

[CONTINUED FROM FIRST PAGE.]

tration by a call of a Convention of all the states, which we sincerely and anxiously seek and desire, will be accorded to us."

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

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

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

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

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

By these various proceedings, therefore, the state of South Carolina has forced the General Government, unavoidably, to decide the new and dan-

gerous alternative of permitting a State to obstruct the execution of the laws within its limits, or seeing it attempt to execute a threat of withdrawing from the Union. That portion of the people at present exercising the authority of the State, solemnly assert their right to do either, and as solemnly announce their determination to do one or the other.

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

The right of the people of a single state to absolve themselves at will and without the consent of the other States, from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, cannot be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the general government is constituted and to the objects which it was expressly formed to attain.

Against all acts which may be alleged to transcend the constitutional power of the government or which may be inconvenient or oppressive in their operation, the Constitution itself has prescribed the mode of redress. It is the acknowledged attribute of free institutions, that, under them the empire of reason & law is substituted for the power of the sword.—To no other source can appeals for supposed wrongs be made consistently with the obligations of South Carolina; to no other can such appeals be made with safety at any time; and to their decisions, when constitutionally pronounced, it becomes the duty no less of the public authorities than of the people in every case to yield a patriotic submission.

That State, or any other great portion of the people, suffering under long and intolerable oppression, and having tried all constitutional remedies without the hope of redress, may have a national right when their happiness can be no otherwise secured and when they can do so without greater injury to others, to absolve themselves from their obligation to the Government and appeal to the last resort, needs not, on the present occasion, be denied.

The existence of this right, however, must depend upon the causes which may justify its exercise. It is the *ultima ratio*; which presupposes that the proper appeals to all other means of redress have been made in good faith and which can never be rightfully resorted to, unless it be unavoidable. It is not the right of the State, but of the individual, and of all the individuals in the State. It is the right of mankind generally, to secure, by all means in their power, the blessings of liberty and happiness; but when for these purposes, any body of men have voluntarily associated themselves under a peculiar form of government no portion of them can dissolve the association without acknowledging the correlative right in the remainder to decide whether that dissolution can be permitted, consistently with the general happiness. In this view, it is a right dependent upon the power to enforce it. Such a right though it may be permitted to pre-exist, and cannot be wholly surrendered, is necessarily subjected to limitations in all free governments, and in compacts of all kinds freely and voluntarily entered into, and in which the interest and welfare of the individual becomes identified with those of the community of which he is a member. In compacts between individuals, however deeply they may affect their relations, these principles are acknowledged to create a sacred obligation; and in compacts of civil governments, involving the liberties and happiness of millions of mankind, the obligation cannot be less.

Without adverting to the particular theories to which the federal compact has given rise—both as to its formation and the parties to it,—and without inquiring whether it be merely federal, or social, or national, it is sufficient that it must be admitted to be a compact, and to possess the obligations incident to a compact; to be a compact by which power is created on the one hand, and obedience exacted on the other; a compact freely, voluntarily, and solemnly entered into by the several States and ratified by the people thereof respectively; a compact by which the several States and the people thereof respectively have bound themselves to each other and to the federal government, and by which the federal government is bound to the several States and to every citizen of the United States. To this compact,—in whatever mode it may have been done, the people of South Carolina have freely and voluntarily given their assent; and to the whole and every part of it they are upon every principle of good

faith, inviolably bound. Under this obligation, they are bound, and shall be required, to contribute their portion of the public expense, and to submit to all laws made by the common consent in pursuance of the Constitution, for the common defence and general welfare until they can be changed in the mode which the compact has provided for the attainment of those great ends of the Government and of the Union. Nothing less than causes which would justify revolutionary remedy can absolve the people from this obligation; and for nothing less can the Government permit it to be done without violating its own obligation; by which, under the compact it is bound to the other States and to every citizen of the United States.

These deductions plainly flow from the nature of the federal compact, which is one of limitations not only upon the powers originally possessed by the parties thereto, but also upon those conferred on the Government and every department thereof. It will be freely conceded, that by the principles of our system, all power is vested in the people, but to be exercised in the mode, and subject to the checks which the people themselves have prescribed. These checks are, undoubtedly, only different modifications of the same great popular principle which lies at the foundation of the whole, but are not, on that account, to be less regarded or less obligatory.

Upon the power of Congress, the veto of the Executive, and the authority of the Judiciary which is "to extend to all cases in law and equity arising under the Constitution and laws of the United States, made in pursuance thereof," are the obvious checks; and the sound action of public opinion, with the ultimate power of amendment, are the salutary and only limitations upon the powers of the whole.

However it may be alleged that a violation of the compact by the measures of the government can affect the obligations of the parties, it cannot even be pretended that such violation can be predicated of those measures until all the Constitutional remedies shall have been fully tried. If the Federal Government exercise powers not warranted by the Constitution and immediately affecting individuals, it will scarcely be denied that the proper remedy is a recourse to the judiciary. Such undoubtedly is the remedy for those who deem the acts of Congress laying duties on imports and providing for their collection to be unconstitutional. The whole operation of such laws is upon the individuals importing the merchandise; a State is absolutely prohibited from laying imposts or duties on imports or exports, without the consent of Congress, and cannot become a party under those laws without importing in her own name, or wrongfully interposing her authority against them.

By thus interposing, however, she cannot rightfully obstruct the operation of the laws upon individuals. For their disobedience to or violation of the laws, the ordinary remedies through the judicial tribunals would remain.—And, in a case where an individual should be prosecuted for any offence against the laws, he could not set up, in justification of his act, a law of a State, which being unconstitutional, would therefore be regarded as null and void. The law of a State cannot authorize the commission of a crime against the U. States or any other act which, according to the supreme law of the Union would be otherwise unlawful. And it is equally clear, that, if there be any case in which a State, as such, is affected by the law, beyond the scope of judicial power, the remedy consists in appeals to the people either to effect a change in the representation or to procure relief by an amendment of the Constitution. But the measures of the Government are to be recognized as valid, and consequently supreme, until these remedies shall have been effectually tried; and any attempt to subvert those measures or to render the laws subordinate to State authority, and afterwards to resort to constitutional redress, is worse than evasive. It would not be a proper resistance to "a government of unlimited powers"—as has been sometimes pretended,—but unlawful opposition to the very limitations on which the harmonious action of the government and all its parts, absolutely depends. South Carolina has appealed to none of these remedies, but in effect, has defied them all.

While threatening to separate from the Union if any attempt be made to enforce the revenue laws otherwise than thro' the civil tribunals of the country, she has not only not appealed in her own name to those tribunals which the Constitution has provided for all cases in law or equity arising under the Constitution and laws of the United States, but has endeavored to frustrate their proper action on her citizens by drawing the cognizance of cases under the revenue laws to her own tribunals, specially prepared and fitted for the purpose of enforcing the acts passed by the State to obstruct those laws, and both judges and jurors of which will be bound by the import of oaths previously taken to treat the Constitution and laws of the U. States in this respect as a nullity. Nor has the State made the proper appeal to public opinion and to the remedy of amendment. For, without waiting to learn whether the other States will consent to a Convention, or if they do, will construe or amend the Constitution to suit her views, she has of her own authority altered the import of that instrument and given immediate effect to the change. In fine, she has set her own will and authority above the laws, has made herself arbiter in her own case, and has passed at once over all intermediate steps to measures of avowed resistance, which, unless they be submitted to, can be enforced only by the sword.

In deciding upon the course which a high sense of duty to all the people of the United

States imposes upon the authorities of the Union, in this emergency, it cannot be overlooked that there is no sufficient cause for the acts of South Carolina, or for her thus placing in jeopardy the happiness of so many millions of people. Misrule and oppression, to warrant the disruption of the free institutions of the union of these States, should be great and lasting—defying all other remedy. For causes of minor character, the Government could not submit to such a catastrophe, without a violation of its most sacred obligations to the other States of the Union, who have submitted their destiny to its hands.

There is, in the present instance, no such cause either in the degree of misrule or oppression complained of, or in the hopelessness of redress by constitutional means. The long sanction they have received from the proper authorities and from the people, not less than the unexampled growth and increasing prosperity of so many millions of freemen, attest that no such oppression as would justify, or even palliate such a resort, can be justly imputed either to the present policy or past measures of the Federal Government. The same mode of collecting duties and for the same general objects, which began with the foundation of the Government, and which has conducted the country through its subsequent steps to its present enviable condition of happiness and renown, has not been changed. Taxation and representation—the great principle of the American Revolution—have continually gone hand in hand; and at all times and in every instance, no tax of any kind has been imposed without the participation—and in some instances which have been complained of, with the express assent of a part, of the Representatives of South Carolina in the councils of the Government. Up to the present period, no revenue has been raised beyond the necessary wants of the country, and the authorized expenditures of the Government. And as soon as the burthen of the public debt is removed, those charged with the administration have promptly recommended a corresponding reduction of revenue.

That this system, thus pursued, has resulted in no such oppression upon South Carolina, needs no other proof than the solemn and official declaration of the Chief Magistrate of that State, in his address to the Legislature. In that he says, that "the occurrences of the past year, in connection with our domestic concerns, are to be reviewed with a sentiment of fervent gratitude to the great disposer of human events; that tributes of grateful acknowledgments are due for the various multiplied blessings he has been pleased to bestow on our people; that abundant harvests in every quarter of the State have crowned the exertions of agricultural labor; that health, almost beyond former precedent, has blessed our home; and that there is not less reason for thankfulness in surveying our social condition." It would, indeed, be difficult to imagine oppression, where, in the social condition of a people, there was equal cause of thankfulness for abundant harvests and various and multiplied blessings with which a kind Providence had favored them.

Independently of these considerations, it will not escape observation, that South Carolina still claims to be a component part of the Union, and to participate in the national councils, and to share in the public benefits without contributing to the public burthen; thus asserting the dangerous anomaly of continuing in an association without acknowledging any other obligation to its laws than what depends upon her own will.

In this posture of affairs, the duty of the Government seems to be plain:—it inculcates a recognition of that State as a member of the Union and subject to its authority, a vindication of the just power of the Constitution, the preservation of the integrity of the Union, and the execution of the laws by all constitutional means.

The Constitution, which his oath of office obliges him to support, declares that the Executive "shall take care that the laws be faithfully executed," and, in providing that he shall, from time to time, give to Congress, information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient, imposes the additional obligation of recommending to Congress such more efficient provision for executing the laws as may from time to time be found requisite.

The same instrument confers on Congress the power not merely to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare; but "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers, and all other powers vested by the Constitution in the Government of the United States or in any department or officers thereof," and also to provide for calling forth the militia for executing the laws of the Union. In all cases similar to the present, the duties of the Government become the measure of its powers; and whenever it fails to exert a power necessary and proper to the discharge of the duty prescribed by the Constitution, it violates the public trust not less than it would in transcending its proper limits. To refrain, therefore, from the high and solemn duties thus enjoined—however painful the performance may be—& thereby tacitly permit the rightful authority of the Government to be contemned and its laws obstructed by a single State, would neither comport with its own safety nor the rights of the great body of the American people.

It being thus shown to be the duty of the Executive to execute the laws, by all Constitutional means, it remains to consider the extent of those already at his disposal, and what it may be proper further to provide.

In the instructions of the Secretary of the Treasury to the Collectors in South Caroli-

na, the provisions and regulations made by the act of 1799, and also the fines, penalties, and forfeitures for their enforcement, are particularly detailed and explained. It may be well apprehended, however, that these provisions may prove inadequate to meet such an open, powerful, organized opposition, as is to be commenced after the 1st of February next.

[CONCLUDED ON SECOND PAGE.]

PRINTING PRESS Manufactory, and PRINTERS' WAREHOUSE.

DICKINSON & WILLIAMSON, Fifth St., (between Elm and Plum Streets,) Cincinnati, have commenced an Establishment for the manufacture of PRINTING PRESSES, of Medium, Royal, Super Royal, Imperial, and Mammoth sizes, of cast iron.

The FRANKLIN PRESS, an improved Press by Mr. Dickinson, (who has been engaged, for several years past, in manufacturing Printing Presses,) combines great ease in working and durability in those parts where the friction is greatest. The pull is probably the most easy that can be obtained, giving an immense pressure. They also make the common Press now so generally used in the West.

D. & W. will shortly produce a machine to be worked in connection with the press, to perform all the duties heretofore performed by the roller boy or the pressman with balls. Machines of this description have been in successful operation in the United States for several years, and in this city for several months; producing better work than is usually done with rollers or balls. Messrs. Hanzhaus, of New York, work all their presses in connection with these machines; one pressman thereby performing the work of two, with not more than ten per cent. additional labour, allowing him to work off twelve to fifteen tokens per day, if desirable, and keeping one uniform color throughout.

They also manufacture an improved apparatus for inking types with rollers, by a boy, with traversing roller; by which means the ink is equally distributed over all parts of the roller which inks the form.

The Proprietors intend keeping the following articles constantly on hand: viz, Moulds for casting rollers; Roller Frames, double and single; Chases of wrought and cast iron, all sizes; Composing Stick, Points, Cases, &c.

All work done at this establishment will be warranted. Terms are liberal, and Prices very low.

Several second hand Presses for sale. Cincinnati, Nov. 24, 1832. 43-3mo

LAW NOTICE.

AMOS LANE, Attorney and counsellor at Law, will, in future, give his undivided attention, to his profession—may be consulted at his office, on high streets, near the clerk's office, at all times, except when at Court—will attend the Circuit, Probate, and Commissioners' Courts, in the County of Dearborn. The Circuit Courts in Franklin, Switzerland, Ripley and Decatur counties. The Supreme and District Courts at Indianapolis. And will attend to business of Importance, either civil or criminal in any other courts in this, or adjoining states. He trusts that his long and successful practice, will insure him his former liberal portion of professional business, when the public shall be assured, that all business entrusted to his charge, shall receive his prompt attention, and best efforts, to bring it to a speedy and successful close.

AMOS LANE.

Lawrenceburgh, June 13th 1832. —24

LAW.—DANIEL J. CASWELL, AND DANIEL S. MAJOR, Attorneys and Counsellors at Law, have entered into partnership, and will practice in the third Judicial Circuit of Indiana, particularly in the Counties of Dearborn, Franklin, Ripley and Switzerland; Also in the Supreme Court at Indianapolis. Office on Short street immediately opposite Mr. Ludlow's large brick building; where D. S. Major will at all times be found, unless absent on business, ready to attend to any professional services that may be required. He will also attend to the settlement of estates before the Probate Court; and of claims before the Commissioners Court of Dearborn county. Persons wishing Deeds, Mortgages, Powers of Attorney, or conveyances of any kind, can have them drawn in a legal and unexceptionable form, by calling at their office.

All business confided to Caswell & Major will receive their united and strict attention & of both.

Lawrenceburgh, Oct. 13, 1832. 39—1f

NEW GOODS.

THE subscriber has just received from the city of NEW YORK, in addition to his former stock, the following articles:

Blue and Steel-Mixt Satinets;
Red & white Flannels (assorted qualities);
20 Pieces (part newest style) Rich,
Dark Fancy Prints;
Assortment of Circassians;
Mackinaw, Rose, and Point Blankets;
Drab Cloths;
Olive & Drab Lion Skin Coating;
Tibet, Wool & Cashmere Dress Handkfs,
Tartan Plaids;
Men's Seal-Skin Caps & Beaver Gloves;
No. 1 & 2 Tickings, &c. &c.

Which he is now prepared to sell to his customers and all who may give him a call,

JOHN P. DUNN.

Oct 18, 1832. 40—1f

Lawrenceburgh

CHAIR MANUFACTORY.

THE subscriber takes this method to inform the public in general that he has established the chair making business, on High street, opposite the market house, where he will keep constantly on hand a large and splendid assortment of



Which he warrants for durability and workmanship, equal to any in the western country; which he will dispose of, on reasonable terms. Persons wishing to purchase, will please call and judge for themselves.

WM. N. ROGERS.

Feb. 11, 1831.

Tobacco.

JUST received and for sale by J. M. DAN-
RAGH, 12 Kegs of first rate manufactured
Tobacco.
Dec. 27th, 1832. 50—