two or three prominent articles. Iron for instance. The great mass of this article, consumed in this country, especially in the interior, is of domestic product, and securely protected from much foreign competition by the mere cost of transportion. But the commoner qualities of the rolled English iron, which answers for ordinary smith's work, and no other purpose, is so very cheap, in spite of the high duties, that it supplies a great part of the consumption of the whole of our Atlantic coast and cities north and south. It is not fit for more valuable purposes, and a diminution of the duties will increase its consumption but very little. The better sort of hammered iron from the north of Europe, on the other hand, is used for machinery, steam engines, ship building, &c., and as much as is wanted for such purposes, must be had at any price. Of these two qualities of iron, the best and the worst, a diminution of duties would not much increase the consumption, and would in fact be a diminution of revenue: and between these two comes the better sort of English rolled iron, which is now nearly or wholly excluded from our consumption, by the high duties. Under diminished duties some of this would be imported for the consumption of the cities and the Atlantic coast, though it is not probable that it would much affect the market of the interior. Thus the treasury would gain something by a diminished duty on one kind of iron, while it would loose by a diminution on the best and worse sorts.

Thus again is cotton goods. The very cheap qualities, forming the mass of our consumption, are protected by the cheapness of their production from any serious competition of foreign importation here, under even a low duty The finer sorts of cotton goods; that is to say, those above fifteen cents a yard, are already imported to the amount of five or six millions a year, in spite of the operation of the present minimum system, and a diminution of duties would not probably increase the revenue. The importation might be increased, but not more than to make up the difference of duties. The main operation of the proposed change will be, the admitting certain cotton goods between the two classes I have mentioned. The revenue then from cotton goods, I believe, will stand pretty much as at present.

On the article of spirits, I presume the revenue will be increased, but it will be because it will increase the exportation of our agricultural products. If more of this article is imported, more provisions, flour, corn, meal, butter and cheese, &c. will be exported to the West Indies. Here will be some increase of income, notwithstanding a considerable diminution of duty.

In going over the items of the bill, similar results—none of them precisely accurate, though all of them probable—lead to the conclusion that the estimate presented by the committee cannot be very far from the fact—As they do not claim to be prophets in political economy, this is all the respect they can ask for their estimates. They have been accused of having been precipitate in preparing the bill, without documents or information.—They can only say that they have been, individually, for a year and a half, during the present Congress, to say nothing of preceding experience, doing little else than looking at the tariff in different lights; reading documents about it, and hearing arguments They had all the information which enabled the late Committee of Manufactures and the Secretary of the Treasury, last year, to prepare and present their bill; and they believed a good deal more. If they had been, as had been accurately calculated by a gentleman from Pennsylvania but *eighteen* days in preparing their bill, as a committee, it was because they had been *eighteen* months in studying the subject before hand.

We have not, however, the vanity to presume that we have framed a perfect bill. We have no pride of opinion on this subject that can prevent us from listening with pleasure to any suggestions intended not to destroy but to improve the bill; and if good reasons are shown for so doing, we are willing to accept any amendments which may make the language of the bill more clear, precise, or comprehensive, which will proportion the duties more justly, or which will adjust more equitably the several periods of the gradual reduction All that we claim of this House is, that the bill should be received in the same spirit of frankness in which it is presented, and not assailed with vague and contradictory objections, without the offer of any better plan of impost, either in whole or in part.

I have at last reached, after wandering through this wilderness of objection the immediate question now before us, and this relates to the duty on tea and coffee. These duties, if very moderate, are, in fact, just in themselves. For they are very much in the nature of a direct tax, being upon objects of general consumption, and at the same time bear more lightly in proportion on the poor than on the wealthy. Averaging the aggregate consumption of tea throughout the nation, it is about half a pound a head a year, and of coffee about two pounds. Every housekeeper in affluence or even easy circumstances, knows that his own consumption is in a much greater proportion.

I can boast of having always been a friend, and on one occasion, an efficient friend, to the importers as well as to the consumers of those innocent luxuries. The duties some years ago were an hundred per cent upon the cost of these articles, and I can look back with pleasure to the part which I bore as a member of the Committee of Ways and Means, in a former Congress, in reducing them to one third of their former rates. The duties proposed are still lower, and as the committee proposes to amend them, not more than sixteen or eighteen per cent. These duties have been added, as I before suggested, as a precaution against any deficiency of the revenue from the withdrawal of the proceeds of the lands, or any other cause whatever. I will also add, for the satisfaction of one of my Connecticut friends, (Mr. Ellsworth,) who questioned me on that point, that they were added on the protective principle. They were put in to secure sufficient revenue in any case, but if that revenue were too much, that then, either these duties might be repealed, or else these, together with all others, uniformly diminished, by a small reduction, spread over many articles. In either case, avoiding the hazard of any large and unexpected reduction of any product or manufacture, which may, as I believe most will be, efficiently protected under this proposed revenue tariff.

I intend here to close these desultory observations and explanations, postponing the defence of other details of the bill until we reach them in regular order, or leaving them to the support of my colleagues of the Committee of Ways and Means. But there is one other topic that I cannot wholly pass over. Still I mean to speak of it but briefly.

We have heard, in the course of this discussion, from various quarters, that this bill for reducing the revenue and the duties on imports, was not called for from any large portion of the people—that it was prompted and dictated by the menacing attitude of South Carolina: that that menacing attitude alone was a sufficient reason why this bill should not now pass. It has been called a measure of concession to South Carolina. I think, too, I heard it termed a measure of submission.—We were told by a gentleman from Pennsylvania, (Mr. McKennan,) that in presenting this bill, "the Committee of Ways and Means had taken counsel only of their fears."

FEARS! Mr. Chairman—*fears!* Let us not be deceived by the sound of words. This same word *fear*, has various and widely differing meanings. Personal fear is a miserable weakness. It degrades the individual, rendering him useless to himself and to others, in the noblest acts and most precious duties of life. Political cowardice is just as hurtful and despicable in a higher sphere and a wider range of influence. But this sort of cowardice springs always from base and narrow selfishness—from the little, dirty, personal motives of small politicians, whether in high or low stations. And it is in its trembling anxiety to guard or gain petty interests, or attain petty ends, that it betrays or sacrifices the public weal I cannot for a moment insult my worthy highminded colleagues on the Committee, by thinking it possible that such a cowardice had for a moment influenced their decisions. I should blush for myself if it had ever mastered my own thoughts for a moment.

There are, however, other fears of a different sort. There may be fear of taxing the citizen to enrich the Treasury; and fear of weakening the strongest bonds of Union, the bonds of willing hearts, the feelings of loyal attachment to this Government by unnecessary taxation. Fears for the public peace—fears not of any present danger—but for the permanent stability of our Constitution. For such fears, in myself or in my friends, I cannot blush.

What now is the true state of the case, in regard to the motives which may have led to the recommendation and introduction of this bill, and which may justify its now passing into a law?

We have arrived at a period in the financial history of our Union when we can still further, and without hazard, diminish the revenue and lighten the taxation, direct and indirect, of the whole people. Against the continuance of some of these burthens, seven States of our Confederacy have more than once (and some of them again, within a month or two) remonstrated as oppressive and unconstitutional. Large classes and numerous bodies of citizens in other portions of the country, together with, I believe, two of our northern States in their sovereign capacity (New Hampshire and Maine) have re echoed this complaint, though with an important variation. They have said that such taxes were not unconstitutional, but oppressive and unjust Be it, that these complaints were quite unfounded. Be it that the laws were constitutional. I have myself held and avowed the latter opinion Be it that the duties were equal, just, and when wanted for the treasury, useful. Still the firm and deep rooted conviction, not of South Carolina alone, but of nearly the whole South, and of thousands of citizens throughout the northern and navigating States, is that which they have so often urged upon us. They think themselves oppressed. Shall then, the majority of this people continue to impose upon the minority, (and a large minority too,) even for another year, burthens which that minority believe to be oppressive; and this for the sake of collecting taxes which are no longer needful? Is this right? Is it just? Is it wise and statesmanlike? Is it even prudent?

I grant—no one can do it more willingly—that this Government has the constitutional power to impose these duties, and the actual power to retain and enforce them. What then? Because we have a giant's strength, does it become us to use it like a giant? What is true of all civil power, is specially and peculiarly true of our Federal legislation. If we would have it work much good and no evil—if we wish it to last long and command willing obedience, it must be exercised moderately, kindly, gently. But if from the fear of growing weak, we insist upon our Government's constantly putting forth its whole strength, we shall at last find that strength perish in the using

Above all, is it right, just, wise, or magnanimous, to refuse relief craved from our hands, constitutionally, respectfully, patiently, by so many States, by so many thousands of citizens, merely because harsher and sterner demands for larger concessions are made from another quarter?

To do so, would be indeed to "take counsel of our fears"—and a fear, too, of the worst kind; it is the fear of doing right, lest we should in some way or other, degrade ourselves in doing it I have often seen this weakness in social life, and have sometimes deplored it as an infirmity of a noble mind But it is oftener the accompaniment of pride, weakness, passion, or folly It is the offspring of a false and spurious honor, which the wise man condemns, over which the good man may mourn, but which the truly brave must despise. Its mischiefs are enormous, incalculable. It perpetuates quarrels that should have passed away with the temporary cause, and inflames them into lasting hatred. Often has it rent apart long and old friendships, and ended them forever in blood and death. Often has it separated families, and banished peace forever from the domestic hearth. Often has it made brothers strangers and enemies to each other.

If we permit this false and spurious counterfeit, wearing the mask of honor, and assuming the port of courage, to mix in our councils, now and here on this floor, we must not hope to avoid similar results in our great national family. But how vast in their reach! How wide in their influence! How lasting! History is full of lessons to this effect. This spirit of false pride, hesitating at slow and reluctant justice, when frank and magnanimous concession was demanded, has overthrown great and ancient governments. It has rent asunder mighty States. I will not prognosticate evils of equal magnitude to our own country. But far from us, and far from our public councils, be the poor cowardice of pride which dares not to be just, or even prudent, lest it should be thought timid.

Therefore it is that I hold it to be not less the dictate of political foresight, than the evidence of a true, and calm, and wise magnanimity, to act upon this subject in all respects as if South Carolina had assumed no other ground in relation to it than that taken by N. Hampshire, by North Carolina, Georgia, Alabama, Mississippi, and Virginia. Thus, and thus only, it seems to me, can we comply with the true spirit of the noble maxim which we have heard repeated more than once in this discussion—*do justice and fear not.* Let us do justice first, and we have nought to fear.

The following extract of a Regulation of the War Department is published for general information:

"WAR DEPARTMENT,
July 6, 1832.

No person will be hereafter permanently appointed or promoted in the Medical Staff of the Army, until he has passed an examination before the proper Board and received a favorable report therefrom.—A medical Board, to consist of three Surgeons, or Assistant Surgeons, will be detailed from time to time, by the orders of the War Department, who will examine the qualifications of all persons authorized to present themselves for that purpose, and will report to the Surgeon General their opinion thereupon. In the execution of this duty, the Board will rigidly scrutinize the pretensions of each candidate and report favorable upon no case admitting a reasonable doubt. The health and lives of the Officers and soldiers are too important objects to be committed to ignorant or incompetent hands. No allowance will be made for the expenses of persons undergoing these examinations, as they are considered indispensable prerequisites to appointments.

LEW: CASS."

By order of Major General MACOMB:
R. JONES, Adjt. Gen.

TWENTY-SECOND CONGRESS,
SECOND SESSION

Wednesday, January 30, 1833.

IN SENATE.

Mr. Silsbee presented sundry resolutions from the Legislature of Massachusetts, remonstrating against the passage of the bill pending for the reduction of the Tariff duties, which were laid on the table, and ordered to be printed.

Mr. Dallas presented the resolutions passed at a meeting of 3000 citizens of Philadelphia, also against the pending bill for the reduction of the Tariff; which were laid on the table and ordered to be printed.

SPECIAL ORDER.

The Senate then proceeded again to consider the bill to provide further for the collection of the duties on imports.

Mr. Grundy asked leave to re-state what had been already stated by the Chairman of the Committee on the Judiciary, as to the amendments which the Committee proposed to move in the bill.

The first amendment was to strike out, in the 29th clause of the 1st section, the words "prevent, or," (the effect of which is to exclude the power proposed to be conferred on the President of the United States to use military force to prevent, as well as suppress any riotous assemblage, &c.) The second was to limit the operation of the bill to the close of the next session of Congress.

As the amendments are of much importance, he had felt desirous to present them more distinctly to the consideration of the Senate.

Mr. Bibb of Kentucky then rose and addressed the Senate. My voice, said he, is still for peace; and I wish to procure it in the way most practicable as well as desirable He could have wished, he said, that this discussion might have been delayed yet longer, to take advantage of all circumstances that might occur—not only of the effect of what Congress might do in its legislative capacity, but of all accidental returns of good feeling, harmony, and concord, which might be produced by the action of prudent, discreet and disinterested friends, either in the political assemblies of the respective States, or as members of the Societies in which they live. But his wishes on the subject availed not: he was now compelled to go into the discussion of the bill and deliver such views of it as appeared to him pertinent to the occasion. In doing this, he said, he hoped he should observe that decorum which he always wished to observe to individual members of the Senate, nor suffer to escape him any expressions calculated to add to the excitement, in or out of doors, which he feared was already enough, if not too great. But, he said, it would be necessary, from the very nature of the subject, to touch upon the conflicting opinions of the two great parties which have, at various periods, been distinguished in this Government. Having himself always belonged to one of these parties; never swerving from his principles heretofore or now—for his maturer age still approved of them—he wished to place its principles distinctly before the public, that they might not be misunderstood, nor seem to approve doctrines which they do not sanction.

It was because he loved this Union, Mr. B said, that he felt himself obliged to come forward in this debate. Yes, sir, said he, I cherish the Union as the safeguard of our country from foreign invasion, and the bond of peace and concord at home. Most of all he cherished it as likely to protect us from those calamities which history tells us have befallen gov'ts. that have at one time or other enjoyed a considerable degree of liberty—from the horrors of the sanguinary Revolution of France, and from the equally frightful scenes which have been exhibited, almost under our own eyes, in the countries which lie to the South of these States. He would not undertake to depict the horrors of civil war; but, in his estimation, the most vivid imagination of this body would fall far short of a just conception of their reality. When he looked forward, he awfully feared that the passage of this bill would bring upon the country a civil war with all its harrowing consequences. It was, he repeated, because he loved and cherished this Union, that he felt himself bound to come forward and oppose this bill.

We have had before us (said Mr. B.) the Message of the President of the United States, with his Proclamation, &c. and we have been told by the honorable Chairman of the Committe who reported this bill, that the bill is responsive to the Executive Message; that it is calculated to meet the state of facts alluded to and pourtrayed in it: and, whilst the honorable Chairman himself admits that it is undoubtedly an act of high legislation, he yet justifies it on the ground that it is destined to meet the existing state of facts in South Carolina. Mr. B. said, he should treat this bill, after the frank communication just made to the Senate by his friend from Tennessee, (Mr. Grundy,) as if the amendment to it, which the Committee on the Judiciary intended to propose, had been agreed to and formed a part of it. It must be obvious, then, that, as the bill is avowedly responsive to the Executive Message; as that Message alludes particularly to the state of things, and as it was not, if passed, to be a permanent law of the United States, but to be limited to the end of the next Session of Congress, he should be compelled to regard it as intended against the state of things existing in South Carolina, as declared and proclaimed by the Message of the President and the Ordinance, test act and all other public acts alluded to in the message. He wished, before he proceeded in this matter, further to bring directly to the attention of the Senate the consideration of what is the actual state of facts to which the bill is intended to apply.

Pursuing this object, he said, that, so far as S. Carolina is concerned, the Ordinance has made by the People of that State in their highest sovereign character, organized in convention. It was done by S. Carolina in her character of a State. So were also her legislative acts. The whole proceeding in S Carolina, to which the Message applies, consisted not of any facts done, except so far as they were done by the People of S. Carolina in Convention, and through their organized government of a Legislature and Executive. No fact was communicated in the Executive Message to Congres as having occurred in South Carolina, but what was done by the People of South Carolina in their character of a State. And here once for all, he would observe, that when he spoke of a State, he did not mean an intangible being, without soul, intelligence, or moral responsibility; but of a State in the sense in which the term was always understood in inter national law, and in our own codes; as including a set of men associated in a form of government to which they look for protection and for justice, and to which they owe corresponding obligations When he spoke of the State in its sovereign capacity, therefore, he meant the People of the State of South Carolina, acting through their State Governmen.

The bill proposed, Mr. B. repeated, to meet the existing state of things in South Carolina. The whole action on this subject had exclusive reference to the position of South Carolina.

Here he begged, once for all, to say that, in the argument he was about to make, he did not wish to be supposed to justify an assent to the extremeties to which South Carolina has gone, nor to defend her in all her positions. He meant to examine the Constitution of the country, its construction in all its parts, for the purpose of testing the soundness of the doctrines which the Proclamation, the Message, and the bill, proposed to establish by force of arms. He intended to discuss the question whether the present conflict of opinion could not be adjusted without setting up one doctrine and putting down the other, by the sword and the bayone.

He deprecated discord and war as destructive to civil liberty and to the Union; and to avert them from the country, he had risen in opposition to this bill; for it did not appear to him to tend to the preservation of the Union, but directly to the separation of the States.

A false issue has been made here—whether the Government can compel the State of South Carolina to obedience by arms. This issue was false; for the true question was, not whether the Government had such power, but whether it was not the duty of the Government to relieve and conciliate a member of the Union, together with several adjoining States which have made common cause with her, so far as remonstrance is concerned.

Are we now to rush into a war with Carolina, to compel her to remain in the Union? Shall we keep her in the Union by force of arms, for the purpose of compelling her submission to the Tariff laws of which she complains? How shall we do this? By the naval and military force of the United States, combined with the militia. Where will the militia come from? Will Virginia, will North Carolina, will Georgia, Mississippi, or Alabama, assist to enforce submission to the Tariff laws, the justice and constitutionality of which they have by resolutions on your files, denied over and over again? Will those States assist to forge chains by which they themselves are to be bound? Is this to be expected in the ordinary course of chance and probability?

We are too much in the condition of the mother country, when she looked with contempt upon the remonstrances of her colonies; when the voice of petition for the redress of grievances did not reach the throne, nor those statesmen whose thirst for power and revenue was insatiable. Too much did our conse in denying redress to South Carolina, in opposing the principles, for which she contends, resemble the conduct of Great Britain, which led to our revolution.—The Proclamation is issued in answer to the Ordinance and legislative acts of South Carolina, and treats them as a British General in a neighboring colony treated the acts of the Colonial Assembly The Boston port bill, the tea tax, and and other measures, which appeared trifling at the time, gave rise to most important results. Great Britain sent an armed force to execute them, and expected, the first campaign, to overrun the province, and put an end to all opposition. But the principle which affected the rights and interests of one colony, united all the colonies in one common cause.—Sir, I have heard it said, but not in this House, in answer to the arguments of the necessity of compelling South Carolina to comply with the laws, that a reduction of the Tariff will restore peace and tranquility, and render all coercion unnecessary. But to this it was replied that South Carolina had put herself in military array: that Congress cannot be dictated to by a member of the Union.

Yes, sir, and so Lord North the British Minister, reasoned in his day. From a speech delivered in Parliament by Lord North, Mr. B. read a passage, in which Lord North asks whether "our lenity has inspired the colonies with moderation,"—declares that the proper time for exerting the power of taxation is when the power is refused, and that he would not relinquish his measures of coercion, "until America is at our feet." We should take warning, continued Mr. Bibb, from the experience of former times. The idea that Lord North could prostrate America at his feet, turned out to be one of those fantasies which tickled the ear of power, but which Divine justice forbade to be realized.

It may be our disaster, our fatal catastrophe, to see a Union, offensive and defensive of the Southern States, such as we ourselves opposed to the government on the other side of the water. Before we proceed let us pause—let us examine the character of our institutions, and ascertain whether, in the discharge of the power confided to us, it is incumbent on us to use compulsion against a member of the Union. That he might not appear to have spoken too strongly, he would beg leave here to call the attention of the Senate to the first and fifth sections of the bill. There are other minor provisions, the objections to which may be easily obviated by provisions similar to those in the acts from which the bill is copied. He would admit in advance, that the General Government had the right to decide the matter by the Jury.—From the conflict of judicial opinions nothing was to be apprehended, but a collision between State and Federal sovereignties would rend the Union asunder.

The first section of the bill provides that "it shall be the duty of the Collector to reside at such place, and there to detain all vessels and cargoes arriving within the said district until the duties imposed on said cargoes by law be paid, in cash, deducting interest according to existing laws; and in such cases it shall be unlawful to take the vessel or cargo from the custody of the proper officer of the customs, unless by process from some court of the U. States."

On this part of the section, he would remark that, as it was applied to the State of South Carolina alone, it was a manifest breach of that provision of the Constitution which declares that no one port shall have preference over another. Though South Carolina was not named in the bill, yet it is framed exclusively in regard to South Carolina—and no distinction between one port and another can be more apparent and oppressive than that which makes duties payable at one port in cash, and in others in bonds. As to so much of the section as directs that the goods shall be kept till the money is paid, he would say nothing, as he would not dwell on minute points while others of great importance demanded attention.

The section goes on to provide that "in case of any attempt otherwise to take any vessel or cargo by any force or combination, or assemblage of persons too great to be overcome by the officers of the customs, it shall and may be lawful for the President of the United States, or such person or persons as he shall have empowered for that purpose, to employ such part of the land and naval forces, or militia of the United States, as may be deemed necessary for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof, and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons resisting the custom house officers in the exercise of their duties, or in any manner opposing the execution of the revenue laws of the United States; or otherwise violating or assisting and abbetting violations of the same."

Now, Sir, said Mr Bibb, I do object most pointedly to the enormous discretionary power which is here vested in the chief magistrate. It was a power which ought not to be confided to any President, and to him it was vain to say that the individual who now holds the office will not abuse the power. This is not a question between this and that man, but a question of constitutional principle.

Mr. Bibb then passed to the consideration of the fifth section, which he read as follows:

Sec. 5 *And be it further enacted*, That, whenever the President of the United States shall be officially informed by the authorities of any State, or by the Circuit and one of the District Judges of the United States, in the State, that, within the limits of such State, any law or laws of the United States, or the execution thereof, or of any process from the Courts of the United States, will in any event be obstructed by the employment of military force, or by any other unlawful means, too great to be overcome by the ordinary course of judicial proceeding, or by the powers vested in the marshal by existing laws, it shall be lawful for him the President of the United States, forthwith to issue his proclamation, declaring such fact or information, and requiring all such military and other force forthwith to disperse; and, if, at any time after issuing such proclamation, any such opposition or obstruction shall be made, in the manner or by the means aforesaid, the President shall be, and hereby is authorized, promptly to employ such means to resist and suppress the same, and to cause the said laws or process to be duly executed as are authorized and provided in the cases therein mentioned by the act of the twenty-eighth of Febru'y, one thousand seven hundred and ninety five, entitled "An act to provide for calling out the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for that purpose;" and also by the act of the third of March, one thousand eight hundred and seven, entitled "An act authorizing the employment of the land and naval forces of the United States, in cases of insurrection."

By "employment of military force, or any other unlawful means." What means? By turning to the message, to which the bill responds, it would seem that those "other unlawful means," might be legislative acts or judicial process. That is, if South Carolina does not repeal her ordinance and legislative acts, or if she makes other laws which in the judgment of the authorities of the State, or of the Federal Judiciary, will obstruct the collection of the revenue, the President may use the army and navy in compelling submission to the laws. Upon information which looks to the case of prospective obstruction to the due administration of the United States laws, the President is empowered to issue his proclamation declaring the fact, and ordering the force to disperse; and if it be not dispersed, he may cause the laws of the Union to be executed, by the employment of the army and navy. The military and naval force are put under the control of the President, in the event of information, not of actual, but of apprehended and approaching resistance to the laws.

Is not this provision calculated to subdue the sovereignty of the States by force of arms—by war—yes, by war—for, disguise it as you will, this provision is a declaration of war? It empowers the President to make a declaration of war. The war making power is given to Congress, that they may weigh well the consequences of a war before they engage in it, and exhaust negotiation and all other means, before they plunge the people into a war. But here in defiance of the safeguards of the Constitution, the war making power is given to the Chief Magistrate alone. Upon a mere information he may declare war by Proclamation, and prosecute it with all the naval and military power of the country. Sir, said Mr. Bibb, I cannot consent to this. It squints too awfully at monarchy.—He would now endeavour to call the attention of the Senate to the feeling manifested by the Colonies, when Great Britain attempted to exert unconstitutional powers over them. He adverted to a resolution passed by the General Court of Massachusetts, in 1769, in response to a message from the Governor requiring an appropriation to defray the expense of the provisions for the military force stationed at Chasse Island, according to an act of Parliament.

The resolution refers to the discontent of the Colony at the revenue acts, and the measures taken to enforce them, declares the establishment of a standing army in the Colony in the time of peace to be an invasion of the rights of the Colony, and urges that this array of military force under pretence of assisting the civil power, is unconstitutional. What are we about to do? Instead of turning an ear to the remonstrances of South Carolina, we are turning upon her our cannon. Should we not first see whether by justice tempered with a spirit of conciliation, we can appease these unhappy discontents which have so long prevailed?

Is it not wanton, when we have so easy and peaceful a remedy at hand, to have recourse to this bill—to the "*ultima ratio*"—to the law of force?

Nature, continued Mr. B. has made a diversity of soil, climate and pursuits, in this widely extended territory. These diversities cannot be assimilated by legislation, for you cannot conquer the decrees of nature. There are some other differences existing, which, though created by adventitious circumstances, were equally difficult of adjustment. Hence the necessity of a Local and a General Government, with distinct powers. Certain powers are studiously selected and reserved for the sole exercise of the States severally, because their exercise by any but themselves would be prejudicial to their interests. This question of the powers of the State and Federal Governments must here be examined:

Here he would call the attention of the Senate to the Proclamation and the late Message, for the purpose of examining how far those doctrines are true or false.

It seems to me, continued Mr. Bibb, that both the Proclamation of the President, and his Message, proceed on an erroneous basis, when they assume that by the Declaration of Independence we are considered as one nation, that by the Constitution we are made one nation; that this instrument was adopted by the people of the United States as one nation, by a mass of individuals of the United States, as in contradistinction to the principle asserted by some, that it was made by the people of the separate States; and that the Constitution had no other reference than to the people, considered as the people of the Union. What was this Union? It was not an union of the people of the whole United States acting together, but of the people of the several States, and in that sense alone, he contended, were the terms used in the Constitution of the United States. The words, people of the United States, had no other meaning than people of the States The Convention which was called to form the constitution, was the work of the thirteen United States. It was to that proposition, to the question as to the organic structure of the government, that he felt bound to go for the foundation of his argument; for, until that was settled he could not discover any standard by which he could test the constitutionality of the provisions of this bill. When this point should be sufficiently explained, the Senate would be able to come to a more accurate decision whether the conduct of the State of South Carolina ought to be made the subject of unqualified denunciation, and how far it was proper for the United States, as anation, to act on her by war, and thus preserve the constitution of the United States; and thus demonstrate at this time, to what extent South Carolina had violated the constitution.

If he rightly understood the language of the message, it went on the idea that the United States Government was the People's Government; that it was established by the people, acting in a mass, in opposition to the idea that the constitution had been adopted by the people of the States; that it was ratified by the States, set in motion by the States, and depended on the States for its support and continuance. The idea of the Government being made by the people of the Union, in opposition to the idea that it was created by the people of the States; and dependent on them for vitality and existence, was one which he wished to refute.

In the first place he would make a reference to our situation as colonies. As colonies, there States were all separate and distinct colonies, each colony holding its separate Executive, each its own Legislature, or, as it was termed, general court, and each holding its own judiciary. There was no other cement existing between these colonies except that which nature made, and that which arose from their owing a common allegiance to Great Britain. The first settlers came to the country, and established, as they came, their separate colonies, each having its own executive. In this condition they were found when the oppressive acts of Great Britain coerced them into separation from the mother country. A common interest, a common cause, a common oppression, a common burden, united them in a determination to resist, and in preparation of the means of resistance. They separately resolved on their course of action, and by common consent exchanged communications with each other, and determined to have a general Congress.

There were some of the States which had declared their independence before that Congress issued the Declaration of Independence. The Declaration of Rights by the State of N. Carolina, preceded the general Declaration of Independence. Virginia also had previously adopted her Bill of Rights, and her Declaration of Independence. Before the general Declaration was made, each of the Colonies had by itself, and by its own separate authority, thrown off its former allegiance to the Crown of Great Britain, and declared its own sovereignty and independence. By virtue of that Declaration, and of the means which were taken to resist the effort made by the Crown

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