

TREASURY ROOM



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ADDRESS
TO THE
PEOPLE OF CHESTER DISTRICT,
ASSEMBLED TO DISCUSS THE QUESTION OF
NULLIFICATION,
AND DELIBERATE ON OTHER SUBJECTS OF NATIONAL CONCERN.

I have received, my friends and fellow-citizens of Chester, the friendly and flattering invitation of your Committee of Arrangements, to attend and assist your deliberations, this day, on the important subjects which you have selected for discussion. Permit me to thank you, for the honor conferred upon me, and for this flattering evidence of your good opinion. I have mingled but little in public discussion, and partaken but very slightly of the excitement, which has so generally prevailed. I have taken my station in the ranks of private life, and long since abandoned all idea or expectation of public honors or preferment; content to attend to my private affairs and the care of my family. I am little inclined to obtrude myself upon public notice in political affairs, and have but little relish for the contest and agitations of party strife, and whatever feeling of ambition, I may have indulged, at an earlier period, is gone and abandoned forever. I cannot however relinquish all interest in society, or be totally indifferent to passing events; for I feel as deep an interest in the welfare of our country, as any other man, and know, that I have as much at stake.

When questions are agitated, affecting the Constitutions under which we live, and measures recommended, tending to produce important consequences, and engraft upon the Constitution, new principles of action, and probably to affect the whole social and political condition of the country, I should be unworthy of the blessings we enjoy, and recreant to the hopes of posterity, were I to look on with indifference, and refuse to assist my fellow-citizens, in arresting the progress of the evil. There are times and seasons, when all men should be on the alert; there are questions which come home to every man's bosom; and there are dangers, which every man must instinctively feel, as threatening even to penetrate to his fireside, and disturb the tranquillity of his home. I am proud, my friends, to join you on this occasion, and yet, regret the necessity, of

such meetings of the people: I regret the occasion which calls you here, and lament the disturbances, which have so much agitated our country. I have viewed with no little anxiety, the progress of the spirit of discontent, the state of our relations with the General Government, and the increasing symptoms of hostility to the Union. If with a voice, I could rebuke the spirit of party, and silence the clamor of discord, it would afford me the highest gratification; but who can do thus? I can however join my fellow citizens, the independent yeomanry of the country, in speaking to those in power, and commanding them obedience. You, my countrymen, in common with the great body of the people of the United States, are the pillars on which rests the whole fabric of our civil and political systems; and if you are true to yourselves, to the great interest of our common country; if you suffer not your judgments to be blinded by passion, or deluded by vain and specious theories, all will be safe; otherwise the consequences may be disastrous and fatal, to our happiness and existence as a nation.

A large party in our State, have been promulgating the doctrine of Nullification, with all the zeal and earnestness of thorough conviction, and laboring to make proselytes among the people. From the great amount of respectability and talent possessed by that party, it is not surprising that a deep impression has been made on the people of this State, and it is a subject of regret, that circumstances should have occurred, to produce such hostility to the General Government, as some, and not a few of that party, have displayed. Indeed, many seem to have wrought themselves up to a degree of phrenzy, on the subject of the Tariff. In speaking of the doctrines of that party, I would wish to avoid all personalities, and every thing like hostility against them, as individuals. We are unfortunately divided in opinion, and among those who differ with me, are included persons, for whom I entertain the highest respect, and feel the greatest regard, and in whom, on other subjects, I would not hesitate to place the highest confidence. I cannot, however, entertain the same respect for the doctrines they teach, and the opinions they have so industriously propogated. The time has arrived, *when the people should take the matter into their own hands*, and not suffer themselves to be led into a dangerous situation, by those, who are under the influence of high political excitement. There is a contagion in the stern passions of the human soul, and it requires great coolness, prudence and firmness, to prevent it from spreading. It seems from all that I have heard, that the party, who have taken the name of the Free Trade and State Rights Party, have concluded not to bring the subject of Nullification before the Legislature at the next sitting, but to keep it in reserve; and if their views and opinions should not prevail, to resort to it hereafter, if the people will permit them; in the mean time, all possible appliances, incentives and arguments, by publications and associations, are to be administered and urged upon the people, to whet their appetite for controversy, and prepare them for action. The snake as it has been called, has been scotch-

ed, not killed, and is to be brought forward hereafter, as opportunity may offer. It would be better, to turn it over to the keeper of some travelling menagerie of monsters, or better still, to crush it at once, and destroy it forever.

Those who are in favor of this doctrine, rely on the Virginia and Kentucky Resolutions, as the text on which, all their arguments are founded. I will refer, in what I am about to say, on that subject, to Mr. Calhoun's Exposition, which contains an abstract of all that can be said in support of it. I do not select this gentleman's publication, as an object of special attack, or join in the suspicions that may be entertained against him, on account of it. I have only to observe, that from my knowledge of his public and private worth, I regret, that he ever entertained or expressed these opinions. Such as they are, they are considered by that party, as giving great support to their doctrines. It is difficult to understand distinctly, upon what ground the Free Trade and State Rights Party, as a party, place the principle of Nullification; so various have been their speculations and opinions on the subject. Some of them, seem to place it on constitutional grounds; as one of the reserved rights of the States; and wish the people to regard it, as a peaceful and constitutional remedy. Others, seem to treat it as a matter of necessity, overruling all constitutional considerations; a desperate remedy for a desperate disease; a movement to be risked, at all hazards, come what will. Others appear to regard it as an implication, a resulting principle, arising from the very nature of all our institutions; a latent power, never yet called into action, but nevertheless existing in full force; a right to be exercised, without disturbing the harmony of our system, and, in fact, necessary to its existence and perfection. On the last ground, it appears to me, the Vice-President has based his Exposition. It cannot be expected, that I should examine all these grounds, critically and in detail, as that course would lead me far beyond the allowable limits of a popular address; but I can perceive but slight shades of difference between them, as respects their results. As regards the first ground, if by reserved rights be meant, subjects of jurisdiction, *originally* existing, certainly a right to Nullify an act of Congress, could not exist, *prior to the existence of Congress*, or the General Government itself; the power to act, could not exist, before the existence of the subject to be acted on; but if by reserved rights, be meant, the right to resist usurpation, or even abuse of power, it becomes merged in the second ground; and if by reserved rights, be meant, those resulting from the nature of our institutions, and to be drawn by inference from them, it is in nothing different, from the last ground. All the observations that I shall make on the whole, will then be embodied, in those that I shall make on the last ground.

I proceed now to read the Exposition, and refer to such parts as have a material bearing on the subject. That paper states, "that the question of the relation, which the States and General Government bear to each other, were embodied, and ably sustained, on the one side, in the Virginia and Kentucky Resolutions, and the report of

the Virginia Legislature, and on the other, by the replies of the Legislature of Massachusetts, and some other States. These resolutions and report, with the decision of the Supreme Court of Pennsylvania, in the case of Cobbett, contain, as he believes, the true doctrine, on this important subject. The principle embraced in all these is, that the General Government, emanated from the people of the several States, forming distinct political communities, and not from the people in the aggregate." That "the Constitution of the United States, is, in fact, a compact, to which each State is a party, in the character already described; and that the several parties, have a right to judge of its infractions, and in cases, of a deliberate, palpable and dangerous exercise of a power not delegated, they have the right, in the last resort, to interpose, for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights and liberties, appertaining to them. This right of interposition, be it called what it may, State Right, Veto, or Nullification, or by any other name," the Vice-President believes, "to be the fundamental principle of our system, and that in its recognition, depends the stability and safety, of our political institutions." These resolutions have acquired a celebrity to which I have never thought them entitled; for abstractedly, they contain nothing more, than the principle of resistance to usurpation, which lies at the foundation of all popular rights. They lay down no practical rule, but merely advance a naked proposition, which may well apply under the case supposed; but point to no procedure, which may serve as a regular and fixed rule of constitutional action, and lead us to determine, whether, that interposition shall be in effect an appeal to the last resort of nations, the sword; or to petition, resolution or remonstrance or to the great tribunal of public opinion, in order to produce a change, of rulers and measures, through the medium of elections.

What are we to understand, by a deliberate, palpable and dangerous exercise, of powers not delegated but such infractions, of the Constitution, *as must be apparent to every one*. In such cases, not only States, but districts, and even individuals, would have a right to resist, and there would be little danger of failure, in such cases, in resorting to the tribunals of the country, for protection against them. The fate of the sedition act, a law so contrary to the genius of the people of our country, that it fell without much effort, and died a natural death, affords sufficient evidence of the efficacy of public opinion, to correct the errors of Government. If, however, by a deliberate, palpable and dangerous exercise of a power not delegated, be meant, a mere question of construction or expediency, where opinions may differ, according to the state of parties, and where a discontented section or State of the Union may undertake to give its own understanding of the Constitution, and act upon that construction, in resisting a law of the General Government, I should pronounce the doctrine, contained in these resolutions, false, be they promulgated by whom they may. In such a case, they

would be worth nothing, but as fuel for faction, and as a pretext for opposition to any measure that might happen to displease a party. The exposition glances at this state of things, in an after clause, and speaking of the Federal Judiciary states, "that its powers are judicial, and not political, and confined by the Constitution, to all cases in law and equity, arising under the Constitution, &c., and that the author, has high authority (that of Judge Marshall in the case of Jonathan Robins) for asserting, that it excludes political questions, and comprehends those only, where there are parties amenable to the process of a court. Nor is its incompetency less clear, than its want of constitutional authority. There may be many, and the most dangerous infractions, of the Constitution by Congress, of which it is conceded by all, the court, as a judicial tribunal, cannot take cognizance. The Tariff itself, is a strong case in point; and the reason applies to all others, where Congress perverts a power, from an object intended, to one not intended; the most insidious and dangerous of all infractions, and which may be extended to all the powers; more especially, to the taxing and appropriating." It is difficult to conceive any question, where the action of government is concerned, that may not be converted into a political question, according to the prevailing humor, or the spirit in which it is received. As long as it is confined to individuals, it is a *judicial* question; but as soon as it is taken up by a party, or takes refuge in the sanctuary of faction, it becomes a *political* question, and is beyond the reach of judicial power. We shall take the Tariff as an instance. If a man be sued on his bond, he may deny the constitutionality of the law, and it is a judicial question; but as it is attacked by a party, it is a political question, which the judiciary is incompetent to decide. The Tariff and other like measures, may be framed, it is said, "so that the court cannot from its nature, take cognizance of them;" they take shelter under an acknowledged power, and elude its grasp; they are "the most insidious and dangerous of all infractions. The *reason* may be applied to all the powers, and especially to the taxing and appropriating." What a wide field for the veto or nullifying powers of a State is here spread before us! So wide as to embrace, in effect, the whole ground of federal jurisdiction. I am puzzled to conceive, how Congress could so wrap up and conceal, beneath the foldings and drapery of an intended power, a power not intended, so as to escape the penetration of the judiciary, and elude its grasp. Could Congress, for instance, lay an export duty under a tariff of imports, and secure the act from judicial inquiry; the advocates of nullification themselves would say no. The tariff, however, they say, is unconstitutional and a plain and palpable exercise of a power not granted; because not to be found among the enumerated powers; if it be so, cannot the judiciary discover it. It is plain, my friends, that all these cases come not within the text of the Virginia doctrine, whatever may be said in the report of her Legislature; *but are clearly questions of construction and expediency, and such as may occur, under any and all the expressly enumerated powers of Congress.*

The Judiciary, it is said, cannot decide impartially on these subjects, because it is the creature of a majority, through all the stages of election, from the people to the appointment by the President, with the approbation of a majority of the Senate. How can the non contents of the day, elude the operation of the majority principle in Convention? I am at a loss to determine. These complaints against the majority principle, are nothing more than the language of discontent in all cases, and in all nations, where that principle prevails. Can an instance be produced of a contented minority, in any question of importance, or in any case of earnest opposition? I expect, not one. In ninety-nine cases out of one hundred, men are dissatisfied with decisions against them, suspecting the purity of the tribunal, or source from which they flow, and are blind to their own selfishness, perversity, and obstinate infatuation, and when these passions are roused, would destroy or subvert authority, to be released from obedience. To show one of the beauties of the doctrine now in vogue in this State, I will suppose the Legislature undertakes to nullify the Tariff law, and during the discussion, it is vehemently opposed, by a large minority, stating, that they had too deep an interest, in the common glory and prosperity of the Republic, to permit the hazard of such a suicidal process; that their own happiness and that of their posterity, and the future happiness and tranquility of the State itself, was involved in the issue, and exclaim in the language of the Exposition, "Let it ever be remembered, that where the majority rules, the minority is the subject;" would it not mar the beauty of the theory, if the majority did not desist; and think you, that they would desist, on account of the remonstrance; no, they would probably make some such reply as this, "Let it ever be remembered, that where the minority rules, the majority is the subject;" and if they did hesitate, it would be under the influence of other inducements. For the purpose likewise, of exposing the absurdity and dangerous tendency of Nullification, it would be well to suppose it in operation, and follow it out, as well as we can, to final results. We will suppose that the Legislature proceeds to nullify the law, and commences in form; "Be it enacted, by the Honorable the Senate and House of Representatives, &c. that the act of Congress, commonly called the law regulating the Tariff, &c. is hereby declared to be null and void, and not binding on the citizens of this State." Should the act stop here, it would be nothing more, than a legislative expression of opinion, of no more efficacy, than a resolution; should it proceed farther, and forbid the officers of the revenue from collecting it in the State, under certain penalties, it then would begin to assume the real character of an act; but how would it be received by the General Government, and would the enforcement of such a law, be allowed to remain unquestioned by it, in the State Courts? The Collector would doubtless proceed to the collection of the revenue, in defiance of the penalties, and the Tariff would be effectually in force. Should the Legislature think something further necessary, they must authorise the Governor to interfere, to protect the citizen from the operation of the Tariff law;

they must, in fact, put the sword into his hand, and give him authority to use it. How could we manœuvre at this stage, to avoid a conflict? But we will suppose all these difficulties removed, and the law nullified, and the collection of the revenue arrested in this State. would it not *likewise be arrested* in other States? The wheels of Government would be effectually stopped, until a Convention could be called to decide upon it? How long would it take to call a Convention. The States separately must debate the question; the constitutional number, two thirds, must apply to Congress to call a Convention; the mode of election must be settled; the delegates elected and meet in Convention: would the question be settled in two years? In the mean time imagine to yourselves, if you can, what a scene of confusion, excitement and ruinous hostility, would open upon the American people. Could the Union survive such a tremendous conflict of the political elements? This state of commotion would be felt perhaps in a higher degree in the Nullifying State, than any other; for comparatively harmless as the length is, to which the agitation of the question has proceeded in this State, we already see it has assumed many of the features of a civil contest; sons arrayed against fathers, and brothers against brothers. In fact it threatens to interrupt all the friendly relations of society, and might, if carried into effect, create a civil war among the citizens of the State itself, (a gentleman of the Free Trade and State Rights Party here observed, that the plan of that party was, that the revenue might still be collected, until the question was settled.) What a lame expedient would that be! what an anomaly in legislation! a law nullified and yet in operation; practically repealed, and yet in force. Suppose the General Government should not think proper to notice us, but proceed to collect the revenue and treat our proceedings, with the cool contempt with which it treated the efforts of the Hartford Convention; what next? We must resort to resistance at last. If the other States should bow to the high behest of South-Carolina, all would be well; otherwise, we should be compelled to do something efficient to produce results; and do we think that the Government could possibly tolerate such a procedure? We will proceed however with the nullifying process, and suppose the Convention assembled, how will it proceed? There can be but two modes of assembling a Convention; one where the whole nation or nations, (if we choose so to call the States) resort to first principles, disregarding all constitutional forms, and elect delegates to form a great National Convention, to settle or unsettle the affairs of the Republic. This Convention would be revolutionary in character, and might remodel or abolish all our Constitutions, or at least the Constitution of the United States. It might establish a despotism, or run to the opposite extreme of a pure democracy; might consolidate or break up in discord, and do nothing but leave every State to establish a separate Government, and we might form out of the fragments of the confederation, as many Republics, as there are States in the Union.

The other mode would be, according to the provisions of the Con-

stitution; this Convention would be constitutional, and as much a creation of the Constitution, as any of the ordinary departments of Government. The power of this Convention, would I conceive, be purely amendatory, to propose amendments to the Constitution, for the ratification of the States; whatever it did, would be prospective; it might alter, amend or expunge, any rule of action for the Government, in the great organic law, or constitution of the Republic; it might direct that Congress should not have the power for the future, to lay or impose duties, to protect manufactures: but would that repeal the Tariff law, or pronounce it unconstitutional and void? I should say not; it would still be in force. Should it undertake to pronounce that law unconstitutional, would not that be departing from its character as a Convention, and assuming the functions of a Court, a great national Areopagus, to decide disputed points of law or questions of Constitution, (here the same gentleman asked, if I conceded that the acts of the Convention, could not have a retrospective operation.) This is a question that I will not undertake to decide. I am not now setting in judgment, to decide what they could do, would do, or ought to do. I would ask in turn, if its acts could have a retrospective operation, unless it assumed judicial functions? From the very terms of the Constitution, laws must be prospective. Would not its proceedings in such case, at least, give ground for question and dispute, and parties run high in such a body, for it would not be a Convention of infallibles, immaculates and omniscients. I state these things to show, the wide field of discussion and contention, that would open before them, and the difficulties attending the process of Nullification, in all its stages. Should the Convention vary its phraseology, and instead of pronouncing the Tariff law, unconstitutional and void, say, that it is repealed, would not that be assuming ordinary legislative functions, and absorbing the constitutional powers, of the Senate and House of Representatives, into those, of one great national legislative assembly? If they could repeal one law, they could repeal all laws, and revise the whole federal statute book. The probability of their not doing so, furnishes no conclusive argument, against the possibility. Admit, that they would have the power to repeal an obnoxious law, where would be the necessity for calling a Convention to do it? for if so great a change would take place in public opinion, as to produce a repeal of the law, in Convention, the same change might produce the same result, in Congress, in the ordinary course of legislation, in a much shorter time, and with less inconvenience. Admit further, that the Convention, when assembled, could exercise any, and all the powers above stated, how often would it be necessary, to call a Convention? Is this the only difficulty likely to arise, under the operation of our system? I think no one will pretend to say, that it is. If the vessel of State can steer clear of the reef, on which, she seems now in danger of driving, we have breakers ahead, which will require all our prudence, coolness and skill, to avoid. Scarcely a law, of any importance, could be passed by Congress, which would not be pronounced unconstitutional, by some one

or more of the States of the Union. In all such cases, a Convention must be called, unless opposition ceases, or the General Government by concession, soothes the angry spirit of State jealousy, and repeals the law. The General Government would, in such cases, be completely under the control, of State domination. The smallest State in the Union, would have the power, of arresting the progress of a law, and yet, I should conceive, that the small States, are mainly interested, in opposing the operation, of such a principle. Once admit the introduction of exercise, of that feature or power, into our system, and the large States, might prevent the enforcement, or even passage, of any law, which did not suit their caprices. What could be done with New York, with her two millions (or near it) of inhabitants, or with any other large State? Nothing. Little Rhode Island, or Delaware (I will not say South Carolina, she is too strong and powerful in force, and too serene in climate, she has too many violent men, has issued too many flaming manifestoes, to permit the idea, that she would succumb;) but little Rhode Island, and Delaware, and other less powerful States, might be awed into submission, by the apprehension of superior force.

Should the process of Nullification, and calling a Convention be established by precedent, and become common from practice, the inconvenience of frequent and irregular assemblages, might render it necessary, that such a body should meet periodically, to decide, disputed points of national law. We then would have, a great national Court, assembly or convention, call it what you may, absorbing *all the powers of the General Government*, in matters of importance. Now under this system, we will imagine any measure, called for by national necessity or emergency, and follow it in its progress, thro' all the forms, of this complex system. It must first commence in Congress, run the gauntlet of opposition there, through both houses; be laid before the President, for his approval or rejection; if approved by him, it must undergo the dispassionate and impartial examination of State faction. it must pass through the ordeal of State trial, in the State Legislatures, be approved by all, and if not so fortunate, be nullified by one; the Legislature of two-thirds of the States, must recommend the call of a Convention; Congress must call one; the Delegates must be elected and assemble; the law must be examined in Convention, and modified, amended or repealed, or pronounced unconstitutional and void, and the discussion afterwards sent back, to be ratified, by the Legislatures or Conventions, of three-fourths of the States, before the question could be finally settled. Can a parallel be found on the face of this earth, or in the whole range of history, to such a proceeding. If perchance, it might survive the scorings it would receive, in passing through so many ordeals, like the victim of an Indian torture, or an auto da fe, suffered to escape with life, it would be so mangled, maimed and disfigured; would retain so little, of its original substance and spirit, that it would be political mercy, to give it the *coup de grace*, and end it at once.

As connected with this subject, I might examine in detail, the ge-

neral reasoning of the Vice-President, as to the necessity, or the existence and exercise, of the principle contended for, by him and the nullifying party, but time will not permit. Some general observations, however, seem to be required, by the natural course of investigation, of the subject before us. He states, "that where diversity of interests exists, in separate and distinct classes of the community, as in Sparta, Rome, &c. the national constitutional provision is, that each, should be represented, as a separate estate, with a distinct voice, and a negative, on the acts of its co-estates." It appears to me, unless I have totally misunderstood the Constitution, that such has been done, in the distribution of the powers, of our government. Ample jurisdiction has been left to the States, in the management of their domestic affairs, and as a class they are represented in the Senate. Can one State constitute a class? surely the Vice-President does not mean that. What is meant by a distinct voice and a negative in legislative acts? if it be an equal voice and agency, in the passing of laws, the States possess it, in the Senate. We will take the English Constitution, to which the exposition refers, to support the argument. According to that Constitution, each co-estate, possesses an equal voice and agency, in the passage of laws, or if the expressions be better relished, a negative or veto; the House of Lords represents the Aristocracy, and the People have some kind of representation, in the House of Commons. This form of Government, is the great modern exemplar, from which we have derived, some of the features of our system. The House of Representatives, stands in the place of the House of Commons, representing the consolidated sovereignty of the States, or the people of the United States; the Senate, supplies the place of the House of Lords; and the States, as a class, are represented in it. What else can be required? To complete the parallel, and carry out the reasoning, of the nullifying party, we should suppose each member, of the House of Lords, in his private, and not in his parliamentary capacity, possessed of a vote, on the acts of the Government. Such a state of things, would it appears to me, be fully as reasonable, as the principle contended for, in this State, and in operation, be worse, than the fatal Polish veto, which brought ruin, on that gallant nation. Heaven preserve us from such a condition! but I have sufficient confidence, in the good sense and discretion, of the people of this State, to believe, that they will never consent, to introduce, such a practice, into our system.

There are other views, in which the relations of the States and the General Government, have been presented to the people, which deserve examination. First, that the General Government, is a mere creature of the States, as sovereigns, a joint commission or agency, having no right to judge, of the extent of its power, that privilege resting with its masters or principals, the States; and if its acts are questioned, by one of the Sovereigns, the subject must be referred, to the principals. According to this doctrine, the General Government, cannot be a party, to any dispute, respecting the construction of its powers. Secondly, that the Constitution is a compact, between inde-

pendent Sovereigns, and like every other treaty, subject to the interpretation, of every one of the parties to it, and each party, has a right to judge for itself. Some have contended, that Sovereignty is an unit, and cannot be divided, and that the States have retained, all their Sovereignty, granting to the General Government an agency only in transacting their foreign or national affairs. All these speculations, appear to me, *ejusdem farinae*, of the same grist, of little practical utility; subjects to occupy, and puzzle the brains, of politicians. As they have the sanction of great names, and have been advanced, by men of distinguished abilities, it may be well to examine them. If all the powers of the General Government, worth preserving, be not construed away, and the spirit of controversy, like the vampire, do not suck out the very life-blood of the Constitution, if Congress be not reduced to the condition of an annual Congress of Vienna, it is because, happily, politicians have not the power, to put their speculations into practice. Of what importance is it, how the General Government originated; there it is, clothed with an important attribute of sovereignty, power; power to act directly on the people, without the necessity, of consulting a master. What is sovereignty, but power; power to do any thing, within the range of human capacity. What is national sovereignty, but the power, to do any thing, that a nation can do? Is sovereignty, like a mathematical point, incapable of division? Cannot sovereignty be divided, among several departments, independent of each other? This has been done, in the formation of the State and General Governments, and did the framers of the Constitution, ever intend that the two governments, should interfere with each other?

What is the plain, matter of fact history, of the formation of the General Government? We all, I presume, my friends, have heard or read, of the old confederation. State rights were certainly, amply secured, under it; and there was ample room for the exercise, of those feelings of regard, for the general welfare, that knowledge of a common origin, that recollection of common suffering, and a common triumph, in achieving their independence, to which the Vice-President alludes, as sufficient to restrain the States, from abusing the tremendous power of nullification; yet it seems to me, that this soothing and sedate argument, should weigh little, against the evidence of facts. All these considerations failed under that system, and is nullification any thing better? I think if any thing, worse. So totally unfit was that system, for the purposes of national government, that we lost the respect of other nations; our credit failed; and anarchy seemed likely to supersede the dominion of order and law. Such, in fact, was the state of things, that the reflecting men of the period, the great fathers, and founders of the Republic, considered it absolutely indispensable, to form a government with greater powers; invested with sufficient authority, to enforce its own decrees, and act directly on the people, and not be compelled to rely on the agency of the States. The first movement towards it, seemed almost providential; but when the first movement was made, the nation almost en-

tirely concurred in the proceeding, and the present constitution was called into existence. It has been contended, that because the delegates, were appointed by the *Legislatures* of the States, that the Constitution is the creature of the governments of the States; but what were those Legislatures, but the most convenient organs of the public will? and why afterwards, was this Constitution submitted to conventions of the PEOPLE? This shows, that the General Government, was framed by the delegates, as the agents of the people of the States, and intended to represent their national will.

Is it a matter of any importance, whether, we regard the general government, as flowing from the people generally, or from the people of the States, as States? It cannot, I should think, alter the provisions of that instrument, or impair the rights of the people of the States, or any portion of a State, to resist unconstitutional laws. As regards the power of the General Government, I should think it of little importance, by what authority it was formed; say by the governments of the States, without the intervention of the people: could they not cede to it, that portion of their power or sovereignty, which was employed in the management of national affairs; and would not that government, when organized, have full power and sovereignty, to the extent of its commission, and some voice, in determining when it was acting within the limits of its authority? After all theorising on the subject, that ingenuity can devise, it seems to me, that the true state of the case, is this; that, the people of the States determined to embody themselves as one nation, and live in the bonds of union and peace, and for that purpose, have established a complex system, calculated to cover the whole ground of sovereignty; have conferred on a general or federal government, the management of their national affairs, and to particular or State governments, the management of their domestic concerns, and the care of their local interests; intending that each should have plenary powers, within their respective spheres, fixing certain restraints on each, and not intending that either should have the final and conclusive power of determining the extent of their powers. I cannot conceive, that they ever intended, that, any one department, should interfere with the other; but that, in cases of contested power, the people in convention should decide, but not that any one of the local sovereignties should have the power, to annul the acts of the General Government. In all these cases, it is important to understand, what is meant by the term States. If by that term be meant, the State governments, I should say all the reasoning respecting their sovereign powers, to decide in the last resort, is unsound; but if the people are meant, I should yield to the correctness of it. I think, my fellow-citizens, that, every one of us is interested, in resisting the doctrine, that, the State Legislature, have the right to decide and act in such cases; for they are not the sole representatives of State sovereignty, they have been invested with the legislative power only, respecting State concerns, and any such proceeding by them, would be sheer usurpation of authority, not granted to them by any of our constitutions.

I have been heretofore, arguing upon the supposition, that by the States, is meant, the State governments. We will now take another view of the subject, and speak of the rights of the people of the States to interfere. This, I should suppose, is what is intended by the Vice-President, in his Exposition; for I should hope, that he would never lend the aid of his fine talents, or the weight of his high standing, to the other doctrine. We will call the constitution a compact, for the sake of reasoning; for all governments, or social arrangements, have been called compacts. The term however is generally, a mere creature of fancy, or creation of the closet. There is, however, but little use, in this case, in disputing about terms. We will, therefore, call the constitution a compact, to which all the States are parties, and that, each State has a right to put its own interpretation on it; has such State a fixed right, a perfect right, or an inherent right, according to the regular operations of our system, to act on that interpretation peacefully, and without disturbing the harmony of our system? In the first place, what is meant by our system, I should suppose to be, the various departments of Government, established for the management of all our concerns, according to the rules laid down for their observance. The abstract principles of popular rights, or what is called first principles, have nothing to do with the system, in its regular operation. It is the ground, on which the system is built; but no part of the system itself. Revolution or change of government, is an acknowledged popular right; but no part of the principle of amendment or change engrafted into our system. We will suppose the people of the State, to take up the question in the present instance, and determine to put their own construction on the Tariff law: how will they proceed? There are, as I have already observed, in speaking of a national convention, but two modes of assembling a State convention, one, under the regular operation of the system, established by the States; the other, when they throw themselves, as it has been called, upon their sovereignty, on first principles; assemble without regard to established rule, and supersede all the forms of government; resolving to do, as they please. No one can deny that they have the power to do this; or if you choose, the right; for in cases, of great popular movements, there can be no practical distinction between power and right. If they assemble in the first mode, I should think, they would be confined in their deliberations, to State affairs; to the amendment of the State government; and if called upon to interpret a law of Congress, would say, we have already, as a party to the Constitution, or compact of union, appointed a mode of doing that, and will have nothing to do with it; but, if while assembled, a vehement advocate of nullification, should break forth, in one of his philippics against the General Government, the convention roused by his eloquence, might lay aside State affairs, and take up the question, declare the State not bound by the Tariff law and that, it is unconstitutional and void. In the other mode of assembling, they might do the same thing, but would not the proceeding, in either case, be revolutionary and anarchical, according to circumstances: for what is

revolution, but changing the established mode, of doing an important act of government, or anarchy, but disregarding or opposing it. We are now come to that point of State action, to which the Virginia doctrines point, in speaking of deliberate, palpable and dangerous exercises of powers not granted, and to which, Mr. Jefferson alludes, in speaking of the General Government, being the final and exclusive judge, of its own powers; and when he says, that "in cases of compact, between parties, having no common judge, each party has an equal right to judge for itself, as well, of the operation, as of the mode and measure of redress." Mr. Jefferson plainly alludes, as will appear, from the whole tenor of his correspondence, on the subject of the sedition law, to those extreme cases and repeated usurpations, which would justify risking war or revolution, to obtain redress; for he is evidently embarrassed, in devising a proper course of proceeding, in such cases. Much more might be said on this subject, but it would lead me too far, and exhaust too much of your time.

We will now enquire, what this hazardous measure, is to be risked for, and whether matters cannot be settled without it. It cannot be pretended, that the other States would be obliged to yield to our decision, as a matter of right. Theory might be met by theory, and they might say, "we admit that you have a right to meet in convention, and make as many alterations as you choose, in your own government, but as you claim a right, to judge as a party to the compact, so do we. The majority of us in Congress, have decided against you, and the act of our agents, is our act, and you must be bound by it. The State convention replies, in all cases of agency or joint commission, the agents have no right to determine. The other States reply, they have in this case, for they are invested with authority to act upon us all, and how can they act, unless they know how to act?" The convention replies, we have a right to call a meeting of the principals. The other States reply, not when you please, but when two-thirds of us please; besides, a meeting is unnecessary, we would still in such case, be of the same opinion. The convention says, you are an organized, unprincipled majority, and we are determined that the law shall be nullified, and we will not obey it. The other States reply, we will compel you, and we have the right to do so, while you continue a party to the contract. The convention exclaims, in the language of the Exposition, such a right is monstrous, and has never hitherto been claimed, in similar cases. They may pay but little respect to the expostulation, and proceed to enforce the law. The State in such case must resist, until the others give up the contest, or submit, or withdraw from the Union.

The State is urged to adopt this dangerous expedient, because our politicians have recently discovered, that the principle of protecting manufactures by duties, is unconstitutional, and a deliberate, palpable and dangerous exercise, of a power not granted. This measure or law, called the Tariff law, has made so much noise, that almost every man, woman or child, within the boundaries of the State, has heard something about it. It has been denounced in every manner and

form, and with every expression of reprobation, that invention could devise, or language express. Ruin in every shape, has been prophesied, as the certain result, of its enforcement and continuance, and all our difficulties and embarrassments, have been laid to its charge. That the law of 1828, was wise and expedient, I have always doubted; though I have no means of judging, except from results. That it is unequal and oppressive to some interests, is highly probable; because those who have better means of information than myself, say so. Amidst the extremes of eulogy on the one side, and invective on the other, we must be guided by the evidence of those who are skilled in particular pursuits; but as to the operations of the system, that come under my own observation; such as affect the agriculture of the country, the revenue and general commerce of the United States, I have as correct means of information, as the wisest political economist in the State, and can form my own conclusions, without the aid of free trade associations, and so can almost every one present. These associations, seem to take it for granted, that the people are so stupidly ignorant, as to know nothing about free trade, without the aid of these political charity schools or tract societies. They are mistaken, for I have seen many, of very plain education, who had very correct ideas on the subject; but I hope that the charity fare, that they may serve up, to the good people of the State, will not be seasoned with nullification. With respect to the effects of the Tariff, on the interest already mentioned, I know that they have been vastly exaggerated, and could show it by going into many particulars, if time would admit.

For myself, I stand now, upon the same ground, that South Carolina occupied, before the tide began to change so rapidly. I believe now, and always did believe, that sound national policy requires, that essential articles of supply, should be protected; but that, a grand system of manufactures, should be forced into existence, by high duties, is impolitic, as it puts the prejudices and passions of the various sections of the Union, to too severe a trial, and may violate the spirit of the constitution. I have always thought likewise, that sound policy requires, that Congress should venture, as seldom as possible, on debatable ground, as the danger of reaction, more than counterbalances the temporary advantages, that may arise from the procedure, to particular interests. I suppose, that there are few or none present, who would not join the intelligent and dispassionate, throughout the Union, in correcting abuses, where any are found to exist in the system, and bringing down the Tariff to a proper national standard.—Temporary protection, has been sought and granted, and many important branches of manufacture, have had time to struggle through the first trials and difficulties of infancy, and to acquire a sufficient degree of maturity, to withstand a reduction of duties; and I can see nothing unreasonable in the proposition, to retain such duties, as may be necessary for revenue, on the protected articles; nor am I aware, that such a proposition would meet with any opposition, from the moderate and reflecting portion of Free Trade and State Rights Par-

ty; and I do not believe, that it would. It is not improbable however, that many of that party, will not be satisfied, with any thing short of a total change of the policy of the General Government, or the complete triumph of their principles, in this particular. As far as I have been let into the secrets, of the Free Trade and State Rights cabinet, the following line of march is resolved on. If duties are taken off, they must be taken off the protected articles, and the principle of protection must be abandoned. In the second place, duties must not only be taken off the protected articles, but all duties abolished, and the expenses of government defrayed by a judicious farming of the public lands; then, it has been said, the world will witness the glorious spectacle, as soon as the public debt is extinguished, of a nation, without debt and without taxes; as if the farming of the public lands, is not a tax in disguise. How would the western people relish that plan? I somewhat expect, we should hear as much fuss in that quarter, as we have heard in this, about the Tariff. If that plan cannot succeed, the expense of government is to be defrayed by direct taxes. We shall then have a renewal, of the exploded system of internal taxes, which was one of the grounds of complaint, against the Adams administration. The revenue system, must be entirely remodeled; a host of inspectors, assessors, supervisors, collectors, &c. will parade through the whole country, thrusting themselves into every man's house, valuing his lands and negroes, and when the system gets under way, one third of the proceeds will be wasted in expenses, and by frauds, peculations and embezzlements, of every description.

As respects the system of duties, the countersign of this party will, probably, be no compromise of principle; that is to say, the subject is to be put on unattainable grounds. If these notions are to have sway, the people of the United States, will be furnished with squabbling materials, for twenty years or more, if the Union be permitted to last so long. Are we to have nothing fixed, no settled line of national policy? Are we always to be in a state of fluctuation and change? The simple question, stripped of all the exaggeration, thrown around it by party excitement, is, that two great parties exist in the Union; one believing, that the national prosperity will be best promoted, by encouraging domestic manufactures, the other, believing that it would be better promoted, by leaving every thing to regulate itself, or by the most perfect freedom of trade and employment. We can almost all of us recollect, when the South was greatly in favor of restriction, and considered foreign commerce, as corrupting to the morals of the people, as involving us in the labyrinth of European politics, and subjecting us too much, to foreign influence, and especially to that of England. Mr. Jefferson himself, in a letter to A. H. Rowan, says, "the commerce of England however, has spread its roots over the whole face of the country. This is the whole source of the obliquities, of the public mind. The Chinese policy and jealousy of foreign commerce, was admired by the South, and reprobated and ridiculed by the North, and was called there, in the slang of the day, the ter-

rapin system. Southern politics prevailed; the embargo, and all the subsequent train of measures took place, until the conclusion of the war, with our approbation. During this period, capital, diverted from the channel of foreign trade, found employment in manufactures. Then was laid, the foundation of an interest, which has, as we complain, become too strong to be controled. Whoever will look into the speeches and publications of that period, and those of the present, will perceive, how completely, the two sections of the Union, have changed hands in the political game. During the war, great privation was felt, and great difficulty experienced, in procuring supplies of clothing for our troops: and the impression became very general, that it would be good policy, to encourage the manufacture of articles, of indispensable supply. At the return of peace, the manufacturers found themselves likely to be placed, at the mercy of foreign competition, without the necessary skill to meet it. They applied for protection. The war duties were reduced, but the tariff so regulated, as to afford them protection. They found it inadequate, and applied again, and the tariff of 1824, was passed. Had they stopped here, I cannot help thinking, that they would have acted wisely; but they pushed the matter further, and obtained the tariff of 1828: and all the excitement, and extravagance of the South, have grown out of it. Between the two, the original policy of the nation, has been lost sight of, and the people of the Union, have been involved, for three years past, in a constant storm of passion, excitement and invective, and when it is to end, it is no easy matter to foresee.

In the mean time, my fellow-citizens, I think it is *the duty of THE PEOPLE*, a duty urged by a sacred regard, to the future happiness of our country, *to watch vigilantly the movements of parties*. Parties may be expected to arise, changing and varying, according to the changes of the weather, in the political atmosphere. When kept within due bounds, they are generally harmless, and often useful; but when under the influence of undue excitement, there is nothing in human affairs, more to be dreaded. Prejudice and passion blockade all the avenues to reason and moderation, and the reign of headstrong obstinacy, blind infatuation, intolerance and terror, commences. We need not flatter ourselves, that we are too wise and intelligent, to fall into such errors, and commit such follies. The most intelligent man, and the most temperate under ordinary circumstances, when highly excited, becomes a tyger, as furious and unsparing, and as little to be trusted. We may expect many theories to be broached and constructions of the Constitution to be urged as orthodox; many successive sets of politicians, may come forward on the public stage, with their litters of notions on those subjects, and wish the people, to stand god-fathers to their progeny, whether spurious or legitimate. The best construction of the Constitution, is that which best promotes the national happiness and prosperity, whenever it can be discovered: and what better reliance have we than *public opinion, and the dispassionate exercise, of the intelligence and good sense, of THE PEOPLE OF THE UNION?* Individually, I feel under no obligation, to

range myself under the banners, of any man or any party. I wish to be governed by the only guide, on which I can safely rely, my own judgment, and every man who has the means of reading and reflecting, should do the same; for we find, that the ablest of our politicians, are liable to error and mistake. We find them at one time, marching to the north, at another, counter-marching to the south; yet at all times professing, to be guided by principle. When they first set out in their career, follow them, and they may lead us, a great national morris-dance, around the vast arena of their projects, and at last lead us back, to the same point, from which they had started.— What is principle in politics? Can we tell from the movements of politicians? We may be called on to swear allegiance to a set of principles, by a party to-day, and by the same party, to their opposite to-morrow. We may talk as we please, about written Constitutions, and strict construction, *public opinion and national habits constitute the OPERATIVE CONSTITUTION of every government*, and all such, as are not framed in accordance with them, are destined to a brief existence, and no canons of construction can be laid down, which will be invariably followed through all time; for they must conform to the ever varying concerns and relations of the country.

From all that I have heard, the tariff in a short time will be considerably reduced, and we may be called on to say, whether we will insist on the reduction taking place on the protected or the unprotected articles; whether the nation must abandon the protecting principle, and risk the prostration of some important branches of manufacture, as well as the effects of the reaction, or sustain them. I have no hesitation in saying, that I shall not give the sanction of my vote, to the last proposition. What difference will it make to us, whether the duties are taken off the protected or unprotected articles; for if we feel any effect, it will be rather injurious than beneficial. One ground of complaint has been, that our trade with England, our principal customer, is a trade of exchanges; and that if we do not take merchandise from her, she will not take produce from us, except when obliged; and that she will seek it in more accommodating markets. Surely the reduction of duties, to the amount of eight or ten millions of dollars, will throw open our market to her, for a great amount of merchandise, to be employed in exchanges. As to the total abandonment of the protecting principle, I trust the people of the State, will have the good sense not to insist on it, or expect it; for I am confident it will never be surrendered. Whatever we may think on the subject, it is too late now, to say that it is unconstitutional, sanctioned as it has been, by the fathers of the Constitution, and by every administration, from Gen. Washington, down to the present Chief Magistrate, and I do not apprehend, that we shall be ruined, because it somewhat militates, against the doctrines of political economy. I am no stranger to those doctrines. Among the first books, that I ever read and studied, with deliberate attention, was a treatise on that science, *The Wealth of Nations*, and I have read much on it since. It is a useful science, well worthy the attention of any man, and af-

fords much useful instruction, respecting the elements of commerce. The misfortune is, that some of its doctrines, respecting freedom of trade and commercial reciprocity, are totally impracticable, without an entire change, in the moral and political condition of mankind. If we could establish a millenium, make all men and all nations honest and just, then we might expect, a peaceful reciprocity of trade, might dispense with all regulation, commercial, social and political. There would then in fact, be no necessity for law or government; for man would meet man in any part of the globe, as a friend and brother. If we could even now, give all nations an even start, in their political existence, we might make great advances towards it. But as it is, when other nations will meet us, no farther, than suits their interest, I cannot see the wisdom, under existing circumstances, of attempting the experiment.

Our fathers, the great founders of the Republic, the wise men who followed their star in the East, which led them to the place, where that child of American salvation, the Constitution first came into existence, thought protection to a certain extent, necessary and constitutional. And I should sooner be guided by their counsels, than by those of the political illuminati of our day. I should prefer the mild unfading lustre of that star, placed as it is, by the admiration of mankind, and the gratitude of the friends of freedom, throughout the world, in the firmament of glory, to the transient glare, however brilliant, of those meteors, which from time to time coruscate and blaze, and finally explode in the political atmosphere. The establishment of manufactures at home, has been thought necessary, to complete our independence. We were politically independent; but England from habits of intercourse, had a powerful hold on our feelings and partialities, as was manifest, during the embargo and war, and as is shown at present, by the excitement among ourselves. She has been, we all know, the great center of our circulation, the very heart of our commerce: and every pulsation there, was felt, through all the arteries, and even to the very extremities of our system. Complete reciprocity of trade, never has existed. Throughout the whole range of history, no example of it can be found. The spirit of commerce in all ages, and in all nations, has been avarice and monopoly; and the nation who has not the power or means, of fostering its own industry, will find itself at the mercy of a cunning, intriguing and wealthy nation. A nation might have all the labor and capital, necessary to manufacture, and yet be restrained for years, from the undertaking, through the want of skill and confidence. We all know, that in the comparatively simple operation of agriculture, any change of culture, is attended in the first instance, with uncertainty and expense; how much more so is it, in manufactures, requiring large capital and much skill. Moderate protection, inspires confidence, and invites skill from abroad: and in a few years, the undertaker is enabled to meet competition, without fear of ruin. This is the whole benefit of protection, where a nation is prepared for the business; where it is not, high protection should be discountenanced, as unwise and unavailing.

In fact, I do not believe, that the plan of building up, a grand scheme of manufacturing, in this country, can be or ought to be sustained by extravagant protection: and wherever such protection exists, under the present system, it should be reduced to a moderate standard.— Much might be said on this subject, and if I were to say all that might suggest itself to my mind, I might detain you until late in the day.

You have requested my sentiments, on the subjects which induced you to assemble here to-day, and I have given them to you, without reserve; for I have no motive for concealment in these matters. I expect neither the rewards of adhesion to, nor the punishment of defection from the views and doctrines of any party. I care little, under what head in the Index Expurgatorius of party, my opinions may be registered. My object is the peace, my aim, the happiness of my country. I am for the Union of these States, and round its standard I would rally to the last extremity; unless union cannot be secured without the surrender of liberty.

I have sufficient confidence, in the virtue and intelligence, of the people of these United States, to believe that they will do right when rightly informed. These have been amply sufficient heretofore to guide us through all our difficulties. I place more reliance on the plain practical good sense of the great body of the people, than on all the splendid theorising and stormy rhetoric of the politician or declaimer. Theory is almost as boundless, as space, and when it passes the boundary of practical utility, often becomes wise, beyond all comprehension. Practical good sense, comes within the sphere of every understanding. On the purity and uprightness of public opinion, is our only reliance. If this fails, all ingenious expedients, all amendments of the Constitution will be unavailing. The experiment of our confederation will then prove in reality, what it has been pronounced in passion, a splendid failure: and the Union will end in a fearful catastrophe. Then, aye then, how will the petty sovereigns fare, which occasionally make such parade of their sovereignty. I leave the imagination to fill out the picture. I shall conclude my observations, by offering up my fervent aspirations, to the author of all good, that your deliberations this day may contribute to the restoration of the peace and harmony and to the promotion of the happiness of our beloved country. In this wish, I am sure, every patriot and every friend to his country, will most zealously and fervently join.



