S[illegible]ver had been a unit, indivisable and unalienable, in the sense of the S. Carolina Convention, the contract would have been void ab initio. But presuming that even the gentleman from Virginia will agree that it is no an absolute nullity, and has some binding effect by the ratification of the people, I proceed to describe briefly, sir, the nature of this Government and the operation of its powers. Originating, as it did, both from the States and the People, the "foundation of its powers" would have authorised the creation of the government, either exclusively federative or exclusively national, or a mixture of both.

The House of Representatives is a body in which the People alone are represented. In the Senate, the States alone are represented without reference to the number of the People contained within their limits. The Executive, exercising its unqualified veto on the laws, is the Representative of the People and the States combined. These co-ordinate branches of the legislative power are checks on each other, as the Senator from Maine has described them. It is indeed, sir, literally true, that less than one fifth of the People of the States, by their Representatives in this Senate, could now defeat any law proposed by the immediate delegates of the people in the other branch of Congress. That branch is national or popular—this federative—and the Executive is elected by the power which creates them both. Well may it be said that there never was a government before it in which the rights of a minority were so completely protected. But this protection does not stop here. Should all these branches of the government trample on a minority by the enactment of an unconstitutional law, it may appeal with safety to the Judiciary, another branch of the Government, the members of which are nominated by the President, and confirmed by the Representatives of the States in this body. And, finally, should the Judiciary decide in favor of an oppressive law, there lies an appeal to the People to remove the agents who have been guilty of the oppression. The fate of the alien and sedition laws would furnish the honorable member from Virginia with an apt illustration of the effective operation of this last and most important check on the exercise of power.

This government possesses the right of self preservation. As a necessary incident to this important right, the Judicial Department possesses the power to settle, in the emphatic language of a resolution of the Legislature of my native State, which I received but yesterday and I this day support, "all controversies between the United States and the respective States, and all controversies arising under the Constitution itself." On this most important question, if I understand the honorable Senator from Virginia, he holds the doctrine that "when Governments come into collision, the Supreme Court cannot decide." The gentleman from Kentucky (Mr. Bibb) holds that the Court cannot exercise political power, and he avers that the question now agitating the state of S Carolina cannot be decided by the Court, because they are all cases of the exercise of political power.

When Mr. Marshall, the present illustrious President of the Court, in his place as a member of the House of Representatives took the distinction relied upon between judicial and political power, he clearly explained and defined it. The Court can decide only in a case which can be brought before it. It can do nothing of its mere motion. It has no Legislative and no Executive power, but in every case in law or equity which could arise before the Court under the Constitution or Laws, it is, as the Courts of the United States are now organized, the sole arbiter; and nothing has ever fallen from Mr. Marshall to contradict this principle. On the contrary, the whole current of authorities in the Court sustains it.

Can then the question as to the validity of the South Carolina Ordinance and legislation, made as they are in opposition to our revenue laws, arise before the Court? Why not? If it be not presented for determination there, it must be owing to no other cause which I can understand than the refusal of her citizens to bring up the point. In an action for a breach of our revenue laws, the citizens of Carolina who may claim the benefit of this State interposition can surely plead the special matter in bar of the action, setting forth the Ordinance and laws under which he demands protection The Attorney for the Government must demur to the plea, because the facts contained in it are not treasonable. The judgment of the court below and of the court in appeal must be on the very question whether this ordinance and these laws are constitutional. Will any professional gentleman here deny this? Will any one of them state a possible difficulty in regard to the propriety of this mode of presenting the whole question in issue between us to this tribunal? Sir, I defy their scrutiny. They know as I do, that the case is one which can be easily submitted to the Court if they dare to do it.

The President in his late message in reference to this most interesting subject, has brought back the Government to its true principles and maintained the authority of the Court as I have stated it.

The sentiments of the Vice President elect coincide with these on this subject, at least there has been no "non committal." Mr. Van Buren, in his speech on the Judiciary, in 1826, says—

"It has been justly observed that there exists "not upon this earth, and there never did exist, a judicial tribunal clothed with powers so "various, and so important, as the Supreme "Court."

"By it treaties and laws made pursuant to "the Constitution, are declared to be the su"preme law of the land. So far at least as the "acts of Congress depend upon the Courts for "their execution, the Supreme Court is the "judge whether or no such acts are *pursuant "to the Constitution*, and from its judgment "there is *no appeal*. Its veto therefore, may "absolutely suspend nine tenths of the acts of "the National legislation."

"Not only are the acts of the National legislation subject to its review, but it stands "as the umpire between the conflicting powers "of the General and State Governments. But "this is not all. It not only sits in final judg"ment upon our acts as the highest legislative "body known to the country—it not only "claims to be the absolute arbiter between the "Federal and State Governments—but it ex"ercises the same great power between the "respective States, forming this great confed"eracy and their own citizens."

"There are few States in the Union, upon "whose acts the seal of condemnation has not, "from time to time, been placed by the Su"preme Court. The sovereign authorities of "Vermont, New Hampshire, New York, New "Jersey, Pennsylvania, Maryland, Virginia, "North Carolina, Missouri, Kentucky, and "Ohio, have, in turn, been rebuked and silenced by the overruling authority of this court. "I must not be understood, sir, as complaining "of the exercise of this jurisdiction by the "Supreme Court, or to pass upon the correct"ness of their decisions. *The authority has "been given to them, and this is not the place to "question its exercise.*"

Mr. C. here spoke of the attempts made to exonerate Virginia from the imputation of inconsistency, between the principles of her resolutions of '98 and those adopted unanimously in answer to Pennsylvania. The Senator from Virginia says that, because they were unanimous, they could not have been well considered. Though the Senator had urged the same argument on a former occasion, Mr. C. said he could not deem it sound. A unanimous vote, in his opinion, implied a well considered and well settled decision. The argument raised upon the distinction between a proposition for an arbiter to decide controversies between a State and the Federal Government, and a proposition for an arbiter between the States themselves, he rejected as metaphysical refinement. Mr. C. then referred to the S. Carolina Address, from which he cited the following passage:

"It is fortunate for the view which we have "just taken, that the history of the Constitu"tion, as traced through the journals of the "Convention which framed that instrument, "places the right contended for upon the same "sure foundation. These journals furnish a"bundant proof that 'no line of jurisdiction be"tween the States and Federal Government, "in doubtful cases,' could be agreed on. It "was conceded by Mr. Madison and Mr. Ran"dolph, the most prominent advocates for a "Supreme Government, that it was imposible "to draw this line, because no tribunal sufficiently impartial, as they conceived, could "be found, and that there was no alternative "but to make the Federal Government supreme "by giving it, in all such cases, a negative on "the acts of the State Legislature. The pertinacity with which this negative power was "insisted on by the advocates of a national "government, even after all the important "provisions of the *judiciary or third article* of "the Constitution were arranged and agreed "to, proves beyond doubt, that the Supreme "Court was never contemplated by either party in that Convention as an arbiter to decide "conflicting claims of sovereignty between the "States and Congress; and the repeated re"jection of all proposals to take from the states "the power of placing their own construction "upon the articles of union, evinces that the "States were resolved never to part with the "right to judge whether the acts of the Federal "Legislature were or were not an infringement "of those articles."

The facts upon which those conclusions were based, were, he said, erroneously stated. There was in the Convention a member from the State of Maryland, who was a nullifier at that day. He was a man of distinguished ability and legal attainments; he referred to Luther Martin. He opposed the Constitution, and refused his signature to it. He represented one of those small States, the safety of which he believed to depend on the establishment of a purely federal government. The House of Delegates of Maryland demanded of him his reasons for refusing to sign the Constitution. Those reasons he gave, in a very able view of the Constitution, embracing all the objections to that instrument which have since been urged. He objected especially to the powers given to the Supreme Court, and to the clause providing for the punishment of treason.

These powers, Mr. Martin contended consolidated the government. Arbitrary power, he says, may and ought to be resisted, by arms, if necessary. The time might come when the dignity and safety of a State might render necessary a resort to the sword, in which case the Constitution provided that every one of her citizens, so resisting the laws of the Federal Government, shall be dealt with as traitors. Mr. C. went on to read certain passages from the document to which he had referred:—

"By the third section of this article, it is de'clared that treason against the United States, 'shall consist in levying war against them, or 'in adhering to their enemies, giving them aid 'or comfort."

"By the principles of the American revolution arbitrary power may and ought to be resisted even by arms if necessary. The time 'may come when it shall be the duty of a State, 'in order to preserve itself from the oppression 'of the general government, to have recourse 'to the sword: in which case the proposed form 'of government declares that the State and every one of its citizens who act under its authority, are guilty of a direct act of treason," &c.

"To save the citizens of the respective States 'from this disagreeable dilemma, and to secure 'them from being punishable as *traitors* to the *United States*, when acting expressly in obe'dience to the authority of their own State, I 'wished to have obtained as an amendment to 'the third section of this article the following 'clause: "Provided, that no act or acts done 'by *one* or *more* of the States against the United States, or by any citizen of one of the U'nited States under the authority of one or 'more of the said States, shall be deemed *trea'son* or *punished as such*; but in case of war be'ing levied by one or more of the States a'gainst the United States, the conduct of each 'party towards the other, and their adherents 'respectively, shall be regulated by the laws of 'war and of nations."

"But this provision was not adopted, being 'too much opposed to the great object of ma'ny of the leading members of the convention; 'which was by all means to leave the States, 'at the *mercy* of the *general government*, since 'they could not succeed in their immediate and 'entire abolition."

Now, continued Mr. Clayton, if the doctrine be true that a State may nullify the laws of the Union, and still remain in the Union, there must be some clause of the Constitution authorizing resistance to the laws of the Federal Government by the States. Mr. Martin, it appears, offered an amendment giving this authority, which was rejected, and he tells the State Maryland that the consequence of that rejection is, that she, as the State of Maryland, cannot resist a law of the General Government without incurring for all her citizens employed in such resistance, the pains and penalties of treason.

[Mr. Calhoun here interposed some objection to Mr. Martin's statement, but added that, if his authority was good, it ought to be taken on both sides. If the senator from Delaware would read a little further on, he would find that a proposition to enable the General Government to protect manufactures was voted down, &c. If it were good on one side, it was good on the other.]

Mr. Clayton proceeded, he said, to follow his argument on the single question before him. The other, suggested by the senator from South Carolina, he might meet at a proper time. Upon the question whether the United States Court was supreme in its sphere, he read the following passage from the same paper:

"By the third article, the judicial power of 'the United States is vested in *one Supreme 'Court*, and in such *inferior courts* as the Con'gress may from time to time ordain and es'tablish. These courts, and *these only*, will 'have a right to decide upon the laws of the 'United States, and all questions arising upon 'their construction, and in a judicial manner 'to carry those laws into execution: to which 'the courts, both superior and inferior, of the 'respective States, and their judges, and other 'magistrates, are rendered incompetent. To 'the courts of the General Government are al'so *confined* all cases in law or equity, arising 'under the proposed constitution, and treaties 'made under the authority of the United States '—all cases affecting ambassadors, other public 'ministers, and consuls—all cases of admi'ralty and maritime jurisdiction—all contro'versies to which the United States are a par'ty—all controversies between two or more 'States—between citizens of the same State, 'claiming lands under grants of different States, 'and between a State or the citizens thereof, 'and foreign states, citizens, or subjects.—'Whether, therefore, any *laws* or *regulations* of 'the *Congress*, or any *acts* of its *President* or 'other *officers*, are *contrary to*, or *not warranted 'by* the constitution, rests *only* with the judges 'who are *appointed* by Congress to *determine*, 'by whose determinations *every State* must be 'bound. Should any question arise between a 'foreign consul and any of the citizens of the 'U. States, however remote from the seat of 'empire it is to be heard before the Judiciary of 'the General Government, and in the *first* in'stance to be heard in the Supreme Court, 'however inconvenient to the parties, and how'ever trifling the subject of dispute."

Now sir, said Mr. C. here is historical authority from the highest source. It was not coined for the occasion. The views of Mr. Martin were known all over the Union, and were proclaimed to the world. Could the State of Maryland, having knowledge of these facts, with any propriety stand before the Union as a nullifier? If she could not, neither could South Carolina.

Mr. C. then referred to the journals of the Convention of 1787; to show what was the opinion in that body, in respect to the expediency of giving paramount authority to the acts of Congress, when those of the States came in conflict with them. Mr. C. then quoted in succession, (commenting upon them as he went along) the following passages.

"It was then moved and seconded to proceed to the consideration of the following resolution, being the sixth submitted by Mr. Randolph:

"Resolved, That each branch ought to possess the "right of originating acts:—That the "national legislature, ought to be endowed to "enjoy the legislative rights vested in Con"gress by the confederation—And moreover, "to legislate in all cases, to which the sepa"parate States are incompetent, or in which "the harmony of the United States may be "interrupted, by the exercise of individual le"gislation:—To negative all laws, passed by "the several States, contravening, in the opin"ions of the national legislature, the articles "of the Union."—The following words were "added to this clause on motion of Mr. Frank"lin,—"or any treaties subsisting under the authority of the Union."

"Questions being taken separately on the foregoing clauses of the sixth resolution, they were agreed to." Again—

"In Committee of the whole House, Mr. Gorham in the Chair—It was moved by Mr Pinckney, seconded by Mr. Madison, to strike out the following words in the sixth resolution adopted by the committee, viz.

"To negative all laws passed by the several "States contravening, in the opinion of the na"tional legislature, the articles of Union, or "any treaties subsisting under the authority "of the Union." And to insert the following words in their place, viz.

"To negative all laws which to them shall "appear improper."

And on the question to strike out, it passed in the negative.

Yeas, Massachusetts, Pennsylvania, Virginia, 3. *Nays*, Connecticut, New York, New Jersey, Maryland, North Carolina, S. Carolina, Georgia, 7. *Divided*, Delaware!"

It was moved and seconded to alter the thirteenth resolution, so as to read as follows, viz.

"That the jurisdiction of the national judi"ciary shall extend to cases arising under "laws passed by the general legislature, and to "such other questions as involves the national "peace and harmony"—Which passed unanimously in the affirmative

"It was moved to set aside article first, section tenth, clause second, and substitute "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; and the nett produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the Treasury of the U. States; and all such laws shall be subject to the revision and control of the Congress."

It was moved to strike out the words "and all such laws shall be subject to the revision and control of the Congress"—Which passed in the negative.

It was moved and seconded to strike out "and all such laws shall be subject to the revision and control of Congress" —which passed in the negative.

Yeas—Virginia, North Carolina, Georgia, 3. Nays—New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, South Carolina, 7. Divided, Pennsylvania, 1.

The substitute was then agreed to."

[Mr. C. also quoted a number of other passages from the history of the Proceedings in the Convention, going to sustain the views which he had taken, in regard to some of which Mr. Calhoun threw in an explanatory remark or two.]

The honorable gentleman from Virginia, if he entertains the same notions of government that I do, must agree with me that our form of government is not federal exactly, nor exactly national, but a mixture of both; that it has power to continue its own existence and provide for its preservation; and that the Supreme Court is the arbiter. Will any citizen doubt that he is a citizen of the U. States?—Can the gentleman from Virginia doubt that he is a citizen of the U. States? [Mr. Tyler—I denied not that I was a citizen of the U. States, but that I was a citizen of the Government of the U States] Mr. Clayton would not, he continued, bandy metaphysical distinctions with the gentleman. But he would say that the obligations which he and the gentleman from Virginia owed to the federal government were higher than those he owed to Delaware, or the gentleman to Virginia. Will he contend that his most valuable rights are better secured to him by the State than by the federal government?

Highly as he estimated the State of Virginia, she should he thought, make a poor figure, when standing alone in opposition to foreign aggression and assumption. Even New York, with a population equal to two thirds of that with which we commenced the Revolution, would lose her importance when she came to measure strength with the Powers of Europe. The gentleman does not consider himself a Senator of the United States as I do; but where is the clause of the Constitution recognizing the Senators from Delaware or Virginia, or any other one State. The Senator of the United States is alone spoken of. He says it is only because he is a citizen of Virginia (but he yields obedience to the Constitution, I, said Mr. C. obey because I have sworn, in conformity with the Constitution, to act as a Senator of the United States; and I hold myself bound to act for the welfare of one as well as for another State.

The gentlemen on the other side had indulged in some extreme cases. They had supposed that all parts of the system would be corrupt—the People, Congress, the Executive, the Judiciary. He would admit that when the people have lost their virtue, the basis of a republican government must fall; but while they retain it, such extreme cases cannot occur. But it was not fair to argue from such extreme cases. The honorable gentleman from Kentucky was full of supposed cases of the abuse of federal power; but his imagination did not reach the possible case of the abuse of those powers which he claimed for the States. He would help the gentleman to a case of this sort, but not so extravagant as those which the gentleman had put. The State of Delaware has about ten thousand votes; suppose some ten or twelve thousand aliens should be sent into the State by some foreign nation, become naturalized, and vote. Suppose they elect a convention of nullifiers, and proceed, in the form, to nullify the acts of Congress, and pass laws for giving their ordinance effect. Would not this be the most effectual and the easiest mode by which we could be subdued and our Union and prosperity destroyed? The state would be the receptacle of all foreign goods imported for the purpose, to defeat the revenue, and brake down the protected interests; and Delaware would still enjoy all the benefits without sharing in any of the burthens of the Union. Could a doctrine be sound which led to such extremity?

The State of Delaware, during the Revolution, nullified an embargo act, when it was thought to be the only means by which the army could be saved. Mr. Madison urged this instance in favor of rendering the laws of the General Government supreme. The question is, have we a right to use force to collect the revenue? He did not consider this a question of war with a State, as some gentlemen had stated it to be. He did not recognize South Carolina as a belligerent nation: on the contrary, he adhered to the doctrine of Martin, that if she seceded, she was not entitled to be considered a nation, but that her citizens who resisted the laws of the General Government, were liable to all the pains and penalties of treason. The question was not, whether the Tariff should be modified, but whether the laws should be enforced. If gentlemen choose to examine the history of the Confederation, they would give their opinion that the powers claimed for the General Government must necessarily be exercised by it, for they are essential to the existence of the Government. No man can look into the Constitution, and say that this is a simple confederacy. For all the purposes of the Constitution, we are one single nation.

The gentleman from Virginia (Mr. Tyler) complained bitterly of the clauses contained in the bill and says they are unconstitutional. Its provisions were very light, and were almost similar to those in the act of 1809 for enforcing the embargo law. [Here Mr. C. read the act to show that it employed the very words of the bill before the Senate.]

Let us inquire who voted for an act so similar to those in its provisions. The Senators from South Carolina, (Sumpter and Gaillard,) from Virginia (Messrs. Giles and Moore,) from North Carolina, (Messrs. Franklin and Turner) and from Georgia, (Messrs. Wm. H. Crawford and Milledge,) voted for this bill. In the House, the whole delegations from Virginia, North Carolina, and South Carolina, voted for the bill. Yet, sir, the same provisions which were then approved of are denounced. The shoe then pinched in another quarter of the country, and as strong appeals were then made to us from that quarter, as are now made from South Carolina. It was, that the bill was unconstitutional, because it delegated power to the President. [Mr. Tyler here said his argument was, that the Constitution devolves on Congress no right to depuize their authority.] Still the gentleman, continued Mr. C. prevents us from delegating power to the President and other agents to shut up ports, &c.—Half of our laws were unconstitutional, if this was so. The second and third sections of the bill he did not like. He thought it was useless to extend the provisions to all the States. He wished them to be restricted to those States which nullify the laws.

Every professional man knew that this was a practice in the present organization of the Courts. According to his understanding of the third section of the bill, either party setting up a claim to the privilege, might take the case out of the State Court and carry it up to the Supreme Court of the United States. But suitors do not generally want this privilege, because it was an expensive Court. Then he (Mr. C.) had said that according to his judgment, the Constitution provided that cases of this description must be tried before the State Courts.—Let Senators look at the 25th section of the Judiciary act. It expressly recognized the power of a State Court to decide on such questions. The language of it was thus:

"That a final judgment or decree in a suit in the highest court of law or equity of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity; or, where is drawn in question the validity of a statute of, or authority exercised under any State, on the ground of their being repugnant to the constitution, treaties, or laws of the United States, and the decisions in favor of such their validity, or where is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute of, or commission, held under the United States, and the decision is against the title, right, privilege, or exemption, specially set up, or claimed by either party, under such clause of the said Constitution, treaty, statute, or commission, may be re-examined, and reversed, or affirmed by the Supreme Court of the United States."

The Constitution of the United States expressly enjoined it upon the judges of the several States to take the oath to support that Constitution. The Judges of the State Courts taking that oath, were consequently bound to support it. Why, he would ask, did they take this oath?—Because it was contemplated by those who framed the Constitution, that they would have to decide a question growing out of controversies concerning the construction of the constitution of the United States. Mr. C. then read as follows:

"It is provided, that all treaties made, or which shall be made under the authority of the United States shall be the supreme law of the land, and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding."

The State judges, therefore, were bound by this provision. He did not, however, hold it to be good policy to confer too much power on any party. He was desirous, by the adoption of a slight modification, to impose a limitation on the powers granted by this section, and if it should be so modified as to obviate the slight objection he felt to a part of its provisions, he should give his vote for it.

He came now to the consideration, for one moment, of what had been said by the honorable gentleman from Virginia with regard to the 6th section of the bill. The 6th section reads as follows:

Sec 6. "And be it further enacted, 'That in any State where the jails are no 'allowed to be used for the imprisonment 'of persons, arrested or committed under 'the laws of the United States, or where 'houses are not allowed to be so used, it 'shall be lawful for any Marshal, under 'the direction of the Judge of the United 'States for the proper district, to use other convenient places, and to make such 'other provisions as he may deem expedient and necessary for that purpose."

That gentleman, [Mr. Tyler,] had denounced this as a Botany Bay law. This was the very phrase he had used. A Botany Bay law! And he went on to denounce it as worse than that act, so called in England. Why the Botany Bay law there was a good law. He [Mr. C.] could not denounce it as a bad one, for when People are guilty of gross crimes, Botany Bay might be as good place for them. But this was not a law of that description. Did the honorable member not know that long ago, and at a time when the States had not provided jails under the authority of the laws of the United States, a resolution precisely similar to this, denounced a Botany Bay law, was passed. He referred to the second volume of the Laws, page 286, where the following resolutions was adopted.

"Whereas Congress did, by a resolution of the twenty-third day of September one thousand seven hundred and eighty nine, recommend to the several States to pass laws, making it expressly the duty of the keepers of their gaols, to receive and safe keep therein all prisoners committed under the authority of the United States; in order, therefore, to ensure the administration of justice,

Resolved, &c. That in case any State shall not have complied with the said recommendation, the Marshal in such State, under the direction of the Judge of the District, be authorized to hire a convenient place to serve as a temporary gaol, and to make the necessary provision for the safe-keeping of prisoners committed under the authority of the United States, until permanent provision shall be made by law for that purpose; and the said Marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the Treasury of the United States."

Now, he would ask, if there was any thing in the provisions of this bill which was not to be found in that resolution?

Mr. Tyler said it was altogether a distinct matter. By that resolution the prisoner was not to be taken out of the State. By this bill he may be carried to any convenient place, and that at the discretion of the Judge By the resolution the place was pointed out. So the English bill designates Botany Bay. The place specifically named. But he would ask the gentleman from Delaware, whether by this bill there was any limitation whatever imposed upon the Judge or Marshal. They might carry the prisoner wherever they thought proper.

Mr. Clayton resumed. He denied that the resolution which he had read, specified any particular place. The Marshal was not required to confine his prisoner within the limits of the State. He would read the resolution again. There was no provision in it that a prisoner should not be taken out of the limits of the State. But, even if such a distinction existed, it was not material. If the Government of the United States should find it necessary, which he trusted in God it might never do: in the case of South Carolina, he most ardently hoped the time would never arrive; but if it should be ever found necessary to carry a citizen of S. Carolina to prison in a ship—a prison ship, like the New Jersey prison-ship to which the gentleman from Kentucky, [Mr. Bibb,] had referred in terms of such strong denunciation, he [Mr. C.] held it not only to be a constitutional, but an unoppressive law, just such a law as all statesmen, who wished for the peace and welfare of their country, should adopt.

The other sections of the bill, he would not avert to, as the gentleman from Virginia had taken no exception to them.

The honorable Senator from South Carolina, [Mr. Calhoun,] has told us, [said Mr. Clayton in conclusion,] that all human institutions, like those who form them, contain within themselves the elements of their own destruction, and that our own Government is now exhibiting their operation. To the general philosophic remark I would not have objected but for its application. All the works of man are destined to decay, but while the great body of the people shall remain true to themselves, our Government never can be destroyed; for it contains within itself endless and ever renascent energies which must bring it out in triumph against every effort to destroy it. From foreign force it can have nothing to fear. It dreads nothing now from any section of this Union which shall ever seek to protect itself from the just operation of our laws by foreign intervention. Yes, sir, a foreign alliance, sought by any member of this Confederacy, for the purpose of making war upon us, would be the means, under Heaven, of immediately rallying every patriot, of every political party, under the broad banner of the Republic. I agree, however, sir, that the mortal blow to our liberties may be struck by a hand which has been indebted to us for existence. The shaft which shall stretch the American Eagle bleeding and lifeless in the dust, must be feathered only from his own pinions; and oh! how bitter will be the curses of men, in all ages to come, against the traitorous heart and the parricidal hand of him who shall loose that fatal arrow from the string!

"Remember him, the villain, righteous Heaven,
"In thy great day of vengeance! Blast the traitor,
"And his pernicious counsels, who for wealth,
"For power, the pride of greatness, or scourge,
"Would plunge his native land in civil wars!"

TWENTY-SECOND CONGRESS,
SECOND SESSION.

FRIDAY, Feb. 22.

ANALYSIS OF PROCEEDINGS.

During the evening session on Wednesday, Mr. Grundy addressed the Senate about three hours in support of the provisions and general principles of the bill further to provide for the collection of duties on imports. Mr. Ewing then followed in support of the bill in a speech of about an hour and a half. When Mr. E. had concluded, Mr. Tyler moved the Senate adjourn, which was negatived, Yeas 5, Nays 27. The question was then taken on the final passage of the bill—which was carried by the following vote:

YEAS.—Messrs. Bell, Chambers, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnston, Kane, Knight, Naudain, Prentiss, Rives, Robbins, Robinson, Ruggles, Silsbee, Sprague, Tipton, Tomlinson, Waggamau, Webster, White, Wilkins, Wright—32.

NAYS.—Mr. Tyler—1.

The Senate then adjourned.

Yesterday, the vote by which the Senate heretofore agreed to take a recess daily from 3 to 5 o'clock, was, on motion of Mr. Kane, rescinded. On motion of Mr. Clay, the bill modifying the several Tariff laws, was taken up as in Committee of the Whole. The several amendments reported by the Select Committee, to which the bill had been referred, were adopted, after some discussion, in which several members participated. Mr. Clay moved to amend the bill, by fixing the period of its commencement a quarter of a year later than originally reported, which was agreed to. Mr. Clay then moved to amend the bill, by adding at the end of the third section as amended, a provision that the permanent duty of 20 per cent to be assessed after 1842, should be calculated upon the market value of the merchandize at the port where it may be entered, and not upon its foreign value. Upon this amendment a prolonged debate took place, in which Messrs Clay, Smith, Forsyth, Holmes, Calhoun, Clayton, Dallas, Kane, Silsbee, Poindexter and Tyler, took part; when Mr. Moore moved to amend the amendment by adding a provision that the valuation should be uniform at all the ports of the U. States. This provisio was discussed by Messrs. Black, Clay, Calhoun, Holmes, Moore, Forsyth, Smith and Miller; when, before the question was taken, Mr. Holmes moved an adjournment, which was carried—Ayes 22, Noes 19.

In the House of Representatives, Mr. Davis, of South Carolina, submitted a resolution calling on the President of the U. States for any evidence in his possession, of a determination on the part of the authorities of South Carolina, to seize and occupy the Forts and property of the U. States within said State, which lies one day for consideration.

A bill from the Senate authorizing the President to cause the line between the States of Illinois and Indiana to be run and durably marked, was passed with an amendment.

A bill extending the provisions of an act passed March 3d, 1807, for preventing unauthorized settlements upon the public domain was passed.

Mr. Bell moved to take up the bill from the Senate further to provide for the collection of duties on imports, (with a view principally, as he stated, of ordering it to be printed.) The motion was objected to. Mr. Bell moved to suspend the rule requiring the unanimous consent of the House, which was negatived—yeas 115, nays 63—two thirds being requisite.

Mr. Speight then moved to postpone the Special Order, for the purpose of enabling the gentleman from Tennessee to submit a motion to print the bill from the Senate.

A debate of some warmth, and of a discursive character ensued, in which Messrs. Wicklife, Speight, Wayne, Irvin, Daniel and Foster took part. The latter gentleman suggested that time would be saved by withdrawing the objection to the printing of the bill; but it being persisted in, Mr. F. moved a suspension of the rule, which was agreed to, when the motion to print was carried without a count.

The Special Order, (the Tariff Bill,) was then called, when Mr. Dickson, moved to postpone it until Saturday, (this day being specially set apart for the business of the District,) for the purpose of making some disposition of the bill from the Senate, above referred to.—The motion was advocated by Messrs. Dickson, Irvin, Ellsworth and Sutherland, and opposed by Messrs. Cambreleng, Clay, Boulding, Thompson of Georgia, Archer, Clayton and Isacks, and rejected. yeas 86, nays 99.

The House then resumed the consideration of the Tariff bill. The amendment of the Committee of the Whole, which proposed to strike from the bill the clause fixing a duty of 15 cents until 1834, and afterwards a duty of 10 cents per gallon on olive oil, was disagreed to; yeas 80, nays 85. The amendment fixing a duty of 25 cents per gallon on linseed, hemp

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