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BY GEORGE HOWARD,

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## MR. CALHOUN'S ADDRESS.

From the Pendleton Messenger.

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

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

The question of the relation which the States and General Government bear to each other, is not one of recent origin. From the commencement of our system, it has divided public sentiment. Even in the Convention, while the Constitution was struggling into existence, there were two parties, as to what this relation should be, whose different sentiments constituted no small impediment in forming that instrument. After the General Government went into operation, experience soon proved that the question had not terminated with the labors of the Convention. The great

struggle that preceded the political revolution of 1801, which brought Mr. Jefferson into power, turned essentially on it; and the doctrines and arguments on both sides were embodied and ably sustained; on the one, in the Virginia and Kentucky resolutions and the report to the Virginia Legislature; and on the other, in the replies of the Legislature of Massachusetts and some of the other States. These resolutions and this report, with the decision of the Supreme Court of Pennsylvania about the same time, (particularly in the case of Cobbett, delivered by Chief Justice McKean, and concurred in by the whole bench,) contain what I believe to be the true doctrine on this important subject. I refer to them in order to avoid the necessity of presenting my views, with the reasons in support of them in detail.

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

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

I am not ignorant that those opposed to the doctrine have always, now and formerly, regarded it in a very different light, as anarchical and revolutionary. Could I believe such in fact to be its tendency, to me it would be no recommendation. I yield

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

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

It has been well said by one of the most sagacious men of antiquity, that the object of a

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

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

Where the diversity of interests exist in separate and distinct classes of the community, as is the case in England, and was formerly the case in Sparta, Rome and most of the free States of antiquity, the rational constitutional provision is, that each should be represented in the Government as a separate estate, with a distinct voice, and a negative on the acts of its co-estates, in order to check their encroachments. In England the constitution has assumed expressly this form; while in the governments of Sparta and Rome the same thing was effected under different but not much less efficacious forms. The perfection of their organization, in this particular, was that which gave to the constitutions of these renowned States all of

their celebrity, which secured their liberty for so many centuries, and raised them to so great a height of power and prosperity. Indeed, a constitutional provision giving to the great and separate interests of the community the right of self protection, must appear to those who will duly reflect on the subject, not less essential to the preservation of liberty than the right of suffrage itself. They in fact have a common object, to effect which the one is as necessary as the other—to secure *responsibility*; that is, *that those who make and execute the laws should be accountable to those on whom the laws in reality operate; the only solid and durable foundation of liberty*. If without the right of suffrage, our rulers would oppress us, so, without the right of self protection, the major would equally oppress the minor interests of the community. The absence of the former would make the governed the slaves of the rulers, and of the latter, the feeble interests the victim of the stronger.

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

So numerous and diversified are the interests of our country, that they could not be fairly represented in a single government, organized so as to give to each great and leading interest, a separate and distinct voice, as in the governments to which I have referred. A plan was adopted better suited to our situation, but perfectly novel in its character. The powers of the government were divided, not as heretofore, in reference to classes, but geographically. One General Government was formed for the whole, to which was delegated all of the powers supposed to be necessary to regulate the interests common to all of the States, leaving others subject to the separate control of the States, being from their local and peculiar character, such that they could not be subject to the will of the majority of the whole Union, without the certain hazard of injustice and oppression. It was thus that the interests of the whole were