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We present to the attention of our readers to-day a publication under the signature of T. C. extracted from the Maryland Republican, that is of sensible import and goes to direct investigation to the right source—such publications are useful.

FROM THE MARYLAND REPUBLICAN.

Misstatement of the Nullifiers corrected. and the inconsistency, of their doctrines with fundamental axioms on Government briefly exposed.

It has been asserted, in substance, by the leading nullifiers of the South, and particularly by Mr. Calhoun, in a late exposition, of his views; by the late Convention of South Carolina, and by Gov. Hayne, in his Proclamation, counter to that of the President, that the Federal Convention which formed the Constitution of the United States, refused to confer upon the National Government authority to control the Legislation of the states, interfering with that of Congress.

Having, a year or two past, for my own information and satisfaction, gone through the Journal of the Convention, and made notes of all the leading questions which were taken, in relation to the powers, either conferred upon or proposed and withheld from, the National Government, with the assistance of those notes and the Journal of the Convention before me to verify their accuracy, I submit the following extracts.

May 31, page 87.

Resolved, (without a division) "That the National Legislature *ought* to be empowered, to *negative* all laws passed by the several states, contravening *in the opinion of the National Legislature* the aticles of the union.") the following words were added to this clause, on motion of Mr. Franklin,* or any treaties subsisting under the authority of the union."

June 8th, page 107.

It was moved by Mr Pinkney, (*of South Carolina*) seconded by Mr. Madison, to strike out the following words in the sixth resolution, adopted by the committee, namely:—"To negative all laws passed by the several states, contravening in the opinion of the National Legislature, the articles of union, or any treaties subsisting under the authority of the union," and insert the following words in their place, namely:—"To negative all laws which, *to them shall appear improper*." And on the question to *strike out*, it passed in the negative.

Yeas—Massachusetts, Pennsylvania, *Virginia*—3.

Nays—Connecticut, New York, New Jersey, Maryland, *North Carolina, South Carolina, Georgia*,—7.

Divided—Delaware—1.

July 17, page 182—3.

On the question to agree to the following clause of the sixth resolution, reported from the committee of the whole House, namely:—"To negative all laws passed by the several states, contravening in the opinion of the National Legislature, the articles of union, or any treaties subsisting under the authority of the union." It passed in the negative.

Yeas—Massachusetts, Virginia, North Carolina—3.

Nays—Connecticut, New Jersey, Pennsylvania Delaware, Maryland, South Carolina, Georgia—7.

It was moved and seconded to agree to the following resolution, namely:—"Resolved, that the legislative acts made by virtue, and in pursuance of the articles of union, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective states, as far as those acts or treaties shall relate to the said states or their citizens and inhabitants:—and that the Judiciaries of the several states shall be bound thereby; any thing in the respective laws of the individual states to the contrary, notwithstanding,"† which passed *unanimously* in the affirmative.

July 18th, pages 188—9.

It was moved and seconded to alter the 13th resolution, so as to read as follows, namely:—"That the jurisdiction of the National Judiciary shall extend to all cases arising under laws passed by the General Legislature, and to such other questions as involve the national peace and harmony,"† which passed *unanimously*, in the affirmative.

It was moved and seconded to alter the 16th resolution, so as to read as follows, namely:—"That a republican form of government shall be guaranteed to each state; and that each state shall be protected against foreign and domestic violence," which passed *unanimously*, in the affirmative

That any gentleman of character and intelligence, having read the journal of the Federal Convention, should assert, that the Convention, had refused to confer upon the National Government authority to control the legislation of the states interfering with that of Congress; to make the acts of the National Government, which, *in the opinion of its functionaries*, were adopted, *in pursuance of the Consitution*, supreme over the constitutions and laws of the states, would be a matter of most profound astonishment, were it not that the doctrines which such assertion is intended to sustain, are as monstrous and absurd, as the assertion is unfounded.

The foregoing extracts shew, that when the question was first presented to the Convention, it Resolved, (without a division,) that Congress *ought to have* an express *negative* upon all the laws of the states, contravening, *in its opinion*, the articles of union, or the constitution. It was afterwards proposed by Mr. Pinkney, of *South Carolina*, seconded by Mr. Madison, to go still further and give to Congress a negative upon all the laws of the states, which they should deem improper."

It was subsequently determined *against* the votes of the states of Massachusetts, *Virginia* and *North Carolina*, to withdraw the negative which it had been agreed (without division) to give to Congress, upon the laws of the States, and to vest the controlling power of the National Government in its Judiciary by giving to it jurisdiction of *all cases* arising under the constitution and laws and treaties of the U. States; and by declaring the said constitution, laws and treaties supreme, *any thing in the constitution or laws of the several states to the contrary notwithstanding* But this was merely a change of the controlling authority, from the legislative to the judiciary department of the government, the controlling power is as completely vested, and I think much more properly, than if Congress had been allowed the negative which was originally proposed and agreed to, *without a division*.

It therefore illy becomes *South Carolina* statesmen, of the present day, to denounce, in the unmeasured terms of reproach, in which they have indulged, such a control of State Legislation by the national functionaries, as her own highly distinguished and patriotic representatives, in the Convention, *repeatedly* and *deliberately* sanctioned. Such denunciations are little less than sacrilege, upon the manes of Rutledge and the Pinckneys of their own State, and the other distingushed patriots with whom they were associated in establishing a *Government*, and "consolidating the Union" of the States, they respectively represented—Statesmen and patriots whose names and services will be held in grateful remembrance by their countrymen, until the liberty they aided in achieving, and the union they assisted in cementing, and "consolidating," shall cease to be cherished as "primary objects of patriotic desire."

Having shewn by the records of the proceedings of the framers of the Constitution, that it was their *fixed intention* to confer upon the National Government they were framing, supremacy over the State Governments, in all cases in which their respective acts should conflict, and to invest *some* department of the National Government, with authority to decide, *according to its opinion*, all questions in relation to any such conflict as might arise upon the constitutionality of the acts of the respective Governments, I will proceed to show that such supremacy and controling power over state authority was indispensable, upon fundamental axioms, to constitute *a Government*—that without such supreme authority, what is now a *Government*, would have been a powerless league, or mere Federal alliance, as inefficient as the old confederation, and subject, as that was, to have its most solemn determinations set at naught, at the will or mere caprice of any of the States.

The minds of men are so differently constituted, and we are all under so many, and such various influences, that frequently measures which appear to some plainly and wholly unauthorized & highly injurious, are considered by others as not only clearly warranted, but eminently beneficial & expedient. Hence it has been found necessary upon a fundamental axiom in all constitutional or well regulated Governments, to confer upon their different functionaries, authority to decide, and bind by their decisions, the whole community for which they act, upon every question which may arise in the administration of the affairs of the country. In ours, the *expediency* of acts of Congress are subject to review *only* by the people, (the source of all powers, and ultimate arbiters of all acts of their servants;) whilst their *unconstitutionality* may be contested before, and determined upon by, the Supreme Court of the United States. And the Judges of that Court being appointed by nomination of the President of the United States, with the advice and consent of the Representatives of the *States* in the Senate, it seems to me that no tribunal could be constituted in any manner better calculated to secure its impartiality in deciding upon conflicting claims of the general and state Governments;*—that the consent of the *States*, by their representatives, being indispensable to the appointment of each and every member of the tribunal, affords, at least, as ample security to the *States* for respect and protection of their rights, by its decisions, as is in any otherwise guarded, that it will exercise the powers and maintain the constitutional rights and authority of the General Government. When that eminent tribunal shall have decided an act of Congress to be constitutional, the decision is conclusive and final, and thenceforward such act is absolute law, from the operation of which there is no other legal means of escape but by its repeal by the same authority which enacted it; or by a resort to the extra, and ultra constitutional—the natural—inherent—underived, and inalienable right (which no one disputes) to resist arbitrary power and intolerable oppression.

I admit, nay if a case making it necessary existed, I would insist, with the people of South Carolina, that no act of any Department or officer of the National or any other Government, which *plainly, palpably* and *deliberately* violates the Constitution of such government, is valid or entitled to respect. But with what propriety can it be contended that acts passed by a majority of the Representatives of the people, under the solemn obligations of their oaths to support the Constitution are *plain, palpable* and *deliberate* violations of that instrument?

With what decency can so direct a charge of perjury be put forth against a body of statesmen selected for their virtue and intelligence to execute the will of their constituents? Every one is undoubtedly entitled to an *opinion*, and to the expression of it, in relation to any & every act of the Government. But there is a wide difference between declaring an *opinion* that an act is not warranted by the Constitution and *asserting* such act to be a *plain, palpable and deliberate* violation of it. The first, as before stated, is a privilege which may properly be exercised by any one By the Supreme Court such opinion may be, judicially, and authoritatively pronounced: which will have the effect to make void, or in the fashionable language of the day, nullify, any such act. But even that high tribunal, which not only has the right, but is bound by its duty, and the oaths of its members, to declare any act brought under its judicial cognizance, which it believes not warranted by the Constitution, to be inoperative and void, would be going beyond its duty or privileges, and be guilty of great impropriety and indelicacy, if it should pronounce the unconstitutionality of an act of Congress to be *plain, palpable*, and *deliberate*.

The declaration of rights of the State of Maryland, asserts the great truth with peculiar felicity of expression, "that the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind." And it points out the *only* appropriate and *legal* remedy against the exerton of such power, or to avoid such oppression, in the declaration, that, "whenever the *ends* of government are perverted, and the public liberty manifestly endangered, and all other means of redress are ineffectual, the PEOPLE, (viz: a majority of the whole people who established the government,) may, and of right ought to reform the old or establish a new government." No community—no State—no individual is, or can be, legally, or morally, bound to submit to arbitrary power and oppression. The *right* to resist such arbitrary power and oppression is admitted, is indisputable; and I have pointed out the *only means* by which that right can be enforced.

If it is possible to conceive that in any community, the exercise of arbitrary power—over, and intolerable oppression of any portion of the people, can receive the sanction of all the constituted authorities & of a majority of them; such a case would leave the oppressed citizens no remedy—no redress—no means of escape from such power and oppression, but expatriation—withdrawal from the community thus oppressing them. And even the exercise of this means of *escape* would depend upon the *will* of the oppressing community, or upon eluding its power and vigilance.

I humbly conceive that I have demonstrated that it was the deliberate and fixed *intention* of the framers of the constitution, to confer upon the National Government supreme power over the governments of the States, in all cases in which their respective acts should conflict—that they have in fact conferred such supremacy. That a proper, competent and safe tribunal for the final determination of all questions of conflicting acts of the general and state governments, was indispensably necessary to constitute a National *Government*—that such a tribunal was provided for, and has been instituted; and that absolute acquiescence in its decisions can be refused upon no other ground or hypothesis, than that all departments of the government have become corrupt, and that a majority of the people sanction their corrupt acts;—that even in such case, although the legal and moral right of resistance and redress is a fundamental axiom, that it is a naked right, without a practical remedy.

In conclusion, whilst I admit in the fullest terms the *abstract* right to resist arbitrary power and oppression, and that no act of the Government in *plain, palpable and deliberate* violation of the Constitution, is binding, or entitled to respect, I greatly deceive myself, if I have not clearly shewn that the course pursued by South Carolina is wholly unwarranted. The imputation cast upon Congress and the majority of the people of the United States, who approve and sustain the acts which South Carolina has pronounced *gross, palpable and deliberate* violations of the Constitution—an imputation which charges upon the members who voted for those acts, the infamous crime of perjury—and which can only be met with indignant scorn—deprives South Carolina of all claim to concession.

Our government having been founded in concession and compromise, ought to be administered in the same liberal spirit, and I doubt not, but that if South Carolina, and those who act with her, had conducted their opposition to the acts of which they complain, in a spirit and temper of kindness and conciliation, that they would have been met in the same friendly and conciliatory spirit, and that much would, ere this, have been yielded to them and a fair adjustment and compromise affected. But to gross imputation, violent menace, and vain and impotent attempts at coersion, no concession is due, nor ought, nor can, with either propriety, honor, or safety be made. And they should be apprised, that the course they are pursuing is as injudicious, as their imputations are insulting, and as ineffectual to intimidate as it is ill calculated to convince. That in obedience to the admonitory counsel of the father of his country, their attempts "to alienate one portion of our country from the rest," and to "enfeeble (or cut asunder) the sacred ties which now link together the various parts" are "indignantly frowned upon." That "to the efficacy and permanency of our union, a government for the *whole* is indispensable;" and that "respect for its authority—compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty," and, consequently, that "all obstructions to the execution of the laws, all combinations, and associations, under whatever plausible character with the real design, to direct, control, counteract, or awe, the regular deliberations and actions of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency" That "the value of our Union," is so immense, and is cherished with such "a cordial, habitual, and immoveable attachment, as the palladium of our political safety and prosperity," "that it cannot, *in any event*, be abandoned;"—that it "must—(*shall*)—be preserved," and the *supremacy* of its laws maintained, and enforced, under all circumstances. T. C.

The Boston Daily Advertiser, in a notice of a new work entitled "History of Vegetable Substances used in the arts, in domestic economy, and for the food of man"—observes that

One cannot read it, without remarking the manner in which the gifts of Providence are adapted, with wonderful fitness to the situation and circumstances of those who are destined to receive them. The date tree, for example, spreads its broad canopy of leaves, with equal liberality of sustenance and shade, on the yellow border of that illimitable desert, which extends like an ocean over so large a portion of the continent of Africa; and forms those "palm groves islanded amid the waste," which gives shelter and relief to the exhausted traveller. This is the palm tree of the Holy Land, so often mentioned in the scriptures as an emblem of moral rectitude, and a striking image of stateliness and beauty. In other torrid climates, as if to supply the want, and recompense the inability to labor, the fruits of the earth are scattered with inexhaustible plenty; a single acre of the banana, almost without an attempt at culture, furnishes abundant annual sustenance for fifty men; but the virtue of this prodigality ceases, when these fruits are carried into other countries; the efforts of the English government to transplant the bread fruit, which were so signalised by the well known mutiny on board the Bounty, though subsequently renewed with more success, were attended with no valuable results. Indeed, it seems to be a law of nature, that her richest gifts shall be wrung from the soil by persevering labor; there is little real wealth or civilization in any region, where they are so liberally scattered, as neither to ask nor reward the care of industry.

It is only the cerealia, or the corn plants, which, wherever they are found, attest the presence of civilization, in the same manner, as the liberal supply of butcher's meat was believed by Adam Smith to be an evidence of the partial want of it. The wheat, found buried in Egyptian sepulchres, where it had quietly reposed for thousands of years, is commonly regarded as one of the most convincing proofs of the civilization of that remarkable race; and it may be well to mention; that as if in mockery of the idle process of embalming human bodies, it vegetated as well as the seed wheat of last year. It seems to be understood, that the corn of various countries has reached its present dignity and importance by means of cultivation merely, that it is not indigenous to any country. Sir Joseph Banks received some seeds apparently of grass, which, on examination through a microscope, were found exactly to resemble those of wheat; on sowing them, he was as much startled by the result, as he would have been by the gradual expansion of a pistol into a field piece; he found a harvest of fine spring wheat, the grains of which were fully of the usual size.

This remark, however, will hardly apply to the Indian Corn; though even this is susceptible of almost indefinite improvement by cultivation, if we may credit the accounts of the Virginia papers of this year, which assure us, that the lowest ears of some of it were eleven feet from the ground, a height at which it would be hopeless to attempt to pluck them without a ladder. These facts, however, are a striking illustration of the effects of industry; and the same subject provides us with a curious example of the only blessing, which the world has ever yet derived from conquerors. Grain sprung up in the bloody path of the Persians and the Romans, and the vine followed the victorious march of the Greeks. A slave of Cortes, who preserved and planted a few grains of wheat accidentally mixed with a quantity of rice, was the means of giving to Mexico her harvests of grain, a possession more valuable than all the metals of her richest mines. In other instances, the introduction of what are now the staple products of various countries has been almost a thing of chance. The memory of a Spanish lady is honored in Peru, who carried thither a few grains of wheat; and the pot is still preserved, in which the same grain was first planted by a monk in Quito. Rice was originally carried into Carolina, either as a present to a friend from a gentleman in China, or by a vessel from Madagascar, it is uncertain which. The wheat of India was sent out from England; and it would have been well for her eastern dependencies, if Great Britain had never made them any worse donation than the potato. Strange indeed it is, that with examples of wealth and prosperity before them hardly to be calculated, arising from the transfer of various plants from one country to another, mankind should have taken so little interest in the matter, that these results have generally been almost wholly accidental No man need surely have been discouraged by the unproductiveness of his harvest, when, as a single example, we state the produce of a single grain of wheat. A gentleman in England, in two months from the time of sowing the seed, divided a single plant of wheat into eighteen others, by carrying on the process of division till the close of the next year, the produce of that grain alone measured three pecks and three quarters, and the number of the grains was more than half a million. Even where nature has been least liberal in her gifts, she has still supplied man's wants. Bread is made in Lapland of the root of water-dragon, mixed with the meal of fir-bark; it is described as bordering on the toughness, though as much superior to that which is made of spruce bark alone, as a sassafras nutmeg is to one of elm or maple. The Icelanders prepare their bread of moss,

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*The Doctor,

†These provisions are, substantially the same as those in the existing constitution. The changes in their phraseology, were made by the committee appointed to put the *resolutions* of the Convention into the form of a Constitution, and not by direct votes of the Convention. No question upon either of them was subsequently taken by the Convention.

*This was the *unanimous* opinion of the Legislature of *Virginia*, as expressed by resolution in 1810, when *Pennsylvania* proposed to create a different tribunal for this purpose.

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