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DEBATE
In the Senate of the United States on the bill fur-
ther to provide for the collection of duties on
imports.

MR. BROWN'S SPEECH CONCLUDED.

I take my stand, said Mr. Brown, on the reserved rights of the States. I repudiate the doctrine of Nullification. I repudiate also the high toned doctrine of the Federal party. I believe that it is to that high-toned doctrine that we are to attribute Nullification. I believe that doctrine produced it, is the parent of it. It is by an improper pressure of the Federal Government on the rights of the States, and by exercising doubtful powers, that the State of South Carolina has been thrown into this position.—He did not mean to justify the course of that State. But whether she was right, or whether she was wrong, this furnished her with something like an excuse for her conduct. He believed that the principle was as susceptible of demonstration as any principle of mathematics, that almost any attitude of resistance against the Federal Government, in which States had been seen, arose out of the unwarrantable exercise of doubtful powers by the United States. They had always been inclined to tranquillity. They had always been disposed to make a child's bargain with the United States—if you will let us alone, we will let you alone. They would never have admitted the idea of rising in opposition to the United States, unless there had been some exciting cause. The whole history of the world proves this fact.—There is no precedent where a people have arrayed themselves against a supreme power without any occasion, because the great body of mankind has always been found more ready to acquiesce in oppression than to resist it. He desired gentlemen to produce a single precedent where a people whose pursuits are peaceful, and agricultural for the most part, were willing to cast away "the piping times of peace," and for the mere love of glory, to rush into a conflict against power, and that power twenty times larger than itself. Could gentlemen produce an instance where any State, without provocation, had ever offered resistance to the General Government? He had thus, he believed, established the great principle that the States themselves were always willing to be quiet, and that most of the opposition which had been manifested against the General Government had arisen from the exercise of doubtful power by that Government, by which had been provoked that State pride which the gentleman from New Jersey so earnestly denounced. Without that pride this Republic would now have been as nothing. To justify this principle that most of the controversies which had arisen, have arisen from the circumstance of the Federal Government taking their debatable ground, he would read an authority which would meet with the approbation of all pure democrats. It was the authority of George Clinton, a name deserving of all respect—*clarem et venerabile nomen*—a man distinguished by his steady adherence to democratic doctrines. When he was President of the Senate in 1810, he gave his casting vote against the Bank. It was on that occasion that he used the following language:
"In the course of a long life I have found that Government is not to be strengthened by the assumption of doubtful powers; but by a wise and energetic execution of those which are incontestible; the former never fails to produce suspicion and distrust, whilst the latter inspires respect and confidence."
"If, however, after a fair experiment, the powers vested in the General Government shall be found incompetent to the attainment of the objects for which it was instituted, the Constitution happily furnishes the means for remedying the evil by amendment, and I have no doubt, that, in such event, on an appeal to the patriotism and good sense of the community, it will be readily applied."
What was the result of his experience? That the Government was never strengthened by the exercise of doubtful powers. A doctrine which still prevails among the distinguished leaders of the party in the State of New York, and which they can never consent to surrender, unless they should become recreant to the great principles which they have always maintained. But he would not only quote au-

thority, but he would also quote facts. What was it which excited the first controversy between a State and the United States, a conflict which threatened to bring ruin on the country, and which was designated the reign of terror by the Republican party, as it well deserved to be characterized. He referred to the Alien and Sedition Law, which, by usurping the power of trampling into dust the liberty of speech, the freedom of the press, and all the rights and securities which the people had enjoyed, called forth a movement the most glorious to the country that can be imagined. It drew forth the celebrated report of Mr. Madison, a report to the merits of which he was totally inadequate to do justice. This was a movement of the aspiring pride of the State sovereignties, which, instead of destroying the Union, brought back the Government to its first principles. So much, then for State pride. If that State pride had preserved the Constitution at its last gasp, it ought not to have called down upon it such unqualified reprobation. The doctrines of Virginia saved the confederacy in that dangerous crisis. They produced a civil revolution, which brought into power the wisest and the ablest statesman who ever lived in any country. This was one of the benefits which had resulted from State pride.
In the case of the establishment of the United States Bank, there arose also a conflict of powers. There were many who believed that it was an assumption of power not delegated to the Federal Government. Ohio was one of the States which held that opinion. This matter also was finally adjusted. What was the next question which agitated the country? It was the exercise of the power of Internal Improvement. That was not an expressed power granted to the General Government. It was among the doubtful powers, and the right to exercise it was denied by several of the States. It was denied by the State of New Hampshire, and by a very respectable portion of the State of New York, which held that it was one of the doubtful powers. The right of appropriating money to all or any objects was another of the doubtful powers. The State of New York, and some other of the States, disputed the right of the Federal Government to appropriate money except for the purposes pointed out by the Constitution. Such are the contentions which had arisen from the exercise of doubtful powers by the Federal Government.
The case of Georgia was the next to which he would call the attention of the Senate. The usurped powers which the United States attempted to exercise over her provoked the pride of that State, as well it might. When the Government of the United States undertook to tell her that she could not extend her jurisdiction over the whole of her own soil, she might well resist. This contention, arising also from the exercise of doubtful powers by the United States, was at one moment pregnant with awful menace.
The last but not the least of the conflicts which have arisen from the exercise of doubtful powers by the General Government was in relation to the protective system. Here the Government of the United States had assumed the right of unlimited taxation, of taxing one portion of the community for the benefit of another, and a more favored portion. He hoped that he had thus succeeded in establishing the position that most of the controversies which had arisen, had their origin in the exercise of doubtful powers by the Federal Government, operating against those rights which the States deem necessary for the preservation of their existence in a sovereign character.
The gentleman from New Jersey had held up the Constitution in his hand, and with all that patriotic ardor for which he was distinguished, said he should cling to the bond. I, too, said Mr. B. will cling to the bond; and while I will willingly allow the gentleman to take full usage, I hope that, in taking the pound of flesh, he will not spill one drop of blood. The gentleman had also said, that old Rome never submitted to the dictation of any of her provinces. This was a luminous commentary on the rest of his remarks. No wonder that he had spoken disparagingly of the States, when he compared them to Roman provinces. This sufficiently accounted for the consolidatory principles of the gentleman from New Jersey. But old Rome was always ready to extend justice to her provinces. Whenever the deputies of a province came before her Senate, she did not fear to do them justice. We may all becomingly fear to do wrong, but we should not fear to do justice.
The gentleman from New Jersey had said he would not strike a sister State, but would retire to the wall. He, Mr. B. admired this principle, which so admirably accorded with what he knew of the private worth of the gentleman from New Jersey. But when the gentleman went on to say, that the dignity of the country required that the laws should be executed, he could not avoid asking him in what that

dignity consisted? Did it consist in calling out the military power, in bringing citizen into conflict with citizen, and deluging the country with the blood of her children? If that was the meaning of the dignity of the country, he, Mr. B. prayed Heaven to deliver him from such dignity. He considered that the dignity and honor of the country would be best promoted and established by doing justice; and carrying out peacefully and efficiently the principles of the Constitution. This would be worth all false glory, all the national glory of which we have heard so much. It would eclipse all the glory of Imperial Rome, and of Imperial France, which was nothing to the glory of a just, equal, and benignant dispensation of the laws.
One of the reasons which had mainly induced him to rise, was to show that every peaceful remedy should be resorted to. The Constitution was framed in a spirit of mutual deference. It was ratified in that same spirit of deference; and so it ought to be administered. The whole history of our country conforms to that principle; a mutual deference to all great interests of the country. The practice of the Government had been invariably marked with the spirit of conciliation.
The State of Kentucky in 1794 was dissatisfied with the Government of the United States, because the free navigation of the Mississippi had not been secured. The Legislature of that State made a strong remonstrance on the subject to the General Government, claiming that free navigation as their right. They asserted that God and Nature had given them this right; and they menaced a withdrawal from the Union if it was not obtained for them. What was the course of Washington? What was the course of the American Congress on this occasion? They did not assume the ground that they would not legislate while this menace was held over them. Yet no one could doubt the courage of Washington. No one could doubt that he was not prepared for every emergency. He said that the government had been established in a spirit of compromise, and he recommended that a respectful reply be given to the State. He laid before the Legislature the facts in the case; and the free navigation of the Mississippi was obtained.
There was also another case, which was the assumption of the State debts. At the close of the war of the Revolution, besides the national debt, each State had contracted its debt, and it was demanded by the Eastern States that the General Government should assume the payment of these debts of the States. Such was the dissatisfaction which resulted from Congress delaying the payment of these debts for five years, that a dismemberment of the Union was expected. In making this reference he had no intention to cast an imputation on the States, but merely to state the facts. The General Government ultimately assumed these debts. Suppose that instead of taking this course, the General Government had acted on the idea thrown out by the gentleman from New Jersey, that the pride of the State sovereignties ought to be checked, we should not, said Mr. B. have been at this moment engaging in this discussion, and enjoying the privilege to which this floor entitles us.
The next instance was the repeal of the embargo law in 1807. This was a measure of Mr. Jefferson; and one to which he was greatly attached. But when he saw that, by the continuance of this embargo, the Union was likely to be dismembered—did he say that the law must be enforced at all hazards? No such thing. Acting on the conviction that this is a government of compromise, he repealed the embargo. In his works, published since his death, it is made apparent that this was a very favorite measure with him. Yet, on the approach of so dangerous a crisis, he hesitated not to abandon and repeal it.
This is another instance of concession on the part of the General Government to States, which resisted the exercise of doubtful powers.
Mr. Brown said—As he had stated his objections to the course which the honorable Judiciary Committee had advised or recommended to the Senate to adopt, and deeming it not calculated, as honorable gentlemen had observed, to preserve the Union, but, on the contrary, calculated, if carried into practical operation, to destroy this glorious Union, it was proper that he should state what he thought would best meet the present crisis. He considered the true remedy a peaceful remedy—that of conciliation—according alike with the genius of the Constitution and the practice of the Government. The revenue should be reduced to the wants of the Government; and the oppression which the Southern people labored under in consequence of the Tariff system, ought to be removed. If gentlemen wished to preserve the Union, the country should be appeased. This appeared to him to be an infallible remedy. The one, however, which the Committee had prescribed, might be fraught with some danger. He was aware that there was a set of politicians, who

thought this the favorable moment to try the strength of the Union, and that Government ought not to concede one particle of the protective system. Can it be possible, at this day, (said Mr. B.) that any individual would wish to jeopardize the peace and harmony of twelve or thirteen millions of people—not only the peace of a whole people, but to retard the progress of free governments throughout the world, by an experiment of that kind? To try the strength of the Union, and whether it can survive the use of the military power? He hoped not. He trusted that our Republic would be hazarded by no such speculative experiment.
It is argued, continued Mr. B. that the State of South Carolina having placed herself in this attitude of defence, Congress ought not to legislate on the subject, as had been said in some of the newspapers, while the sword is brandishing over our heads. This is not meeting the question, it is not the true question—it is a question of a very different character. Are the people of South Carolina alone concerned in this matter? Is not a vast portion of the American People concerned in it? Are not the whole of the Southern States interested in this subject? It is not only the Southern States, but the State of New Hampshire, the State of Maine, and a portion of the people of New York; but a large and respectable number of the States in the South West which consider the Tariff system unjust and repugnant to the principles of the Constitution, and that we have no right to keep it up.—It is argued that justice should not be done to South Carolina, because she has assumed a menacing attitude. This is not a proper view, it is not just to the other States. Is it any reason because South Carolina has acted imprudently, that she should not receive justice? If she has forfeited any claim to the consideration of the General Government, ought the other States to incur the forfeiture? Nothing can be more erroneous—nothing more absurd—nothing, I will say, more tyrannical than to oppress all the Southern States, because South Carolina has acted rashly. I do not, said Mr. B. argue this question as a Southern question.—Thank God, in the exercise of my legislative rights and duties here, I can look beyond the Potomac. Thank God, I have a feeling which is not confined to the geographical limits of any portion of the United States. I can look and judge of my countrymen North as well as South of the Potomac; and I wish it to be distinctly understood that what I now say respecting South Carolina, I deem applicable to every member of this confederacy. To no one of these States would I arrogantly say—I will not do justice, until you come on your knees before me.
I do hope if I have any patriotism, it is not that narrow, contracted patriotism which is confined to geographical limits. I trust, it is that patriotism which looks abroad over the Union, and embraces every portion of my fellow citizens. And so help me God, if my constituents were this day to demand that I should perpetrate an act of injustice against any member of this Confederacy—that I should do an act in behalf of North Carolina which would trench upon the rights of Maine or of Massachusetts, or Pennsylvania, which I believed destructive of their constitutional rights, so help me God I would resign my seat and retire to my home, rather than jeopard the peace of this Republic—this glorious experiment of a free government—by taking what justly belongs to Maine, and unjustly to bestow it on N. Carolina, believing that a man presents a more truly dignified attitude who refuses to do an unjust act, than he who perseveres in injustice.
But what are we now called upon to do? We are called upon to do to jeopard the public peace, by a novel and dangerous experiment—to enforce a law which not only a large portion of the American people believe unconstitutional, but which I verily believe, if the question were submitted to their individual opinion this day, they would repudiate and require to be rejected. We are called upon to enforce a tariff law, which I believe the majority of the people of the United States desire to have amended or modified, and the modification of which is fortified likewise by the recommendation of the Chief Magistrate.
And before I proceed further, let me explain myself on this point. I do not take the ground, and I will not take it, and I wish to be distinctly understood with respect to this matter, that a law which is tainted with injustice should not be put in force. I take the ground that no law oppressive in its character should be executed by interposition of military power, until every pacific measure which can be devised shall have been resorted to without the desired result. The remedy for evils of the greatest magnitude, should be sought for in the peaceful tribunals of this country, according to the great principles handed down to us by the English Whigs, and which we have infused into the spirit of our constitution and government.
If, on a failure of all these means, it shall be found necessary to use force to execute the laws, let it be used. I am not prepared to say that the emergency

cannot arise; but I do say, that before a law of this kind is to be executed—before the peace of the Union is to be disturbed, there ought to be a reference to the justice, to the wisdom of Congress—to weigh, to examine the provisions of that law, and solemnly to pause and reflect, before proceeding to put it in force by military power.
I beg leave, said Mr. B. to advert to what the President of the United States has said in his message to Congress, and I do it because this is the first remedy which the President recommended to Congress at the opening of the present session. I cannot doubt, that if the Executive wishes were consulted, he would, and decidedly, give the preference to a peaceful settlement of the difficulties by Congress. I do not mean to say that his preference should influence our legislation, but it ought to have weight with us.
Speaking of the extinguishment of the public debt, the President goes on to remark—
"The final removal of this great burden from our resources affords the means of further provision for all the objects of general welfare and public defence which the Constitution authorizes, and presents the occasion for such further reduction in the revenue as may not be required for them. From the Report of the Secretary of the Treasury, it will be seen that after the present year, such a reduction may be made to a considerable extent; and the subject is earnestly recommended to the consideration of Congress, in the hope that the combined wisdom of the Representatives of the People will devise such means of effecting that salutary object, as may remove those burthens which shall be found to fall unequally upon any, and as may promote all the great interests of the community."
Again, in another part of the Message, the President remarks:
"That manufactures adequate to the supply of our domestic consumption would, in the abstract, be beneficial to our country, there is no reason to doubt; and to effect their establishment, there is perhaps no American citizen who would not for a while be willing to pay a higher price for them. But for this purpose, it is presumed that a tariff of high duties, designed for perpetual protection, has entered into the minds of but few of our statesmen. The most they have anticipated is a temporary, and generally incidental protection, which they maintain has the effect to reduce the price of domestic competition below that of the Foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget in the minds of a large portion of our countrymen, a spirit of discontent and jealousy dangerous to the stability of the Union."
These are the sentiments of the President regarding the law which we are now called on to adopt extraordinary means of carrying it into execution.
As I consider this is a most important point—as I consider it the true means of removing the difficulty now involved in this question, I have not only adverted to the Annual Message of the President as showing the views of the Administration and their remedy for the difficulties in the South, but I would now beg leave to read from the Annual Report of the Secretary of the Treasury.
[Here Mr. Brown read an extract from the Annual Report of the Secretary of the Treasury on the subject of the reduction of the duties.]
Thus we have the direct suggestion of the present Administration, that this is the appropriate remedy. It is the one which was first suggested at the opening of the session, and I believe it is calculated to achieve all the great objects so much to be desired, all which it is necessary to achieve, and that without endangering the Republic.
What is the extraordinary spectacle, I would remark, which the American Republic now exhibits to the world? A Republic which has heretofore boasted of its freedom—a Republic which has heretofore pursued the "even and peaceful tenor of its way"—a Republic which had been found competent to all the legitimate purposes of government without slaughtering its citizens, and which, with very few exceptions, has gone on peacefully for fifty years. We present the extraordinary spectacle of calling on the Administration and the Executive branch of the Government to enforce a law against a portion of our fellow citizens to compel them to contribute so much money to the revenue, which it is acknowledged is six millions annually more than is requisite for the wants of the General Government. A removal of that burden would remove all difficulty with the State of South Carolina. Even a partial removal of it—a mitigation of it, would make the Tariff System more acceptable to the people, without a total abandonment of the principles; I speak in reference to the views and prevailing sentiments of that portion of the people I represent.
Sir, it does appear to me a powerful consideration that we are almost on the eve of a civil war and for what? To enforce a law for the collection of revenue, when it is admitted by the Secre-

tary of the Treasury that there are at present six millions of dollars more than is wanted for the common purposes of the Government. Is this calculated to elevate us in the eyes of the nations of Europe? Is this calculated to cheer the hopes of those people who have been long struggling for their rights? Permit me to say that I think it will somewhat weaken the force of our republican experiment; yet, I believe that our Government is capable of achieving all the great objects for which it was designed, and settling this matter.
If, in the revolutionary contest, when the blood and treasure of this country were profusely poured forth to establish the rights and liberties of mankind—to give self government and to abolish unjust taxation—any one of our ancestors who were engaged in this glorious struggle had predicted that in less than half a century afterwards we should be engaged in the consideration of a bill to compel a portion of the people, at the point of the bayonet, to pay taxes when the Government had six millions of dollars more than it needed, they would not have believed him; credulity itself at that time would not have believed such a prediction. If they could have credited the story, it would have elevated the arm which struck for liberty—would have damped the bosom which glowed with patriotism. But what has been the practice of our Government heretofore? I beg leave to recur to another case distinguished in the history of our Government, and which I overlooked at the time I was remarking on the various instances of forbearance shown by our Government. In the late war, when a large majority of the people of the United States believe the pride of the country to have been wounded—when the constituted authorities of the land believed the national honor to have been trampled upon by the British Government, and considered it the sacred duty of all to assist them in resenting the insult, we found many on that occasion, yes, even during the gloomiest period of the war, resisting every bill which went to give the Government of the United States men and means to prosecute that war. They resisted it on the ground, that peace might be obtained; and, I believe, because they deemed the war to be unjust, and while our villages were smoking and our country invaded by a large body of hostile troops.
We find at that moment, a large body of men in Congress, whose patriotism I do not call in question, far be it from me to do so—a powerful and talented respectable body of men, even at the darkest periods of that war, voting against giving men and money to carry on the war. Great Britain had trampled on our commercial rights—had insulted us on the high seas for six years before war was declared. Notwithstanding all this, we found a powerful body who said that no army nor money ought to be voted to the Government. Now, if that spirit of forbearance, great as it was, could be shown to an enemy whose cry was, *Delenda est Carthago*—if that spirit could be exercised *belli flagrante*—certainly some little patience is due to our brethren of the South. Surely some forbearance ought to be shown to our own countrymen. If there were many at that time who thought the sword should not be unsheathed against those who would trample us under foot, is it to be supposed that we are now to plunge it into our fellow citizens without some little examination into their cause?
I wish to be distinctly understood on one point. I do not intend to justify South Carolina; I am not her advocate, but she has a right to have justice done her. I do believe, however, that this question may be settled; and that by acting in a spirit of conciliation—a spirit not only due to her, but the vast portions of the North and South, the question might be put at rest. As regards the Union of these States, there is not a member in the Senate, and I trust I shall not be considered egotistical when I say that there is not, in the whole Union, one in soul and heart more dearly devoted to it than my humble self. I believe that all the advantages of liberty, and of a free Government, are at issue in this matter, and it is for that reason I urge a pacific course. Even the Grenvilles and the Norths, arrogant as they were, even they brought forward their measures—even they repealed some of their odious laws to satisfy the desires of the colonies. And shall it be said there is now a spirit more inexorable, more inaccessible to the voice of justice than that which prevailed under the British Monarchy?—If so, the blood of those who achieved the Revolution was shed in vain, and the hopes of the friends of free government are for ever put at rest. If that inexorable principle, that there is to be no regard paid to the feelings and wishes of the minority, he would say that this would change the whole principle of our Federal compact, depriving it of all its republican and benignant features, and converting the Federal into a Consolidated Government.
In every portion of the Union there is a set of great primary interests. He wished to be distinctly understood on this point. He did not mean to say that the Government of the United States should yield to every demand or requirement of a State—for from its but