yarn spun from the East India cotton, is of course an inferior article, and the cotton mills of our country are not calculated to spin it, and cannot do it without an entire alteration of their machinery.—This yarn, therefore, should be kept out of the country; because it is too unreasonable to require the cotton mills to revolutionize their spinning apparatus. And besides, it is better to consume our own cotton under every view of the subject. This is one of the cases in which I should hold it unwise to introduce the raw material of another country. Gentlemen may call it a solitary exception or a special exception, or what they choose; but an exception it ought to be made. I will also join the gentleman from Connecticut in keeping out fabrics made of this East India cotton in some advisable mode; whether this can be best done by the adoption of the minimum principle, put just high enough to act upon articles made of East India cotton, will best appear when we examine minutely that part of the bill.—With regard to the other coarse cottons, our documents show that they have successfully encountered the competition of British cottons in the markets of Mexico and South America; and the gentleman from Massachusetts (Mr. Appleton) declared, if I understood him correctly, that the great Waltham Factory always had orders for goods 3 months ahead, intended for exportation. In and near Baltimore, about 2 millions of yards of cotton goods are manufactured, and from four to five millions are received from the eastward annually, a large proportion of which, perhaps one half, is exported. The continuance of the practice of exportation indicates that the merchants do not lose by the operation; and surely no good reason can be assigned why this competion with the rival factories of England, could not be as successfully maintained at Charleston or Savannah as at Mexico or Valparaise. It will scarcely be said that the intelligence of the inhabitants of the former places is not sufficient to enable them to distinguish between a superior and inferior article. The advantages of the Tariff system are many to those places where the manufactories are situated. It keeps money at home, encourages industry, and affords a market for agricultural produce. But I have never been able to perceive any advantage that the Southern States derive from it. If it be said that they are supplied with cheaper and better goods than they could import from foreign countries, then they would voluntarily keep them without being coerced to take them. The only plausible argument is, that the general consumption of cotton goods throughout the nation is increased and the sale of cotton thereby extended. This may be; but the extent of the benefit is the subject of conjecture, not calculation.

But it is said, Mr. Chairman, that Congress ought to suspend its action upon the Tariff on account of the position of South Carolina, and not to be driven by fear into a change in its legislation. Fear, Sir? Fear of what? Are our lives, or liberties, or property endangered? Can no other motive be found than this miserable and contemptible one of Fear? For one, I repel and scorn it. I have observed, Sir, through life, that brave men are always the last to attribute fear to another. Not conscious of the influence of the motive themselves, they are not aware of its power over others, and being unable to estimate its force are not apt to make the charge. Gentlemen mistake the feeling that they mean to appeal to.—Pride, Sir, pride might do much to induce us to withhold legislation for the present; and of the influence of this feeling, I confess that I feel[illegible]tion, however, has subdued it. With S. Carolina we shall have to deal hereafter.—When the proper Committee of the House shall report upon that matter, I shall be found ready to support such measures as I may judge necessary for the enforcement of the revenue laws I shall do it, sir, more in sorrow than in anger; but a sense of stern and inexorable duty will compel me to do it. But at present my business is not with her. I am dealing with the other Southern States. No one could have watched the course pursued by those States during the past six months without intense anxiety. The question of tariff or anti tariff is often, much too often, made to turn in this House upon the distinction between free and slave labor. Whenever that position is taken, it ties another knot in the ligament that binds the South together and preserves the distinction which at some day or other will be most apt to dissolve the confederacy. If it were not such a frequent occurrence to go into a Committee of the Whole on the *state of the Union*, the very term ought to induce caution and forbearance upon this topic. The spirit of compromise that prevailed with our fathers, when the Constitution was adopted, has, in some measure, evaporated in these our days; and it might be doubted whether such a compromise, as exists, with regard to representation in this House, could be now obtained. All the feelings of the Southern States were as much opposed to the Tariff as South Carolina; but they have arrayed themselves on the side of the Federal Government, and for that I feel grateful to them. I listened however, with pain to the declaration of the gentleman from Georgia, [Mr. Wilde,] that he would not assist in the passage of any law for the collection of the revenue, until this Tariff bill was passed.

For one, sir, I have no hesitation in saying that if that opinion were entertained by a majority of the members from the Southern States, I would cease action upon this bill instantly. I would plant my foot firmly and not move another step, no, not an inch. But it is because I believe that such is not their opinion, that I am willing to proceed. At the first moment that a test vote shall be taken in this House, by which the opinion of members can be ascertained, if it should turn out to be contrary to my present expectation, my course is taken and I will not swerve from it. South Carolina has placed herself, as I conceive, in what tacticians call a false position. I believe that the theory of nullification is erroneous, and cannot stand against the constitutional legislation of Congress. It rests for support upon this—that the legislation now existing is the entire exercise of the powers of the Federal Government. If the whole population of a State acting through its Courts and juries, should determine that every case shall be decided whether in law or fact, so that the verdict of the jury or judgment of the Court shall be against the revenue laws, no matter how their constitutionality may be drawn into question, it is impossible to carry those laws into effect as long as the State Courts shall exercise concurrent jurisdiction with the courts of the United States, and refuse an appeal to be carried up to the latter. But it seems to me that these are dormant powers existing in the Federal Government under the Constitution, by which it can give its own Courts exclusive jurisdiction over matters relating to the revenue. This is then the point now at issue. This subject however will come up hereafter and will doubtless receive a more extended discussion. But I cannot refrain from remarking upon an occurrence in our history, which shows how early and firmly our revolutionary ancestors exercised power speaking in behalf of the nation. The circumstance was brought to my notice in examining what we call the old claims for French spoliations. On the 6th February, 1778, the Congress of the United States concluded a treaty of alliance with France, guarantering to her perpetually the possession of her West India Islands. At the same time when this treaty was signed, Congress had absolutely no power at all, except a revolutionary authority depending upon voluntary obedience. The articles of confederation were not signed until four months afterwards, and yet this Congress plunged the nation into an agreement; which the treaty making power of the present Constitution would never venture to assume. And yet when the obligations of this guaranty became oppressive, no one ever thought of disputing the authority by which the encumbrance was assumed. In the correspondence between Jefferson (whilst Secretary of State) and Hammond, the former distinctly took the ground that foreign nations were supposed to have a knowledge of the powers of the Federal Government; and yet the same author never thought of questioning the authority, under which the Treaty of 1778 was made, although he was, in my opinion more embarrassed in conducting the correspondence, to which that treaty gave rise, than in any other period of his life. That the treaty making power is more extensive under the present constitution, than it was under the confederacy, must be admitted by all; and yet if the theory of nullification be true, all the obligations incurred with nations, having commercial treaties of reciprocity with us, may be rendered nugatory by the action of a single State.

But, Mr. Chairman, I will not suffer myself to stray into the discussion of matters, foreign in a great measure to the subject now under deliberation. I think that it is time to take the preliminary question upon the bill before the Committee, and will no longer be an obstacle in the way of such a desirable event.

## TWENTY-SECOND CONGRESS,
### *SECOND SESSION.*

IN SENATE.

MONDAY, Jan. 28.

### SOUTH CAROLINA.

The Senate proceeded to the consideration of the resolutions offered by Mr. Calhoun, in reference to the powers of the General Government, when in conflict with those of the States.

The resolutions were read, and also the resolutions moved by Mr. Grundy by way of amendment or substitute therefor When

Mr. Mangum after some preliminary remarks, upon the propriety of delaying the debate upon this subject until the result of the discussion elsewhere should be had, moved to postpone the consideration of the resolutions and amendment until Thursday next.

Mr. Foot enquired if the amendment proposed to the amendment by the gentleman from Delaware, [Mr. Clayton,] was before the Senate?

The Chair stated that the proposition had been read and ordered to be printed, but had not been moved.

Mr Clayton then requested Mr. Mangum to withdraw his motion to postpone, to enable him to move his amendment, to which Mr. M. assented—when Mr. Clayton moved to strike out the 5th and 6th resolutions of Mr. Grundy's substitute, and insert instead thereof his amendment.

Mr. Mangum then renewed his motion to postpone to Thursday.

[illegible] the Senator from South Carolina, [Mr. Calhoun,] to select his own time for the consideration of the resolutions. He was unwilling to interfere with any understanding which might exist between the Senator from North Carolina, [Mr. Mangum] and that gentleman on this subject, unless it extended to the special order—the bill reported by the Committee of the Judiciary. He could not assent to the postponement of that bill.

Mr. Calhoun had a request to make of the Senator from Tennessee, (Mr. Grundy) which was founded on strict justice. It was not necessary for him to detain the Senate with a detailed statement of the situation of the State of South Carolina. It was sufficient to say that that State, acting in her sovereign capacity as judge of her own rights, in the last resort, had annulled certain acts of Congress. The President of the United States, taking a view of the rights of the State, entirely different from that entertained by her, had promulgated his Proclamation to that effect. As a citizen of that State, and representing her in part in the Senate, he had moved certain specific propositions which he had drawn with great care—which did not contain a single word which was not absolutely true—and which he offered as a plea in bar to the measures which had been reported by the Judiciary Committee in pursuance of the Executive recommendation. He wished to interpose the Constitution of the United States between this bill which erects a military despotism, and creates a dictator—and disguise it as you will, the bill amounts to a repeal of the Constitution—for the purpose of carrying on war against South Carolina. He had endeavored to interpose that neglected and despised instrument, the Constitution, in bar to the prosecution of this war. How had his wishes been met? Instead of meeting the issue he had intended to form by his plea in bar, another had been put in, which, by the rules of the Senate overrides it. Before any tribunal, there was no culprit so humble as not to enjoy the right of making his defence in his own way By the amendment of the gentleman from Tennessee, [Mr Grundy,] the exercise of this right was denied to a sovereign State. He therefore claimed of that gentleman to withdraw his amendment, that the issue might be fairly made up.

Mr. Grundy was not unwilling to discharge any duty imposed on him by the obligations of justice. But he must in the case be permitted to exercise his own judgment as to the obligation. If the postponement that had been moved should be carried, he should have an opportunity of considering the claim of the gentleman. While he was up, he would make a single remark upon the statement of the gentleman that the bill reported from the Committee of the Judiciary repealed the Constitution and erected a military despotism. It was not so. The gentleman was entirely mistaken. It was a pacific measure, intended to prevent brothers from shedding each other's blood. When the bill should regularly come before the Senate, he could demonstrate that it was not a hostile measure—that none of its provisions led to hostility—but on the other hand, that it was expressly designed to prevent collision between the citizens of South Carolina and the other States.

Mr. Calhoun said as to the pacific character of this bill—Good Lord deliver us! It proposed to make peace by annihilating the Government of a sovereign State—in the first instance, by shutting up her Legislature as well as the Convention of her citizens. If gentlemen really desire peace, their path is an easy one. They had only to repeal those laws which we have been told by the Secretary of the Treasury, are unnecessary for the purposes of revenue. Let this be done—or let the revenue provisions of those laws be separated from the protective, and my word for it, the State of South Carolina will withdraw her Ordinance. There were a hundred modes preferable to that of humbling a sovereign member of the Union to the dust. Should the gentleman from Tennessee [Mr. Grundy] refuse to withdraw his amendment, he would propose an amendment to it, which he wished might now be read; which was accordingly done, and ordered to be printed.

It is as follows: (the original amendment of Mr. GRUNDY being in roman, and the proposed amendment of Mr. CALHOUN in italic)

1. That by the Constitution of the United States, certain powers are delegated to the General Government, and those not delegated nor prohibited to the States, are reserved to the States, respectively, or to the people.

2. That on 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, *for the purpose of raising the necessary revenue to carry on the operations of the Government; and, that the exercise of the power of encouraging manufactures, under color of, or in the name of the power to lay impost by taking the profits of one portion of the Union, or one class of citizens and bestowing them on another, is not authorized by the Constitution; is contrary to the plain intent and meaning of so much of the sixth amended article as provides "that private property shall not be taken for public use without just compensation;" and against the primary object of the Constitution, which is to protect the States composing the Union, in the secure and peaceful enjoyment of their respective rights.*

3. 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, *except as is provided for in the second clause, tenth section, first article of the Constitution, which provides "that no State shall, without the consent of Congress, lay any imposts, or duties on imports, or exports, except what may be absolutely necessary for executing its inspection laws, &c. &c" a power excepted in favor of the several States from a general grant of power to lay duties on imposts, delegated to the General Government, with the intention of enabling each State to protect its own manufactures, as clearly appears by contemporaneous documents connected with the proceedings of the Convention that framed the Constitution.*

4. That the Tariff laws of 1828 and 1832, are exercises of the constitutional powers possessed by the Congress of the United States, whatever various opinions may exist as to their policy and justice, *as far as they are exercises of power to lay imposts for revenue; but, that beyond that point, and to the extent that they exercise power, not for revenue, but protection, they are unauthorized by the Constitution, contrary to its provisions, and the primary object for which the Constitution was formed.*

5. 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, *provided the act be limited to the subject so confided; but, that all exercise of any power of a character essentially different, in the name of, or under color of the power so confided, is a violation of the Constitution in the most insidious and dangerous form; a form which while it is best calculated to elude [illegible] to the judiciary department.*

6. That attempts to obstruct or prevent the execution of the several acts of Congress imposing duties on imports, whether by ordinances of convention, or legislative enactments, are not warranted by the Constitution, and are dangerous to the political institutions of the country; *subject, however, to the principles contained in the foregoing resolutions, as amended; and, that as an unconstitutional exercise of power can not be rendered constitutional by blending the same with the exercise of powers that are constitutional, a State cannot, by such blending of the exercise of constitutional with unconstitutional powers be deprived of her rights, as a sovereign member of the Union, to defend her reserved powers against the encroachments of the General Government; and if the exercise of the powers be so blended that it becomes impossible to separate them, they thereby become one act equally unconstitutional in all its parts; and, as such a State may, in defence of her reserved powers, arrest the same within their limits*

Mr. Grundy requested permission to make one declaration, which he wished might be remembered. He had never given his aid in establishing the tariff system. He was now probably willing to go as far as the Senator from South Carolina, [Mr. Calhoun] in reducing that system. In raising his voice on this subject, it was not in behalf of the tariff, but in support of the Union. Any personal appeal with regard to the reduction of duties, was not applicable to him—any insinuation that he wished so preserve the tariff system was unjust. The gentleman says, the bill from the Judiciary Committee, closes the Courts of Justice of South Carolina. He would enquire by way of reply, whether that State has not legislated the United States out of its limits? The objects of the bill is to give due effect to the Constitutional powers of the general government.

Mr Calhoun said the gentleman had enquired if South Carolina had not legislated the United States out of its limits. He answered no. The States have reserved powers—the United States delegated powers. The State had thrown herself upon her reserved powers to obtain justice. Nothing was intended but to meet process by process. No application of force on the part of the State had been contemplated, when the United States—a giant with a hundred arms, comes forward and says keep the peace!—and now proposes to subvert the State Government.

Mr Webster thought nothing could be more irregular than this discussion, unless the gentleman from South Carolina [Mr. Calhoun] acts upon the motion that it is necessary, in order to oppose a measure with success, to give it a bad name, and to denounce in advance what he might find difficult to controvert in argument, when it came regularly before the Senate. He could not, as one of the Committee which had reported the bill, sit silently after hearing that gentleman state that its object was to erect a military despotism—to create a Dictator.—He proposed to try conclusions with the gentleman with reference to its provisions, at a suitable time, and in a suitable manner. The gentleman was not only sure of his own integrity, which he [Mr. W.] should not doubt—but was certain of the absolute truth of his resolutions, to the word and letter.

Mr. Calhoun said, there was no fact stated in them which was not true!

Mr. Webster.—This is what I deny, and wish to put in issue.

Mr. Calhoun would be happy to meet that issue.

Mr. Webster had met with nothing comparable to the absolute infallibility of the gentleman, upon abstract questions, except the case of the hero of Hudibras, who had met with and conversed with Truth in her proper person. Humble minds, like his own, which had not enjoyed that advantage were compelled to acquire the knowledge of Truth by argument, reasoning and discussion. As to the measures recommended in the bill reported from the Judiciary Committee, he felt it incumbent on him to say that there was not a principle to be found in it which was not in strict conformity with the Constitution and the laws heretofore passed. With regard to every provision in the bill except the first section, he might, if it was deemed proper, use the mode of reasoning called by the logicians *argumentum ad hominem*, for there was not one of them which had not received the sanction and support of the representatives of South Carolina once and again. The charge that the bill erected a despotism and created a dictator, he felt bound to repel. Loud sounding words of that character, upon such a subject, were unworthy the gentleman.

Mr. Calhoun said, if he had the wit of the author of Hudibras, he would not use it upon such a solemn occasion. It was not his purpose to denounce the bill or the Committee which had reported it—though the citizens of South Carolina, exercising no powers but such as rightfully belonged to them, had been denounced as traitors. The Senator from Massachusetts, [Mr. Webster,] says he can show that the principles of the bill have received the votes of the Representatives of South Carolina in their favor. That gentleman can show no such thing. According to the views entertained by that gentleman, a sovereign State throwing herself on her reserved rights, may be placed upon the same ground with a band of smugglers, who are endeavoring to evade the revenue laws. But in point of fact, no such case as the present had ever before existed.

Mr. Poindexter rose—but gave way to

Mr. Wilkins, who moved to lay the resolutions on the table.

Mr Poindexter had not given way with the expectation that such a motion would be made. It was accordingly withdrawn by Mr. Wilkins.

Mr. Poindexter could not persuade himself of the propriety of going into this discussion at this time. When the bill from the Judiciary Committee should come up, he should be prepared to sustain his declaration that it amounted, *ipso facto*, to a repeal of the Constitution, and invested the President with dictatorial power. The subject now before the Senate was a string of resolutions which involved the whole science of government, and if discussed *in extenso*, would convert the Senate into a body to settle first principles What was the situation of the country? A great excitement prevailed relative to the Tariff. The President had declared the rates of duties to be onerous and unjust. The Secretary of the Treasury has stated that they may be reduced six millions, principally on protected articles. A bill was now under discussion in the House of Representatives, carrying into execution, to a certain extent, the views of the Executive, which would probably be disposed of there in a few days.—While such an intermediate measure was under discussion, was it not premature to press the decision of an ultimate one? If the bill reported by the Judiciary Committee should pass the Senate, it would be nugatory if the bill before the House became a law. The wisest course would be to quiet this distracting subject—which would put the whole nation in a blaze—put a stop to all hope of modifying the Tariff—and result in what [illegible] hoped the Senate would pause for a few days and ascertain the action of the House on the bill before them. If the intermediate remedy fails, it will then be time to urge the ultimate one. The most proper and salutary course would be to postpone both the bill and resolutions until Thursday or Monday next.

Mr Mangum proposed to modify his motion so as to make the resolutions a special order of the day, that they might be discussed in connection with the bill.

Mr. Forsyth enquired which would be entitled to the priority in that case?

The Chair stated that the bill was already a special order, and would of course be entitled to the priority.

Mr. Calhoun would prefer that the resolutions be laid on the table—which was agreed to without a division.

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In the Senate, on Monday 4th, various petitions and memorials were presented Mr Knight submitted the credentials of the Hon. Asher Robbins, re elected to the Senate by the Legislature of Rhode Island, for six years from the 3d of March next. Mr. Smith, from the Committee on Finance, reported a bill to remit the duty on a locomotive engine and apparatus imported by the Baltimore and Susquehanna Rail Road Company, which was read and ordered to a second reading. A short time was spent in the consideration of executive business, after which several bills, principally of a private character, were read a second and ordered to be read a third time. At one o'clock, the Senate resumed the consideration of the bill further to provide for the collection of duties on imports. Mr. Brown took the floor in opposition to the bill, in an animated speech near two hours and a half in length. Mr. Freelinghuysen then, in a few words, explained some of the views which he had taken, which he alleged had been misunderstood by the gentleman from North Carolina [Mr. Brown.] Mr. Brown rejoined. Mr Holmes signified his desire to address the Senate, but the hour being late, he moved an adjournment, which was carried.

In the House of Representatives, several petitions and memorials were presented and referred. The House went into Committee of the Whole on the State of the Union, Mr. Wayne in the Chair, upon the Tariff bill. The question being upon Mr. Appleton's motion to amend the amendment of Mr. C. P White—Mr Ward addressed the Committee in favor of the general principle of the bill, and Messrs. Wardwell and Leavitt against it. Mr. Adams moved to strike out the enacting words of the bil, and supported the motion by a speech of about an hour. Messrs. Jenifer and Barringer opposed the motion—which was supported by Mr. Burges. Mr. Drayton addressed the Committee at length against the motion; when, after some explanations between him and Mr. Adams, Mr. Patton took the floor, but gave way to a motion by Mr E. Everett that the Committee rise, which was carried, and at 6 o'clock the House adjourned.

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*Another Murder.*—We understand that a respectable man, by the name of Brown, a pedlar, was murdered a few days since on the west side of the Lake, near Chateauguay woods. The perpetrator, a foreigner, was instantly taken by a couple of men, who happened to be near, and lodged in Plattsburgh jail.—*St. Albans paper.*

*Vermont Congress Election*—Messrs. Hallstade, and Allen are elected. Mr. Slade's majority is *two* In the 3rd and 5th districts there is no choice. Messrs. Hutchinson and Fleming, anti-masons, are far ahead.

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The following excellent article from the Globe, gives a more clear and common-sense view of the reserved rights of the States, which have been so much obscured of late by the subtilties of abstruse reasoning, that it has become difficult for a plain man rightly to understand the subject, and to draw the true distinction between the reserved rights of the States, and the natural, inalienable right of resistance or revolution under extreme oppression. We ask for it an attentive perusal.

### STATE RIGHTS AND REMEDIES.

The Rights of the States are those powers of Government which are not delegated to the Government of the United States by the people of the States when they agreed to the Federal Constitution. What are those rights? We will enumerate some of them.

1. They reserved the right to define crimes and prescribe punishments. They may declare what shall constitute murder, manslaughter, robbery, theft, arson, rape, trespass, assault and battery, conspiracy, treason to the State, &c &c. For these crimes, defined by themselves, they may prescribe such punishments as they please, viz: hanging, burning, branding, confinement in the Penitentiary, fines, imprisonment, banishment, whipping, or any thing else which the wit of man can devise. In defining crimes and prescribing punishments, they are as sovereign, absolute, and uncontrolable as any government on earth, with, perhaps, the single exception, that they cannot make obedience to the paramount laws of the U. States a crime, or impose a punishment for it.

2. They have reserved the right to regulate the rights of property within their borders. They may prescribe the mode of making sales and transfers of land and other property, provide the forms of deeds and offices of record, create or define the various rights in landed estate, decide whether it shall be sold for debt or not, direct in what manner it shall descend, establish tribunals for the decision of all land controversies between citizens, direct the forms of bonds, notes and obligations, provide for the recovery of debts, and do any act in relation to the rights of property, real and personal, which can be done by any other government on earth, with the exception that they cannot violate the obligation of contracts, or take from the Federal Courts the decision of controversies between their own citizens and the citizens or subjects of the other States and foreign powers.

3. They have reserved the right to regulate the civil and political condition of all persons living within their limits. They may determine who shall be voters and who not; who shall enjoy personal freedom and who not. They may prescribe the laws of matrimony and modify them at will. They may direct that minority shall cease at the age of 15 years, or 18, or 20, instead of 21; and they may hold the black in servitude or make him free. In these matters, neither the United States, nor any one State, has any more right to interfere with the domestic, legal or constitutional regulations of another State, than with the internal laws of Russia or China.

4 They have reserved the right to make and control roads, canals, and other internal improvements. They may open and discontinue roads when they list, and where they list; they may dig canals or fill them up; they may open the channels of rivers or obstruct them; they may do any thing with their soil which can be done by any absolute monarch; [illegible] cannot obstruct the United States Mails passing upon their roads, canals or rivers; nor can they obstruct the citizens of other States in prosecuting, through those channels, an internal trade between the States

6 They have reserved the right to maintain armies and navies during war, but not in time of peace.

6. They have reserved a right to tax every person, profession, business, or thing, within their limits, all property, real and personal, every object from which a revenue can be raised, with the exception of imports and exports, and the operations, officers or property of the general government *as such*. In the taxing power with these exceptions, the States are as absolute and as sovereign as any other government.

We might enumerate more particularly and more extensively the reserved rights of the States; but it is unnecessary to our purpose. From the specifications herein given, our readers will perceive what TRUE STATE RIGHTS *really are* They are nothing more and nothing less, than *those political rights which were not surrendered to the General Government*. When the Constitution was adopted. But let us for a moment consider what rights the States did *not* reserve:

1. They did not reserve the right to declare war or make peace.

2 They did not reserve the right to make treaties with foreign powers.

3 They did not reserve the right to lay duties on imports or exports.

4 They did not reserve the right to regulate commerce with foreign nations or among the several States

5. They did not reserve the right to coin money or make any thing but gold or silver a tender in payment of debts

6 They did not reserve the right to violate the obligation of contracts.

7. They did not reserve the right to establish post offices and post roads.

8. They did not reserve the right to keep troops or ships of war in time of peace.

These are sufficient to illustrate our argument. None of them are *State Rights*, because the people of the States have either prohibited their exercise altogether, or delegated them to the Government of the United States. As far as delegated, they are *United States' Rights*.

In the exercise of their reserved rights, the States are as independent of each other, and of the General Government, as sovereign and as absolute, as are the governments of France or Spain.

But we are asked, what means have the States to maintain their rights? We answer, that they have the same and much greater means than the separate nations of the Eastern World, and much greater than they would have, if each State was a separate Republic.

1. The people of each State, through Electors, have a voice in electing the Chief Magistrate of the United States, which gives them a direct influence upon the Executive branch of the General Government.

2. Each State, through Senators chosen by her legislature, gives one twenty-fourth part of the vote of the Senate of the United States, through which she exercises a powerful influence over the law making power of the General Government.

3 The people of each State, through their Representatives in Congress, have also a direct influence upon the law making power, proportioned to their numbers.

4. Three fourths of the States can, at any time, change any feature of the Constitution, except that which provides for an equal representation in the Senate, thereby contracting or expanding the rights of the States, or defining the delegated powers.

5 The States may petition, remonstrate, address the people, their sister States and the General Government, operating upon its measures by appeals to the constitutional compact, to fact and argument.

6. Lastly, they may appeal to arms.

In this last appeal, as in all others, there are two parties; and in this, *might becomes right*. One State may charge the other twenty-three with usurpation of her rights; but the twenty-three may with sincerity repel the charge. If the one can compel the twenty three by force of arms to practise upon her principles, then she finds an effective remedy, and accomplishes that which many separate nations have in vain attempted to accomplish by resort to force. But there are many chances to one, that the twenty-three will be too strong for the one, and therefore many arguments urging her to confine her efforts to *peaceful remedies*.

The Republican doctrines of '98, as we have always understood them, were, that the General Government should confine itself to the exercise of the powers *clearly delegated* to it, and that the States should be left in the *unfettered exercise of their reserved rights*. The Federalists desired to assume powers to the General Government by *construction*; and the Republicans insisted that it should be confined *to the express grants*. This was the dividing principle of the two parties. But the idea that a State could, of its own will, cast off a law of the United States, prohibit its exercise within her limits, and still remain in the Union, or could, at its mere good pleasure, abandon the Union, never was a doctrine of the Republican Party; and never, until of late, did we hear that it constituted any portion of the Virginia doctrines. It is an error into which speculation has led many ingenious minds; but one from which a little attention to facts and reason will speedily relieve them.

These doctrines are totally disavowed and repudiated by the entire Democracy of the Eastern, Middle, and Western States, while they are also rejected by two thirds of the South. Ought not their advocates, from these facts, to distrust their own judgment, and carefully review the grounds of their faith?

Let them set down, one by one, the reserved rights of the States.

Let them then set down, one by one, the rights of the United States.

Let them then enquire, whether the United States have not as high a warrant to exercise, now and forever *their* rights, as the States have to exercise *theirs* Let them enquire, whether it was not *the same people* which gave authority to the State Constitution and the Constitution of the United States within the State of South Carolina. Let them enquire, whether those same people did not covenant, that the Constitution of the State should be altered only in one mode, and the Constitution of the United States only in another or others. Let them enquire, whether either Constitution can be rightfully altered in any other way.

It seems to us, that any one who duly considers *what State rights are*, will not find among them a right to dissolve the Union. It cannot be a *reserved* right, because it did not exist when the Constitution was formed. Not only was each State under a prior solemn engagement to maintain a "perpetual Union;" but it would be absurb to say, that a right to cast off the Constitution was a right *reserved* when it was formed, in the absence of an express reservation. If there be such a right, it was not a *pre existing and reserved right*, but one which was *created by the Constitution*

All correct reasoning must at last come to the conclusion, that *secession* and *nullification* are but other names for *revolution*. As revolution may be peaceful, so may these measures; but their pacific character depends altogether upon the disposition of one party to submit to the pretensions of the other. If the United States submit to have their laws trampled under foot in South Carolina without an effort to execute them, then Nullification will be peaceful. If South Carolina declares herself out of the Union, and the United States makes no effort to enforce the Constitution and laws, then her secession will be peaceful. But will it not be revolution?

We do not hesitate to say, that no State should be permitted to secede from the Union, *because it would be a violation of its obligations, and fatally injurious to all the rest*. One of the best illustrations of this case we have heard, came from a seaman. Said he, "suppose four men buy a ship and enter into articles of partnership, stipulating that each shall go on board with an equal interest upon a foreign voyage. In the middle of the ocean, one of the parties, under the plea that the rest do not treat him well, declares that he will cut off his quarter of the ship and go by himself. *Now*," said the seaman, "ought the other three to let him do it?"

We cannot let the madmen of South Carolina cut off a part of our political ship, because in that event, *we shall all sink together*. If they are willing to go to the bottom, the rest of the American people are not willing to go with them.

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*From the Baltimore Republican.*

### NORTHERN NULLIFICATION, OR SATAN REBUKING SIN.

MR. EDITOR:—Among the resolutions recently passed by the Legislature of Massachusetts, in relation to the tariff, there is one which seems not to have attracted the attention of the public, and, to my surprise, has, as far as I have been able to observe, escaped the censure of the press. I beg it to be observed, Sir, that the resolution to which I am about to call your attention, is not one aimed at the exercise, on the part of the national legislature, of any power even pretended to be *unconstitutional*; but has been called forth by, and is intended to meet, the bill lately reported from the Committee of Ways and Means, in the House of Representatives, *to reduce the duties on imports*, to the standard of the necessary revenue, or the wants of the Government The resolution is in the words following:

"*Resolved*, That while we cannot for a moment anticipate the possibility of the passage into a law of a bill of this description, in a Congress, which within a few months, has by a large majority pledged itself to the policy which it is now proposed to abolish, we yet deem it our duty formally to protest against the adoption of the measure proposed, as subversive of the best interests of the country—derogatory to the national honor, and involving such a gross and palpable abuse of the power of the Government, *as would justify the States and Citizens aggrieved by it, in any measures which they might think proper to adopt, for the purpose of obtaining redress.*"

This, Sir, as a resolution of the Massachusetts legislature—of a legislature, which, only a few days ago, re-elected Daniel Webster to the Senate of the United States, and which may be called Webster's legislature, as this may be called Webster's resolution.

I am not a nullifier, Mr. Editor; I look upon nullification as a mischievous heresy, which ought to be put down now and forever. We have been told, too, recently, that the ease in toleration, Webster, Quincy, Otis, Perkins, and the rest of the Hartford Convention party, are not nullifiers, notwithstanding some very