J. Catrup

EASTON GAZETTE.

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PROCLAMATION

By the Governor of South Carolina.

[CONCLUDED.]

Experience demonstrates that the danger is not that a State will resort to her sovereign rights too frequently or on light and trivial occasions, but that she may shrink from asserting them as often as may be necessary.

It is maintained by South Carolina that according to the true spirit of the Constitution it becomes Congress, in all emergencies like the present, either to remove the evil by legislation, or to solicit of the States the call of a Convention; and that on a failure to obtain by the consent of three-fourths of all the States an amendment giving the disputed power it must be regarded as never having been intended to be given. These principles have been distinctly recognized by the President himself in his message to Congress at the commencement of the present session, and they seem only to be impracticable absurdities when asserted by South Carolina, or made applicable to her existing controversy with the Federal Government.

But it seems that South Carolina, receives from the President no credit for her sincerity, when it is declared through her Chief Magistrate, that "she sincerely and anxiously seeks and desires," the submission of her grievances to a convention of all the States. "The only alternative (says the President,) which she presents, is the repeal of all the acts for raising revenue; leaving the government without means of support, or an acquiescence in the dissolution of the Union." South Carolina has presented no such alternatives. If the President had read the documents which the Convention caused to be forwarded to him for the express purpose of making known her wishes, and her views, he would have found that South Carolina asks no more than the tariff should be reduced to the revenue standard; and has distinctly expressed her willingness, that "an amount of duties substantially uniform, should be levied upon protected as well as unprotected articles, sufficient to raise the revenue necessary to meet the demands of the Government, for constitutional purposes' He would have found in the exposition, put forth by the Convention itself, a distinct appeal to our sister States, for the call of a Convention; and the expression of an entire willingness on the part of South Carolina to submit the controversy to that tribunal. Even at the very moment when she was indulging in these unjust and injurious imputations upon the people of South Carolina, and their late highly respected Chief Magistrate, a resolution had actually been passed through both branches of our Legislature, demanding a call of that very Convention to which he declares that she had no desire that an appeal should be made.

It does not become the dignity of a sovereign State, to notice in the spirit which might be considered as belonging to the occasion, the unwarrantable imputations in which the President has thought proper to indulge, in relation to South Carolina, the proceedings of her citizens and constituted authorities. He has noticed, only to give it countenance, that miserable slander which imputes the noble stand that our people have taken in defence of their rights and liberties, to a faction instigated by the efforts of a few ambitious leaders who have got up an excitement for their own personal aggrandizement. The motives and characters of those who have been subjected to these unfounded imputations, are beyond the reach of the President of the U States. The sacrifices they have made, and difficulties and trials through which they may have yet to pass, will leave no doubt as to the disinterested motives and noble impulses of patriotism and honor by which they are actuated.

Could they have been induced to separate their own personal interests from those of the people of South Carolina, and have consented to abandon their duty to the State, no one knows better than the President himself, that they might have been honored with the highest manifestation of public regard, and perhaps instead of being the objects of vituperation, might now have been basking in the sunshine of Executive favor. This topic is alluded to, merely for the purpose of guarding the people of our sister States against the fatal delusion that South Carolina has assumed her present position under the influence of a temporary excitement; and to warn them that it has been the result of the slow but steady progress of public opinion for the last ten years: that it is the act of the people themselves, taken in conformity with the spirit of resolutions repeatedly adopted in their primary assemblies; and the solemn determination of the Legislature, publicly announced more than two years ago. Let them not so far deceive themselves on this subject, as to persevere in a course which must in the end inevitably produce a dissolution of the Union, under the vain expectation that the great body of the people of S. Carolina, listening to the councils of the President will acknowledge their error or retrace their steps: and still less that they will be driven from the vindication of their rights by the intimation of the danger of domestic discord, and threats of lawless violence. The brave men who have thrown themselves into the breach, in defence of the rights and liberties of their country, are not to be driven from their holy purposes by such means. Even unmerited obloquy, and death itself, have no terrors for him who feels and knows that he is engaged in the performance of a sacred duty. The people of South Carolina are well aware that however passion and prejudice may obtain for a season the mastery of the public mind, reason and justice must sooner or later reassert their empire, and that whatever may be the event of this contest, posterity will do justice to their motives, and to the spotless purity, and devoted patriotism, with which they have entered into an arduous and most unequal conflict, and the unfaltering courage with which by the blessing of Heaven, they will maintain it.

The whole argument, so far as it is designed at this time to enter into it, is now disposed of; and it is necessary to advert to some passages in the Proclamation which cannot be passed over in silence. The President distinctly intimates that it is his determination to exert the right of putting down the opposition of South Carolina to the tariff, *by force of arms.* He believes himself invested with power to do this under the provision of the Constitution which directs him "to take care that the laws be *faithfully* executed." Now if by this was only meant to be asserted that under the laws of Congress now of force, the President would feel himself bound to aid the civil tribunals in the manner therein prescribed, supposing such laws to be constitutional, no just exception could be taken to this assertion of Executive duty. But if, as is manifestly intended, the President sets up the claim to judge for himself in what manner the laws are to be enforced, and feels himself at liberty to call forth the militia, and even the military and naval forces of the Union, against the State of South Carolina, her constituted authorities and citizens, then it is clear that he assumes a power not only not conferred on the Executive by the Constitution, but which belongs to no despot upon earth exercising a less unlimited authority than the Autocrat of all the Russias; an authority, which, if submitted to, would at once reduce the free people of these U. States to a state of the most abject and degraded slavery. But the President has no power whatsoever to execute the laws except in the mode and manner prescribed by the laws themselves. On looking into these laws it will be seen that he has no shadow or semblance of authority to execute any of the threats which he has thrown out against the good people of South Carolina. The act of 28th February, 1795, gives the President authority to call forth the militia in case of invasion "by a foreign nation or Indian Tribe." By the 2d section of that act, it is provided that "whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed."

The words here used, though they might be supposed to be very comprehensive in their import, are restrained by those which follow. By the next section it is declared that, "whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation COMMAND SUCH INSURGENTS TO DISPERSE and retire peaceably to their respective abodes within a limited time." On reading these two sections together, it is manifest that they relate entirely to combinations of individuals acting of themselves, without any lawful authority. The constituted authorities, acting under the laws of the State and its citizens yielding obedience to its commands, cannot possibly be considered as a mere mob forming combinations against the authority and laws of the Union, to be dispersed by an Executive proclamation, and any attempt so to treat them, would be a gross and palpable violation of the sovereign authority of the State, and an offence punishable criminally in her own courts.—Whether the late proclamation of the President was intended as a compliance with the provisions of this act, does not very clearly appear. But if so, it can only be considered as directed against the State, since the laws of the United States have certainly not been forcibly obstructed by combinations of any sort; and it is certainly worthy of observation, that the command extended to the people is not that they should *disperse*, but that they should *re-assemble* in Convention and repeal the obnoxious ordinance.

The power of the President, so far as this subject is embraced, in relation to the army and navy, is exactly co-extensive with that over the militia. By 1st section of act of 3d March, 1807, it is expressly provided, that in all cases of "obstruction to the laws of the United States, or of any individual State where it is lawful for the President to call forth the militia for the purpose of causing the laws to be duly executed, it shall be lawful for him to employ for the same purpose, such part of the land or naval force of the United States as may be necessary, having first observed all the pre-requisites of the law in that respect." Here then it is seen, that unless the President is resolved to disregard all constitutional obligations, and to trample the laws of his country under his feet he has no authority whatever to use force against the State of South Carolina; and should he attempt to do so, the patriotic citizens of this State know too well their own rights, and have too sacred a regard to their duties, to hesitate one moment in repelling invasion come from what quarter it may.—Could they be deterred by the threats of lawless violence or any apprehension of consequences from the faithful performance of their duty, they would feel that they were the unworthy descendants of the Pinckneys, Sumters, and Rutledges, and a thousand other names which adorn the pages of our revolutionary history," some of whom have just gone from among us, and been gathered to their fathers, leaving us a legacy, their solemn injunction that we should never abandon this contest until we shall have obtained "*a fresh understanding of the bargain,*" and restored the liberties for which they fought and bled. Others still linger among us, animating us by their example, and exhorting us to maintain that "solemn ordinance and declaration" which they have subscribed with their own names, and in support of which they have "pledged their lives, their fortunes, and their sacred honor."

The annals which record the struggles of freedom, show us that rulers, in every age and every country, jealous of their power, have resorted to the very same means to extinguish in the bosom of man that noble instinct of liberty which prompts him to resist oppression. The system by which tyrants, in every age, attempted to obliterate this sentiment, and to crush the spirit of the people, consists in the skilful employment of promises and threats; in alternate efforts to encourage their hopes and excite their fears; to show that existing evils are exaggerated, the danger of resistance great and the difficulties in the way of success insuperable; and, finally to sow dissentions among the people, by creating jealousies and exciting a distrust of those whose councels and example may be supposed to have an important bearing on the success of their cause.

These, with animated appeals to the loyalty of the people, and an imposing array of military force constitute the means by which the people have, in every age, been reduced to slavery. When we turn to the pages of our own history, we find that such were the measures resorted to at the commencement of our own glorious revolution, to keep our fathers in subjection to Great Britain; and such are the means now used to induce the people of Carolina to "*retrace their steps,*" and to remain forever degraded colonists, governed, not in reference to their own interests, but the interests of others. Our fathers were told, as we now are, that their grievances were in a great measure imaginary. They were promised, as we have been, that those grievances should be redressed. They were told, as we now are, that the people were misled by a few designing men, whose object was a dissolution of the Union, and their own self aggrandizement.—They were told, as we now are, of the *danger* that would be incurred by disobedience to the laws. The power and resources of the mother country were then as now, ostentasiously displayed in insulting contrast with the scattered population and feeble resources on which we could alone rely. And the punishment due to treason and rebellion were held out as the certain fate of all those who should disregard the paternal efforts of their royal master to bring back his erring children to the arms of their indulgent mother. They were commanded, to "retrace their steps." But, though divided among themselves to a greater extent than we are now, without an organized Government, and destitute of arms and resources of every description, they bid defiance to the tyrant's power, & bravely refused obedience to his commands. They incurred the legal guilt of rebellion, and braved the dangers, both of the scaffold and the field, in opposition to the colossal power of their acknowledged sovereign, rather than submit to the imposition of taxes—light and inconsiderable in themselves, but *imposed without their consent for the benefit of others.* And what is our present condition? We have an organized Government, and a population three times as great as that which existed in '76. We are maintaining not only the rights and liberties of the people, but the sovereignty of our own State against whose authority rebellion may be committed, but in obedience to whose commands no man can commit treason. We are straggling against unconstitutional and oppressive taxations imposed upon us, not only without our consent, but in defiance of our repeated remonstrances and solemn protests. In such a quarrel our duty to our country, ourselves, and our posterity, is too plain to be mistaken. We will stand upon the soil of Carolina and maintain the sovereign authority of the State, or be buried beneath its ruins. As unhappy Poland fell before the power of the Autocrat, so may Carolina be crushed by the power of her enemies,—but Poland was not surrounded by free and independent States, interesed, like herself, in preventing the establishment of the very tyranny which they are called upon to impose upon a sister State. If in spite of our common kindred, and common interest, the glorious recollection of the past and the proud hopes of the future, South Carolina should be coldly abandonded to her fate, and reduced to subjection, by an unholy combination among her sister States—which is believed to be utterly impossible—and the doctrines promulgated by the President are to become the foundations of a new system cemented by the blood of our citizens, it matters not what may be our lot. Under such a Government, as there could be no liberty, so there could be no security either for our persons or our property.

But there is one consolation, of which in the providence of God no people can be deprived without their own consent. The proud consciousness of having done their duty. If our country must be enslaved, let her not be dishonored by her own sons! Let them not "*forge the chains themselves, by which their liberties are to be manacled.*

The President has intimated in his Proclamation that a "standing Army" is about to be raised to carry secession into effect. South Carolina desires that her true position should be clearly understood both at home and abroad. Her object is not "disunion"—she has raised no "standing Army," and if driven to repel invasion or resist aggression, she will do so by the strong arms and stout hearts of her citizens. South Carolina has solemnly proclaimed her purpose; that purpose is *the vindication of her rights.* She has professed a sincere attachment to the Union; and that to the utmost of her power she will endeavor to preserve it, "but believes that for this end, it is her duty to watch over and oppose any infraction of those principles which constitute the only basis of that union, because a faithful observance of them can alone secure its existence; that she venerates the CONSTITUTION and will protect and defend it "against every aggression, foreign or domestic," but above all that she estimates as beyond all price her LIBERTY which she is unalterably determined never to surrender while she has the power to maintain it."

The President denies in the most positive terms the right of a State under any circumstances to secede from the union, and puts this denial on the ground "that from the time the States parted with so many powes as to constitute jointly with the other States a SINGLE NATION, they cannot from that period possess any right to secede." What then remains of those "rights of the States" for which the President professes so "high a reverence" in what do they consist? And by what tenure are they held? The uncontrolled will of the federal government. Like any other petty corporation, the States may exert such powers and such only as may be permitted by their superiors.—When they step beyond these limits, even a federal officer will set at naught their decrees, reveal their solemn ordinances,—proclaim their citizens to be TRAITORS, and reduce them to subjection by military force, and if driven to desperation, they should seek a refuge in secession, they are to be told that they have bound themselves to those who have perpetrated or permitted their enormities, in the iron bonds of a "PERPETUAL UNION."

If these principles could be established, then indeed would the days of our liberty be numbered, and the republic will have found A MASTER. If South Carolina had not already taken her stand against the usurpation of the Federal Government, here would have been an occasion, when she must have felt herself impelled by every impulse of patriotism and every sentiment of duty, to stand forth, in open defiance of the arbitrary decrees of the Executive, when a sovereign State is denounced, her authority derided, the allegiance of her citizens denied, and she is threatened with military power to reduce her to obedience to the will of one of the functionaries of the Federal Government, by whom she is *commanded* to "tear from her archives" her most solemn decrees, surely the time has come when it must be seen whether the people of the several States have indeed lost the spirit of the revolution, and whether they are to become the willing instruments of an unhallowed despotism. In such a sacred cause, South Carolina will feel that she is striking not for her own, but the liberties of the Union and the RIGHTS OF MAN, and she confidently trusts that the issue of this contest will be an example to freemen, and a lesson to rulers throughout the world.

Fellow citizens.—In the name and behalf of South Carolina, I do once more solemnly warn you against attempts to seduce you from your primary allegiance to the State. I charge you to be faithful to your duty as citizens of South Carolina, and earnestly exhort you to disregard those "vain menaces" of military force, which, if the President, in violation of all his constitutional obligations, and of your most sacred rights, should be tempted to employ, it would become your solemn duty, at all hazards, to resist. I require you to be fully prepared to sustain the dignity and protect the liberties of the State, if need be, with your "lives and fortunes." And may that great and good Being, who, as a "father careth for his children," inspire us, with that HOLY ZEAL IN A GOOD CAUSE, which is THE BEST SAFEGUARD OF OUR RIGHTS AND LIBERTIES,

In testimony whereof, I have caused the seal of the State to be hereunto affixed, and have signed the same with my hand.

Done at Columbia, this 20th day of December, in the year of our Lord, 1832, and in the independence of the United States, the fifty-seventh.

ROBERT Y. HAYNE.

By the Governor:
SAMUEL HAMMOND, Sec'ry. of State.

EXECUTIVE MESSAGE.

EXECUTIVE DEPARTMENT,
Annapolis, Jan, 3d, 1833.

Gentlemen of the Senate and the House of Delegates:

The arrival and departure of the seasons have brought us to the close of another year. Since my last annual communication to you, events have taken place in the natural and political world, some of which have been distinguished by nothing uncommon, whilst others have been peculiarly distressing. The most fearful visitation of disease, which we have ever experienced, has, since we parted, visited our state, and has now passed away. The dreaded enemy has been encountered, and although some valuable citizens have perished, yet upon the whole, we have most abundant cause to be thankful to the Divine Disposer of events that we have suffered comparatively so little. The Asiatic Cholera, in its approach to us, carried dismay into the stoutest hearts, and whilst the panic continued, was more appalling than the ascertained existence of it. Our state has suffered in some of her cities and villages, but a merciful Providence has prevented the ravages of the Destroyer from extending throughout the country. The productions of the earth, necessary to the existence and welfare of man, have been bountifully granted to us and the cup of our felicity would be full; but for the spirit of insubordination, which has evinced itself by a part of the population of a sister state. Whilst this subject presses upon my mind, I would call your attention to the accompanying ordinance of the convention of South Carolina, transmitted to this department by that body, with a request that it may be laid before you. In noticing this extraordinary document, I would beg leave to state that nothing but a solemn conviction of duty would induce any remarks from me, in the hope that reflection amongst this deluded people will create a reaction and induce them to a different course—yet having been myself taught not to shrink from responsibility in the expression of opinions when such opinions seemed to be called for, I submit my views upon the subject. The doctrines of South Carolina, I conscientiously believe, will be rejected by the unanimous voice of the people of Maryland.—The doctrine of nullification, I hold to be perfectly untenable. If a state has the right to nullify the acts of the General Government, each citizen of a state has the same right to nullify the acts of a state—such a doctrine would meet with universal reprobation—yet such a result would only be carrying out *in extenso*, the doctrine advanced by South Carolina. Upon the subject of disunion, I would speak in still stronger language. Such a to-

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