his long shaggy mane covering his shoulders and falling to the ground. In this condition I drew my sketch book from my pocket, and by riding towards and around him, and exciting his fury, I was enabled to catch the very attitudes and expressions that I wanted. The party returning, at length, with some anxiety for my safety, and finding me dismounted and busily engaged with this infuriated gentleman before me, standing for his likeness, were not a little surprised and amused. When my series of attitudes and expressions were finished, a shot through his head finished the scene.

The health and amusements of this delightful country render it almost painful for me to leave it. The atmosphere is so light and pure that nothing like fevers or epidemics has ever been known to prevail here—indeed it is proverbial here that a man cannot die unless he is killed by the Indians. If the cholera should ever cross the Atlantic what a secure, and at the same time delightful refuge this country would be for those who would be able to reach it. I shall commence descending the river in a few days in a small boat, and shall stop some time at the Mandans and Gros-ventres or Minataree villages, 400 miles below this, which are probably the most interesting villages of Indians which I shall see on the river. From those villages I shall be able to give you some more interesting and amusing details of manners and customs of these uncivilized and unchristianized sons of the West.—Until then adieu.

You friend and servant,
GEORGE CATLIN.

THE GEORGIA MISSIONARIES.

From the New-York Evening Post.

A sketch of the speech of Benjamin E. Butler, at the late great meeting at Albany, is copied into our paper to day from the Argus.—We have read no political harangue of the day superior to it in ability, and scarcely any so worthy of commendation in tone and spirit. To all those who entertain any honest scruples as to the course pursued by the Government on the Indian Question, we recommend an attentive consideration of the views taken of it by Mr. Butler. Mr. Butler is a religious man—a member, we believe, of the very Church to which the Georgia Missionaries belong—yet he is too honest to overlook, and too just not to censure, the gross error they committed in attempting to interfere between the Indians and the Government of Georgia. He shows conclusively that the policy pursued by the present Chief Magistrate towards the aborigines is the same with that adopted by the previous Administration, as well as recommended by every motive of humanity and expediency, and solemnly sanctioned by the Legislature of the Nation. The misrepresentations of the opposition in regard to the authority of the Executive to interfere at the present state of the proceedings, are so fully exposed, that if every spark of shame be not extinct in the bosoms of the leaders of the opposition, we shall hardly expect to see them revived.

The high and spotless character of Mr. Butler, the clearness of his understanding, his intimate knowledge of the matters involved in the discussion of topics of public policy, and his situation as an individual—neither a candidate for office nor holding any, give his remarks a claim to be considered with the most respectful attention.

SKETCH OF MR. BUTLER'S SPEECH.

Mr. Butler reminded the meeting that it was about four years since they had assembled in the same room to adopt measures in aid of the election of Andrew Jackson—a course which was taken by them, not from a blind admiration of his military services, but from a deliberate conviction that he was admirably adapted by his sound republican principles, his devoted patriotism, and his undaunted moral courage to effect the great objects which induced a majority of the nation to desire a change in the Administration. It was very suitable to the occasion which now again brought them together, to enquire how far these objects had been accomplished; and to glance at the reasons which again made it proper to give their suffrages to General Jackson.

The first object which the people desired and designed to effect, was to place a notorious and indelible mark on that union of interests and efforts which had made Mr Adams President and Mr. Clay Secretary of State.—Whatever name was given to this transaction, whether it was called a coalition or a bargain, an accident or mistake, there was something which called for popular rebuke. This had been done most effectually by the overwhelming vote given to General Jackson, and though other devices and combinations, equally reprehensible, had been since resorted to by Mr. Clay and his supporters, it was to be hoped that they would again meet the condemnation of the people.

Another great object was to place our foreign relations, which had been left by Mr. Adams in an unpromising condition, and greatly perplexed and prejudiced, particularly those with Great Britain, by mismanagement and neglect during his administration, on a more safe and favorable footing. This has been done in almost every instance; and with such brilliant success, that with a single exception, the voice of opposition had been hushed to silence, or compelled to swell the note of approbation. The exception alluded to was the arrangement in relation to the West India trade, which had been disparaged, and an attempt had been made to destroy one of the public servants, an eminent citizen of our own State, by whose agency it had been procured at the expense of the national honor. He would not stoop to refute this charge, because he had given it a decision which had so far been confirmed by the American people, that very few attempts were made by the intelligent portion of the opposition to vindicate or sustain this exploded accusation.

A third and still more important purpose involved in the election of 1828, was to bring back the government to the republican track, and to confine its internal operations within the limits of the Constitution which had been greatly transcended, in the judgment of a majority of the people, by the principles and measures of Mr. Adams. It was this, more than any other circumstance, which had roused the democracy of New York, and united most of the disciples of George Clinton, notwithstanding their differences of opinion on local topics, in the support of Gen. Jackson. In this respect, the expectations of the people, so far as the President was concerned, had been nobly fulfilled, especially by his patriotic and independent course on those difficult and dangerous questions which so seriously threatened the existence of the Union; and above all, by the fearless manner in which he had exercised, on two signal occasions, the high power of checking improper and dangerous legislation, by the *veto* which the Constitution had given to the President. He had shown by these acts that he was yet the same man who subdued the Creeks and Seminoles, and who conquered the invincibles of Wellington. These allusions to the history of the past, would sufficiently vindicate the claims of Andrew Jackson to the approbation of those who believed that the stability and usefulness of the federal government depended on a rigid limitation of its powers; and it would also explain their desire to continue him in office.

Mr. B. conceived that on the result of the approaching election, more than any which had preceded it, depended the question, whether the true principles of the constitution should be preserved in their purity, or abandoned for a course of measures, which will either destroy the republican character of the government; or break into fragments the union of the States. Singularly enough, the opponents of Gen. Jackson profess to entertain the same apprehensions; which they found on the assertion, that the constitution has been violated and trampled under foot, during his administration, and especially by himself. This serious accusation was principally, if not exclusively confined to what is called the Indian Question in relation to which many of the presses opposed to the administration had repeatedly put forth, and were still putting forth the most hideous and abominable calumnies, which they made the foundation of the most improper and dangerous appeals to the clergy and to the religious portion of the community. Mr. B. here went into an examination of this subject;—he showed that the conflicting claims of Georgia and the Cherokees had occupied the attention of Mr. Adams and his cabinet; that they had decided that the Cherokees ought not to be protected by the General Government in their claims of sovereignty, but that policy, duty and humanity, required their removal to a territory beyond the Mississippi; and that this decision was expressed in the message of Mr. Adams of the 4th of December, 1828, and more particularly in the report of Gen. Porter, his Secretary of War, of the same month, which was referred to in the message, and endorsed by Mr. Adams. Mr. B. here read to the meeting the following extract from these documents:

☞ *Extract from the Message of Mr. Adams to Congress, Dec. 4, 1828*

"We have been far more successful in the acquisition of their lands, than in imparting to them the principles, or inspiring them with the spirit of civilization. But in appropriating to ourselves their hunting grounds, we have brought upon ourselves the obligation of providing them with subsistence, and when we have had the rare good fortune of teaching them the arts of civilization and the doctrines of christianity, we have unexpectedly found them forming in the midst of ourselves, a community independent of ours, and rivals of sovereignty within the territories of the members of the Union. This state of things requires that a remedy should be provided. A remedy which, while it shall do justice to those unfortunate children of nature, may secure to the members of our confederation their rights of sovereignty and soil. As the outline of a project to that effect, the views presented in the report of the Secretary of War are recommended to the consideration of Congress."

☞ *Extract of a Report of the Secretary of War, accompanying the Message of Mr. Adams, December 1828.*

"The most prominent feature in the present policy of the government, as connected with these people, is to be found in the efforts now making to remove them beyond the limits of the States and organized territories. A very extensive tract of country, lying to the west and north of the Arkansas territory, remarkable for salubrity of climate, fertility of soil, and profusion of game, has lately been set apart for the colonization of the Indians. Liberal pecuniary inducements have been offered by Congress to emigrants and many have already embraced the offer. But the ultimate success of this project has been greatly endangered, and may yet be defeated by the operation of another prominent measure of government, which although suggested by the most humane motives comes in direct conflict with the plan of colonization. The annual appropriation of $10,000 to the purposes of educating Indian children, and teaching them the mechanic arts, has had the effect to draw to almost every Indian reservation, in addition to the agents and interpreters, a considerable number of missionaries and teachers, with their families, who having acquired, principally by the aid of this fund, very comfortable establishments, are unwilling to be deprived of them by the removal of the Indians; and thus we have found, that while the agents specially employed by the government for this purpose, are engaged in persuading, by a profuse distribution of money and presents, the Indians to emigrate, another set of govrenment agents are operating, more secretly to be sure, but not with less zeal and effect, to prevent such emigration."

These passages, it will be seen, not only fully sustain the assertions above made, but indulge in reflections on the missionaries then in the Cherokee country; more severe than those put into the pretended letter to the American Board of Foreign Missions, recently formed for the purpose of increasing the excitement on this subject. In respect to the severe censures of Gen. Porter, Mr. B. did not entirely concur with them; though he had no hesitation in saying, that in his judgment, the missionaries, in interfering in this question, had overstepped the limits of their duty. He had not the slightest doubt of the purity of their motives; he sympathised with them in their sufferings; and he honored them for adhering to what he had no doubt they sincerely, but most erroneously believed to be their duty. But he was equally satisfied, that they had entirely misjudged (probably under the influence of bad advisers,) in regard to the duty and propriety of interfering in the political questions between Georgia and the Cherokees; and if they had resorted to their bibles, instead of appealing to the constitution of the United States and the statute laws of Congress and of Georgia, they would have found the very question, whether it is proper for them as ministers of the gospel, to interfere in this matter, decided in the plainest manner, and by the highest authority.—He alluded to the answer given by the author of Christianity to the question concerning the tribute money. To show the pertinency of this reference, the two cases must be compared.

We are told by the Missionaries and those who approve their course, that they interfered in behalf of the Cherokees, because, after investigating the subject, they had formed a deliberate opinion that the Cherokee nation was the rightful sovereign of the territory in question, and that Georgia had no right to extend her jurisdiction over it. For the sake of the argument, let us admit, (what otherwise he could not admit) that they were right in this opinion, and then let us recur to Judea at the time to which he has referred. That country had been given by the creator to the descendants of Abraham forever, and they had been planted in it by divine interposition, for the purpose of preserving the knowledge of the worship of the true God. Shortly before our Saviour's advent, the Romans, a nation of idolators, residing on another continent, and having no connexion or intercourse with the descendants of Abraham, who were yet in actual possession of the territory, the whole of which had been cultivated and settled by that nation for nearly fifteen hundred years—the Romans, inflamed by the lust of conquests, and without any justifiable cause, carry their arms into this insulated corner of the earth; waged an offensive and cruel war against the inhabitants; reduced them to subjection; placed over them a despotic and tyrannical government; and from time to time imposed on them, without their consent and against their will, severe and oppressive taxes. Now, even though we were to believe that the Cherokees were all right, and Georgia all wrong, in the controversy between them, yet no one will affirm, that the oppression of Georgia could exceed that of the Romans, or the right of the Cherokees be clearer or more sacred than that of the Jews. But when the disciples of the Pharisees and Herodians came to Him whose examples should be the guide of all his ministers, with the insidious and hypocritical question, "Is it lawful to give tribute unto Cæsar, or not?" what was his reply? "Render unto Cæsar the things which are Cæsar's, and unto God the things which are God's!" This wonderful reply touches and covers the whole question. It shows, especially when taken in connexion with the course uniformly pursued by the Saviour and his apostles that those who had been sent to preach the gospel to the Cherokees, were not only not bound to take any part in his unhappy controversy, but that when they did so, they laid aside the characters of ministers of the gospel, and assumed that of politicians and partizans. This, at least was the light in which Mr. B. regarded the matter; and he apprehended it would be impossible to satisfy reflecting men that he was wrong.

Mr. B. then proposed to remark that the decision made by Mr. Adams must have been concurred in by Mr. Clay and Mr. Wirt, for they were then both members of the cabinet;—that General Jackson took up the business where his predecessors left, and adhered to precisely the same course of policy indicated in the report of General Porter and the message of Mr. Adams;—that the congress of 1830, by a majorty of five in the house of representatives, and of nine in the senate, sanctioned this policy, by passing a bill to provide for the removal of the Indians; in the discussion upon which bill the whole subject was gone into, and the main question decided, so far as that branch of the government could decide it; and that in addition to all this, General Jackson had examined the subject for himself, and had come to the conclusion, that he could not, consistently with his oath to support the constitution, undertake to maintain the sovereignty of the Cherokees, which he did not believe in, by the power of the general government. Sincerely entertaining this belief—no matter whether it was right or wrong as a question of constitutional law—and having for his guide the decisions of his predecessors and of Congress, what impartial man would say, that the president would have been justified in attempting to uphold the sovereignty of the Cherokees—especially when it is considered that the only mode in which he could have done so, would have been by sending a military force to measure swords with the Geoagia militia, some of whom were already stationed in the Indian country as a guard, and all of whom had been placed at the call of the Governor for the purpose of protecting the sovereignty of the state? And yet, in the face of all these facts, General Jackson is denounced in the most unsparing terms, by the presses opposed to him, and in some of the religious journals, for adhering to a course marked out by Mr. Adams, and his cabinet, and approved by his own sense of duty for not lighting up the torch of civil war, and for refusing to drench with her children's blood, the soil of his native land!

But there was another and still more atrocious calumny in relation to this same subject, which Mr. B. felt it his duty to expose. The public was constantly told, that the Missionaries now incarcerated in Georgia, were kept in prison, in consequence of the wilful and wicked refusal of Gen. Jackson to execute the judgment of the Supreme Court of the United States, rendered in their favor during the last winter, "which judgment," say the opposition papers, in every part of the country, and particularly in this state, "General Jackson was bound by the law and the constitution, to carry into effect." There was not a lawyer in the Union of any reputation, who would dare to pledge his name to such a statement; it was utterly destitute of even the semblance of truth. The practice of the Supreme Court of the U. States, in cases brought before it from the state courts, is regulated by the judicial act of 1789. By this act, whenever the judgment of the state court is reversed, the Supreme Court of the United States remand the cause to the state court, with a special mandate requiring the state court to reverse its judgment, and to render and carry into effect, the judgment given by the Supreme Court. All that the Supreme Court can do, is to issue such a mandate, which is not directed to the President, nor to any United States' officer, but only to the State Court. If the State Court refuse to obey the mandate, the cause must be brought a second time before the Supreme Court of the United States, who may then proceed, in their discretion to "a final decision" of the cause, and may "award execution." This execution will be directed to an United States Marshal, who is authorised by the act of the 25th February, 1795, to take the same steps as sheriffs under the State Laws. If the execution of this process is obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the "powers vested in the Marshalls," then, and then only is the President authorised by the same act of 1795, if he thinks proper to do so, to interfere by calling out the "militia of the 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." Now in the case of Mr. Worcester and Mr. Butler, the judgment of the supreme court was rendered the latter part of February last, and a special mandate was immediately issued to the court of Gwinett county, before which the prisoners had been convicted, commanding that court to enter judgment in favour of the prisoners, and discharge them from custody.—The court of Gwinett county refused to obey the mandate—a step anticipated by the public, and not unprecedented in our history. The superior court of appeals in Virginia, had once done the same thing, and in a very recent case, the supreme court of Massachusetts have asserted the right to do the same thing, if in their judgment the supreme court had no jurisdiction of the cause. Before any return could be received from Georgia, the supreme court of the U. States had adjourned, and the cause cannot be brought before it until January next. If the cause should then be again brought before the court, and they should think proper to award process to the Marshal, commanding him to set the defendants at liberty, and the Marshal should be opposed in its execution by such a combination as before described, then, and not till then, would it be the duty of the President to enter upon and decide the solemn and momentous question, whether or not to call out the militia for the purpose of executing the laws.

This was a brief history of the proceedings in the case of the imprisoned Missionaries; and every man would see at a glance, that the President had not refused to carry into effect the the judgment of the Supreme Court; but that in the present state of the case, he had no right or authority to interfere. This indeed, was expressly admitted in a leading well considered article, published in the National Intelligencer in March last, and extensively copied in all our papers. And yet, a great portion of the opposition papers in this state, are not only engaged at this moment, in giving currency to this daring misstatement, but in many of them it is coupled with appeals to the clergy and to professors of religion, to come, as a body, in opposition to Gen. Jackson, because of his cruelty to the imprisoned Missionaries, who are kept in confinement by his wanton refusal to execute the judgement of the court.

Mr. B. said he hardly dared to trust himself to speak on this subject; but he could not refrain from expressing his astonishment, regret and indignation, that men could be found in a community like ours, who could dare to utter such abominable calumnies, and to make them the subject of such incendiary appeals. In the name of Eternal Justice, he invoked the magnanimity and honor of the respectable portions of the opposition, to put a stop to these nefarious attempts to deceive the religious public, and to induce them, as an organized corps, to take a course which would be fatal to the best interests of Religion and Morality. If these efforts were persisted in they might possibly, in some cases prove successful, and then, after embroiling the religious community in a partisan warfare, breaking up churches, and destroying the usefulness of the clergy, and mingling with the streams of piety the waters of bitterness and strife, how would they repair the mischief they had done?

Other instances might be pointed out, in which Gen. Jackson had received the same sort of treatment; but from the cases thus referred to, the meeting might judge of the general course of the opposition.

Mr. B. concluded by cautioning his hearers, not to suffer their passions to be excited by the peculiar and all absorbing interest which belongs to the approaching contest.—Whilst they maintained with firmness, their own views of truth and duty, he hoped their exertions would be guided by integrity and justice, and tempered with moderation and fraternal charity. If the other side resorted to improper means, such examples were not to be imitated. The intelligence just received from Pennsylvania and Ohio, showed that the cause was triumphant in those states, notwithstanding the influence of the Bank, and the combined efforts of the parties it supported; and if the Republicans of New York would but do their duty, their whole duty, and nothing but their duty, they might leave the result, with good hope of success, to the intelligence of the people, and to the favor of that benignent Providence, which had thus far watched over and preserved the destinies of the nation.

From the Louisville Herald.

CONVENTION OF WESTERN TEACHERS.

It may not be uninteresting to the friends of education, to know something respecting the convention of Western Teachers lately assembled at Cincinnati. With a view of gratifying them, I submit the following particulars:

On Wednesday, the 3d inst., about fifty teachers from the states of Ohio, Indiana, Illinois, Mississippi and Kentucky assembled at the Hall of the Mechanics Institute, and proceedded to business.

This was done by committing a number of interesting subjects of inquiry connected with education, to select committees. Among these now recollected of most importance, were the best text books adapted to the different grades of instruction. Perhaps no question could present more practical bearings on the interests of all classes connected with education, whether the parent, the teacher, or the book seller. All are most profoundly interested in stopping the tide of constant innovation without improvement, which threatens to wash away the best and most established standard books of instruction. Real, genuine improvement is as much opposed to rash innovation, as to obstinate adherence to antiquated learning. This committee will sit, during the recess, and are expected to report at the next annual meeting in September.

Another point, of equal value, was discussed, in determining the maximum of scholars in different grades of schools, which could be efficiently instructed by a single teacher, or two, or more. Two valuable reports were made on this subject. One by Professor Niles, of Hanover, Ind. and another by Mr. Goddard, of this city. The former argued the question generally, and abstractly with great ability: the latter more practically, in answer to an application from the Trustees of the Common Shools of Cincinnati. Both these excellent reports arrived at the same conclusions, namely—That fifty or sixty pupils might be instructed by a single instructor in one room, while confined to the elements of learning, consisting more of sounds and symbols, than direct and concatenated knowledge—that this proportion diminished to twenty and thirty when the school advances to the higher branches of learning, requiring much individual superintendance of each child—that this proportion is but slightly enlarged, by additional instructors; not exceeding 70 for two teachers and 135 for three. Such is an imperfect account of these reports, as impressed by a singel hearing.

The most interesting of the proceeding was the organizing the Profession in the Valley of the Mississippi, into a permanent body, to be known as the Western Literary Institute and College of Professional Teachers.

This Association provides for a State Society in each of the States represented and charges it specially with the interests of education in the State and with the admission of associates within the same, responsible to the general meeting in September next, at Cincinnati, for their proceedings.

Professor Matthews, late of Transylvania, now President of Woodword High School Cincinnati, was chosen President of the Institute and College of Teachers. For Kentucky, the Rev. Mr. Piers, was chosen Vice President and Chairman of the State Association: and Messrs. Goldard of Louisville, Bascom and Tomlinson of Augusta, Young of Danville, and Fall of Frankfort, with Butler of Louisville, one of the Censors, as Directors.

The Convention was addressed on its assemblage by the Rev. Mr. Bascom of Augusta College, in his usual elevated style. He gave a rapid review of literature and science, in different periods and countries, marked with great compression of thought and dignity of composition.—If a criticism might be hazarded on this embroidered oration, his address was too general and abstract. It was too wide of practical application to do the good required, or that might have been achieved. Several other gentlemen delivered lectures, but none so prominent *perhaps*, as the above gentleman; although their discourses were more adapted, it is believed to the great *practical* interests of the profession. The public will, however, have the opportunity of pronouncing its own judgment.

On the whole, I trust this first meeting of the Teachers of the West, may be productive of increasing usefulness to their interesting profession, and thus to society at large.

B.

OFFICIAL.

ORDER, No. 95.

HEAD QUARTERS OF THE ARMY.

Adjutant General's Office,
Washington, October 26, 1832.

By the Authority of the Secretary of War.

1. The Regulation of June 8th, 1830, announced in "Order" No. 28, of that year, authorising commanding officers of Regiments and Posts to recommend the discharge of soldiers at their own request, or at the request of their friends, on paying the sum of twenty-five dollars to reimburse the recruiting fund against the losses which would arise, of granting such discharges, having been found in practice to operate disadvantageously to the public interest, is hereby revoked.

2. A reward of thirty dollars will be paid to any person who shall apprehend and deliver to an officer of the army a deserter from the army. Rewards thus paid will be promptly reported by the disbursing officer to the officer commanding the company in which the deserter is mustered, who will note the amount of stoppage on the muster rolls, opposite to his name. The evidence of apprehension and delivery, will be a certificate of a commissioned officer, setting forth the name, company, and regiment of the deserter, which, in all cases, must be filed with the voucher for the payment of the reward. [See paragraphs 1481, '82, and '83, G. R.]

3. The foregoing explanation re-establishing the reward of thirty dollars for the apprehension and delivery of deserters, shall take effect after the 31st of December 1832.

By order of Alexander Macomb,
Major General Commanding the army,
R. JONES, Adjt. Gen.

LEGISLATURE OF TENNESSEE.

IN SENATE, OCT. 20, 1832.

NULLIFICATION.

Mr. Greene, from the joint committee to whom were referred the several resolutions expressive of the sense of the General Assembly on the subject of the tariff, internal improvements, and nullification, reported that he had been instructed by a majority of said committee to offer the following preamble and resolutions and recommended their adoption:

Believing that a crisis has arrived which renders it important that Tennessee should declare to the world her opinions, upon the subject of the relative powers of the Federal and State Governments, this General Assembly, that no misapprehension may exist as to what are their political principles, do declare that they regard the resolutions adopted in the Legislature of Virginia, in the year 1798, and the commentaries of Mr. Madison, as furnishing a true and safe exposition of the principles of the Federal Constitution. Yet, as the supporters of nullification claim to be adherents to the same doctrines, it becomes the duty of this General Assembly distinctly to denounce nullification as a heresy, the more dangerous as it professes to rest upon the basis of the doctrines of 1798. Therefore,

Resolved by the General Assembly of the State of Tennessee, That we regard the doctrine, that a State has a right, under the Constitution either by its Legislature, or by a convention of the people of the State, to render inoperative and void a law of Congress within the limits of the State, as unwarranted by the Federal Constitution, and dangerous to the existence of the Union.

Resolved, That we regard nullification by either of these means, as destructive to the principles of the Government, and, under the guise of a "peaceful and constitutional remedy," calculated to precipitate the country into civil war.

Resolved, That the doctrine that a State has the right, under the Constitution, to resist or render inoperative within her limits an act of Congress, whenever the same may be declared unconstitutional by a legislative enactment, or in its highest political attitude by a convention of the people of the State, is wholly unwarranted by the Constitution, dangerous to the existence of the Union, inconsistent with the preservation of the Federal Government, and tending directly, under the guise of a peaceful remedy, to bring upon our country all the horrors of civil war.

The said preamble and resolutions were subsequently taken up, and unanimously adopted, with the exception of Mr. Greene, who did not vote.

Mr. Greene then presented the following report as an exposition of his views on the subject therein treated of.

The General Assembly of the State of Tennessee have seen with deep regret, manifold indications on the part of the General Government, of a disposition to legislate, from time to time, on subjects which relate properly and specially to the sovereignty of the States.—They have, heretofore, and do now believe, that the Constitution of the United States, is a compact between sovereign States, by which those sovereignties agreed to surrender a portion of their rights, the more perfectly to secure to themselves and posterity, the remainder; that that compact was formed more particularly to preserve peace and harmony among the various parts of the confederation, and to create a power by which the external relations of the confederation should be conducted, in relation to all foreign States, and not for municipal purposes, which properly belong to and are reserved by the States. These views clearly impress themselves upon the mind, from an examination of the well defined and precise powers enumerated in the Constitution, as given to the Congress of the United States; but if a doubt could be created as to the construction and meaning of these powers, it has been removed by the 9th and 10th amendments of that instrument, which declare, that the enumeration of certain rights shall not be construed to deny or disparage others retained by the people; and that the powers not delegated to the United States, nor prohibited to the States, are reserved to the States respectively, or to the people. Notwithstanding this, the General Assembly have seen the General Government usurping the right of regulating by law, the labor of a portion of the people; imposing unequal and heavy burthens upon a portion of the States, not for the public debt, but in order to protect the manufacturers of another portion of the States

Secondly: It has usurped the power to raise large sums of money from those duties, which has in part, been expended, and it desires to raise more to be expended in wild and visionary schemes of internal improvement, in the making of roads and canals, opening rivers, creeks, &c. which, under the specious name of the American System, is intended to dazzle the understanding and corrupt the morals of the people, by an appeal to their individual interests, avarice or ambition.

And, thirdly: It has more than once assumed the right to create a bank charter, under the specious and imposing name of the United States' Bank, in which case the highest act of the most sovereign and unlimited power is involved.

In relation to the latter assumption, it is true that the patriotic and venerable President of the United States, has interposed his constitutional right of veto, whereby it is hoped that this aristocratic and monopolizing monster, in its present form, will be strangled.

This enumeration is deemed sufficient at this time, to call forth an expression of the opinions of the General Assembly, if no other causes of apprehension existed; but when to these, and as originating in some of these causes, the eye is turned to one of our sister States, who is probably about to resist openly a law of the United States, the General Assembly feel constrained, frankly and candidly to express their opinions.

Encroachments springing from a government whose organization cannot be maintained without the co-operation of the States, furnish the strongest excitements upon the State legislatures to watchfulness, and impose upon them the strongest obligation to preserve, unimpaired, the line of partition.

The acquiescence of the States under infractions of the federal compact, would either beget a speedy consolidation, by precipitating the State governments into impotency and contempt, or prepare the way for a revolution by a repetition of these infractions, until the people are aroused to appear in the majesty of their strength. It is to avoid these calamities, that we exhibit to the people the momentous question, whether the United States' Constitution shall yield to constructions which defy every restraint, and overwhelm the best hopes of republicanism.

Resolved, That the General Assembly of the State of Tennessee, do most unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the Constitution of this State, against every aggression, either foreign or domestic, and that they will support the Government of the United States in all measures warranted by the *former.*

This General Assembly most warmly declare a warm attachment to the Union of the States, to maintain which, they pledge their power, and that for this end, it is their duty to watch over and oppose every infraction of those principles which constitute the only true basis of that Union, because a faithful observance of these can alone secure its existence and the public happiness.

Resolved, That this General Assembly do explicitly and peremptorily declare they view the powers of the Federal Government as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, and no farther valid than they are authorised by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States who are parties thereto, have the right and are in duty bound to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them.

That this General Assembly do also express their deep regret, that a spirit, in sundry instances, has been manifested by the Federal Government to enlarge its powers by forced constructions of the constitutional charter which defines them; and that indications have appeared of a design to expound certain general phrases, (which, having been copied from the very limited grant in the former articles of confederation, were the less liable to be misconstrued,) so as to destroy the meaning and effect of the particular enumeration which necessarily explains and limits the general phrases, and so as to consolidate the States by degrees into one sovereignty, the obvious tendency and inevitable result of which would be to transform the present republican system of the United States into an absolute, or, at best, a mixed monarchy.

Resolved, That it is the opinion of this General Assembly, that the acts of the General Government, commonly called the tariff acts, avowedly for the purpose of protecting manufactures, are unequal, unjust, and extremely oppressive on the people of the south and west.

Yet they do not believe such acts to be such deliberate and palpable violation of the Constitution, as to warrant a separation of the States, or to justify the violent and intemperate opposition to them which has manifested itself in some of the adjoining States of the Union; more particularly, when there is a reasonable ground to hope, from the declared sentiments of the Executive, and the recent action of Congress on this important subject, that such modifications of said acts will be made as will reduce the amount of duties as near as practicable, to the necessary and ordinary expenditures of the Government.

Resolved, That the good people of this State having ever felt and continuing to feel the most sincere affection for their brethren of the other States, the truest anxiety for establishing and perpetuating the Union of all, and the most scrupulous fidelity to that Constitution which is the pledge of mutual friendship and the instrument of mutual happiness—this General Assembly solemnly appeal to the like dispositions in other States, in confidence that they will concur with this State in the use of all necessary and proper constitutional measures by each, in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively or to the people.

Resolved, That in the opinion of this General Assembly, the doctrine of nullification contended for by the State Rights party of South Carolina, as a peaceful and constitutional remedy against unconstitutional acts of Congress, is wholly delusive in its character and directly tends to a separation of the Union. It cannot be a constitutional remedy because no such provision is found in that instrument; neither can it be a peaceful remedy by any particular State, unless all the other members of the confederacy shall consent to such acts of nullification.

If it be true that a State may, in any case, declare a law of the Federal Government unconstitutional and void, it is equally true, that that right is not derivable from the Federal Constitution, but grows out of an inherent right, unalienable in all sovereign communities, to *alter, modify, amend,* and even *change* their government, whensoever it may be found necessary to promote their welfare. And this *inherent right* can alone be exercised by the people in convention; and when so resorted to and exercised, amounts to such an infraction of the Federal Compact, on the part of the State so recurring, as throws her beyond the protective provisions of the Constitution, and is *ipso facto* a secession from the Union; therefore,

Resolved, further, That the doctrines of nullification, as urged by the State Rights party of South Carolina, meet the disapprobation of this General Assembly, as tending directly to revolution and a separation of the Union of the States.

JAMES I. GREENE.

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