

THE STAR.

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TERMS.

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LEGISLATURE OF VIRGINIA.

The following Message from the Governor, covering Resolutions of S. Carolina, proposing a Convention of the States, was transmitted to both Houses at the General Assembly of Virginia on the 25th ultimo:

EXECUTIVE DEPARTMENT,
January 25th, 1835.

To the Senate and House of Delegates: I have received from the Governor of the Commonwealth of South Carolina, Resolutions adopted by the General Assembly of that State, with a request to lay them before you: they are accordingly herewith communicated.

The resolutions refer to the call of a General Convention of the States of this Confederacy, to take into its consideration the subject of the disputed powers of the Federal Government, and to adjust them in a manner that may in future preclude doubt, and prevent that Government from the exercise of powers which some of the States of this Confederacy believe to be unwarranted by the Constitution which created it.

The lowering aspect of our public affairs at this moment, caused by the usurpation of the Federal Government, which now exercises powers never intended to be granted to it, and by arbitrary means attempts to deprive sovereign States of any remedy for wrongs, injuries and oppressions, induces a conviction that no means could be better devised for allaying the general discontents of the people, and of calming the rising indignation of a brave and generous people, which has ever been watchful and jealous of its liberty, than by again bringing together, in general convention, the original parties to the compact or Constitution, thereby affording a fit and proper opportunity for the co-states to determine what power it is their sovereign will to permit their agents to exercise, and of marking out so distinctly, the limits of the Federal Government, that none hereafter may have the temerity to pass the boundary prescribed.

We are called upon by our sister State, who has suffered much from the exercise of unconstitutional power by that government, to unite in accomplishing this great object.

A general convention would be so fully able, and so well calculated to restore harmony to our confederacy, by adjusting and finally settling all the doubtful or disputed powers, that no effort should be left untaken to advance so desirable a result, and thus to regain the happy confidence which all heretofore reposed in the permanency of our institutions.

The times are perilous, the question momentous, and looks far into the future, and on the wisdom of your decision, so far as we are concerned, may probably depend the peace, the liberty, and the happiness of our country.

We have long regarded as the citadel of our liberty the sovereignty of these States, which could be interposed to save a suffering and oppressed people from the unjust exactions of an unconstitutional act, which cannot be law; and the right of each State, as a sovereign party to the compact, having no superior, to judge for itself of the infractions of the constitution, as well as the mode and measure of redress.

But if the power lately seized upon by the Federal Government, and promulgated as rightfully belonging to it, be permitted, sanctioned or sustained by the States of this confederacy, this commonwealth, upon which depends our freedom and our existence as an independent State, will be entombed in the cemetery of republics; and the will of an irresponsible majority, or the fiat of the President becomes the charter of our liberty, thus substituted for the constitution. These States then become the vassals of a despotic power, with no rights left them but the right to complain, a right which despotism cannot take from the vilest malefactor chained to the floor of the dungeon.

Many of the States of this confederacy, one by one, declared their independence of Great Britain, because they would no longer submit to the illegal and unconstitutional exactions of that country, and made common cause against her as a common enemy.

Willing to justify themselves to the world, their delegates in Congress were afterwards instructed as delegates of the several powers then associated for common defence, to sanction a Declaration of Independence by that body. This act, we are now told in

terms admitting of too little doubt, yielded up the sovereignty of these States, which now compose a "single nation."

This doctrine, and this claim to power is an outrage upon our institutions, and the bitterest satire upon the revolution: that the very Declaration of Independence itself, which blazoned forth our liberty full to the gaze of an admiring world, as our fathers believed, should now be produced, as the bond which binds their children as slaves to a majority in Congress, and to a President elected by a college of electors representing that majority, who are not, and cannot be responsible to them, and over whose will there is no control, are claims which cannot be admitted. Thus all the safe guards of liberty which our fathers thought they had constructed with so much prudence, wisdom and patriotism, would be broken to pieces and dissolved by this boundless and ingulfing claim to power which that Government has exhibited to the view of astonished millions.

Claim having been made to this unlimited power for that Government, a claim which the patriot cannot contemplate without feeling an indignant horror rush upon his mind—it becomes the part of wisdom, prudently to take such measures as will ensure the speedy termination of a pretension fraught with so much evil to the Union and danger to our liberty.

The call of a general convention of these States would afford a proper opportunity for them to place such guards upon their liberty, and such barriers to the encroachments of the Federal Government, as will put to rest forever the questions of disputed powers—the agitation of which, have, from time to time, created much dissatisfaction, and if persisted in, must at no distant day, terminate in irreparable injury.

At the moment when a sovereign State of this confederacy, exercising what she deems to be her right, has thrown herself upon that sovereignty, and as such, has undertaken to judge for herself of the infractions of the compact, and of the mode and measure of redress, we find the President of the United States, openly laying claim to this gigantic power, and charging a State with treason against the Federal Government, which he claims to be sovereign, and carrying out the principle, seems to endeavor to make the impression that the rights of the States are grants of powers from that government. When we pursue that argument to its final result, we find ourselves enslaved by the Declaration of our Independence, with no limit to the powers of the new government but its own will, and we have no right left us but the right of revolution, whilst this government claims the antagonist right of subduing us by the sword. If this doctrine be true—our fathers, intent upon securing liberty for themselves and their children, greatly erred in not declaring themselves free and independent of their Declaration of Independence.

During the middle ages, the European Governments were little else than the military commands of feudal barons—the king, or great baron of all, relying upon his military prowess, disdained to hold his power as the gift of heaven, and claimed to rule by a special grant from Omnipotence. But this divine right of kings, was disputed by the barons of England at Runnymede, and a charter for their liberty was wrung from the king. This was truly a great victory over tyranny, and believed to be a discovery in government, which, at a future day, compelled the executive, or king, to consent to govern by compact. Yet, the great discovery, or improvement in government, was reserved for our fathers, who affirmed that sovereignty could reside alone, in the entire body of the people; that their rulers were agents of the people, chosen from among them, to discharge certain duties required of them, and at stipulated periods, to lay down the power which bequeathed alone to the people; and with which they had been temporarily clothed for certain purposes—that no error might be committed, and to prevent any from attempting to rule by military force, they perfected their government, as we heretofore have believed, in the security of written constitutions.

All the States of this Confederacy, certainly believed themselves sovereign, and in that capacity, and under that belief, Virginia proceeded to form a Government for herself, anterior to the Declaration of Independence, and existed, until three years ago, under the Constitution and form of Government then established, when the sovereign people assembled in Convention, and amended that Constitution, which now remains the monument of their sovereignty—the basis of their fundamental laws.

How, then, is it possible for Virginia to have received a grant of her reserved rights from the Constitution of the United States, or the "single nation?" How the States could receive as a grant, their reserved rights, is difficult to comprehend, but not less

so, than that a Sovereign State can commit treason! As early as the 12th of June, 1776, this State declared, that "whenever any Government shall be found inadequate to the purposes of producing the greatest degree of happiness, a majority of the people, hath an indubitable, unalienable and indefeasible right, to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal." Virginia has very lately reformed and altered her Government, and still claims the "indubitable, unalienable and indefeasible right to abolish it" whenever the majority of her citizens may think proper to do so: to reform, alter or abolish a form of Government, are the highest powers which a Sovereign State can exercise.

We have also on our statute book, a law pointing out the mode by which a citizen may expatriate himself, and until he avails himself of the provisions of this act, in divesting himself of his citizenship, or renounces it by becoming a citizen of another State of this Union, or the subject of some foreign prince, he is, wherever he may be, a citizen of Virginia, and to her his allegiance is due.

The Constitution or compact which unites these States, among other specified powers, has given to Congress the right "to establish a uniform mode of naturalization," and no more, because more was not necessary, as the United States had no citizens on whom it could operate; yet it was desirable that uniformity on this subject should exist throughout the confederacy, as the Constitution provides that "the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States," and by virtue of this provision, a foreigner, who has been naturalized, and taken the oath of allegiance to any one of the States, may, at any time, under this constitutional provision, transfer his allegiance to another State.

The United States then, being only the Union of certain interests of these sovereign States, intended by them to be used for their benefit, by agents appointed by themselves, could not have citizens, since the fact of its existence is the act of the citizens of the several States, though at an early period, that government made an effort to legislate over the persons of the citizens of the States, by the passage of the Alien and Sedition Acts, which passed both Houses of Congress, and was approved by the President. These acts met with unqualified resistance on the part of several States, and by none with more decision than Virginia, on whose statute book a law now stands, the written evidence of her protecting sovereignty, and the perpetual monument of its peaceful, conservative and triumphant interposition. Yet the President has given us too clearly to misunderstand, that when an act has passed both Houses of Congress, and has been approved by him, its constitutionality cannot be questioned, and from his decision, it would seem, there is allowed no appeal, but to humble entreaty, and unavailing remonstrance.

This government, if it possess the powers thus claimed for it, is wholly without a check, unlimited in its sway, and boundless in its power. Surely this cannot be the practical effect of the government, which our fathers established, to secure to their children the rich heritage of liberty. If it be, the system has been misunderstood.

We find no relief from the prevailing alarms for the safety of our institutions, when we behold the Federal executive, upon a patient review of all those claims to power, disregarding the sovereignty of the States, and insisting upon executing an act of Congress, which has been declared unconstitutional, by the only tribunal on earth, which is admitted to have authority to judge of its validity.

In a recent message to Congress, the President has desired that body to put at his disposal, the whole army, navy, and militia force of the confederacy, to be used at his pleasure, with authority to remove or abolish the custom houses within a sovereign State, wherever and whenever he may think proper, and requires the enactment of laws in relation to the collection of duties in that State, to be made in cash, if he may deem it necessary, which cannot be considered in conformity with that clause of the Constitution, which declares "all duties, imposts, and excises, shall be uniform throughout the United States."

We are not deceived—for we cannot misunderstand the object of these warlike recommendations. The doctrines lately promulgated deny any sovereignty to the States—and State Rights, it would seem, in the opinion of the President, are held as grants from the Federal Constitution. The difficulties which State sovereignty, and State Rights might interpose, being in this summary method disposed of, the field is open to the array of military legions, to crush by force, that which is sustained by justice, patriotism, and the Constitution. The power claimed for that government makes

it already absolute—and should the Congress indulge the President in his desires, they sanction by their vote, the creation of a dictator.

Why should these things be? Have drawn swords ever reconciled differences of opinion? Besides, there are various modes by which this controversy might be adjusted without a resort to arms, which wisdom forbids, patriotism condemns, and liberty abhors.

The courts of the country are open to all parties, where those questions might soon be determined, and leave us as we were, a free and happy people, or Congress could, by the provisions of the Constitution, confer on a State within her own territory the right to lay a duty for the benefit of the United States' Treasury—to which none could reasonably object, since a high Tariff is claimed to be most judicious for the Northern States—and a low Tariff most beneficial to the South.

But the call of a general convention of the States—brings at once, full before all the parties to the compact, every doubtful or disputed power of the Federal Government, in the mode pointed out by the instrument itself, where all amendments could be made, and disputed powers settled, in a spirit of kindness, much more congenial to the harmony of our institutions, than that which now seems in contemplation. This course ought to be acceptable to all, as it gives full assurance of peaceful days hereafter, and will restore confidence to the mind of the patriot, already too long agitated with the foreseen disasters of the coming conflict.

But should all prudent considerations be disregarded, and the Federal Government desecrate their power, the hostile bayonet be levelled at the bosoms of our countrymen, the days of our republic will be numbered—our free institutions will be blotted out with the patriot blood of brothers—the pruning hook and the ploughshare give places to the sword and the spear, and amidst the dire conflict of contending armies, liberty will shriek and depart forever! Still look onward—and there is nothing to behold but danger and darkness.

Should that day come, and come it may, since many both prudent and wise, think it near at hand, where do we find a guarantee for the liberty of the people of Virginia; they have no assurances that the fate which is now intended for one member of the confederacy, may not shortly be their own. Are we more capable of submitting to unjust exactions and unlimited power, than others? The President, in his recent exposition of the powers of the Federal Government, in his paternal admonitions, not to the constituted authorities of the State, but to the people of South Carolina, has taken occasion to advert to their internal weakness—the allusion cannot be misunderstood—though wholly gratuitous, and uncalculated for the occasion, it should be promptly repelled by every State similarly situated. Having in this indirect mode exhibited a purpose to sustain its claim of power, rather on the supposed weakness of the State, than on the just strength of the Constitution, it becomes the duty of the States having the same interest to protect, solemnly to protest against all allusions, arguments and calculations on the part of the Federal Government, laying reference to this subject. Under existing circumstances—however, a grave question is presented, whether it be not more expedient, to trust those interests to the justice of a patriotic and intelligent people, rather than lay them at the mercy of a Government which seems already disposed to prejudice the case, and to make the relations arising from them, the means of operating upon the fears of the people, and thereby securing and making paramount its usurpations.

Your station is high and responsible; to you the people will look; nay, do look, for security and protection, and the maintenance of all the rights of the States. Virginia, the land of our birth, the burial place of our fathers, the peaceful homes of our wives and daughters, awaits your decision. If patriotism impels that government, why not repeal at once the odious acts, which imposes the onerous and obnoxious burdens upon the South, and restore to us, our country, peaceful, prosperous and undefiled by civil war?

In conclusion, as a convention of the States seems to have been intended by the framers of the Constitution, as the most eligible means of accommodating disputes between the parties, and of settling doubtful and disputed powers, I leave it to your wisdom to determine whether the present condition of the country does not imperatively call for this measure.

JOHN FLOYD.

DEBATE

In the Senate of the United States on the bill further to provide for the collection of duties on imports.

Mr. WILKINS rose in support of the bill. The position, he said, in which you, Mr. President, have placed

me in relation to this body, imposes on me the duty of introducing the present bill to the Senate, and of explaining its provisions. In my mode of discharging this duty, I do not consider myself as the representative of other gentlemen on the Committee; those gentlemen possess a competence, far beyond mine, to explain and defend the power of the General Government to carry into effect its constitutional laws. The bill is founded upon a message from the President, communicated on the 16th inst, and proposes to sustain the constitutionality of the doctrines laid down in that admired State paper. In the outset of the discussion, it is admitted that the bill points to an afflicting state of things existing in a Southern State of the Union; it is not to be disguised that it points to the State of South Carolina. It is not in the contemplation of the Committee who reported this bill to make it assume, in any way, an invidious character. When the gentleman from South Carolina threw out the suggestion, that the bill was invidious, he certainly did not intend to impute to the Committee a design to give it such a character. So far from being invidious, the bill was made general and sweeping, in its terms and application, for the reason that this course was thought to be more delicate in regard to the State concerned. The provisions of the bill were made general, for the purpose of enforcing every where the collection laws of the Union.

The bill presents three very important and momentous considerations: Is there any thing in the circumstances of the country calling for legislation on the subject of the revenue laws? Is the due administration of those laws threatened with impediments, and is this bill suited to such an emergency? He proposed to consider those points, but in a desultory manner. He never shrunk from any moral or political responsibility, but he had no disposition, (to use the words of the Senator from North Carolina,) to "drum on public sensibility." Neither he, nor the State which he represented, had any influence in bringing up these questions, but I am prepared to meet the crisis by any votes.

It is time, continued Mr. W., that the principles on which the Union depends, were discussed. It is time that Congress expressed an opinion upon them. It is time that the People should bring their judgment to bear on this subject, and settle it forever. The authority of Congress and of the People must settle this question one day or other. There were many enlightened men in the country, men whose integrity and patriotism no body doubts, who had arrived at opinions in this matter, very different from his own. The Senator from South Carolina, knows, said Mr. W., the respect in which I hold him; but I am unwilling to take his judgment on this question as the guide of mine; and I will not agree that the Union depends on the principles which he has advanced. He has offered a document as a plea in bar; if it be established, then a bar is interposed between the powers of the Government and the acts of South Carolina.

The bill is of great importance, not on account of its particular provisions, but of their application to a rapidly approaching crisis, which they were intended to meet. That crisis was in the control of this body, not of any branch of the Government. He would ask the Senator from Mississippi (Mr. POINDexter) what authority he had to say that the passage of any bill reducing the Tariff would avert the enforcement of the Ordinance of South Carolina? He was unwilling to consider that Senator as the representative of the unlimited authority and sovereignty claimed by the State of South Carolina. He would now present to the Senate a view of the position in which South Carolina had placed herself, in order to justify the Committee in reporting the bill under consideration. It was not, sir, for the purpose of establishing a military despotism, nor of creating an armed Dictator, nor of sending into South Carolina military bands—to "cut the throats of women and children," that the Committee framed the bill. If any thing can ever establish a military despotism in this country, it is the anarchy and confusion which the principles contended for by the Senator from South Carolina will produce. If we keep together, not "ten years," nor tens of thousands of years will ever bring the country under the dominion of military despotism. But adopt the principles of South Carolina, break the Union into fragments—some chieftain may bring the fragments together—but it will be under a military despotism. He would not say that South Carolina contemplated this result, but he did say that her principles would lead to it. South Carolina, not being able longer to bear the burden of an oppressive law, had determined on resistance.

The excitement raised in the State, gave to the party a majority in the legislature of the State, and a convention was called, under the provision of the State constitution, authorizing its amendment. The convention met, and passed what is called the Ordinance, establishing new and fundamental principles. Without repeating it, he would call the attention of the Senate to some few of its provisions. It overthrew the whole revenue system. It was not limited to the acts of 1828 or 1832, but ended, with a solemn declaration that, in that state, no taxes should be collected. The address of the convention to the people of the United States, and of the state of South Carolina, used a tone and language not to be misunderstood. They tell you it is necessary for some one state to bring the question to issue—that Carolina will do it—that Carolina had thrown herself into the breach, and would stand foremost in resistance to the laws of the Union; and they solemnly call upon the citizens of the state to stand by the principles of the Ordinance, for it is determined that no taxes shall be collected in that state. The Ordinance gives the legislature the power to carry into execution, this determination. It contains within itself no seeds of dissolution—it is unlimited as to time; contains no restrictions as to application; provides no means for its amendment, modification or repeal, to their private, individual capacity, some members of the convention held out the idea which had been advanced by some members of this House, that if the Tariff law was made less oppressive, the ordinance would not be enforced.

[Mr. POINDexter here remarked, that he said that any new Tariff law, even if more oppressive than the law of 1832 were passed, the ordinance would not apply to it.]

If the terms of the ordinance are considered, continued Mr. W., there is no possible mode of executing it, so sure as time rolls on, and four days pass over our heads, the ordinance and the laws emanating from it will lead to the employment of physical force, by the citizens of South Carolina, against the enforcement of the revenue laws. Although many of the most influential citizens of Carolina, protested against the idea that any but moral force would be resorted to, yet the excitement and determined spirit of the people would, in his opinion, lead speedily to the employment of physical force. He did not doubt that the Senator from South Carolina abhorred the idea of force; no doubt his excellent heart would bleed at the scene which it would produce—but he would refer to a passage in the Ordinance to prove that it was the intention of its framers to resort to force. Mr. W. here read the third paragraph of the Ordinance.

"And it is further ordained, that it shall not be lawful for any of the constituted authorities, whether of this State or of the United States, to enforce the payment of duties imposed by the said acts within the limits of this State; but it shall be the duty of the Legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States within the limits of this State, from and after the 1st of February next, and the duty of all other constituted authorities, and of all persons residing or being within the limits of this State, and they are hereby required and enjoined to obey and give effect to this ordinance, and such acts and measures of the Legislature as may be passed or adopted in obedience thereto."

Does the shadow follow the sun? Even so surely will force follow the attempt to disobey the laws of South Carolina. In the last paragraph of the Ordinance is this passage:

"Determined to support this Ordinance at every hazard,"—and this declaration is made by a courageous and chivalrous people—we "do further declare that we will not submit to the application of force, on the part of the Federal Government, to reduce this State to obedience." This attempt, said Mr. W. is not made by this bill, or by any one. "But that we will consider the passage, by Congress, of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens; or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports, or any other act on the part of the Federal Government, to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union."

Force must inevitably be used in case any attempt is made by the Federal Government to enforce the acts which have been declared null and void. The Ordinance clearly establishes Nullification as the law of the land.

[Mr. MILLER: Will the Senator read a little further?]

Mr. WILLIAMS finished the paragraph, as follows:

"And that the people of this State will therefore hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the United States, and will forthwith proceed to organize a separate Government, and do all other acts and things which may

be necessary for the purpose of maintaining their independence, and of securing to themselves the full enjoyment of all the rights and liberties which they are entitled to as a free and sovereign people."

It is time, continued Mr. W., that the principles on which the Union depends, were discussed. It is time that Congress expressed an opinion upon them. It is time that the People should bring their judgment to bear on this subject, and settle it forever. The authority of Congress and of the People must settle this question one day or other. There were many enlightened men in the country, men whose integrity and patriotism no body doubts, who had arrived at opinions in this matter, very different from his own. The Senator from South Carolina, knows, said Mr. W., the respect in which I hold him; but I am unwilling to take his judgment on this question as the guide of mine; and I will not agree that the Union depends on the principles which he has advanced. He has offered a document as a plea in bar; if it be established, then a bar is interposed between the powers of the Government and the acts of South Carolina.

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