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PEOPLES ADVOCATE AND STAEE GAZETYE.
"THE LIbERTY OF THE PRESS-THE SHIELD OF FREEDOM-THE SCOURGE OF TYRANIS"


TRALCIGIH, N C. FIBRUARY H2, 1833. $\qquad$

| cebe comatitutionalist <br> Ispurished every Tuzanar morning, at Thare Dot lurs per annum, one haff payable in atvance, or Three Dolors and fifty cents if not paid until the termmation of the year <br> Aderlisements inserted at 50 cents per square, for the first insertion, and 25 cents for erery subsequent one. All letters addressed to the Eprron on businers connected with the establishment, must be post puid. or they will not be takenout of the office. | COMMUNICATHONS <br> Federal \& state government. <br> Who then shall deceide? In the discussion of this agt tating question, I hope that one all important truth mit of dortht, will be kept, constanily, in mind, that the people of North Carolina in their connexion, with the feten guvernment, are not the saine peophe they were people: As far as they are not thus connected, they are one people, and not a part. In the Congress of the Uni- | more populous than hersel? Let it be remembered too, that this portion may have afforàed the strength neces.sary to pass the law. deemed to be unconstitutional; and sary to pass the law, deemed to be nenconstitutional; andin doing so, they may have acied faithfully, on their oath to support the constitution. What then? Shall they be have excreised a sacred pavililedge, and performed a high and solemn duty in a consicientions way, and on a perfecty constitational principie! But suppose theyare all willing to renounce their federal citizenship.This they cannot demand, unless for alleged breach of the compat?, and that compact, like her own constintionmust be expounded by those for whom it was made, or their proper agencies estailished ser that purpuse | unconstitutional laws, and leave them to be $j$ ydged and if disposed of, after the fashion of all governmen'sorgan-ized on the principles of balances and chrels. T cere are severalexpressions in the constitntion which are obviously inserted out of abiundance of caution. Tie 9th of 10th articles of amendments are unequivocally, of thicharacter. In the article now before us, if the word "jin pursuance thereof' had beea omilied, the powers of Can- sta gress would not have been larger than they now are:-Nor would that omission have given the slightest strength to an unconstitutional law, or affected the mode of redress against it. The same caution is observed and in All treaties are not necessarily the supreme law of the land, | if three fourthy of them shall denamee the arricle, it must then, be indefinitely, and ferever, expungedeasy steps, both thie majorities of Congreas and the opinion of the Supreme Court, and carries her poiet by the assistance of a very small minority f the stares, :he herself, composing a part of that minority. I have stated the case of a new state, but it is clear,not more culpable than an old one, who may by this aoctrine, insert the same article into ber constitution in ciefiance both of the opinions of Congress and the Feder. 1 Court. But why is the nullify ing state boundby the constiuction of three fourths of itl the states? because they are a majority? The minciple of a ma- |
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|  | by it deliboczion, though all the erir reppesentatives disssent. We must discard the idea, so taniliar to the pecclees of rash and impetnous wen, that people are not represented when they can't have theironn way.-If ench were the fact, the westeru people of this state | $A$ distinguished politiavished Sorginia, in announcing | but only such as are "made under the authority of the jo United States." The United Slates have no anthority $m$ Which is not conferred in the | jority is explicitly repmdited. Because they may 8 mend against jer will Then she is not a sorereignty <br>  |
|  |  | plicitly denies the right of Nullif. on onul admits hat . of an act of Congress, are properly, by tive form of our |  |  |
|  |  |  | which is not conferred in the constitution; and such treat (ies as are uot authorised by that instrument, do not, can- n <br>  |  |
|  | have not been represented for many years. If such were the faet, New Englan' was not represented when | government, subinited to the supreme court: but when | authorised by it.-A contrary doctrine would directly affirm, that the President and Senate could usurp a power co | if the power of coustruing, for themselves, the fedcral constitution, belongs to the people of any one state, concened in their sovereirnty, how perf ctiy futile is |
|  |  |  | which the President, Senate and House of Representa- th |  |
|  |  |  | tives could not. Many of the powers of the Federal Go- sovernment may be exercised, wherser by rernment may be exercised, whectier by tegisation, or law | convened in their sovereizny, how perf etiy fotile is the declaration, that a state constitution shall be void, so far as it may be at variusce with the constitution, |
|  |  |  |  | so far as it may be at variusce with the constitution, laws and treaties of the United States. The people, who form thie state constitution, in the very act of |
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|  |  |  | the spreme law of the land? Can any Slate nul vic lis treaty beause to her, it inpears to be palpabty | fict with the constitution of the United States, shall be <br> void, is downright nonsense <br> It will be further observed, that, in order to securo |
|  |  |  | titutionat If one can, all may but all wouid the |  |
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|  |  |  | in fud and pertiectex- ${ }^{\text {arem }}$ |  |
|  |  |  |  | Every state, hath consented that her own servants shall be bound by an authority superior to her owa, but if they are compelled to utter the interpretation of a part,only, of the whole people, they are ne longer fit to expound for the whole. Their independence being detroy cd, their reasoning faculties annihilated, and their consciences fettered, the oath which they take to sup. port the constitution of the Union, falls little short of a |
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|  | necessary to exectite them, the physical force resides with those who passed them. | possesses the right of revising the judgnent of the court and of seceding from the Union, when it shall believe that the court has erroneously deviated from the line that divides the granted ond reserved powers-That tho by |  | In the fuurth article of the federal constitution is this clause. "The United States shall guarantee to crery state in the Union, a republican form of govern- |
|  |  |  | Now for the consequence, The State, according to the |  |
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|  |  |  | It is apparent then, that <br> the people of the United States aullifying State ust yield, or, they mnst refuse to exe- |  |
|  |  |  | cute it, in which case the whole Union must defend, by arms, the reprobated act of one State: or, if they turi |  |
|  |  |  | Thew wrif thome theole coantry upon the nulitywg state, |  |
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|  |  |  | teet her against invasion. There is no difference ot pria ciple, in treaties and laws-both must be made by virue of the power of the federnl government. If there be a |  |
|  |  |  | than a law, for the reason already giver,--that a treaty of the nohole people, and not the assemblage of anty of depends, for its existence upon two denartments, only, |  |
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|  |  |  |  - all three. Can a State secede, becanse the compact, in And I will now enquire |  |
|  |  | pably wrong-palpably constitutionl, and palpably unconstitutional. Eesides, as every ma has the palpable | $\begin{aligned} & \text { the opinion of her people, may have broken in a treaty. - And Whe now enquire } \\ & \text { In . Whether in our form of povernment there are } \\ & \text { In addition to the fuil consideration, which I have al } \\ & \text { ans securities for the granted and reserved righte, and } \end{aligned}$ |  |
|  |  |  | In addation to the fall consider reacy hes. tec on the tocha a secestor, to evade | what thuse securities are. |
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|  |  |  |  | the granted powcrs, and as the spirit of the times |
|  |  |  | authority, witl: a foreign nation, it musi lead to war, ac cording to the laws of nations. |  |
|  |  | lly diuded in opinion, we ther. When men are equally ducd when they aremake no advance in the cause of tath, when | Let us recur again, to the part of the constitution which have quoted. The laws and treaties are declared to be the supreme law of the land; "the Constitution and laws |  |
|  |  |  | the supreme law of the land; "the Gonstitution and laws of any State to the conrrary now withstanding. Con- | criy glacce, into cur constiutional nrrango enent of powres, and is acquainted with the monstrous sisparity, |
|  |  |  | stitutions are made by the people. In framing stich <br> charters, they are in their fullest and haghest stote of sor- <br> creignty. What they camot, in that act and dat that time, |  |
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|  |  | est. To that suggestion, I will ory reply, that it was not so believed at the formation oftbe Constitution, that | creignty. What they camot, in that act and at that time, rightfully do; they cannot do, in any Gher mode, nor al any other time. And yet all, they may then ordain, |  |
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|  |  | r no constitational censors, oficiailly o ascertain that fact, we must adminiter the goveramern upon the principle, | then, resikes that higher sovereignty stll, which can authorize the people, of any State to assemble and throw of |  |
|  |  | upon which it went into action-tike all roters are equall. <br> ly honest. Grant that the people of State have the right to secede, when there is a palpable riolation of the com- |  |  |
|  |  |  | the whole, or any part of the constitution, laws and treaties of the federal government? Secession aims a blow |  |
|  |  | pat, the right can only be clear, ween the violators con fees their wrong; for when they donot confes, their in- | it the whole in mass; Nullification more modest, overthrows only a part, which, from its palpability she selects and separates froma the rest, with a bold and unhesitating | o represent, each one, the same number of people- The composition of the Senate of the United States is, however a most flating departure from this principle. |
|  |  | must be conceded to be as sacred, as that of the people of one State; and their jadgment nust be admitted to be | aird se <br> Suppose any one of the old states, in acceding to the |  |
|  |  |  |  | however. a most glaring departure from this principle In that body, numbers cease to be the cons位, whether large or small, speak with equal auDelaware, Virginia and khode Island, Ohoo and Hinois. |
|  |  | nghts therecore, ofboll parties to construe the compa | is remarkls hermate and conclusive judgment, as fut as regarls her-self, of all acts of Congrese, all treaties with foreign |  |
|  |  | be equal, the presumption mustalwas however, the right of construeing the compact to be equat to both par- |  | Delaware, Virgimia and Rhode Island, Oho and Hhnors Pennsylvania and equal power. Whise these states are thus level- |
|  |  |  | powers, and of all alleged conficts between her own constitution and that of the United States; and by virtue of that judgment, thus pronounced by her people, | led in the Senate, in the house of representatives, New York has forty voices, and Delaware unly one; and can only claim the same honorable consideration in the ex- |
|  |  | ties, and placed upon the same footing as the jurguent of a treaty between two soverelga nations- the other | of suspending the operation of them all within herber ders:-suppose she had obstinately insisted on these |  |
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|  |  | - In defence of his powers. Her, then, follows the incon e ceivable absurdity of affirmins, that the people of the |  |  |
|  |  | several States, went into Umon, with a mullinowledge别 each one might be driven, There is no State in the rest for her palpable rights. There is no State in the |  |  |
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|  |  | confederacy which can fect hankful for such a phiess she Luttle Delaware, Ith aun centun Maj. Neah, always at hand, |  |  |
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|  |  |  | per judges, wh.cther her constitution oppresses that of he United States? Not the people of the territory, but the Congress, to whom is confided the power of receiv- | (tay |
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|  |  |  | ing her or not. If Congress shoulituteject any anticle, as being in conflict with the constitution, laws and treaties of the United States, she cannot enter without re- | and thirty votes. In the executive branch they have the same relative representation, and no more. In the Se- <br>  |
|  |  |  | voking it. She revokes it and enters. In the course of a few years, the people of a newly admitted state |  ormed without their concurrence. Treaties vith for $i$ ign nations embrace many matters which might be tire subject of legisitation. Besides his, they must conform to the powers, vested in the ederal govesnnent, or they will usurp the ${ }^{\text {Geserved }}$ In the ratification of these, the populir branch ights. In the ratincation of power of piving to them, the character of the supreme hwo of the hand, is comin- ded to the Semate. But, as, kike laws, hey ought to <br> 0 , when mate, the sanclion of the people, it is wise. ly. required that tro thirds of that body homild cosicar- Any one, who will take the pains to inform himself, Any one, who whine periof of the formation of the canstitu- find that nuther of the States, combinet, tho of tho tion that unmbe of tion that namber of the siates, combinet, hho or tho smailer class, would necessarily represent the popular will And it will readily occur to any one, ha if it not happen in a hundred years, where a diviniod in the Senate, upon the ratification of a treay, wo <br>  |
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|  |  | The land, and the judge in every titate estal be bound | that the expunction of the article by Congress, was a |  |
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|  |  |  | insert it. They are now in the Union, and, conse- |  |
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|  |  | They disclaim the power of giving validity to a law, un constitutional-a law, not made in pursuance of the con stitution. But can any man, for a moment betievethat, by this disclaimer, they intended to dispense with a hat, by this dicial arbiter, and to corfer, on each individ public and ofticial arempr himself, fron the force of their law. by virtue of his own judgment hat they had tranber of individuals might erect themelves into a tribo nal, self constituted, and claim exemption from its ope ration, under the sheld of their own decision. or anthey simply intend to give, in express terus, to uncon stitutional laws passed by Congress, the cheratere of |  |  |
|  | The people of virgina- Witinenship of the United States and the overwhelming majority with which he is asso ciated, claim to draw the other Virginians out of their State citizenship? The people of that State are cilizens of two political commumities The government of the Union is not lese their government than that or the State. Many of them sincerely believe, that the cite rection of civil rights, than that of the State. I repeat then, upon what principle of right, can the majority of the people of Virginia clain to draw off, without theirconsent 1 any portion of the citizens of a community much |  |  |  |
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