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THE WATCHMAN.

Salisbury Saturday, February 2, 1833.

PRESIDENT'S MESSAGE. ON SOUTH CAROLINA AFFAIRS.

On Wednesday last, the President transmit-

Gentlemen of the Senate and House of Representatives: United States and the patriotism of the people,

dering the execution of the existing 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.

the part omitted, the President adverts to the expectation that his Proclamotion would have induced South Carolina to retrace her steps; to the her ordinance; to the open defiance, by the Govgovernment is disposed to remove all just cause of successors, will remain the same. Message then goes on, -

trate and sweep away, at once, and without ex by the Executive as the true basis of taxation. ception, every act, and every part of every act. yet it is very certain that South Carolina alone imposing any amount whatever, of duty, on cannot be permitted to decide what those constiany foreign merchantise, and, virtually, every tutional purposes are. existing act which has ever been passed, author- The period which constitutes the due time in seen questioned. It is not only those duties the revenue laws are already declared to be void protection of manufactures that are thereby re- under them, and the judicial proceedings for carthe citizens of South Carolina and of the United | clear that a compliance is impossible.

to point of duration, also, those aggressions people. And, until they have acted, his duty upon the authority of Congress, which, by the will require him to look to the existing state of things, and act under them according to his high law of South Carolina, are absolute, indefinite, obligations.

and by abstaining from the collection of any do one or the other.

and final determination of the State, in relation | each is the same; since a State, in which, by mains for us to submit a plan of taxation in of the Federal Government is openly defied and which we would be willing to acquiesce, in a set aside, and wants only the form to be independently approximately approx in due time and in a becoming spirit by the The right of the people of a single State to Etates interested in manufactures." In the opinion of the Convention, an equitable plan would sent of the other States, from their most solemn be, that "the whole list of protected articles obligations, and hazard the liberties and happishould be imported free of all duty, and that the ness of the millions composing this Union, can revenue from import duties should be raised ex- not be acknowledged. Such authority is believed clusively from the unprotected articles; er, that to be utterly repugnant, both to the principle whenever a duty is imposed upon the protected upon which the Generaral Government is conarticles i sported, an excise duty of the same rate stituted, and to the objects which it was express-shall be imposed upon all similar articles man-ly formed to attain. utactured in the United States." The address proceeds to state, however, that they " are willand with a distinct declaration that as concession their operation, the constitution itself has preon our part, we will consent that the same rate scribed the modes of redress. It is the acknowl upon all foreign imports.

sources for repelling force by force," the Gov- sion. ernor of South Carolina observed that cannot but think, that on a calm and dispassionate review by Congress and the functionaries of the General Government, of the true merits of this controversy, the arbitration by a call of a Convention of all the States, which we sincorded to us."

these two important documents, taken in con sent occasion, be denied. nexion with the progress of recent events in The existence of this right, however must stitution has provided for all cases in law or e- of 1799, and also the fines, penalties and for- tance to judicial process, is, in its character, for-On Wednesday last, the Fresident transmitted to both Houses of Congress, the following that quarter, there is too much reason to appre- depend upon the causes which may justify its quity arising under the Constitution and laws of feitures for their enforcement, are particularly de- cible, and analogous to that conferred upon the hend, without in any manner doubting the in- exercise. It is the ultima ratio, which presupt the United States, but has endeavored to frus- tailed and explained It may be well appre- marshals by the act of 1795 It is, in fact, the tentions of those public functionaries, that neither poses that the proper appeals to all other means trate their proper action on her citizens by draw- hended, however, that these provisions may the terms proposed in the address of the Con- of redress have been made in good faith, and ing the cognizance of cases under the revenue prove inadequate to meet such an open, power In my annual message, at the commencement vention, nor those alluded to in the Message which can never be rightfully resorted to, unof your present session, I adverted to the oppo- of the Governor, would appeare the excitement less it be unavoidable. It is not the purpose of enforcing the acts passed after the latter February next. of your present session, I adverted to the oppo- of the contract the session of the state to contract the session of the state to contract the session of the state of the session sition to the revenue laws in a particular quarter which the said to be a relict of those of the United States, which threatened, not vious however, that should the latter be insistindividuals in the State. It is the right of manlocation of the United States, which threatened, not vious however, that should the latter be insistindividuals in the State. It is the right of manlocation of the ordinance, information ages in which the laws could be defended rather of the United States, which threatened, not vious in which the laws could be defended rather merely to thwart their execution, but to endan-jed on, they present an alternative which the kind, generally, to secure, by all means in their the import of oaths previously taken, to treat has been received from sources entitled to be re- by physical than moral torce, and, in its origin, merely to the union, but to endan- to on, they present than moral lorce, and in its origin, ger the integrity of the Union. And, although General Government, of itself, can by no possi- power, the blessings of liberty and constitution and laws of the Union. And, although General Government, of itself, can by no possi- power, the blessings of liberty and constitution and laws of the Union. And, although General Government, of itself, can by no possi- power, the blessings of liberty and constitution and laws of the Union. I then expressed my reliance that it might be bility grant; since, by an express provision of but when, for these purposes, any body of men overcome by the prudence of the officers of the Constitution, Congress can call a Conven- have voluntarily associated themselves under a made the proper appeal to public opinion and to cient number of persons in whom confidence of the King's enemies, when they came into the tion' for the purpose of proposing amendments, particular form of government, no portion of them the remedy of amendment. For, without wai-I stated, that should the emergency arise, ren- only on the application of the Legislatures of can dissolve the association without acknowledge ting to learn whether the other States will contwo thirds of the States." And is not perceived ing the co-relative right in the remainder to dethat the terms presented in the address are more cide whether that dissolution can be permitted, or amend the Constitution to suit her views, she be used when an attempt is made to remove ves- all knights and others who were bound to have

Events which have occurred in the quarter vention, they " would be willing to acquiesce." be a mitted to pre-exist, and cannot be wholly there alluded to, or which have come to my from no part of the Ordinance. While this Or- surrence. ed, is necessarily subjected to limits knowledge subsequently; present this emergen- dinance bears all the solemnity of a fundamen- tions in all it egovernments, and in all free gotal law, is to be authoritative apon all within vernments, and in compacts of all kinds, freely (The Message quotes largely from the South the limits of South Carolina, and is absolute and and voluntarily entered into, and in which Carolina Ordinance, and the acts passed in pursu- unconditional in its terms, the Address conveys the interest and we'the of the individual beance thereof. As our readers are already acquain only the sentiments of the Convention in no comes identified with those of the community ted with their provisions, we omit this part of binding or practical form. One is the act of the of which he is a member. In compacts between of the message, so as to insert all the remainder. In State, the other only the expression of the opin- individuals, however deeply they may affect dons of the members of the Convention. To lim | their relations, these principles are aconowedgit the effect of that solemn act by any terms or led to create a sacred obligation; and, in comconditions whatever, they should have been em- pacts of civil governments, involving the liberdisappointment of that expectation; to the military bodied in it, and made of import no less authori ties and happiness of millions of mankind, the and oppression, to warrant the disruption of the that quarter organization going on in South Carolina, and the tative than the act itself. By the positive en obligation cannot be less.

facility of any expectation that she will repeal actments of the Ordinance, the execution of the Without adverting to the particular theories laws of the Union is absolutely prohibited, and to which the federal compact has given riseernor in his proclamation, of the authority of the the Address offers no other prispect of their be- both as to its formation and the parties to it-Executive of the Union; "thus presenting her- ing again restored, even in the modified form and without inquiring whether it be merely self in the attitude of hostile preparation, and proposed, than what depends upon the improbable federal, or social, or national, it is sufficient that ready even for military violence, if need be, to contingency that, amid changing events and in- it must be admitted to be a compact, and to posenforce her laws for preventing the collection of creasing excitement, the sentiments of the pre- sess the obligations incident to a compact; to be the duties within her limits." "I hat, while the sent members of the Convention, and of their a compact by which power is created on the cause, either in the degree of misrule or oppres- liable shall be paid or secured. The mode by even attempting to resist or disober—though by

izing the collection of the revenue, including which the terms proposed in the address are to the act of 1816, and also the edilection laws of be accepted, would seem to present scarcely less 1799, the constitutionality of which has never difficulty than the terms themselves. Though which are charged to have been imposed for the in South Carolina, as well as the bonds taken realed, but all others, though laid for the pur rying them into effect, yet, as the full action and rese of revenue morely, and upon articles in no operation of the Ordinance are to be suspended degree suspected of being objects of protection, until the 1st of February, the interval may be department thereof. It will be freely conceded, It's whole revenue system of the United States | assumed as the time within which it is expected is South Carolina is obstructed and overthrown; that the most complicate portion of the national and the Government is absolutely prohibited from legislation, a system of long standing and affectcollecting any part of the public reveaue within inggreat interests in the community, is to be rethe limits of that state. Henceforth, not only scinded and abelished. If this be required, it is

States, but the subjects of foreign States, may In the uncertainty, then, which exists as to the import any description or quantity of merchan duration of the ordinance, and of the enactments se tuto the ports of South Carolina, without for enforcing it, it becomes imperiously the duty payment of any duty whatever. That State is of the Executive of the United States, acting us relieved from the payment of any part of with a proper regard to all the great interests the public burdens; and duties and imposts are committed to his care, to treat those acts as abonly rendered not uniform throughout the solute and unlimited. They are so, as far as his United States, but a direct and ruinous prei rence agency is concerned. He cannot either embrace, s given to the ports of that State over those of or lead to the performance of, the conditions .-Il the other States of the Union, in manifest vi- Ile has already discharged the only part in his olation of the positive provisions of the constitut power, by the recommendations in his annual message. The rest is with Congress and the

and without limitation. They neither prescribe By these various proceedings, therefore, the be predicated of those measures until all the he period when they shall cease, nor indicate State of South Carolina has forced the General constitutional remedies shall have been fully iny conditions upon which those who have thus Government unavoidably to decide the new and tried. If the Federal Government exercise undertaken to arrest the operation of the laws, dangerous alternative of permitting a State to ob-They offer to the United States no alternative or seeing it attempt to execute a threat of with ly be denied that the proper remedy is a re-

duties and imposts whatever.

In my opinion, both purposes are to be regarded as revolutionary in their character and tendency

of the United States, by the Convention of and subversive of the supremacy of the laws and South Carolina, after announcing the fixed of the integrity of the Union. The result of to the protecting system, they say, that tit re- usurpation of power, the constitutional authority

Again, all acts which may be alleged to transcend the constitutional power of Governmen ing to make a large offering to prevent the Union, or which may be inconvenient or oppressive in of duty may be imposed upon the protected ar- edged attribute of free institutions, that, under ticles that shall be imposed upon the unprotected. them, the empire of reason and law is substitu provided that no more revenue be raised than is ted for the power of the sword. To no other necessary to meet the demands of Government source can appeals for supposed wrongs be made. for constitutional purposes; and provided also, consistently with the obligations of South Carthat a duty substantially uniform he imposed olina; to no other can such appeals be made with safety at any time; and to their decisions, when It is also true, that in his Message to the Le- constitutionally pronounced, it becomes the duty gislature, when urging the necessity of providing no less of the public authorities than of the peomeans of securing their safety by ample re- ple, in every case, to yield a patriotic submis

That a State, or any other great portion of the people, suffering under long and intolerable oppression, and having tried all constitutional rem edies without the hope of redress, may have a natural right, when their happiness can be otherwise secured, and when they can do so without cerely and anxiously seek and desire, will be ac- greater injury to others, to absolve themselves from their obligation to the Government, and laws otherwise than through the civil tribunals From the diversity of the terms indicated in appeal to to the last resort, need not, on the pre- of the country, she has not only not appealed in Treasury to the collectors in South Carolina, rigor of the ancient common law, This power,

ture of the federal compact, which is one of di mitations, not only up in the powers originally possessed by the parties thereto, but also unon those conferred on the Government and every that by the principles of our system, all power is vested in the people, but to be exercised in the mode, and subject to the checks, which the people themselves have prescribed. These checks are, undoubtedly, only different modifications of the same great popular principle which lies at the foundation of the whole, but are not, on that account, to be regarded or less obligato-

Upon the power of Congress, the veto of the Executive, and the authority of the Judiciary, which is "to extend to all cases in law and equity arising under the Constitution and laws of the United States, made in pursuance thereof," are the obvious checks; and the sound action of public opinion, with the ultimate power of amendment, are the salutary and only limitations upon the powers of the whole.

However it may be alteged that a violation of the compact by the measures of the Government can affect the obligations of the parties, it cannot even be pretended that such violation can bulgar conditional submission. If the scope of the drawing from the Union. That portion of the Ordinance is to be received as the scale of conpeople at present exercising the authority of the union; the preservato allow an appeal, or permit a copy of their reto allow an appeal, or permit a copy of their reto allow an appeal, or permit a copy of their reto allow an appeal or permit a copy of their reto allow an app

a repeal of the whole system of revenue laws. and as solemnly announce their determination to for their collection to be unconstitutional. The execution of the laws by all constitutional (whole operation of such laws is upon the individuals importing the merchandise; a State is Congress, and cannot become a party under those laws without importing in her own name, or wrongfully interposing her authority against them. By thus interposing, however, she canwrongfully interposing her authority against them. By thus interposing, however, she cannot rightfully obstruct the operation of the laws upon individuals. For their disobedience to, or violation of the laws, the ordinary remedies through the judicial tribunals would remain. And, in a case where an individual should be quisite; prosecuted for any offence against the laws, he could not set up, in justification of his act, a law of a State, which, being unconstitutional, would therefore he regarded as null and void. The law of a State cannot authorize the commission fare; but to make all laws which shall be ne- that a collector can retain his custody with the of a crime against the United States, or any other cessary and proper for carrying into effect the aid of the inspectors. In such case, it is true, lift act which, according to the supreme law of the foregoing powers, and all other powers vested would be competent to institute suits in the U. Union, would be otherwise unlawful. And it is equally clear, that, if there be any case in which a State, as such, is affected by the law beyond the scope of judicial power, the remedy by the constitution in the government of the Union.—

Union, would be otherwise unlawful. And it by the constitution in the government of the Union.—

States Courts against those engaged in the union of the revenue laws, and beyond the scope of judicial power, the remedy militia for executing the laws of the Union.—

being libelled in the proper courts, an order might consists in appeals to the people, either to effect a change in the representation, or to procure relief by an amendment of the Constitution: But the measures of the Government are to be recognized as valid, and consequently supreme, prescribed by the Constitution, it violates the until these remedies shall have been effectually public trusts not less than it would in transcendtried; and any attempt to subvert those meas- ing its proper limits. To refrain, therefore, from any process, order, or decrees, or other pretext, ures, or to render the laws subordinate to State the high and solemn duties thus enjoined, howeauthority, and afterwords to resort to constitution- ver painful the performance may be, and thereby al redress, is worse than evasive. It would not tacitly permit the rightful authority of the govbe a proper resistance to "a Government of un- ernment to be contemned, and its laws obstructlimited powers', as has been sometimes pre- ed by a single state, would neither comport with tended-but unlawful opposition to the very li- its own safety, nor the rights of the great body mitations on which the harmonious action of the of the American people. Government and all its parts absolutely depends. South Carolina has appealed to none of these remedies, but, in effect, has defied them all. means, it remains to consider the extent of these While threatening to separate from the Union, already at his disposal, and what it may be proif any attempt be made to enforce the revenue per further to provide. her own name to those tribunals which the Con- the provisions and regulations made by the act though it may be used against unlawful resisin this respect as a nullity. Nor has the State the execution of the revenue laws a suffi- enable them to defend their country against any practicable than those referred to in the message, consistently with the general happiness. In has, of her own authority, altered the import of sels and their cargoes from the custody of the harness." It includes the right of going with It will not escape attention that the conditions this view, it is a right dependent upon the pow- that instrument, and given immediate effect to officers of the customs, and, indeed that it would arms and military equipments, and embraces on which, it is said, in the Address of the Con- er to enforce it. Such a right, though it may the chan e. In fine, she has set her own will be impracticable for the collector, with the sid larger classes and greater masses of population. and authority above the laws, has made herself of any number of inspectors whom he may be than can be compelled, by the laws of most of arbiter in her own case, and has passed at once anthorized to employ. to preserve the custody a- the States, to perform militia duty. If the prinover all intermediate steps to measures of avow gainst such an attempt. ed resistance, which, unless they be submitted to, can be enforced only by the sword.

one hand, and obedience exacted on the other; sion complained of, or in the hopelessness of re- which it is contemplated to deprive them of that the aid only of the ordinary officers of the curcomplaint as far as praticable, consistently with It is to be regretted, however, that these condi- a compact freely, voluntarily, and solemnly en- dress by constitutional means. The long sanc- custody is the process of replevin, and that of toms—the process of replevin, the collecter and a proper regard to the interests of the community tions, even if they had been offered in the same tered into by the several States and ratified by tion they have received from the proper authori- copies in withernam in the nature of a distress all concerned are subjected to a further proceedat large, it is nevertheless determined that the binding form, are so undefined, depend upon so the people thereof respectively; a compact by ties and from the people thereof respectively. surremacy of the laws shall be maintained." many contingencies, are so directly opposed to which the several States, and the people thereof, exampled growth and increasing prosperity of so dinance. Particular instructions to the revenue officers in the known opinions and interests of the great bo- respectively, have bound themselves to each many millions of freemen, attest that no such op-South Carolina were issued on the 6th Nov. dy of the American people, as to be almost hope- other and to the federal government, and by pression as would justify or even palliate such a tress, it is not perceived that the Collector can not less than one thousand, nor more than five last, predicated on the professions of the advo less of attainment. The majority of the States which the federal government is bound to the resort, can be justly imputed either to the present interpose any resistance whatever; and against thousand dollars, and to imprisonment not excates of Nullification, that it was pacific in its and of the people will certainly not consent that several States, and to every citizen of the United policy or past measures of the Federal Govern- the process of replevin authorised by the law of ceeding two years, nor less than six meaths: nature. The state of things has since been the protecting duties shall be wholly abrogated, States. To this compact, in whatever mode it nent. The same mode of collecting duties, and the State, he, having no common law power, can and for even attempting to execute the orders of changed, however, by the measures of S. C. The never to be re-cruected at any future time or in a may have been done, the people of South Car- for the same general objects, which began with my possible contingency. As little practicable is olina have freely and voluntarily given their as-, the foundation of the Government, and which authorized, and may find it practicable to employ; and all assisting, would be guilty of a misdemea-If these measures cannot be defeated and over- it to provide that the " same rate of duty shall sent; and to the whole and every part of it, has conducted the country through its subsequent and these, from the information already adverted nor, and be liable to a fine of not less than three time by the powers conferred by the Constitu- be imposed upon the protected articles that shall they are, upon every principle of good faith, in- steps to its present enviable condition of happiness to, are shown to be wholly inadequate. tion on the Federal Government, the Constitute be imposed upon the unprotected; which more violably bound. Under a obligation, they are and renown, has not been changed. Taxation tion must be considered as incompetent to its over, would be severely oppressive to the poor, bound, and should be required, to cuntribute their and representation—the great principles of the own defence; the supremacy of the laws is at and, in time of war, would add greatly to its ri- portion of the public expense, and to submit to all American revolution—have continually gone in end; and the rights and liberties of the cit- gors. And, though there can be no objection to laws made by the common consent, in pursuance hand in hand; and at all times, and in every inteens can so longer receive protection from the the principle, properly understood, that no more of the Constitution, for the common defence and stance, no tax of any kind has been imposed the United States, or if they had permitted the Covernment of the Union. They not only ab revenue shall be raised than is necessary for general welfare' until they can be changed in without their participation—and, in some instan- State tribunals to administer the law according to these penalties, aided by the powerful force of mente the acts of Congress, commonly called the constitutional purposes of the Government, the mode which the compact has provided for ces, which have been complained of, with the their oah under the Constitution and the regula the county, which would doubtless be brought to the tarriff acts of 1828 and 1832, but they pros. which principle has been already recommended the attainment of the Go- express assent of a part of the Union, the General sestain the State officers, either that the collecvernment and of the Union. Nothing less than South Carolina in the councils of the Government might have been content to look to tor could retain the custody in the first instance, causes which would justify revolutionary remedy Up to the present period no revenue has been them for maintaining the custody, and to en- or that the marshal could summon sufficient aid can absolve the people from this obligation; and raised beyond the necessary wants of the country counter the other inconveniences arising out to retake the property, pursuant to the order or for nothing less can the Government permit it to and the authorized expenditures of the Govern- of the recent proceedings. Even in that case, other process of the court. be done without violating its own obligation; by ment. And as sun as the burthen of the public however, the process of replevin from the courts It is, moreover, obvious, that, in this conflict

in no such oppression upon South Caralina, needs no other proof than the solemn, and official decharation of the late chief magistrate of that State authority, which, by taking the thing sei- voidable. he says, that 'the occurrences of the past year, might obstruct the exercise of the jurisdiction, butes of grateful acknowledgements are due for ment or other summary process; that the ques the various and multiplied blessings he has been tion under such a seizure, whether a furfeiture the exertions of agricultural labor; that health, almost beyond former precedent, has blessed our homes; and that there is no less reason for thankfulness in surveying our social condition." where, in the social condition of a people, there was equal cause of thankfulness, as for abundant harvests, and varied and multiplied blessings with which a kind providence has favored them.

Independently of these considerations, it will not escape observation, that South Carolina still claims to be a component part of the Union; to participate in the national councils, and to share in the public benefits, without contributing to the public burthens thus asserting the dangerous anomaly of continuing in an association without acknowledging any other obligation to its laws

than what depends upon her own will. In this posture of affairs, the duty of the government seems to be plain. It inculcates a recognition of that state as a member of the Un-

means. The Constitution, which his oath of office absolutely prohibited from laying imposts or du- obliges him to support, declares that the Executies on imports or exports without the consent of five "shall take care that the laws be faithfully

cessary and expedient, imposes the additional distently with the supremicy of the laws, or the more efficient provision for executing the submitted to, the protection due from the Government. laws, as may from time to time be found re- etument to its officers and citizens is withheld, The same instrument confess on Congress the but to the Union itself.

power not merely to lay and collect taxes, duties | Against such a force as the sheriff may, and imposts and excises; to pay the debts and pro-vide for the common defence and general wel-it is his duty to exercise, it cannot be expected In all cases similar to the present, the duties of be made for its delivery, which would be comthe government become the measure of its pow- mitted to the marshal for execution. But, in that ers; and whenever it fails to exercise a power case, the 4th section of the act, in broad and unnecessary and proper to the discharge of the duty

It being thus shewn to be the duty of the Executive to execute the laws by all constitutional

leston to Castle Pinckney, was deemed a meas- they are.) the powers of summoning the power In deciding upon the course which a high ure of necessary precaution; and though the comitatus will compel, under the penalty of fine sense of the duty to all the people of the United authority to give that direction is not questioned, and imprisonment, every man over the age of States imposes upon the authorities of the Union it is nevertheless apparent that a similar pre- fifteen, and able to travel, to rurn out at the call in this emergency, it cannot be overlooked that caution cannot be observed in regard to the ports of the sheriff, and with such weapons as shall be there is no sufficient cause for the acts of South of Georgetown and Beaufort, each of which, un- necessary; and it may justify beating, and even Carolina or for her thus placing in jeopardy the der the present laws, remains a port of entry, killing, such as may resist, The use of the happiness of so many millions of people. Misrule and exposed to the obstructions meditated in posse comitatus is, therefore, a direct application

free institutions of the Union, should be great In considering the best means of avoiding or as the employment of the whole militia force of & lasting, defying all other remedy. For causes of preventing the apprehended obstruction to the the country, and, in an equally efficient form, unof minor character, the Government could not collection of the revenue, and the consequences der a different name. No proceeding which resubmit to such a catastrophe, without a violation of its most sacred obligations to the other States of and necessary to enable the officers of the customer by the act can be properly denominated peaces. the the Union, who have submitted their destiny toms to preserve the custody of vessels and their ble. cargoes, which by the existing laws they are re- The act of South Carolina, however, does not There is, in the present instance, no such quired to take, until the duties to which they are rely altogether upon this forcible remedy. For

> The respect which that process deserves, must to imprisonment, not exceeding two years, nor therefore be considered.

obstructed the legitimate action of the courts of lute duty of the sheriff to retake them. which, under the compact, it is bound to the other States, and to every citizen of the United istration have primptly recommended a correstates.

debt is removed, those charged with the administration have primptly recommended a correstates.

debt is removed, those charged with the administration have primptly recommended a correstates.

It has been decided by the Supreme Court of the United States that the courts of the United Dassively submitted to,) the destruction to That this system, thus pursued, has resulted States have exclusive jurisdiction of all seizures which the property of the officers of the made on land or water, for a breach of the laws | would be exposed, the commission of actual vioof the United States, and any intervention of a lence, and the loss of lives, would be scarerly astate, in his address to the Legislature. In that zed out of the hands of the United States officer in connection with our domestic concerns, are to is unlawful; that in such case the court of the the laws is rendered empracticable, even through be reviewed with sentiments of fervent gratitude United States, having cognizance of the seizure, to the great disposer of human events that tripleased to bestow on our people; that abundant had been actually incurred, belongs exclusively the State, and collection of the revenue would harvests in every one of the states have crowned to the courts of the United States, and it depends be more effectually secured—if, indeed, it can on the final decree, whether the seizure is to be be done in any other way by placing the cus-deemed rightful or tortuous; and that not until tom house beyond the immediate power of the deemed rightful or tortuous; and that not until the seizure be finally judged wrongful and with out prubable cause by the courts of the United would indeed be difficult to imagine oppression | States, can the party proceed at common law for damages in the Stats courtes.

> But, by making it "unlawful for any of the constituted authorities, whether of the United States or of the State, to enferce the laws for the States should be authorized to alter and abolish payment of duties, and declaring that all judicial proceedings which shall be bereafter had in be necessary, and to establish the custom house affirmance of the contracts made with purpose to at some secure place within the same port or secure the duties imposed by the said acts, are, harbor of such State; and, on each cases, at and shall be held utterly null and void," she has such place, and to detain all vessels and carroes in effect abrogated the judicial tribunals within until the duties imposed by law be properly se-her limits in this respect, has virtually denied cured, or paid in cash, deducting interest; that, the United States access to the courts established in such cases, it should be unlawful to take by their own laws, and declared it unlawful for the vessel and cargo from the custody of the prothe judges to discharge those duties which they per efficer of the customs, unless by process are sworn to perform. In lieu of these, she has from the ordinary judicial tribunals of the Uni substituted those State tribunals already adverted ted States; and that, in case of an attempt oth

laws of the Union, and enforce those only of outh Carolina; and, thus deprived of the function essential to the judicial character, of inquiring into the validity of the law, and the right of the matter, become merely ministerial inlaws of the Union.

Neither the process nor authority of these tribunals, thus constituted, can be respected, consubmitted to, the protection due from the Govand there is at once, an end, not only to the laws,

qualified terms, makes it the duty of the sheriff to prevent such recapture or seizure, or to deliver the goods, as the case may be, 'even under contrary to the true intent and meaning of the ordinance aforesaid." It is thus made the duty of the sheriff to oppose the process of the courts of the United States, and for that purpose, if need he, to employ the whole power of the country. And the set expressly reserves to him all power, which, independently of its provisions, he could have used. In this reservator it obviously contemplates a resort to other means than those particularly mentioned.

It is not to be disguised that the power which it is thus enjoined upon the sheriff to employ is In the instructions of the Secretary of the nothing less than the posse comitatus, in all the embodying of the whole mass of the population, under the command of a single individual, to accomplish by their furcible aid what could not be effected peaceably and by the ordinary means. ciples of the common law are recognized in South The removal of the custom house from Char Carolina, (and, from this act, it would seem of force, and cannot be otherwise regarded than

effects, and are, moreover, made guilty of a mis-Against the proceeding in the nature of a dis- demeaner, and liable to be punished by fine of thousand dollars, nor more than ten thousand and less than one; and in case the goods should be If the authorities of South Carolina had not retaken under such process, it is made the abso-

It is not to be supposed, that, in the face e

Under these circumstances, and the provisions of the sets of South Carolina, the execution of the ordinary judicial tribunals of the United States. There would certainly be fewer difficulties, and less opportunity of actual collision between the officers of the United States and of county.

For this purpose, it might be proper to provide that, whenever, by any unlawful combination, or of obstruction, in any State, or in any port, it should become impracticable faithfully to collect the duties, the President of the United such of the districts and ports of entry as should