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SPEECH OF MR. CALHOUN the resolutions, submitted by him in the Sete of the United States during the last sesion of Congress, relative to the powers of the General and State Governments.

sire cents for each continuance.

his remarks, If he intended any ples on which they are based, of those weak devices which seldom vattacking one who voluntarily, and posite direction. Among the possi motives which might have influencthe opinion of the Senator from Mas mine, the Liberty and the Constitumust allude to the remark which the enator made at the termination of the rgument of my friend from Mississip (Mr. Poindexter.) I understood stood prepared to vindicate his ber of this body. It is a subject in put in issue the consistency of my our public conduct, and will select a autable occasion, I stand prepared to his, or that of any other member of this

Having made these remarks which other. That bill was couched in general terms, without naming South Carolina or any other State, though it ternal laws and domestic condition of rected to that point. At one time he was understood, and avowed by the the States."

no right to use force in the controversy, now so much condemns, but, what is I have collated all that the Senator and that the attempt to introduce it still more important, he calls the con- has said upon this point; and that what

blied. I will not then say what I intend directed his attack almost exclusively signates as the proper term to be used. d, if such had been his motives; but against the first, on the ground, I sup Let us now see how the resolution read when fairly interpreted, but that finition, though, in my opinion, a more ness of the Supreme Ruler of the University I must be permitted to ask, if he pose, that it was the basis of the other stands, and how it will read after these ntended nothing unkind, what was the two, and that unless the first could be amendments. Here, Mr. C. said the no longer a compact. It had, by some adapted to American ideas could be United States, in the course of his proiest of the Senator? Was his motive demolished, the others would follow of resolution as introduced readsstrengthen a cause which he feels to course. In this he was right. As strengthen a cause which he leefs to course. In this he was fight was, by giving the discussion a plain and as simple as the facts con-composing these United States, are united as a sonal direction? If such was his tained in the first are, they cannot be partles to a constitutional compact, to which the admitted to be true, without admitting the open of each State acceded as a separate and sovereign community, each hinding itself by its own particular ratification; and that the Union, of which the said compact is the bond, is an Uils to react on those who resort to it, commenced his attack with a verbal this motive was to acquire popularity, criticism on the resolution, in the This motive was to acquire popularity, and course of which he objected strongly to attacking one who voluntarily, and course of which he objected strongly to composing these United States, are united as parties to a composing these United States, are united as parties to a composing these United States, which the Consistent that liberty and the Constitution that liberty and the Constitution of the United States, which the people of the Constitution of the United States, which the people of the Constitution of the United States, which the people of the States of the Constitution of the United States, which the people of the several States of the Constitution of the United States of the ution were at stake, had identified that the word, as used, (constitutional of each State ratified as a separate and sovereign community; each binding itself by its own particular and unpopular question, I compact,) was obscure—that it conticular ratification, and that the Union, of which rould say to him, that a true sense of veyed no definite mesning; and that said compact is the bond, is the grain would have impelled him in an the constitution was a noun substanthe States ratifying the same. veyed no definite mesning; and that said compact is the bond, is an Union between tive, and not an adjective. I regret Where, sir, I ask, is that plain case that I have exposed myself to the criti- of revolution? Where that histus, as d him, there is another, to the impucism of the Senator. I certainly did wide as the globe, between the preation of which he is exposed, but not intend to use any expression of a mises and conclusion, which the Sena-which certainly I will not attribute to doubtful sense; and if I have done so, tor proclaimed would be apparent, if in-that his motive was to propitiate the Senator must attribute it to the po- the resolution was reduced into consti- undertakes a task, which, be his strength their heads with an authority either ab of Massachusetts and the other States. n a certain high quarter—a quarter in verty of my language, and not to de-tutional language? For my part, with ever so great, he must be oppressed by solute or limited by certain laws. na certain high quarter—a quarter in yerty of my language, and not to dewhich he must know, that no offering sign. I trust, however, that the Sensmy poor powers of conception, I can its weight. Taking the whole of the These regulations, by which the su the Constitution is a compact between not perceive the slightest difference beargument of the Senator together, I preme authority is kept within bounds, the States, in the following languages to tween the resolution as first introduc.

The constitution is a compact between not perceive the slightest difference beargument of the Senator together, I preme authority is kept within bounds, the States, in the following languages would say that it is his impression that are called the fundamental laws of the lightest imporof Virginia, as follows:

Of Virginia, as follows: now addresses you. But whatever cism, authority is of the highest impor- ed. and as it is proposed to be amend- the constitution is not a compact, and State " my have been the motive of the Sena tance, and I have an authority of so ed in conformity to the views of the Sefollow his example. I never had any ing the expression which he considers between the premises and conclusion, certainly would not indulge them on no less than the authority of the Sena but a continuous and solid surface, suf- dain and establish," contained in the ing to the crown, but are likewise coveo solemn a question; a question which, for himself-given on a solemn occasion (the discussion on Mr. Foot's rechusetts, as expressed in debate, in- solution.) and doubtless with great deolves the Union of these States; and liberation, after having duly weighed the force of the expression. [Here which he views every thing connected compact. The Senator will admit that limited." on of the country. Before, however, Mr. C. read from Mr. Webster's with the subject; and that the same dis- a single State may ordain a compact, "These regulations are called fun exclude the prefatory observations, speech in reply to Mr. Havne, in the tortion which has presented to his ima and where is the difficulty; where the damental laws, because they are the conclude the prefatory observations, speech in reply to Mr. Hayne, in the tortion which has presented to his ima-Senate of the United States, delivered January 26, 1830, as follows:

Senator to say that, if I chose to put their own governments. It is their in a bog, without the power of extricat it issue his character for consistency, affair, not mine. Nor do I complain ing himself, and incapable of being aided of the peculiar effect which the magni- by any friendly hand, while, instead of course. I assure the Senator that I tude of that population has had in the struggling in a bog, he stands on the lished—ordained and established by the improper and figurative sense; for, proconsistency, or that of any other mem Government. We know, sir, that the Having now noticed the criticism of representation of the States in the other the Senator, I shall preceed to meet which I feel no concern; but if I am to House is not equal. We know that and repel the main assault on the resounderstand the remark of the Senator great advantage; in that respect, is en- lution. He directed his attack against as intended indirectly as a challenge, joyed by the slave holding States; and the strong point, the very horn of the we know, too, that the intended e citadel of State rights. The Senator taken from that portion of the instrument course as compared to his own, I have quivalent for that advantage, that is to clearly perceived that if the constituo say that, although I do not accept of say, the imposition of direct taxes in tion be a compact it was possible to his challenge, yet if he should think the same ratio, has become merely deny the assertion contained in the reproper to make a trial of character, on nominal; the habit of the Government solutions, or to resist the consequences tions, is the language of a superior to an that or any other point connected with being almost invariably to collect its which I had drawn from them, and acrevenues from other sources and in other cordingly directed his whole fire against modes. Nevertheless, I do not com- that point; but, after so vast an expenvindicate my course, as compared with plain; nor would I countenance any diture of ammunition, not the slightest movement to alter this arrangement of impression, so far as I can perceive, by of motive, and devoted attachment gain—the compact—let it stand—let not reduced to that heap of ruins to the country and its institutions. The Union itself is too full of benefits reduced the citadel of Antwerp. have been forced upon me, I shall now to be hazarded in propositions for will not, however, pretend to decide articles of the old Confederation, which proceed directly to the subject before changing its original basis. I go for whether this is owing to the difference he acknowledges to have been a complete that it may, the Constitution as it is, and for the in the skill and force of the assault, or pact, he will find that those very proto be hazarded in propositions for will not, however, pretend to decide articles of the old Confederation, which with all its bearings, be fully under- Union as it is. But I am resolved not in the difference of the strength of the stood, I must go back to the period at to submit, in silence, to accusations, works. But, to drop the simile, after a which I introduced the resolutions.— either against myself individually, or careful examination of the notes which They were introduced in connexion against the North, wholly unfounded I took of what the Senator said, I am with the bill which has passed this, and unjust-accusations which impute now at a loss to know whether, in the House, and is now pending before the to us a disposition to evade the constr-TUTIONAL COMPACT, and to extend the is a compact or not, though the almost power of the Government over the in-Jentire argument of the Senator was di-

the Senator not only uses the phrase another he would appear in language Believing that the Government had "constitutional campact," which he not less strong to admit that it was,

majority ordered otherwise. The re-| cede," which, he thinks, has been in- clare the whole void. States may se-| never seen the ratification of the Consolutions were laid on the table, and troduced into the resolution with some cede, if a league or compact."

the bill taken up for discussion. Undeep design, as, I suppose, to entrap der this arrangement, which it was unthe Senate into an admission of the missions, which I intend to use hereaf Do they contain no evidence of this and Commons in 1688, which declared, derstond originated with the Commit- doctrine of State rights. Here, again, ter.] Here Mr. C. proceeded to read tee that reported the bill, I, of course, I must shelter myself under authority. from his notes. cancluded that its members would pro- But I suspect that the Senator, by a "The States a ceed in the discussion, and explain the sort of instinct, (for our instincts of principles, and the necessity for the ten strangely run before our know other." bill, before the other Senators would ledge,) had a prescience which would enter into the discussion, and particu- account for his aversion for the word, larly those from South Carolina; un that this authority was no less than they make that agreement but by the to which the Senator refers when he self out of the kingdom hath abdicated derstanding, however, that by the arrangement of the Committee, it was al apostin of the droctrine of State rights. but by compact?] lotted to the Senator from Tennessee The word was borrowed from him. It to close the discussion on the bill, I was taken from the Kentucky resolu waited to the last moment in expecta- tion, as well as the substance of the retion of hearing from the Senator from solution itself. But I trust that I may doption of the people, and creating in-Massachusetts. He is a member of the neutralize whatever aversion the au dividual relations between itself and committee. But not hearing from him, thorship of this word may have excited the citizens." General and State Governments.

If rose to speak to the bill, and as soon in the mind of the Senator lays down as a and the laws made in pursuance thereof, topped. I borrow from the gentleman, and treaties made under their authority—that leading fundamental principle to sus.

If rose to speak to the bill, and as soon in the mind of the Senator lays down as a and the laws made in pursuance thereof, topped. I borrow from the gentleman, and treaties made under their authority—that leading fundamental principle to sus.

If with which the resolutions are laws of the laws made in pursuance thereof, topped. I borrow from the gentleman, and treaties made under their authority—that leading fundamental principle to sus.

Massachusetts arose, I will not say to of Washington himself—who, in his tain his doctrine, and I must say, by a are the supreme laws of the land. The laws made in pursuance thereof, topped. I borrow from the gentleman. I rose to speak to the bill, and as soon in the mind of the Senator, by the inmeeted, was under discussion, the reply to me, and certainly not to dis speech to Congress, speaking of the strange confusion and uncertainty of He asked, with marked emphasis, can a on this flate, and his native State, the enator from Massachusetts thought cues the bill, but the resolutions which admission of North Carolina into the language; not, certainly, to be explain compact be the supreme law of the States of Massachusetts and New Hamp per to give his remarks a personal had been laid on the table, as I have Union, uses this very term, which was ed by any want of command of the most land? I ask, in return, whether treas shire, both declared, in their ratification earing in reference to myself. I had stated. I do not state these facts in repeated by the Senate in their reply. appropriate words on his part.] he part of that gentleman. I had, it explain my own course. The Senator tween the Senator & myself as much as true, denounced the bill in strong having directed his argument against possible, I will accommodate myself to rests on compact, but it is no longer a les which govern parliamentary pro to seize the first opportunity to call unfortunate words, by striking them

It does not call itself a compact, treaties as well as the Constitution are pact. The ratification of Massachus but a constitution. The constitution not declared to be the supreme law of setts is in the following words:

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rests on compact, treaties as well as the Constitution are pact. The ratification of Massachus tree, the first opportunity against the two compacts as it does that this constitution are pact. The ratification of Massachus tree, the first opportunity against the compact words as it does that this constitution are pact. The ratification of Massachus tree, the first opportunity against the constitution, are pact. The ratification of Massachus tree, the first opportunity to call unfortunate words as the constitution, are pact. The constitution are pact. The ratification of Massachus tree, the first opportunity to call unfortunate words as well as the Constitution are pact. The constitution are pact. The ratification of Massachus tree, the first opportunity to call the constitution are pact. The con edings permit; nor stronger than the them up from the table, and to assign out of the resolution, and substituting assacter of the bill, and its bearing on a day for their discussion, in the trope in their place those very words which State which it is my honor to re- not only that the Senate would hear the Senator himself has designated as cent, instiffed. I am at a loss to me in their vindication; but would also constitution of the United States of American what motive governed the afford me an opportunity of taking the that absorbed each of the old confederation; and cectainly the the gentleman in the course of his reasonable and submitted to use the sense of this body on the great principal will insert the very noun subspace that soning.

States of American and submitted to use the course of his reasonable and submitted to use the course of his reasonable and submitted to use the course of his reasonable and submitted to use the course of his reasonable and submitted to use the course of his reasonable and submitted to use the course of his reasonable as the present constitution, the States of American and desire to leave not a shadow of doubt stitution of the United States of American and the present constitution, the States had desire to leave not a shadow of doubt stitution of the United States of American and constitution. stantive, "constitution;" and in the hing unkind, [here wir. Webster said, The Senator from Massachusetts, in place of the word "accede," I will in-udiby, certainly not; and Mr. C. re- his argument against the resolutions, sert the word "ratify," which he de-

Resolved, That the people of the several States nion between the States ratifying the same.

As proposed to be amended-

ficient to sustain the magnificient su perstructure of State rights. Indeed it seems to me that the Senator's vision is distorted by the medium through gination this hiatus, as wide as the incompatibility of two States concur- basis as it were, and foundation of the globe, where not even a fissure exists, ring in ordaining and establishing a State on which the structure of the go "The domestic slavery of the South also presented that beautiful and clas-

opinion of the Senator, our constitution would seem to deny directly and posi-Committee, as intended to act directly It will be seen by this extract, that tively that it was a compact, while at

rested upon principles utterly subver- stitution itself a compact-a bargain; I have stated may not appear exagger-

participate in the sovereignty of the

[Certainly, a very correct concep-

"The system, not a compact between States, in their sovereign capacity, but a government proper, founded on the a

Senator refer, as that on which the con- tion is not a compact. I might rest this stitution rests? Before the adoption of point on this decisive answer; but as I the present constitution, the States had desire to leave not a shadow of doubt become defunct.

He next states that. compact."

He finally states that

compact results from it."

language. No man knows better the of the highest repute. will now proceed to consider the reason

constitution? As between the States vernment is raised, and because compact; but in reference to the Go- their principal strength and support." vernment, and those on whom it operates, it would be ordained and estabsingle authority of one.

The next argument which the Senstor advances to show that the language have the force of laws themselves." of the Constitution is irreconcileable with the idea of its being a compact, is which imposes prohibitions on the authority of the States. He said that the language used in imposing the prohibiinferior; and that therefore it was not the language of a compact, which implies the equality of the parties. As a proof, the Senator cited the several provisions of the Constitution which provides that no State shall enter into treaties of alliance and confederation, lay imposts, &c. without the assent of Congress. If he had turned to the hibitory articles of the Constitution are borrowed from that instrument. That the language which he now considers as implying superiority, was taken verba tim from it. If he had extended his researches still farther, he would had that it is the habitual language used in treaties, whenever a stipulation is made against the performance of any act. Among many instances which I could cite if it were necessary, I refer the Senator to the celebrated treaty negotiated by Mr. Jay with Great Britain in 1793, and in which the very language used in the Constitution is employed.

To prove that the Constitution is not bill came up for consideration. The it is still stronger to the word "ac- the mode of redress would be to de- telligent a source. Has the Senator other.

hat each State had agreed to partici- is thereby become vacant." pate in the sovereignty of the others?

What, then is his meaning? What can damental law, which organizes the Go finition, but to the attempt to prove strange confusion of words? The Sena- the ordinary laws of the country. I ca." tor has a mind of high order, and per- will cite a single authority, which is full The ratification of New Hampshire feetly trained to the most exact use of and explicit on this point, from a writer is taken from that of Massachusetts

precise import of the words he uses. Burlamaqui says, vol. II. part 1, proof, if possible still more decisive, The difficulty is not in him but in his chap. 1, sec. 35, 36, 37, 38: "It entire | may be found in the celebrated resolusubject. He who undertakes to prove by depends upon a free people to invest tions of Virginia, on the alien and sethat this constitution is not a compact, the sovereigns whom they place over dition law, in 1798; and the responses

" The fundamental laws of a State I can assure him that I will not high a character, in this case, for us- nator. 'And, instead of that hiatus which he has assigned for this opinion. taken in their full extent are not only He thinks there is an incompatibility the decrees by which the entire body of be halls of legislation, and if I now had, will justify me even in his eyes. It is of the Senator, I can perceive nothing prove this, he adduces the words "or vernment, and the manner of succeed. preamble of the constitution. I confess nants betwirt the people and the person I am not capable of perceiving in what on whom they confer the sovereignty, manner these words are incompatible which regulate the manner of governing. with the idea that the Constitution is a and by which the supreme authority is

"The name of laws, however, has been given to these regulations in anjoint authority of two, instead of the perly speaking, they are real covenants: But as those covenants are obligatory between the contracting parties, they

The same-2d vol. part 2, ch. 1 sec. 19 and 22, in part. "The whole body of the nation, in whom the supreme power originally resides, may regulate the Government by a fundamental law in such manner as to commit the exercise of the different parts of the supreme power to different persons or bodies, who may act independently of each other in regard to the rights committed to them; but still subordinate to the laws from which those rights are derived."

"And these fundamental laws are real covenants, or what the civilians call pacta conventa, between the different orders of the Republic, by which they stipulate that each shall have particular part of the sovereignty, and that this shall establish the form of Government. It is evident that by their silence they all acquiesce in its these means each of the contracting ruth. The case is still stronger against part es acquires a right, not only of Massachusetts, which expressly recog-

also of preserving that original right."

A reference to the constitution of Great Britain, with which we are bet- C. read from the answer of Massachuter acquainted than with that of any setts as follows]-"But they deem it other European Government, will their duty solemnly to declare, that show that it is a compact. Magna while they hold sacred the principle. Charta may certianly be reckoned a- that consent of the people is the only mong the fundamental laws of that pure source of just and legitimate power, kingdom. Now, although it did not they cannot admit the right of the State assume originally the form of a com- Legislatures to denounce the an

Stipulation on the part of the States? that King James the Second having Nor is the assertion less strange, that endeavored to subvert the constitution "The States agreed that each should the Constitution contains no supulation, of the king tom, by breaking the origin-So far from regarding it in the light in al contract between the king and peo-which the Senator regards it, I consider ple; and having, by the advice of Jesuits the whole instrument but a mass of stip- and other wicked persons, violated the tion of the constitution, but when did ulation-what is that but a stipulation fundamental law, and withdrawn him-

But why should I refer to writers But, the principal argument on upon the subject of Government, or which the Senator relied, to show that inquire into the constitutions of foreign the Constitution is not a compact, rests States, when there are such decisive on the provision in that instrument proofs that our Constitution is a comwhich declares that " this Constitution, pacif On this point the Senator is esties are not compacts, and whether of the constitution, that it was a com-"It does not call itself a compact, treaties as well as the Constitution are pact. The ratification of Massachus

"The Convention having impartially discussed and fully considered the Constitution of the United States of Amergentleman does not intend to assert that soning.

States of America, and submitted to us
the present constitution rests upon that. He defines a constitution to be a fun by a resolution of the General Court of said Commonwealth, passed the 25th it be, but that the constitution itself is vernment, and points out the mide of day of October last past; and acknowla compact; and how will his language its action. I will not object to the de ledging with grateful hearts, the goodmeans or other, changed its nature or gisen. My objection is not to the de vidence, an opportunity, deliberately and peaceably, without fraud or suethat the fundamental laws of a State prise, of entering into an explicit and "A man is almost untrue to his cannot be a compact, as the Senator solemn compact with each other, by country who ca'ls the constitution a seems to suppose. I hold the very re- assenting to and ratifying a new constiverse to be the case; and that, according tution, in order to furm a mure perfect I fear the Senator, in calling it a com- to the most approved writers on the union, establish justice, insure domes pact, a bargain, has called down this subject of Government, these very fun- tic tranquillity, provide for the contheavy denunciation on his own head, damental laws, which are now stated, mon defence, promote the general welnot only not to be compacts, but incon- fare, and secure the blessings of liberty "It is founded on compact, but not a sixtent with the very idea of compacts, to themselves and of Massachusetts, ompact results from it." are held invariably to be compacted and assent to, and ratify, the said Constitu-To what are we to attribute the in that character as distinguished from tion for the United States of Ameri-

> and almost in the same words. But Those resolutions expressly assert that

"That this assembly doth explicitly and peremptorily declare that it views the powers of the federal government, as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact as no farther valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States who are parties thereto have the right, and are in duty bound to interpose for arresting the progress of the coil, and for maintaining, within their I leave where I find it-in the hands of sical image of a strong man struggling themselves, the instrument would be a people look upon these regulations as respective limits, the authorities, rights, and liberties appectaining to them. "That the General Assembly doth

also express its deep regret that a spirit has in sundry instances been manifested by the Federal Sovernment to enlarge its powers by forced constuctions of the constitutional charter, which de-fines them; and that indications have appeared of a design to expound certain general phrases, (which having been copied from the very limited grant of powers in the former articles of confed eration, were the less liable to be misconstrued,) so as to destroy the meanation which necessity explains, and limits the general phrases, and so, as to consolidate the States by degrees into one sovereignly, the obvious lendency and inevitable result of which would b to transform the present republican system of the United States into an absolute or, at best, a mixed monarchy?"

They were sent to the several States. We have the reply of Delaware, New York, Connecticut, New Hampshire, Vermont, and Massachusetta, not one of which contradicts this important assertion on the part of Virginia; and by exercising the power granted to it, but nizes the fact that the Constitution is a

compact. In her answer, she says- Here Mr. rested upon principles utterly subversive of the Constitution and the sovesive of the Constitution and the sovesive of the States, I drew up the resolutions, and introduced them expressly with the view to test those principles, with a desire that they should be discussed and voted on before the discussed and voted on the discussion. He said that the constitution is not a compact, the Senator of the Barons, which the discussion, as will appear i