CAROLINA WATCHMAN.

BY HAMILTON C. JONES. SALISBURY, N. C. SATURDAY, FEBRUARY 23, 1833. VOL. I—NO. 31

TERMS.

THE CAROLINA WATCHMAN, is published every week at *Three Dollar* per year, in advance where the *subscribers* live Counties more than one hundred miles distant from Salisbury, and in all cases where the account is over one year standing, the price will be $4.

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Persons addressing the Editor on the business of the Office, will address him as Editor of the *Carolina Watchman*—Those that write on other business can direct to H. C. Jones.

N. B. All the subscriptions taken before the commencement of this paper, it will be remembered, become due on the publication of the first number.

STATE OF NORTH-CAROLINA:—HAYWOOD COUNTY.—Superior Court of Law October Term, A. D. 1832.

William Green } vs. Keziah Green } *Petition for Divorce.*

It this case it having been made appear to the satisfaction of the court, that the defendant Keziah Green, resides without the limits of this State, so that the ordinary process of the law can not be served on her:—It is therefore, ordered by the Court that publication be made in the "Carolina Watchman," and in the "North-Carolina Spectator and Western Advertiser," for the term of three months, notifying the defendant to be and appear at a Superior Court of Law to be held for the County of Haywood at the Court-House in Waynesville, on the second Tuesday after the fourth Monday in March next, then and there to plead answer or demur to the petition of the petitioner, otherwise judgement *pro confesso*, will be entered against her and decree made accordingly.

And, it is further ordered that the Editors of the said papers, be requested to forward their papers to this office during the said three months.

Test, JOHN B. LOVE, Cl'k.

32—3m.

THE WATCHMAN.

Salisbury.....Saturday, February 23, 1833.

Congress of the U. States.

REVENUE COLLECTION BILL.

The Senate then proceeded again to the Special Order of the Day, and the Bill making further provision for the collection of the Revenue being announced—

Mr. Clayton, of Delaware, rose. He said that when the eloquent and able Senator from Virginia, (*Mr.* Tyler) rose yesterday to discuss the bill under consideration, he had expressed his apprehension that some loose remark which might fall from him in the ardor of debate, might prove fatal to him. Entertained and delighted as I was by the perspicuous and admirable speech of the gentleman, sustaining the doctrines of the proud State which he so honorably has ever represented on this floor, since his first introduction as a member of this body, *Mr.* C confessed that he could scarcely conceive of the possibility of any distortion of his views or misapprehension of his sentiments. I know well, said *Mr.* Clayton, that my honorable friend will acquit me, in the outset, of any wilful design to misrepresent him; and he knows equally well that if, in the course of heated debate, I should at any time, while referring to his opinions, fail to express myself as he did, it will give me pleasure to stand corrected by his explanations. While about to dissent from many of his opinions on the interesting subject, suffer me to add, said Mr. Clayton, that if any luckless expression of mine delivered in the heat of this discussion, should go beyond its mark and offend his honorable pride, he will let me so far prevail in his most generous thoughts "that I have shot my arrow o'er the house and hurt my brother."

If, Mr. Clayton said, a doubt had ever existed in his judgment as the course which it was his duty to pursue in referring to this most interesting measure, that doubt would have been dispelled by certain resolutions which he held in his hand, proceeding from the Legislature of the State of whose interests and wishes he was a Representative on this floor. Those resolutions, in substance, declare that the Constitution of the United States is not a treaty or a mere compact between sovereign States, but a form of government emanating from and established by the authority of the People of the United States; that this Government, although one of limited powers, is supreme within its sphere of action, and that the People owe to it an allegiance which cannot, in consonance with the Constitution, be withdrawn by State nullification or State secession: that the Supreme Court of the United States is the only and proper tribunal for the settlement, in the last resort, of controversies arising under that constitution and the laws of Congress—that, in cases of gross and intolerable oppression, for which the ordinary remedies to be found in the elective franchise and the responsibility of public officers are inadequate, the remedy is an extra constitutional resistance and revolution. The language of our People, (said Mr. C.) as expressed by their representatives, in reference to the fatal delusion pervading the recent ordinance and legislation of South Carolina, is, that, while they entertain the kindest feelings towards the People of that State "with whom they stood side by side in the war of the Revolution, and in whose defence their blood was freely spilt," they will not falter in their allegiance, but will be found now, as then, true to their country and its Government; and they pledge themselves to support that Government in the exercise of its constitutional rights and in the discharge of its constitutional duties. These resolutions, proceeding as they do from gentlemen of all political parties, do not instruct me to adopt the principles embraced in them as my political faith and creed: they leave me untrammelled by any mandate, to follow the course which my own judgment may dictate in reference to the whole subject.

But, Mr. Clayton said, his sentiments were no secret to the People of the State he had the honor to represent, or to their Legislature. When doctrines directly the reverse of those were first advocated within the walls of this chamber, though fresh in his seat here, his voice had been raised against them. The very first effort (said Mr. Clayton) that was ever made here in favor of the *real Carolina doctrine, of Nullification by a State Convention*, urged by a gentleman now a happy convert to much of my political catechism, and urged then with a degree of acutility which has not been surpassed in this debate—was replied to by me while feebly supporting the very doctrine contained in the resolutions of Delaware, so far as I have referred to them I assure that honorable member there is *now* no other mode known among men, whereby he can be politically saved

Sir, (said Mr. C.) the principles which I entered public life, and with which by the blessing of God I intend to live and die—the same principles for which I and my political friends have been contending during the whole period of my service in this senate; have been discovered by the President, in this perilous crisis of our country's history, to be the only true conservative principles of the Constitution. As one of those who have steadily, though unsuccessfully, opposed what in my conscience I believe to have been Executive usurpations of power—doctrines leading, as I have often predicted, to the present day results—true to the same principles, I now find myself, by a sudden revolution in the whole political course of the Administration, anxiously esp, ousing its very strongest measures. At the same time I find the President, without the aid of myself and my political friends, in a very small and hopeless minority, in the Senate. It is under these circumstances, sir, that the Chairman of the Committee assigns a reason for supporting this bill so directly opposite to mine—so repugnant to all my notions of right and wrong—that I deem it my duty *in limine* to enter my protest against it. He supports the bill, if I understood him rightly, because the President is to execute it. He votes for this great measure because it confers power on one who (tell it not in Gath!) "never "never abused power!" He goes for the man—he sustains the principle for the sake of the man. There may be others, sir, who, with a deep devotion which no circumstance can diminish or abate, with an ardent zeal which no tyranny could cool, with a blind confidence which neither time nor tide could ever wear away, would bow to the god of their idolitary, and in their hearts exclaim, "*Fiat volentas tua.*" But I support the leading provisions of this bill for reasons the very reverse of these. I will repose power in the President, because I can find no other chance of salvation for my country. I will not be deterred from the adoption of the measure because it is recommended by the President, or because such a reason as the Chairman has assigned induces others to support it. Whatever beauties the Chairman may discover in this part of his own argument, whatever foreign mission may now glister in the vista before them, I see, and wish to see, no prospects of political advancement for myself, or any of my friends, arising out of the sudden revolution in Executive opinions. We have committed the unpardonable sin against that being who appears to be so prominent an object of the humble adoration of others, and if political death be the punishment to be inflicted on us for our transgressions we will at least perish, hoping nothing from the smiles, and fearing nothing from the frowns, of Executive power.

Nor, sir, I trust, will any man here, who has ever justly laid claim to the honorable title of National Republican, be deterred from the support of this bill by the general denunciation of it as a *federal measure*. We know well that this same ingenious stratagem has been resorted to for thirty years, alternately to elevate and to depress the leading demagogues in this country. The best possible plan to escape the force of reason, is to appeal to the ignorant prejudices of mankind. One who has engaged in this debate traces, by the aid of the most marvellous powers of combination and deduction, the nullification resolutions of Kentucky and Virginia in 1798, to the federal party! An ingenious modern writer has shown how the word "cucumber" may be derived from "Jeremiah King," but even his praises must remain unsung, while the superior ingenuity of the inventor of this charge on the men of other days, shall be held up to the admiration of the world The Kentucky resolutions, which gave birth to the whole heresy of nullification, are entitled to no respect, whether we consider the time of their adoption or the mere object for which they were drawn. They were written by a candidate for office, in a period of high party excitement, for the very purpose of effecting his own election. They were well calculated to intimidate political opponents by the threat of ultimate disunion in the event of his defeat, and as such they were denounced by the co States at the time, in the strongest language. They slept on the shelf after they had done their office, without an effort on the part of any man to vindicate the principles contained in them, until after the lapse of thirty years, when they were awakened by the trumpet of discord resounding again through this happy country. I say, sir, that no effort was made to defend them from 1800 till after the passage of the tariff act of 1824—yet they were assailed and denounced in the hearing of the very men who ought to have been first to stand forth in their behalf. In the debate on the Judiciary of 1802, Mr Giles, of Virginia, having barely so far alluded to the subject as to mention the determination by the Courts, that they are judges in the last resort of the constitutionality of your laws, to prove what he called their unlimited claims to power, was promptly met in reply, on this whole question, by Mr. Bayard, who triumphantly vindicated the true principles of the constitution against the then recent and arrogant pretensions of State usurpation, State veto, State interposition, and State tyranny. Standing on the very principles we now advocate, he threw the gauntlet to any champion on the other side, to come forward in defence of the principles in those resolutions. Sir, no such champion then appeared. The resolutions, which covered the whole ground of this part of the debate, not even named, much less defended or held up as authority, by any one who ventured into the lists. They had served their purposes, sir. The party that framed them was seated in power, and it was their interest to forget and to despise them.

Suffer me, sir, to add one other preliminary remark before I proceed to the argument of the main question involved in the consideration of this bill. The gentleman from North Carolina (Mr Brown) in reference to the use of force to sustain the revenue laws, cited a passage from the speech of the same distinguished representative of my native State to whom I have alluded, delivered in Congress, on the subject of the embargo law. The object was to show that our government ought not to be sustained by the use of force, when concession can prevent it—and I grant the gentleman the full benefit of all the passage he has cited. I am willing to adopt the recommendation of that eminent statesman in the present case. I am willing to concede all that can be yielded to an honest difference of opinion, consistently with the honor and interest of the nation. I would now give my vote for a new tariff which should extend the list of articles to be admitted duty free, and as far as that list could possibly be extended without injury to the essential manufactures of the country. But it ought never to be hoped for, that the system which now protects the industry of the farmer, the mechanic, and manufacturers; in short, the whole laboring freemen in the Middle, Western, and Northern States, from competition with the British paupers should be utterly and unconditionally abandoned. Sir, I am well satisfied that it cannot be so abandoned without the imminent danger of a speedy revolution in this government; and that, in this view of the subject, it would be infinitely better to bear the ills we have, than fly to others that we know not of If the measure proposed should, as is alleged, drive South Carolina into open secession—still, sir, I hold, that State secession is a lesser evil than State Nullification. I think this position is easily demonstrable. If the latter doctrine be triumphantly established—if indeed, it be true, that any one of these States can rightfully and constitutionally decide, in the last resort, on the mode and measure of redress for all her alleged grievances—then, sir, is South Carolina, while all her ports are open for the admission of every article of importation, duty free, still within the pale of the Union, and entitled to participate in all its blessings, though she refuses to share in any of its burthens.

The whole amount of Southern exports, amounting to 40 millions annually, may be exchanged for foreign manufactures and foreign produce; and by virtue of this ordinance of nullification the exchange may, through these free ports, be forced upon the consumption of the whole country, in defiance of all our laws for the collection of duties. The immediate effect of this must be desolation and ruin to us—desolation and ruin so certain and so speedy that our Southern brethren would find us a prey hardly worth the trouble of pursuit after the lapse of five years Throwing out of view the destruction of our manufacturers and mechanics, (the immediate consequence of this state of things) I ask what have we to meet the never-ending drain of our money to pay for all the most important necessaries of life thus purchased from abroad? In five years we should be beggared by the operation of this system, our country would be depopulated, presenting but a wide and melancholy waste, and a lasting monument of our own folly and pusillanimity. At the same time those who would temporarily profit by this state of things would evidently be the loser also, for where would be their articles received in exchange for their produce, when we should be no longer able to buy them? On the other hand, the consequences of the secession of South Carolina from the Union, though that is an event deeply to be deplored while the memory of our national glory is retained, would be infinitely to be preferred by us to such a condition of affairs. We should, in the event of her successfully maintaining her seperate independence, subject all products and all her exchanges for them when introduced among us, to our own Tariff; and if peace did not always smile upon us, as it heretofore has, we should at least, by the sacrifice of its blessings, maintain our independence of all foreign nations. I tell the honorable member from Carolina, therefore, that while secession has its terrors for me, nullification presents even still greater evils in prospective, and that I cannot be deterred from the support of this bill, whose only object is to countervail the effect of their ordinance and legislation, by the threats of disunion as a necessary consequence of its passage.

I come then, sir, to the discussion of the main question now before us.

Are this ordinance and legislation of South Carolina consonant with the Constitution of the United States? Is repugnant to the previsions of that sacred instrument, has the State a right to secede from the Union? Have we the power to coerce obedience to our revenue laws? And, lastly, if we have such powers, are the provisions of this bill such as are proper to secure that obedience? There never was any question more involved in metaphysical subtleties than these have been by gentlemen holding the negative of each of them. They invariably seek out the most refined and indefinable distinctions. It would with them be evidence of gross obtuseness of intellect to fail always to discriminate between a State and the people of a state—between sovereignty and sovreign power, and to determine with precision where each of these originated, and where they now remain—between the FOUNDATION of the powers of the government and the SOURCES from which those powers are drawn—and between the effects of a ratification by the people of the United States *collectively*, and that of a ratification by the same people voting by state divisions. The address to the people of South Carolina by their Delegates in Convention is replete with such distinctions. The passage from that curious state paper which I am about to read, sir, exhibits the origin of all the errors of the writer in his opinions of the nature of "sovreignty"

"A foreign or inattentive reader, unacquainted "with the origin, progress, and history of the "Constitution, would be very apt, from the phra "seology of the instrument, to regard the States "as having divested themselves of the sovreign "ty, and to have become great corporations subordinate to one supreme government But "this is as error The State are as sovreign "now as they were previous to their entering "into the compact. In common barlance, and to "avoid circumlocution, it may be admissible enough to speak of *delegated* and *reserved* sov- "reignty. But, correctly speaking, sovreignty is "a unit. It is one, indivisible, and unalienable., "it is, then, an absurdity to imagine that "the sovreignty of the States is surrendered in "*part*, and retained in *part*. The Federal Con- "stitution is a treaty, a confederation, an alliance "by which so many foreign States agree to "exercise their sovreign powers *conjointly* upon "certain objects of external concerns, on which "they are equally interested, such as *war*, "*peace, commerce*, foreign negotiation, and Indian trade; and upon all other subjects of civil "government, they were to exercise their sov- "reignty *seperately*. This is the true nature of the compact"

Sovreignty is by this authority "*a unit*"—it is "one *indivisible* and *unalienable*." The inference drawn from these premises is, that it is an absurdity to imagine that the sovreignty of the State is, surrendered in *part*, and retained in *part*. In vain did the framers of our glorious Constitution, in their circular of the 17th September 1787, declaring that it was obviously impractable in the Federal Government of these states to secure all rights of *independent sovereignty* to each, and yet provide for the interest and safety of all. In vain did they declare that individuals entering into society must give up a share of liberty to preserve the rest. In vain did they, the representatives of the States themselves, ordain that no State shall enter into any treaty alliance, or confederation; grant letters of marque and reprisal; coin money, emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder; ex post facto law, or law impairing the obligation of contracts. In vain did they provide that no State should, without the consent of congress, lay any imposts or duty on imports or exports, except what may be absolutely necessary for executing its inspection laws, subjecting at the same time, all such laws to the revision and control of congress. In vain did they determine that no State shall, without the consent of Congress, lay any duty on tonnage keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign Power, *or engage in war*, unless actually invaded, or in such imminent danger as will not admit of delay. And what is more than all this, the people of South Carolina, on the 23d of May, 1788, in vain solemnly declare to us, and to the whole world, that they assented to and ratified this constitution. It was reserved to the wisdom of after ages to discover that they had not the power to make a valid contract—that their sovreignty was a unit "indivisible and unalienable." Why, sir, if this dogma should be established, the necessary consequence of it is, that there can be but two forms of government known among men—an absolute democracy, or absolute despotism! If the people cannot alien any portion of their sovreign power for their own good, we are ourselves usurpers of authority and are guilty of treason by the very act of attempting to legislate for their benefit.

My honorable friend from Virginia, while so eloquently supporting what he terms the democratic doctrines of 1798, assures us that our Government could not be sovereign in any sense if that word; that it was but an emanation from the States, and held its existence but at the pleasure of the States. He puts the significant interrogatory, to sustain himself in these positions—Can there be such a thing as a citizen of the United States? and to this he demands an answer.

I will give him that answer, sir, by describing this Government as it actually exists.

The radical and fatal error into which he has fallen consists in the omission to discriminate between a federal Government, a national government, and our government, which is neither exclusively federal or national, but a compound of both. The history of its origin is soon told. It was framed by the States in a Convention of the States, and on the 17th Sept. 1787 by that Convention, it was directed first to be submitted to the United States in Congress assembled, and then to a Convention of Delegates chosen in each State *by the people* thereof, under the recommendation of its legislature, for *their assent and ratification*." It was *assented* to by the People, after it had been *proposed* by the States, It is thus for a contract between the people and the States binding them and each of them.

This Constitution is a form of government agreed to between the several States—between the People of the several States—between the People of each State, and the State itself—and between the People of each State and every other State. If the sovereignty of the People of each State ever had been a unit, indivisible and unalienable, in the sense of the South Carolina Convention, the contract would have been void *ab initio*. But presuming that even the gentleman from Virginia will agree that it is not an absolute nullity, and has some binding effect by the ratification of the People, I proceed to describe briefly, sir, the nature of this Government and the operations of its powers. Originating, as it did, both from the States and the People, the "foundation of its powers" would have unauthorized the creation of a government, either exclusively national, or a mixture of both.

The House of Representatives is a body which the People alone are represented. In the Senate the States alone are represented without reference to the number of the People contained within their limits. The Executive, exercising its qualified veto on the laws, in the Representative of the People and the States combined. These ordinate branches of the legislative power are checks on each other, as the Senator from Maine has described them. It is indeed, sir, literally true, that less than one fifth of the People of the States, by their Representatives in this Senate, could now defeat any law proposed by the immediate delegates of the People of the United States in the other branch of Congress. That branch is national or popular—this federative—and the executive is elected by the powers which create them both. Well may it be said that there never was a government before it in which the rights of a majority were so completely protected. But this protection does not stop here. Should all these branches of the government trample on a minority by the enactment of an unconstitutional law, it may appeal with safety to the Judiciary, another branch of the Government, the members of which are nominated by the President, and confirmed by the Representatives of the States in this body. And, finally, should the Judiciary decide in favor of an oppressive law, there lies an appeal to the People to remove the agents who have been guilty of the oppression. The fate of the alien and sedition laws would furnish the honorable member from Virginia with an apt illustration of the effective operation of this last and most important check on the exercise of the power

This government possess the right of self-preservation. As a necessary incident to this important right the Judicial Department possess the power to settle, in the emphatic language of a resolution of the Legislature of my native State, which I received but yesterday, and I this day support, "all controversies between the United States and the respective States, and all controversies arising under the constitution itself." On this most important question, if I understand the honorable Senator from Virginia, he holds the doctrine that "when Governments come in collision, the Supreme Court cannot decide." The gentleman from Kentucky (Mr. Bibb) holds that the Court cannot exercise political power; and he avers that the question now agitating the State of South Carolina cannot be decided by the Court, because they are all cases of the exercise of political power.

When Mr. Marshall (the present illustrious President of the Court) in his place as a member of the House of Representatives, took the distinction relied upon between judicial and political power, he clearly explained and defined it. The Court can decide only in a case which can be brought before it. It can do nothing of its mere motion. It has no Legislative and no Executive power, but in every case in law or equity which could arise before the Court under the Constitution or laws, it is, as the Courts of the United States are now organized, the sole arbiter; and nothing has ever fallen from Mr. Marshall to contradict this principle. On the contrary, the whole current of authorities in the Court sustains it.

Can then the question as to the validity of the South Carolina ordinance and legislation, made as they are in opposition to our revenue laws, arise before the Court? Why not? If it be not presented for determination there, it must be owing to no other cause which I can understand than the refusal of her citizens to bring up the point. In an action for a breach of our revenue laws, the citizen of Carolina who may claim the benefit of this State interposition can surely plead the special matter in bar of the action setting forth the ordinance and laws under which he demands protection. The Attorney for the Government must demur to the plea, because the facts contained in it are not treasonable. The judgment of the court below and of the court in appeal must be on the *very* question whether this ordinance and these laws are constitutional. Will any professional gentleman here deny this? Will any one of them state a possible difficulty in regard to the propriety of this mode of presenting the whole question in issue between us to this tribunal? Sir, I defy their scrutiny. They know as I do that the case is one which can be easily submitted to the Court if they dare to do it.

The President in his late message in reference to this most interesting subject, has brought back the Government to its true principles and maintained the authority of the Court as I have stated it.

The sentiments of the Vice President elect coincide with these on this subject, at least there has been no "non-committal." Mr Van Buren, in his speech on the Judiciary, in 1826, says—

It has been justly observed that there exists not upon this earth, and there never did exist, a judicial tribunal clothed with powers so various, and so important, as the Supreme Court."

"By it treaties and laws made pursuant to the Constitution, are declared to be the Supreme law of the land. "So far at least as the acts of Congress depend upon the Courts for their execution, the Supreme Court is the judge whether or no such acts are *pursuant to the Constitution*, and from its judgment there is no *appeal*. Its veto therefore may absolutely suspend nine tenths of the acts of the National legislation."

"Not only are the acts of the National legislature subject to its review, but it stands as the umpire between the conflicting powers of the General and State Governments. But this is not all. It not only sits in final judgment upon our acts as the highest legislative body known to the country—it not only claims to be the absolute arbiter between the Federal and State Governments—but it exercises the same great power between the respective States, forming this great confederacy and their *own citizens*."

There are few States in the Union, upon whose acts the seal of condemnation has not, from time to time, been placed by the Supreme Court. The sovereign authorities of Vermont, New Hampshire, New York, New Jersy, Pennsylvania, Maryland, Virginia, North Carolina, Missouri, Kentucky, and Ohio, have, in turn, been rebuked and silenced by the over-ruling authority of this court. I must not be understood, sir, as complaining of the exercise of this jurisdiction by the Supreme Court, to pass upon the correctness of their decisions. *The authority has been given to them, and this is not the place to question its exercise.*

Mr. Clayton here spoke of the attempts made to exonerate Virginia from the imputation of inconsistency, between the principles of her resolution of '98 and those adopted unanimously in answer to Pennsylvania. The Senator from Virginia says that, because they were unanimous they could not have been well considered. Though the Senator had urged the same argument on a former occasion, Mr. C. said he could not deem it sound. A unanimous vote, in his opinion, implied a well considered and well settled decision. The arguments raised upon the distinction between a proposition for an arbiter to decide controversies between a State and the Federal Government, and a proposition for an arbiter between the States themselves, he rejected as metaphysical refinement. Mr. C. then referred to the South Carolina Address, from which he cited the following passage.

"It is fortunate for the view which we have just taken, that the history of the Constitution, as traced through the journals of the Convention which framed that instrument, places the right contended for upon the same sure foundation. These journals furnish abundant proof that "no line of jurisdiction between the States and Federal Government, in doubtful cases," and Mr. Randolph, the most prominent advocates for a Supreme Government, that it was impossible to draw this line, because no tribunal sufficiently impartial, as they conceived, could be found, and that there was no alternative but to make the Federal Government supreme, by giving it, in all such cases, a negative on the acts of the State Legislatures. The pertinacity with which this negative power was insisted on by the advocates of a national government, even after all the important provisions of the *judiciary* or *third article* of the Constitution were arranged and agreed to, proves, beyond doubt, that the Supreme Court was never contemplated by either party in that Convention as an arbiter to decide conflicting claims of sovereignty between the States and Congress; and the repeated rejection of all proposals to take from the States the power of placing their own construction on the articles of union, evinces that the States were resolved never to part with the right to judge whether the acts of the Federal Legislature were or were not an infringement of those articles."

The facts upon which these conclusions were based, were, he said, erroneously stated. There was in the Convention a member from the State of Maryland, who was a nullifier at that day. He was a man of distinguished ability and legal attainments; he referred to Luther Martin. He opposed the Constitution, and refused his signature to it. He represented one of those small States, the safety of which he believed to depend on the establishment of a purely federal government. The House of Delegates of Maryland demanded of him his reasons for refusing to sign the Constitution. Those reasons he gave, in a very able view of the Constitution, embracing all the objections to that instrument which have since been urged. He objected especially to the powers given to the Supreme Court, and to the clause providing for the punishment of treason.

These powers, Mr. Martin contended, consolidated the government. Arbitrary power, he says may and ought to be resisted, by arms, if necessary. The time might come when the dignity and safety of a State might render necessary resort to the sword, in which case the Constitution provided that every one of her citizens, so resisting the laws of the Federal Government, shall be dealt with as traitors. Mr. C. went on to read certain passages from the document to which he had referred:—

"By the third section of this article, it is declared, that treason against the United States, shall consist in levying war against them, or in adhering to their enemies, giving them aid or comfort.

"By the principles of the American revolution arbitrary power may and ought to be resisted even by arms if necessary. The time may come when it shall be the duty of a State, in order to preserve itself from the oppression of the general government, to have recourse to the sword: in which case the proposed form of government declares that the State and every one of its citizens who not under its authority, are guilty of a direct act of treason," &c.

"To save the citizens of the respective States from this disagreeable dilemma, and to secure them from being punishable as *traitors* to the *United States*, when acting expressly in obedience to the authority of their own State, I wished to have obtained as an amendment to the third section of this article the following clause: "Provided, that no act or acts done by *one* or *more* of the States against the United States, or by any citizen of one of the United States under the authority of one or more of the said States, shall be deemed *treason or punished as such*; but in case of war being levied by one or more of the States against the United States, the conduct of each party towards the other, and their adherents respectively, shall be regulated by the laws of war and of nations."

"But this provision was not adopted, being too much opposed to the great object of many of the leading members of the convention, which was by all means to leave the States, at the *mercy* of the *general government*, since they could not succeed in their immediate and entire abolition"

Now, continued Mr. Clayton, if the doctrine be true that a State may nullify the laws of the Union, and still remain in the Union, there must be some clause of the Constitution authorizing resistance to the laws of the Federal Government by the State. Mr Martin, it appears, offered an amendment giving this authority, which was rejected, and he tells the State of Maryland that the consequence of that rejection is, that she, as the State of Maryland, cannot resist a law of the General Government without incurring, for all her citizens employed