under the Royal Government we had no separate character—our oppositson to its oppressions began as *United Colonies*. We were the *United States* under the confederation, and the name was perpetuated, and the Union rendered more perfect, by the Federal Constitution-

In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defence. How, then, with all these proofs, that under all changes of our position we had, for designated purposes and with defined powers, created National Governments—how is it that the most perfect of these several modes of union should now be considered as a mere league, that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our Constitution was only a league; but it is labored to prove it a compact, [which in one sense it is] and then to argue that a league is a compact, every compact between nations must of course be a league, and that from such an argument every sovereign power has a right to secede. But it has been shown, that in this sense the States are not sovereign, and that even if they were, and the National Constitution had been formed by compact, there would be no right in any one State to exonerate itself from its obligations.

So obvious are the reasons which forbid this secession, that it is necessary only to allude to them. The Union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the States who magnanimously surrendered their title to the Territories of the West, recall the grant? Will the inhabitants of the inland States agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf, for their own benefit? Should there be a free port in one State, and enormous duties in another? No one believes that any right exists in a single State to involve all the others in these and countless other evils, contrary to the engagement solemnly made. Every one must see that the other States, in self-defence, must oppose at all hazards."

Legislature of N. Carolina.

Monday, Dec. 10, 1832.

IN SENATE—The engrossed bill to incorporate the Scotland Neck Guards was read the third time and ordered to be enrolled. On motion of Mr. Martin, the Senate went into committee of the whole, Mr. Wilson in the Chair, on the Bill to establish the Bank of North Carolina; and after some time spent therein, the Speaker resumed the Chair, and Mr. Wilson reported the Bill with amendments and recommended its passage. On motion of Mr. Wilson the further consideration of the Bill was postponed until Wednesday.

HOUSE OF COMMONS—Mr. O'Brien presented the petition of the President &c. of the Portsmouth and Roanoke Rail Road company, asking the passage of an act authorizing the extension of their contemplated road within the limits of this State. Mr. Shepard presented a Bill concerning charities. [Provides that where a bequest is made for charitable purposes, the persons to whom it is confided shall render a full account of the property so bequeathed to the Clerks of the County Court. Provides a remedy also where such property may be mismanaged.] Mr. Gary presented a Bill, supplementary to an Act to enact with sundry alterations and additions, an Act to incorporate the Petersburg Rail Road Company. Mr. Guthrie presented a Bill to authorize County Courts to license slaves to preach, pray and exort in public, in certain cases.

Tuesday, Dec. 11.

IN SENATE—Mr. Mr. Latham presented a Bill to incorporate the Williamson and Windsor Turnpike Company. Mr. Wilson, from the committee of Finance, made a detailed and satisfactory report on the State and condition of the finances and the accounts of the Treasurer and Comptroller

HOUSE OF COMMONS—The Bill to repeal an Act passed in 1830, to prohibit the circulation in this State of notes of other States, under the denomination of five dollars, having been read a second time, considerable debate easued—on motion of Mr. Shepard, the bill was indefinitely pottponed, by a vote of 70 to 54.

Wednesday, Dec. 12.

IN SENATE—Daniel N. Bateman, Senator from Tyrrell, appeared and took his seat. Several petitions were received and referred to appropriate Committees. Sundry private bills were presented, read the first time and passed.

HOUSE OF COMMONS—The engrossed bill to exempt Quakers &c. from the