

should be discussed at an early period... The bill was ready to have it delayed till Monday next. It was not the desire of the committee to press the bill on the Senate too early. He was inclined to name an early day, because the bill was on an important subject, and at an important crisis. I cannot, however, concur with the Senator from South Carolina in the measure is more vital and solemn than was the Declaration of Independence. On the first of February, the degrees of South Carolina are to go into one nation, her millstones, her taxes, and other measures, are to take effect, and for what purpose? To what particular events do these measures affect her liberties? To nullification it is not denied. (Mr. C. Johnson said a few words in explanation denying that the object of S. C. was resistance to the constitutional power of the Government.) Mr. Wilkins could not understand the import of this denial in connection with what South Carolina had declared done. The people of South Carolina have performed to preserve their measures, to see if events might not render them unnecessary. The President had been governed by a spirit of forbearance till the last moment when forbearance was no longer admissible. What does the South Carolina Senator mean by telling us that all difficulties will be removed if the new tariff law should pass? What if that law should pass by the first of February? Is the tariff system, now in existence, to be continued in that case? South Carolina? I answered that the very reason for the delay was that they deemed it desirable, and calculated to prevent bad consequences; to prevent resistance to the laws of the country. There is not one feature in the whole bill, but what you can find advantage on other occasions. It is not so strong a measure as some others that have been used. The President is not armed with an authority equal to that of some of his predecessors. The President was peculiarly anxious not to introduce any new measures, to which the Government had never been accustomed. The only novel feature of the bill is of a pacific nature, and authorizes the President, under peculiar circumstances, simply to remove the custom house. The President is not to apply force. The object of the committee was this. Looking at South Carolina, the committee were afraid that, by the first of February, some collision would arise; and to obviate the liability to any subsequent conflict, the bill authorizes the President to remove the custom house, so that it may be out of harm's way. I admit the importance of the bill, not in itself considered, but because it is designed to meet a very important emergency. There is a necessity for legislation of some kind by the first of February. When the bill shall be considered, something may be done. I have no objection to Monday next, but hope the day will not be more distant.

Mr. Miller said, the reference made by the Senator from Pennsylvania, to the alternative suggested by him, seemed to require a reply. He had not said what must be the consequences resulting from the present opposition in South Carolina, under the Ordinance referred to; but one thing he could say to the Senator, that any modification, even an increase of the tariff, would supersede the Ordinance referred to; and that the existing tariff should be applied to the existing tariff.

Should new tariff laws be passed, the people of South Carolina would exercise their judgment thereon again, either acquiescing in, or nullifying them, as the provisions might seem consistent with legitimate revenue laws. While I am willing to notice one or two observations proceeding from the Chairman of the committee who reported on the Ordinance, I have been told that the people of South Carolina had refused to rescind their steps, as might have been reasonably expected upon the promulgation of the President's proclamation, and hence the necessity of speedily passing the bill under consideration, in order to enable the President to execute the revenue laws.

Mr. M. said, the people of South Carolina may be executed for their refusal to comply with the suggestions in the proclamation, when he might fairly challenge any honorable Senate to rise in his place and justify the right of the President, under the Constitution and laws, to issue such a paper. Will the Senator from Pennsylvania maintain that the President had the right to require by proclamation the people of South Carolina, acting in their legislative capacity, to rescind their steps. This paper carried nothing of authority with it, founded on the constitutional rights and powers of the President, and hence no surprise ought to be expressed that the intrinsic reasoning or leading doctrines of the paper, did not supersede the people's sense of their deliberate judgement to the Chief Magistrate.

Mr. M. will be recollected that one of the leading topics relied on, to induce the State to reconsider its enactments, was that the President was using all his influence to effect a reduction of the tariff, to the present revenue standard; and hence, without relying upon any alternative opinions, and without any dangerous experiments, involving peace or war, we were called upon, by the assurance that the Executive influence would, if properly relied on, dispense with the necessity of relying on the remedy carried out by themselves. Sir, where is the mighty influence now? Instead of the Senate being stimulated, to the reduction of the tariff, we were called on precipitately to pass a bill, hastily reported and more hastily urged to be considered, to enable the President, by the armed force of the United States, to collect the taxes, doubted by the President to be unjust, and pronounced by us to be unconstitutional.

He must be permitted to disabuse South Carolina from the charge of precipitancy or haste in this matter. We all know, at the close of the last session, the true modification of the tariff was considered, the question could be discussed. It is well known, that many Southern Senators refused to vote for that law, and the Senators from South Carolina expressly stated, that that State would not acquiesce in the law then passed. Mr. M. said, he had stated in his place, that he believed that Congress did not possess the power to impose duties to protect domestic manufactures, and that he did not believe, the constitution of the Judiciary Act, gave an appeal from the State Courts to the Federal Courts.

These opinions are carried out in the obvious ordinance so often alluded to. Having stated them here, he was ready to maintain and act on them elsewhere.

We may be wrong in our principles, and mistaken in the guarantee of influence offered by the President, to effect the repeal of the existing tariff laws, and their reduction, to the revenue standard; but the friends of the President do not mean to prove us wrong, by their proceedings on this bill. Mr. M. said he threw upon them the responsibility of passing this bill to maturity, pending the prospect of any modification of the tariff, favorable to the South. He called on the friends of the President to prove that South Carolina had prematurely carried out her principles by passing

a bill conformable to the suggestions of the administration at the opening of the session. Mr. M. said he would not stand upon all occasions responsible for the conduct and course of the State he represented, but he would undertake to indemnify against the loss of a dollar of the revenue, or a drop of blood by South Carolina, if, up to the third day of the next act, the tariff shall be reduced the amount of six millions, mostly on the protected articles.

There was nothing so portentous to the country likely to come with the first of February, the terrors of that day were not the conjurations of a brain disordered by unnecessary fear.

We are told by the Senator from Pennsylvania, that the principles of the present bill were "harshly" founded upon the heretofore legislation of Congress, and entirely free from objections. That the bill contemplated no force, but to arm the judiciary with power to sustain the revenue laws, by laws counteracting the legislation of South Carolina. Mr. M. said he did not so consider the bill.

Upon the most uncertain and loose suggestions of force or violence from persons combining to resist the revenue laws, the President is authorized to establish floating custom houses, thereby trampling the commerce of such part and visiting the whole State with the sword of any given number of men, or troops, or militia, if the power had been given to take effect upon the interposition of the State to prevent the collection of the revenue laws, there would then, have been some thing tangible, some respectable basis to urge the exercise of such high discretionary power. The measure avoids referring to the opposition founded upon State authority, as an inducement to deprive the part of its commerce, and assumes "unlawful obstructions, combinations, or unlawful assemblies of persons, or meetings, or riots, or insurrections, or as the foundation for the disfranchisement of a State of its regular commerce. And this is not all, the duties are thereupon to be paid in cash, thus making the act of any "unlawful threats," &c. the cause of discrimination in the duties, no matter how many or how few persons may be the actors, whether a few drunken sailors, or the constituted authorities of a State, involving, by the loose principles of this bill, the guilt and innocent in one common fate.

Again, Sir, it is true, that this bill proposes to rely on the judicial department of the Government? Does it propose to make the President the right arm of the Supreme Court? No! It proposes, upon the suggestion of the President's pro proctor, his minion, a collector, to call out the whole of the military and naval force of the United States. The movements of the State and Federal Governments may be compared to carriages passing a bridge with loaded galleys. The usage is for each driver to hear to the right.

If, however, one in violation of custom and law, enters the left, and thereby a collision ensues, the strongest must pass on; but can any one doubt who is in error? How guilty must be he who violates rights; and then resorts to strength as a substitute thereof. Can the Committee be by their bill do but portray this illustration, let me inquire whether the President is left gate, and then substitute force on the defile for the right to use the passage. Has the State of South Carolina proposed by force to resist the judicial process of the Federal Courts? No. Does not this bill propose to arm the collector with military power to resist the judicial authority of the Federal Government, and thus to deprive the civil authority of the State, thus violating that clause in the Constitution which makes the civil authority paramount to the military?

Mr. M. asked pardon for the observations intruded on the Senate. They were predicated on the direct interrogatory put to him by the Chairman of the Committee, and pursued the argument he had unintentionally trespassed beyond his design.

Mr. King of Alabama, said it was with regret that he had witnessed this violation of all order of debate.

He conceived it to be out of order to discuss the merits of a question on a motion for postponement. The gentleman from Pennsylvania had commenced—other gentlemen had followed in the same track, and the consequence had been that a discussion ensued before the bill was read. A regular question was asked them. For his own part, he (Mr. K.) was prepared to confer upon the President every power necessary for the due execution of the laws; and he was equally prepared to withhold from him all power not given to him by the Constitution. He was not prepared to act upon the bill before them, and he wished time to examine into the matter fully. He had hoped that an action would be taken up on it elsewhere, and that the Senate could thereby have not been called upon to clothe the President with additional powers. But he found now that neither the constitutional check of the national legislature nor any power would act until an action should be taken by them; and under these circumstances he thought that they should not postpone that action to a distant period. They owed it to themselves and to the country, to give the proper action at a proper time. He had tried to state principally that he should vote against the motion to postpone the bill till Monday next, but he believed it might be proceeded with at an earlier day. He was in favor of the motion of the gentleman from Kentucky. (Mr. Clay) to postpone the bill till Monday next, and in the intermediate period gentlemen might acquire for themselves all the information requisite to legislate to a right and proper decision.

The question was then taken on Mr. Mangum's motion to postpone to Monday week, and decided in the negative, 9 to 37.

Mr. Wilkins then withdrew his motion to postpone the bill, and made it the order of the day for Thursday; and then the question on Mr. Clay's motion to make the order of the day for Monday next, was carried without a division.

Mr. Calhoun then, after some eloquent remarks, (unavoidably omitted to day.) submitted the following resolutions, which he introduced, and which were ordered to be printed for the use of the Senate.

Resolved, That the people of the several States composing these United States, are united as parties to a constitutional compact, to which the people of each State acceded as a separate and sovereign community, each binding itself by its own particular ratification, and that the Union, of which the said compact is the bond, is an Union, between the States ratifying the same.

Resolved, That the people of the several States thus united by the constitutional compact, in forming that instrument, and in creating a General Government to carry into effect the objects for which it was formed, delegated to that government, for that purpose, certain definite powers, to be exercised jointly, reserving at the same time, each State its right, the residuary mass of powers to be exercised by its own separate government; and that whenever the General Government assumes the exercise of powers not delegated by the compact, its acts are unauthorized, void, and of no effect; and that the said government is not made the final judge of the powers delegated to it, since that would make its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among sovereign parties, without any common judge, each has an equal right to judge for itself, as well of the infraction, as of the mode and measure of redress.

Resolved, That the assertions, that the people of these United States, taken collectively, as individuals, are now or ever have been united on the principle of the social compact, and as such, are now formed into one nation, or people, or that they have ever been so united, in any one stage of their political existence; that the people of the several States composing the Union have not, as members thereof, relinquished their sovereignty; that the allegiance of their citizens has been transferred to the General Government; that they have parted with the right of punishing treason, through their respective State Governments, and that they have not the right of judging in the last resort, as to the extent of powers reserved, and of consequences of those delegated; are not only without foundation in truth, but are contrary to the most certain and plain historical facts, and the clearest deductions of reason, and the will of the people of the United States, the General Government, or any of its departments, deriving authority from such erroneous assumptions, must necessarily be unconstitutional; must tend directly and inevitably to subvert the sovereignty of the States; to destroy the Federal character of the Union; and to rear on its ruins a consolidated government, without constitutional check, or limitation, and which must necessarily terminate in the loss of liberty itself.

In the Senate, on Wednesday 23d, the resolutions offered yesterday by Mr. Calhoun, were taken up. Mr. Mangum moved to postpone their consideration until Monday; but withdrew the motion at the request of Mr. Grundy, who submitted the following resolutions as a substitute for those offered by Mr. Calhoun:

- Resolved, That by the Constitution of the United States, certain powers are delegated to the General Government, and those not delegated are reserved to the States, respectively, or to the people.
- Resolved, That one of the powers expressly granted by the Constitution to the General Government, and prohibited to the States, is that of laying duties on imports.
- Resolved, That the power to lay imposts, is, by the Constitution, wholly transferred, from the State authorities to the General Government, without any reservation of power or right on the part of the States.
- Resolved, That the Tariff laws of 1828 and 1832 are exercises of the constitutional powers possessed by the General Government, and extend as to their policy and justice.
- Resolved, That an attempt on the part of a State to annul an act of Congress, passed upon any subject, exclusively confided by the Constitution to Congress is an encroachment on the rights of the General Government.
- Resolved, That attempts to obstruct or prevent the execution of the laws of the United States, by the use of force, or by Ordinances of Conventions, or Legislative enactments, are not warranted by the Constitution, and dangerous to the political institutions of the country.

On motion of Mr. Grundy, the resolutions were ordered to be printed. The whole subject was then postponed until Monday.

From the Globe.

VIRGINIA PHINCIPLES.

The following extract from the Richmond Enquirer, may be justly considered a fair exponent of the doctrines of the Old Dominion, with regard to the Secession, and the reactions of the Tariff disturbed the settled opinions of the State.

From the Richmond Enquirer, Nov. 1, 1844. (EDITORIAL REMARKS.)

"No man, no association of men, no States, or set of States, has a right to withdraw itself from this Union, of its own accord. The same power which knit us together, can alone unknit. The same formality which formed the links of the Union, is necessary to dissolve it. A majority of States which formed the Union, must consent to the withdrawal of any one branch of it. Until that consent has been obtained, any attempt to dissolve the Union, or obstruct the efficacy of its constitutional laws, is a treasonable and all intents and purposes, a rebellion. The doctrine here laid down, we believe, not controverted at the time of its avowal, by any press, or any Statesman of Virginia. It was recognized as the vital principle of Union—the binding power of gravity, indispensable to counterbalance the centrifugal force, which it was for the sake of the action of our system, would necessarily impart to the several States. If the propensity to break from their respective orbits were subject to no controlling influence, the States, it is certain, driven by such impulses, would, one after another, fly off and reduce our beautiful system to anarchy and chaos. The quotation from the Richmond Enquirer above, is a solemn and just declaration of a State, "to withdraw of its own accord." It leaves no doubt, from the bold, vigorous, uncompromising temper in which it is uttered, as to the decisive opinion entertained by that class of the Virginia School of politicians, of which the Richmond Enquirer has so long been the organ. Indeed, we have reason to believe that the passage conveyed the sentiments of both parties in the State, and although the republicans found strong opposition thereon, upon all other questions, yet on this point, we believe no individual, much less a party, ventured to make an issue with the Editor of the Enquirer.

Since the epoch of the tariff excitement, the Editor of the Enquirer has qualified to some extent the broad ground taken in 1844 against secession. In 1850, in presenting Mr. Madison's views of the subject, he gave his own confirmation of the "force and truth" of the text on which he commented. How far the opinions of 1844 were modified by those of 1850, will be seen from the text and the comments, as presented in the Enquirer of Tuesday last; which are here given.

THE RIGHT OF SECESSION ACCORDING TO MR. MADISON.

And in the event of a failure of every constitutional resort and accumulation of usurpations and abuses, rendering passive obedience and non-resistance a greater evil, than resistance and revolution, there can remain, under one head, the last of all appeals, from the sacred obligations of the constitutional compact, to original rights and the law of self preservation. This is the *ultima ratio* under all governments, whether consolidated, confederated, or a compound of both; and it cannot be doubted that a single member of the Union, in the extremity sup-posed, but in that only, would have a right to appeal to the law of self preservation.

Mr. Ritchie's commentary.

"Upon the doctrine and the dangers of a Secession, Mr. Madison delivers himself with a great deal of force, as well as truth. This Union would be continually subject to the risk of falling to pieces, if every State yielding to its presentment, or to its fears, would voluntarily surrender up its rights, real or supposed, to a violent Congress, or nullify the obligations of the Compact, or nullify the obligations of our arms."—Such measures would be a source of trouble. Such measures would be a source of trouble, and when such measures do occur upon the Federal Compact, it is grossly violated; and when the power granted shall be flagrantly violated, as in this instance, of oppression, these measures may be resorted to by them."

It is precisely the doctrine of the Proclamation and the last message of the President. Mr. M. R. says, "I am now to say that every State has the right to dissolve the Union whenever it pleases and out of mere caprice, the principles are the same at this moment as they were in 1814." Although the doctrine of 1814 was laid down by him without reservation, yet all that he remarks upon Mr. Madison's view of the subject express, were necessarily implied in connection with his broad declaration, "in cases of extreme oppression, the ultimate ratio is the right of self preservation, the extra and ultra constitutional right."—We trust we are not to understand Mr. Ritchie as going so far in his present recital of the right of secession, as to admit, that there is no constitutional restraint—no authority in the government, supported by a proper proportion to prevent the abrogation of the compact at the mere whim of any one of the parties. We do not, therefore, see the use of the apology for the article of 1814, couched in the passage below. The principle laid down during the last war is in no respect applicable to the present case of peace and war, and on both sides of the Potomac.

We regard his remarks in 1844, against the right of secession, Mr. R. says:

"These passages were published in the height of the Hartford Convention; their plots were then exciting the deepest indignation; and one of the opposition prints was then crying out for dissolution. The horror which was felt at those proceedings, elicited the broad and unqualified proposition, which is quoted above. We have no apology to make for those feelings. They were among the purest that we ever experienced; but those feelings betrayed us into an extravagant assertion. It is certain that the above unqualified proposition upon one of the most difficult and vital problems of our whole system, was a step of without due consideration. It had an eye only to the present case—a case of foreign and unprovoked aggression, which is quoted above. We have no apology to make for those feelings. They were among the purest that we ever experienced; but those feelings betrayed us into an extravagant assertion. 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