BY AUTHORITY.

LAWS OF THE UNITED STATES

PASSED AT THE 2ND. SESSION 22ND. CONGRESS

[PUBLIC No 1.]

AN ACT making appropriations, in part, for the support of Government for the year one thousand eight hundred and thirty three, and for certain expenditures of the year one thousand eight hundred and thirty two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby appropriated, to be paid out of any unappropriated money in the Treasury, viz:

For pay and mileage of the members of Congress and delegates, three hundred and seven thousand nine hundred and sixty eight dollars.

For pay of the officers and clerks of both Houses, thirty-four thousand three hundred dollars.

For stationery, fuel, printing, and all other incidental and contingent expenses of the Senate, twenty five thousand six hundred dollars.

For stationery fuel, printing and all other incidental and contingent expenses of the House of Representatives, one hundred thousand dollars.

The said two sums last named to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally, and to no other purpose. And no part of this appropriation shall be applied to any printing other than of such documents or papers as are connected with the ordinary proceedings of either of the said Houses, ordered during its Session, and executed by the public printer, agreeably to his contracts, excepting such as may have been ordered by the Joint Committee for preparing a digest of laws for the District of Columbia, or such printing and books as have heretofore been ordered by the House.

For defraying the expenses of the several courts of the United States; also, for jurors and witnesses, and for defraying the expenses of suits in which the United States are concerned, and of prosecution for offences committed against the United States, and for the safe keeping of prisoners during the year one thousand eight hundred and thirty-two, in addition to the sum heretofore appropriated for those purposes, the further sum of fifty one thousand six hundred and fifty five dollars.

A STEVENSON,
Speaker of the House of Representatives.
HUGH L. WHITE,
President of the Senate pro tempore.
APPROVED, January 14 1833.
ANDREW JACKSON

[PUBLIC No 2.]

AN ACT making appropriations for the Revolutionary and other Pensioners of the United States, for the year one thousand eight hundred and thirty three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the pensioners of the United States for the year one thousand eight hundred and thirty three.

For the revolutionary pensioners, under the several acts prior to that of the seventh June, one thousand eight hundred and thirty-two, six hundred and twenty four thousand six hundred and eighty five dollars, in addition to an unexpended balance of three hundred and six thousand five hundred and forty dollars

For the invalid pensions, in addition to the sum of two hundred and one thousand nine hundred and forty-two dollars in the Treasury, ninety eight thousand seven hundred and thirty two dollars.

For pensions to widows and orphans, five thousand five hundred dollars.

APPROVED, January 14, 1833.

[PUBLIC No 3]

AN ACT making appropriations for carrying on the Fortifications of the United States, during the year one thousand eight hundred and thirty three

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated to the several objects hereinafter named specifically, to be paid out of any money in the Treasury not otherwise appropriated

For the preservation of Castle Island, and repair of Fort Independence, Massachusetts, in addition to the sum heretofore appropriated, seventeen thousand dollars.

For Fort Adams, Newport harbor, one hundred thousand dollars.

For repairing Fort Columbus and Castle Williams, New York, fifty thousand dollars.

For Fort Monroe, Virginia, forty-six thousand dollars.

For Fort Calhoun, Virginia, seventy-five thousand dollars

For completing the works at Oak Island, North Carolina, twenty two thousand nine hundred dollars.

For the fortifications in the harbor of Charleston, South Carolina, seventy five thousand dollars.

For the Fort at Cockspur Island, Georgia, seventy-five thousand dollars.

For the Completion of the fortifications at Pensacola, Florida, one hundred and thirty-two thousand dollars.

For completing the fort at Mobile Point, Alabama, fifty thousand dollars.

For contingencies of fortifications, ten thousand dollars.

APPROVED, January 14, 1833.

UNION MEETINGS.—The last Charleston papers contain accounts of meetings held in several districts of South Carolina, favorable to the Union, and hostile to nullification and the proceedings of the nullifiers.

At the meeting in Horry District, held on the 27th ult., a preamble and set of resolutions were reported by a committee of twenty-four, and unanimously adopted They declare that "they will not tamely submit to the unholy edicts of the dominant party, who, in their mad and reckless course, appear to trample under foot the consciences as well as the bodies of those who disregard these heresies;" and they also resolve that they will by all means that God and nature have put in their power "resist" any attempt to draft them into the field of fight against their "whole country;" and announce that they will "sustain" in office at any and every hazard, those officers who refuse to submit to the "indignity" of the "tyrannical test oath."

Yesterday (16th inst.) the PRESIDENT of the United States communicated to both Houses of Congress the following

MESSAGE:

Gentlemen of the Senate and House of Representatives:

In my Annual Message, at the commencement of your present session, I adverted to the opposition to the revenue laws in a particular quarter of the United States, which threatened not merely to thwart their execution, but to endanger the integrity of the Union. And, although I then expressed my reliance that it might be overcome by the prudence of the officers of the United States, and the patriotism of the people, I stated that should the emergency arise, rendering the execution of the existing laws impracticable, from any cause whatever, prompt notice should be given to Congress, with the suggestion of such views and measures as might be necessary to meet it.

Events which have occurred in the quarter then alluded to, or which have come to my knowledge subsequently, present this emergency.

Although unknown to me at the date of the Annual Message, the Convention which assembled at Columbia, in the State of South Carolina, passed on the 24th of November last, an Ordinance declaring certain acts of Congress therein mentioned within the limits of that State to be absolutely null and void, and making it the duty of the Legislature to pass such laws as would be necessary to carry the same into effect, from and after the 1st of February next. A copy of that Ordinance has been officially transmitted to me by the Governor of South Carolina, and is now communicated to Congress.

The consequences to which this extraordinary defiance of the just authority of the Government might too surely lead were clearly foreseen, and it was impossible for me to hesitate as to my own duty in such an emergency. The Ordinance had been passed however, without any certain knowledge of the recommendation, which, from a view of the interests of the nation at large, the Executive had determined to submit to Congress, and a hope was indulged that by frankly explaining his sentiments and the nature of those duties which the crisis would devolve upon him, the authorities of South Carolina might be induced to retrace their steps. In this hope I determined to issue my Proclamation of the 10th of December last, a copy of which I now lay before Congress.

I regret to inform you that these reasonable expectations have not been realized, and that the several acts of the Legislature of South Carolina, which I now lay before you, and which have all and each of them finally passed after a knowledge of the desire of the administration to modify the laws complained of, are too well calculated, both in their positive enactments and in the spirit of opposition which they obviously encourage, wholly to obstruct the collection of the revenue within the limits of that State.

Up to this period, neither the recommendation of the Executive, in regard to our financial policy and import system, nor the disposition manifested by Congress promptly to act upon that subject, nor the unequivocal expression of the public will in all parts of the Union appears to have produced any relaxation in the measures of opposition adopted by the State of South Carolina, nor is there any reason to hope that the Ordinance and laws will be abandoned. I have no knowledge that an attempt has been made, or that it is in contemplation to re-assemble either the Convention or the Legislature; and it will be perceived, that the interval before the 1st of February is too short to admit of the preliminary steps necessary for that purpose. It appears, moreover, that the State authorities are actively organizing their military resources, and providing the means, and giving the most solemn assurances of protection and support to all who shall enlist in opposition to the revenue laws A recent Proclamation of the present Governor of South Carolina has openly defied the authority of the Executive of the Union, and general orders from the head quarters of the State have announced his determination to accept the services of volunteers, and his belief, that should their country need their services, they will be found at the post of honor and duty, ready to lay down their lives in her defence. Under these orders, the forces referred to are directed to "hold themselves in readiness to take the field at a moment's warning," and in the City of Charleston—within a collection district, and a port of entry, a rendezvous has been opened for the purpose of enlisting men for the magazine and municipal guard. Thus South Carolina presents herself in the attitude of hostile preparation, and ready even for military violence if need be, to enforce her laws for preventing the collection of the duties within her limits.

Proceedings thus announced and matured must be distinguished from menaces of unlawful resistance by irregular bodies of people, who, acting under temporary delusion, may be restrained by reflection and the influence of public opinion from the commission of actual outrage. In the present instance aggression may be legarded as committed when it is officially authorized, and the means of enforcing it fully provided.

Under these circumstances, there can be no doubt that it is the determination of the authorities of South Carolina, fully to carry into effect their Ordinance and Laws, after the first of February. It therefore becomes my duty to bring the subject to the serious consideration of Congress, in order that such measures as they, in their wisdom may deem fit, shall be seasonably provided, and that it may be thereby understood, that while the Government is disposed to remove all just cause of complaint, as far as may be practicable, consistently with a proper regard to the interests of the community at large, it is nevertheless determined that the supremacy of the laws shall be maintained.

In making this communication, it appears to me to be proper, not only that I should lay before you the acts and proceedings of South Carolina, but that I should also fully acquaint you with those steps which I have already caused to be taken for the due collection of the revenue, and with my views of the subject generally, that the suggestions which the Constitution requires me to make in regard to your future legislation, may be better understood.

This subject having early attracted the attention of the Executive, as soon as it was probable that the authorities of South Carolina seriously mediated resistance to the faithful execution of the revenue laws, it was deemed advisable, that the Secretary of the Treasury should particularly instruct the officers of the United States in that part of the Union as to the nature of the duties prescribed by the existing laws.

Instructions were accordingly issued on the 6th of November to the Collectors in that State, pointing out their respective duties, and enjoining upon each a firm and vigilant, but discreet performance of them in the emergency then apprehended. I herewith transmit copies of these instructions and of the letter addressed to the District attorney requesting his co-operation.

These instructions were dictated in the hope that as the opposition to the laws by the anomalous proceeding of nullification was represented to be of a peaceable nature, to be pursued substantially according to the forms of the Constitution, and without resorting, in any event to force or violence, the measures of its adversaries would be taken in conformity with the profession; and, on such supposition, the means afforded by the existing laws would have been adequate to meet any emergency likely to arise.

It was, however, not possible altogether to suppress apprehension of the excesses to which the excitement prevailing in that quarter might lead; but it certainly was not foreseen that the concerted obstruction to the laws would so soon openly assume its present character

Subsequent to the date of the instructions however, the Ordinance of the Convention was passed, which if complied with by the people of the State, must effectually render inoperative the present revenue laws within her limits. That Ordinance declares and ordains that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having operation and effect within the United States, and more especially "an act in alteration of the several acts imposing duties on imposts," approved on the 14th July, 1832, are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null and void, and no law, nor binding upon the State of South Carolina, its officers and citizens; and all promises, contracts and obligations made or entered into, or to be made or entered into with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.—It also ordains "that it shall not be lawful for any of the constituted authorities, whether of the State of South Carolina, or of the United States, to enforce the payment of duties imposed by the said acts within the limits of the State, but that it shall be the duty of the Legislature to adopt such measures and pass such acts as may be necessary to give full effect to the Ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States within the limits of the State, from and after the 1st of February next; and that it shall be the duty of all other constituted authorities and of all persons residing or being within the limits of the State, and they are hereby required and enjoined, to obey and give effect to this Ordinance, and such acts & measures of the Legislature as may be passed or adopted in obedience thereto." It further ordains, "that in no case of law or equity, decided in the Courts of the State, wherein shall be drawn in question the authority of this Ordinance, or the validity of such act or acts of the Legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress, imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and the person or persons attempting to take such appeal, may be dealt with as for a contempt of Court." It further ordains, "that all persons holding any office of honor, profit or trust, civil or military, under the State, shall, within such time, and in such manner as the Legislature shall prescribe, take an oath duly and truly to obey, execute and enforce this Ordinance, and such act or acts of the Legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do, his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead or had resigned; and no person hereafter elected in any office of honor, profit or trust, civil or military, shall, until the Legislature shall otherwise provide and direct, enter on the execution of his office, or be in any respect competent to discharge the duties thereof, until he shall, in like manner, have taken a similar oath; and no juror shall be empannelled in any of the Courts of the State, in any cause in which shall be in question this Ordinance, or any act of the Legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute and enforce this Ordinance, and such act or acts of the Legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof."

The Ordinance concludes, "And we, the people of South Carolina, to the end that it may be fully understood by the Government of the United States and the people of the co States, that we are determined to maintain this ordinance and declaration at every hazard, do further declare that we will not submit to the application of force on the part of the Federal Government to reduce this State to obedience; but that we will consider the passage, by Congress, of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens; or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels, to and from the said ports; or any other act on the part of the Federal Government to coerce the State, shut up her ports, destroy or harrass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things which sovereign and independent States may of right do."

This solemn denunciation of the laws and authority of the United States has been followed up by a series of acts on the part of the authorities of that State which manifest a determination to render inevitable a resort to those measures of self defence which the paramount duty of the Federal Government requires, but upon the adoption of which that State will proceed to execute the purpose it has avowed in this ordinance of withdrawing from the Union.

On the 27th of November, the Legislature assembled at Columbia; and, on their meeting the Governor laid before them the Ordinance of the Convention. In his Message on that occasion, he acquaints them that "this Ordinance has thus become a part of the fundamental law of South Carolina;" that "the die has been at last cast, and South Carolina has at length appealed to her ulterior sovereignty as a member of this confederacy, and has planted herself on her reserved rights The rightful exercise of this power is not a question which we shall any longer argue. It is sufficient that she has willed it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the General Government, within the authorized grants of power, to be drawn in question, when this interposition is exerted in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interest is neither to be concealed nor denied. This crisis presents a class of duties which is referable to yourselves. You have been commanded by the people, in their highest sovereignty, to take care that within the limits of this State their will shall be obeyed." "The measure of legislation," he says "which you have to employ at this crisis is the precise amount of such enactments as may be necessary to render it utterly impossible to collect within our limits the duties imposed by the protective tariffs thus nullified." He proceeds —"that you should arm every citizen with a civil process, by which he may claim, if he pleases, a restitution of his goods, seized under the existing imposts, on his giving security to abide the issue of a suit at law, and at the same time define what shall constitute treason against the State, and by a bill of pains and penalties compel obedience and punish disobedience to your own laws, are points too obvious to require any discussion. In one word, you must survey the whole ground—You must look to and provide for all possible contingencies. In your own limits your own Courts of Judicature must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the Courts of the U. States." The Governor also asks for power to grant clearances—in violation of the laws of the Union. And, to prepare for the alternative, which must happen unless the United States shall passively surrender their authority and the Executive disregarding his oath and refrain from executing the laws of the Union, he recommends a thorough revision of the militia system, and that the Governor "be authorized to accept for the defence of Charleston and its dependencies, the services of two thousand volunteers, either by companies or files," and that they be formed into a legionary brigade, consisting of infantry, riflemen, cavalry, field and heavy artillery; and that they be "armed and equipped from the public arsenals completely for the field, and that appropriations be made for supplying all deficiencies in our munitions of war." In addition to these volunteer drafts he recommends that the Governor be authorized "to accept the services of ten thousand volunteers from the other divisions of the State, to be organized and arranged in regiments and brigades,—the officers to be selected by the Commander-in-Chief, and that this whole force be called *the State Guard.*"

A request has been regularly made of the Secretary of State of South Carolina, for authentic copies of the acts which have been passed for the purpose of enforcing the Ordinance, but up to the date of the latest advices that request had not been complied with; and on the present occasion, therefore, reference can only be made to those acts as published in the newspapers of the State. The acts to which it is deemed proper to invite the particular attention of Congress are:

1st. "An act to carry into effect in part an Ordinance to nullify certain acts of Congress of the U. States, purporting to be laws laying duties on the importation of foreign commodities, passed in Convention of this State, at Columbia, on the 24th of November, 1832."

This act provides that any goods seized or detained under pretence of securing the duties or for the nonpayment of duties, or under any process order or decree, or other pretext contrary to the intent and meaning of the Ordinance may be recovered by the owner or consignee by an act of replevin; that in case of refusing to deliver them or removing them, so that the replevin cannot be executed, the Sheriff may seize the personal estate of the offender to double the amount of the goods; and if any attempt shall be made to retake or seize them, it is the duty of the Sheriff to recapture them; and that any person who shall disobey the process, or remove the goods, and any one who shall attempt to retake or seize the goods under pretence of securing the duties or for nonpayment of duties, or under any process or decree contrary to the intent of the Ordinance shall be fined and imprisoned, besides being liable for any other offence involved in the act.

It also provides that any person arrested or imprisoned, on any judgment or decree obtained in any Federal Court for duties, shall be entitled to the benefits secured by the habeas corpus act of the State in cases of unlawful arrest, and may maintain an action for damages; and that if any estate shall be sold under such judgment or decree, the sale shall be held illegal.

It also provides that any jailor who receives a person committed on any process or other judicial proceedings to enforce the payment of duties, and any one who hires his house as a jail to receive such person, shall be fined and imprisoned. And, finally, it provides that persons paying duties may recover them back with interest.

The next is called "An act to provide for the security and protection of the people of the State of South Carolina"

This act provides that if the Government of the U. States, or any officer thereof, shall, by the employment of naval or military force, attempt to coerce the State of South Carolina into submission to the acts of Congress declared by the Ordinance null and void, or to resist the enforcement of the Ordinance, or of the laws passed in pursuance thereof, or in case of any armed or forcible resistance thereto, the Governor is authorized to resist the same, and to order into service the whole or so much of the military force of the State as he may deem necessary; and that in case of any overt act of coercion or intention to commit the same, manifested by an unusual assemblage of naval or military forces in or near the State, or the occurrence of any circumstances indicating that armed force is about to be employed against the State or in resistance to its laws, the Governor is authorized to accept the services of such volunteers, and call into service such portions of the militia as may be required to meet the emergency.

The act also provides for accepting the service of the volunteers, and organizing the militia, embracing all free white males between the ages of 16 and 60; and for the purchase of arms, ordnance, and ammunition. It also declares that the power conferred on the Governor shall be applicable to all cases of insurrection or invasion or imminent danger there of, and to cases where the laws of the State shall be opposed, and the execution thereof forcibly resisted by combinations too powerful to be suppressed by the power vested in the Sheriffs and other civil officers; and declares it to be the duty of the Governor in every such case to call for such portions of militia and volunteers as may be necessary promptly to suppress such combinations, and cause the laws of the State to be executed.

3d. Is "an act concerning the oath required by the Ordinance, passed in Convention at Columbia, the 24th of Nov. 1832"

This act prescribes the form of the oath,—which is to obey and execute the Ordinance and all acts passed by the Legislature in pursuance thereof;—and directs the time and manner of taking it by the officers of the State, civil, judiciary and military.

It is believed that other acts have been passed embracing provisions for enforcing the Ordinance, but I have not yet been able to procure them.

I transmit, however, a copy of Gov. Hamilton's Message to the Legislature of South Carolina—of Governor Hayne's Inaugural Address to the Legislature, as also of his Proclamation, and a general Order of the Governor and Commander in-Chief, dated the 20th December, giving public notice that the services of volunteers will be accepted under the act already referred to.

If these measures cannot be defeated and overcome by the powers conferred by the Constitution on the Federal Government, the Constitution must be considered as incompetent to its own defence, the supremacy of the laws is at an end, and the rights and liberties of the citizens can no longer receive protection from the Government of the Union They not only abrogate the acts of Congress commonly called the Tariff acts of 1828 and 1832, but they prostrate and sweep away, at once, and without exception every act and every part of every act imposing any amount whatever of duty on any foreign merchandize, and virtually, every existing act which has ever been passed authorizing the collection of the revenue, including the act of 1816, and also the collection law of 1799, the constitutionality of which has never been questioned. It is not only those duties which are charged to have been imposed for the protection of manufactures that are thereby repealed, but all others, though laid for the purpose of revenue merely, and upon articles in no degree suspected of being objects of protection. The whole revenue system of the U. States in South Carolina is obstructed and overthrown; and the Government is absolutely prohibited from collecting any part of the public revenue within the limits of that State. Henceforth not only the citizens of South Carolina and of the U. States, but the subjects of foreign States may import any description or quantity of merchandize into the ports of South Carolina, without the payment of any duty whatsoever. That State is thus relieved from the payment of any part of the public burthens; and duties and imposts are not only rendered not uniform throughout the U. S., but a direct and ruinous preference is given to the ports of that State over those of all other States of the Union, in manifest violation of the positive provisions of the Constitution.

In point of duration, also, those aggressions upon the authority of Congress, which, by the Ordinance, are made part of the fundamental law of South Carolina, are absolute, indefinite, and without limitation.—They neither prescribe the period when they shall cease, nor indicate any conditions upon which those who have thus undertaken to arrest the operation of the laws, are to retrace their steps, and recall their measures. They offer to the U. S. no alternative but unconditional submission If the scope of the Ordinance is to be received as the scale of concession, their demands can be satisfied only by a repeal of the whole system of revenue laws, and by abstaining from the collection of any duties and imposts whatsoever.

It is true, that in the address to the people of the U. States, by the Convention of South Carolina, after announcing the fixed and final determination of the State, in relation to the protecting system, they say, that "it remains for us to submit a plan of taxation in which we would be willing to acquiesce, in a liberal spirit of concession, provided we are met in due time and in a becoming spirit by the States interested in manufactures." In the opinion of the Convention, an equitable plan would be, that "the whole list of protected articles should be imported free of all duty, and that the revenue derived from import duties should be raised exclusively from the unprotected articles or that whenever a duty is imposed upon protected articles imported, an excise duty of the same rate shall be imposed upon all similar articles manufactured in the the U. States." The address proceeds to state, however, that they "are willing to make a large offering to preserve the Union, and with a distinct declaration that as concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of Government for constitutional purposes, and provided also that a duty substantially uniform be imposed upon all foreign imports"

It is also true that in his Message to the Legislature, when urging the necessity of providing "means of securing their safety by ample resources for repelling force by force," the Governor of South Carolina observed that he "cannot but think that on a calm and dispassionate review by Congress and the functionaries of the General Government, of the true merits of this controversy, the arbitration by a call of a Convention of all the States, which we sincerely and anxiously seek and desire, will be accorded to us."

From the diversity of the terms indicated in these two important documents, taken in connection with the progress of recent events in that quarter, there is too much reason to apprehend, without in any manner doubting the intentions of those public functionaries, that neither the terms proposed is the address of the Convention, nor those alluded to in the Message of the Governor, would appease the excitement which has led to the present excesses. It is obvious, however, that should the latter be insisted on, they present an alternative which the General Government, of itself, can by no possibility grant; since, by an express provision of the Constitution, Congress can call a Convention for the purpose of proposing amendments, only "on the application of the Legislature of two thirds of the States." And it is not perceived that the terms presented in the Address are more practicable than those referred to in the Message.

It will not escape attention that the conditions on which it is said in the Address of the Convention they "would be willing to acquiesce," form no part of the Ordinance. While this Ordinance bears all the solemnity of a fundamental law, is to be authoritative upon all within the limits of South Carolina, and is absolute and unconstitutional in its terms, the Address conveys only the sentiments of the Convention, in no binding or practical form. One is the act of the State; the other only the expression of the opinions of the members of the Convention. To limit the effect of that solemn act, by any terms or conditions whatever, they should have been embodied in it and made of import no less authoritative than the act itself By the positive enactments of the Ordinance, the execution of the laws of the Union is absolutely prohibited, and the address offers no other prospect of their being again restored, even in the modified form proposed, than what depends upon the improbable contingency that amid changing events and increasing excitement, the gentlemen of the present members of the Convention and of their successors will remain the same.

It is to be regretted, however, that these conditions, even if they had been offered in the same binding form, are so undefined, depend upon so many contingencies, are so directly opposed to the known opinions and interests of the great body of the American people, as to be almost hopeless of attainment. The majority of the States and of the people will certainly not consent that the protecting duties shall be wholly abrogated, never to be re-enacted at any future time or in any possible contingency. As little practicable is it to provide that the "same rate of duty shall be imposed on the protected articles that shall be imposed upon the unprotected," which, moreover, would be severely oppressive to the poor, and in time of war, would add greatly to its rigors. And, though there can be no objection to the principle, properly understood that no more revenue shall be raised than is necessary for the constitutional purposes of the Government,—which principle has been already recommended by the Executive as the true basis of taxation,—yet it is very certain that South Carolina alone cannot be permitted to decide what those constitutional purposes are.

The period which constitutes the due time in which the terms proposed in the address are to be accepted would seem to present scarcely less difficulty than the terms themselves. Though the revenue laws are already declared to be void in South Carolina, as well as the bonds taken under them, and the judicial proceedings for carrying them into effect, yet, as the full action and operation of the Ordinance are to be suspended until the 1st of February, the interval may be assumed as the time within which it is expected that the most complicate portion of the national legislation, a system of long standing and affecting great interests in the community, is to be rescinded and abolished If this be required, it is clear that that a compliance is impossible.

In the uncertainty, then, which exists as to the duration of the Ordinance and of the enactments for enforcing it, it becomes imperiously the duty of the executive of the United States, acting with a proper regard to all the great interests committed to his care, to treat those acts as absolute and unlimited. They are so, as far as his agency is concerned. He cannot either embrace, or lead to the performance of the conditions. He has already discharged the only part in his power, by the recommendations in his annual message. The rest is with Congress and the people. And, until they have acted, his duty will require him to look to the existing state of things, and act under them according to his high obligations.

By these various proceedings, therefore, the State of South Carolina has forced the General Government, unavoidably, to decide the new and dangerous alternative of permitting a State to obstruct the execution of the laws within its limits, or seeing it attempt to execute a threat of withdrawing from the Union. That portion of the people at present exercising the authority of the State solemnly assert their right to do either, and as solemnly announce their determination to do one or the other.

In my opinion both purposes are to be regarded as revolutionary in their character and tendency, and subversive of the supremacy of the laws and of the integrity of the Union. The result of each is the same; since a State, which, by an usurpation of power, the constitutional authority of the Federal Government is openly defied and set aside, wants only the

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