

AN

ORATION

DELIVERED BY APPOINTMENT

BEFORE

The Union & State Rights Party,

ON THE

4TH OF JULY 1832,

AT THE SECOND PRESBYTERIAN CHURCH,

BY JAMES H. SMITH, ESQ.

AND PUBLISHED AT THE REQUEST OF

THE WASHINGTON SOCIETY

AND

UNION AND STATE RIGHTS PARTY.

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CHARLESTON, JULY 9, 1832.

JAMES H. SMITH, Esq.

Dear Sir;—The Committee of Arrangements, appointed by their fellow-citizens of the Union and State Rights Party, for the celebration of the recent Anniversary of our National Independence, take great pleasure in acceding to the general wish of the party, that we should solicit a copy of your highly patriotic, eloquent and impressive Oration pronounced on that occasion.

While we cheerfully unite in the expression of great satisfaction, derived from our conviction of the excellence of that composition, we beg leave to offer the high respect and consideration of the party, and the individual regard, with which we subscribe ourselves,

Your obliged fellow-citizens,

JACOB DE LA MOTTA, *Chairman.*

THOMAS CORBETT, JUNR.

JAMES B. CAMPBELL,

THOMAS STEEDMAN, JUNR.

JAMES H. MASHBURN,

F. G. ROLANDO,

J. M'PHERSON LEE,

L. B. BAKER,

THEODORE GAILLIARD,

LEWIS DISHER,

SAMUEL MAYRANT,

DANIEL HORLBECK,

CHARLES MARTIN,

} *Committee.*

WASHINGTON SOCIETY.

This Society, for the first time, celebrated the 4th July on Wednesday last, and that with a spirit of patriotic hilarity and social harmony, that augurs a long duration. The Society assembled at the Carolina Coffee House at half-past 8 o'clock, P. M., and passed the following Resolutions:—

Resolved, That the thanks of this Society be tendered to JAMES H. SMITH, Esq. for the very appropriate and patriotic address, delivered before the Union and State Rights Party this day, and that a Committee be appointed by the President to wait upon Mr. SMITH, and request a copy of the same for publication.

The Committee consists of Messrs. STEEDMAN, GILCHRIST, and HICHBORN.

Resolved, That the thanks of this Society be also tendered to the Hon. THOMAS LEE, the reader of Washington's Farewell Address.

ORATION.

FELLOW-CITIZENS.—If any question could be entertained of the inestimable advantage of annually commemorating our glorious revolution, the present distracted state of our community would be more than an answer. Devoted throughout all the rest of the year to the daily concerns of ourselves and families—the memory of the desperate struggle by which our liberties were achieved—of the wise lessons of political prudence and virtue our ancestors have bequeathed to us, in trust, for our latest posterity, would fade gradually from our minds did we not consecrate some day to National Jubilee, to revive and strengthen at each period of its recurrence the faded impressions of the past; and perhaps there never has been a time since the establishment of our independence, which has called more imperiously than the present for the revival of those impressions, so long cherished amongst us, of love for our country and devotion to the cause of our inestimable Union.

Our State is distracted within herself—our city is divided into nearly equal parties, and daily becoming more hostile to each other; Even in the very bosom of our families the cruel voice of civil discord is heard. It well becomes us then, on a solemn day like this, to recal to mind the vast amount of the blessings we enjoy—the precious price of suffering and self denial—the torrents of blood which our forefathers paid for their acquisition, and the awful lessons they have left us of moderation, firmness, disinterestedness and devotion, by which alone these blessings can be retained.

I would then call upon you seriously to reflect, that this is no common day for levity and merriment. In the past fortunes of our country, our retrospect has been bright; we then had reason to rejoice, and did rejoice, in the anniversary of her birth. But dark clouds of terror, shame and dismay, now hang on the horizon of the future; and it far better becomes us to rest in the humble trust that this cup may pass from our lips, than to waste the time in idle jubilee for blessings which we may soon no longer possess. It is true, that still we are bound to be grateful for the past; for it is with emotions of no common delight, that the free citizen of our republic, contrasts the past condition of his country with that of every other region. For more than forty years since the ratification of our Constitution, these United States have presented to the world a scene of unparalleled peace and prosperity. We have indeed been involved in foreign contests during that period, yet the spirit of brotherly con-

cession and mutual forbearance amongst the States—and the general feeling of honest pride among the people, while contemplating the happiness and glory of our extended Republic, as the common and the dearest inheritance of themselves and their children—have hitherto preserved us from all civil dissention, although it has raged far and wide in almost every other portion of the world.

What powerful reasons have we not, then, above all other nations, to be grateful to him who guides the destinies of the world, for the good he has bestowed—and ever vigilant and assiduous in the protection of those benefits so richly and bountifully given.

It seems to be a law of our nature, that rare excellence or superlative good amongst men is not only difficult of attainment but of preservation. The same watchfulness, self-sacrifice, and energy, which acquired our glory are requisite for its continuance—the same virtue, patriotism and forbearance, which secured our liberties are necessary to sustain them—the same thoughtfulness, moderation, and wisdom which founded our Constitution, are requisite for its perpetuity. If we cast away the means by which these benefits were obtained, what right have we still to expect the fruits? If we throw aside the example of our ancestors, what title have we to their reward?

Fellow Citizens! it is vain to conceal it longer from ourselves—our country is in peril! The broad shield of the Constitution, which has hitherto protected us from every external aggression, is (unless we hold to it with an energy stronger than death) about to be withdrawn! The proud edifice of our State institutions, which we have so long imagined would prove as enduring as it was noble and beautiful, is tottering to its foundation—for they who are blind and reckless as another Samson, now grasp its pillars, and seem resolved to crush both themselves and us in the general ruin—what shall we do? All that as freemen we value, or ever have valued—all that we hold (or ever have held) most dear in the inheritance bequeathed to us by our forefathers—all that is most precious in this goodly legacy, we have long thought to transmit unimpaired to our children, is threatened with destruction: And they who menace us—the blind and the reckless—are our fellow-countrymen and brothers. Yes, they are our brethren! in the blind delusion of prejudice and passion they know not what they do, and we must forgive them. In our extremity we see and know all that in their madness they would do, and if God be with us, we will prevent them.

It is useless at this time to discuss the merits or demerits, the inequalities, or oppressions of the Tariff. Those who have sought to be fairly informed upon it, have long been so. Those who have not, have nevertheless determined that it shall be at least to their minds, whatever they shall choose to make it. It is probable, that

at this time, in our whole community, there is not a single man who could be convinced of error upon it by argument. How useless then would it be to discuss that question here? All that we are willing to say is, that be it for good or for evil to others—be it resisted on just or unrighteous grounds—it has been the source of so much pain and anxiety to this community—of so much anticipated danger and distress—that the very name has become hateful. Let us not delude ourselves longer with the hope that “Nullification,” (as its advocates have so strenuously urged) will prove a peaceful measure. It can only be peaceful on the supposition that the general government will not do its duty. This we have certainly had no reason to believe, and it is but the characteristic of a coward to strike, or even to threaten on the ground that his adversary will not fight. Who indeed can doubt that the general government must and will enforce its laws, and cannot recognise the authority of a single State to arrest them? * If this is done (and it seems most certain that it will be done in the event of “Nullification”) how can they pretend to talk of peace? Do they intend that the State shall submit?—for this is obviously the only alternative, and if this is their design, then will “Nullification” indeed be peaceful because it will be equally disgraceful and futile.

But say its advocates, when the State stands upon her Sovereignty, the United States have no right to enforce their laws—but a convention of the States must be called. This assertion, equally unsustained and unsustainable in argument, is answered by a few questions: Is this interpretation which you have put upon the National Constitution, recognised as the true one by any other State in the entire Union? And if it is not (and such is the truth) is not this requisition that all the other States, and the General Government, shall obey your interpretation—more replete with arrogance than any other fact on record in the whole history of our country? Can we believe for a moment that the other States, equally free and independent as ourselves, will submit to an authority whose right to dictate they do not recognize—will yield to a principle the truth of which they deny?

In our Federal Constitution two grand principles are embraced: First, the Republican principle, or the principle of representative, self-government, in which the rulers are appointed by the people, are their servants, and responsible to them for their conduct. The second is not more novel than it is important to us and to the world. It is the principle of Federation, as here established, (for often has it been attempted in other countries), whereby independent States and nations, yielding a portion of their sovereignty to a general representative government, might so live together in a bond of Union, that those national controversies which never hitherto were

* See Appendix. “Oglethorpe.”

adjusted, but by an appeal to arms, might be safely and surely arranged without such a resort. It has been anticipated that the whole of the European communities, may one day become a great federated republic under these principles*—and if ever a system of universal peace can be established amongst men, it must be by them. These great principles of government were long admired in the abstractions of statesmen and philosophers, but not thought reducible to practice until we solved the problem. For near half a century have we enjoyed a peace and prosperity under their influence, hitherto unknown. Shielded by our federal constitution, held together by that sacred bond of our Union, we have been protected from every external aggression or intestine tumult—most of our citizens have literally been born and risen to manhood, without ever having beheld the face of an enemy. And though free to indulge every thought, and do every act, which rational man may independently do—yet have the peace and happiness been so profound, that the people have scarcely been sensible that they were governed; and when they did feel it, it was not from the inflictions of a tyrant's hand, but with the consciousness that the ruler was their servant: and but either performing their united will or suffering the loss of their confidence for having disobeyed it.

Never yet have they been humbled before the proud eye of an oppressor—never have they known, but in the lessons of their childhood and in the history of other countries, what a tyrant was. And yet, during this period, (so rich with prosperity to us) how many other nations have labored under the most awful convulsions! Even the moral elements of their society have been confounded—all they had venerated for ages was brought to contempt—whatever was held lofty and noble amongst them was debased. And still does European society remain an unsettled mass of conflicting interests and opinions, the final adjustment of which none can foresee. But yet the signs of coming order are already visible through the gloom, even to them; And whence do they come but from our own land?—From our own youthful Republic of the west! The mighty principles on which our government is founded, of civil freedom amongst the people and union amongst the nations, here already crossed the broad bosom of the Atlantic. Like the animating spirit of creation before the world was formed, they already act with vivifying energy on the moral chaos of the old world and—

“With mighty wings out spread—
Dove-like, sit brooding o'er that vast abyss,
And make it pregnant.”

Pregnant with order and peace, and good will amongst men—with freedom and union, and harmony to the nations.

* M. Chateaubriand's speech in the French Chambers.

The *peculiar* glory which our ancestors bequeathed us, is not that they successfully resisted oppression; hundreds of nations have done this as gallantly and successfully as we. It is not that they were victorious in the field—for if we estimate them by the standard of physical energy or the number of combatants, what are our battles when compared with the achievements of Cæsar or Napoleon—Zengis or Tamerlane? The glory of Washington and the glory of his countrymen, is not the glory of arms; though brave and devoted as any people who ever appealed to the God of battles for the defence of their liberties and the justice of their cause—though entitled to all the praise of self-sacrifice and unblenching patriotism which Greek or Roman could claim, yet the peculiar glory of our country is of a nobler and purer kind: It is in establishing and manifesting to mankind that they may live in harmony together, with no earthly governor but their own laws, and that nations, in like manner, may inhabit this fair and beautiful world in a bond of brotherhood and mutual good will, without an appeal to arms.

These great principles so peculiarly our own, we have demonstrated to be practical and maintained at home. Their capability of universal application, has made them the objects of hope and models of imitation to the oppressed of every clime—and wherever clearly understood, the objects of fear and dread to every head that wears a crown. Though the undisputed master of nations, and surrounded by standing armies, he feels that there is an influence abroad before which his arm is nerveless. He sees the fate of himself or his posterity written in characters of light within the very walls of his palaces, and yet feels in his dismay that the power which there has written it, is not amenable to the sword. It is a moral power which in all his glory *he* cannot control. Like the sun in its strength, it has gone abroad amongst the nations—but reversing the order of physical nature it has risen in the west. It promises like that glorious luminary, at least in the eye of the philanthropist and the patriot of every land, to awaken and enlighten the world, from the inhospitable shores of the polar sea, to the burning plains of Africa and Hindostan.—For as the poet of another country has beautifully said:

“The Angel of freedom is now on the wing,
And his mission is glorious and grand—
To the people the bloom of the olive to bring,
To their tyrants the flash of the brand.”

Such then is the peculiar fame of our country—the glory of freedom and union together!—a glory which, if properly maintained in the spirit of moderation and equity amongst ourselves, will surpass the renown of every other people which have yet inhabited the earth. Nor let this sentiment be attributed merely to the enthusi-

astic admiration of him who addresses you, for the only country he has ever seen or known. It is the opinion of the wise and good in other nations, which have been hitherto considered models of imitation. A celebrated English writer has thus recently expressed himself, in reference to our institutions, nor are his opinions considered peculiar: "We see exhibited," he says, "in the newly discovered continent, a republican confederacy likely to surpass the Macedonian and Roman Empires in extent, greatness, and duration—but gloriously founded on the *equal rights*, not on the universal subjection of mankind."* When strangers thus estimate the blessings we enjoy, shall we ungratefully underrate them at home? While the whole world are coveting such privileges as we possess, shall we inconsiderately throw them away?

It is impossible, in so widely extended a country, that our mutual interests can be peacefully maintained, but in a spirit of compromise. If we assume the ground, that we will resent every wrong and retaliate every injury we may think we receive from our sister States, or the General Government, our Union cannot last—and if our Union be once destroyed, it is equally impossible that our liberties can be maintained. As surely as this union is dissolved, so surely must we be the slaves either of some foreign power, or of turbulent factionists at home. Our State is too weak and too small to stand alone, and we have no right to expect the co-operation of our sister states of the south, unless we first ask their approbation. If we are oppressed, so in like manner are they.—Their condition is like ours—their fate is likely to be ours! What right then have we to do any act in which they are vitally involved, without their consent? And if they will not consent, what right have we to proceed in such a measure at all: when without their co-operation it is certainly and confessedly futile?

A Convention of the Southern People, has been recently suggested by a large assembly of our citizens as the only peaceable resort left us, should Congress adjourn without a satisfactory adjustment of the Tariff. It is perhaps but proper, that a few remarks should be offered in answer to the objections urged against this important measure: The first are those which proceed from the advocates of "Nullification." To those of that party, who approve of this doctrine from pure admiration of its constitutional and peaceable nature, I would not be understood to offer an argument, for they are surely beyond conviction from any thing that can here be urged; but to those who only have lent their sanction to it, from motives of *patriotism*, and who would willingly embrace any measure which can be shewn to be either more efficient or legal—who are in heart the friends of their country, and not the blind followers of any party or man—I would wish to speak. The objections

* See Sir James M'Intosh's *Progress of Ethical Philosophy*; page 35.

advanced by this party, if I understand them, are that the proposed Convention will be inefficient in itself, in the form we would have it--and that it will be useless, because *they* will "nullify" before it can be procured. As to its inefficiency, it is to be remarked, should it have no other effect than prevent immediate collision with the General Government, (which is to be at least apprehended as possible,) it would be far from inefficient in the opinion of a large portion of their fellow-citizens. And as to its inefficiency in reference to the Tariff, it must be remembered, that like "*Nullification*," (which we believe far more futile,) it rests merely on opinion--neither remedy has yet been tried!--and it surely becomes us to try every measure rather than resort to one, even supposing it efficient, which, according to their own confession, will not be peaceful unless the United States concede the right to "nullify" and refrain from enforcing their laws. The proposed "Convention," on the other hand, is decidedly peaceful--and he knows but little of our people who does not know, that such an assembly would act powerfully on public opinion throughout the United States; and still less does he know of the genius of our government, who is ignorant that public opinion is the ultimate power which makes and unmakes our laws. Already has a decisive influence been exerted over that public opinion by the "Free Trade Convention of Philadelphia," for it has introduced a spirit of compromise into our national councils, notwithstanding the irritating threats of open resistance to the Union by which it has been met. To the advocates of "Nullification," we cannot yield any other praise than that of having kept our burdens upon us, by misguided measures for relief.

Had they been content to act on the public sentiment, by means confessedly constitutional and peaceful, the whole State and the whole Southern States, would long since have moved in unbroken phalanx against the Tariff, (for they are as decidedly opposed to it as we,) and our relief must soon have been achieved. But by putting forth a doctrine hitherto unknown to our constitution--and in the opinion of even a portion of their own party, of revolutionary tendency--they have divided the energies of the State by creating a just dread of revolution in one half of the community. Thus have they *sustained* the "American System," by exciting a fear of still greater evils, from the very method they proposed for our relief.

A second convention, *and of the Southern States*, would speedily consummate, and by the same conciliatory measures, what the first has so auspiciously begun; and our State would have reason to rejoice in the joint requiem of those contumacious, but twin-born sisters, "protective policy" and "nullification."

As to the *threat*, (and we can regard it in no other light,) that the party, who hold a majority in the Legislature here, will drag the whole of the agricultural states into their measures--and on

this they openly calculate—without consulting their opinions or wishes in the question, we still must hope that they will not unadvisedly put such an *affront* upon their Southern brethren. They are entitled to a voice on a question of such vital importance to their common welfare, before any step is taken by South Carolina. And as they have not yet joined the “State Rights and Free Trade Association,” will doubtless value their own dignity too much not to refuse their assistance on such humiliating terms, if thus insulted.

The Nullification party surely cannot, I had almost said they dare not, “nullify” before our sister states of the South are consulted. A Southern Convention, as proposed by the “Union party,” is the only means of fairly arriving at their sentiments, whilst we render them this just tribute of respect.

To the other objections urged against the proposed Convention, it is with much greater diffidence that we venture to reply. They are advanced by those whom we not only know to be some of our purest and most enlightened citizens, but who are actuated by the deepest reverence for the Union, and by the fear of every thing which might endanger it. To them I would say, could I apprehend the remotest peril to the Union, from the measure proposed, I would bear the Tariff, (onerous as I believe it,) doubled upon us rather than incur so great a risk. But this measure is not only the sole alternative left us—besides immediate revolution—but seems to me so harmless, and yet so efficient, that I feel persuaded maturer consideration will ensure their assent. It is to be called on the same principle as that of Philadelphia, merely to act on public opinion. The same clause of the Constitution which guarantied to the citizen the one, will also guaranty the other.

The opinion of the whole South, except the party in office here, has been already ascertained, through a thousand channels, and is unanimous for the preservation of the Union, and disapproval of “Nullification.” We have not the slightest reason to doubt its integrity in their hands. But are we not in almost daily expectation that a blow will be struck *here*, if this Convention does not prevent it? Can we then safely hesitate longer? So soon as any obviously *peaceful* and efficient method of relief is held out to the people, the State will no longer listen to the voice of disunion. They still yield an unwilling ear to the thought, and only tolerate it, because many of them believe no more peaceable remedy for their grievances has been offered. In tendering one so little objectionable, we flatter ourselves that it is also the most efficient that could be adopted. Let us by unanimity and firmness, only convince the people of this, and we shall soon find “Nullification” voted down—its advocates abandoned—and the long lost harmony of our community restored.

Such a Convention can pass no law, can do no act—but appeal

to the public opinion of the country. In that public opinion rests the whole safety of our institutions. Were the other Southern States at all prepared for disunion, or even disposed to listen with patience to its suggestions, the advocates of Nullification would long since have held them in fraternal embrace, by Convention. They have avoided this, because they well know that those States however opposed to the protective policy, would frown upon both Disunion and "Nullification." Were those States disposed to a separation, they would soon accomplish it without a call from us. If they are bent on this, our Convention can do no worse, for the Union is already virtually dissolved. But have we not ample reason rather to believe that they still cherish with profound veneration—with devoted attachment, our National Compact? with an unalterable resolution to maintain the integrity of the government. Shall we resort to the Free Trade Association?—it is from that tribunal, equally dangerous and unconstitutional, we appeal! Can we resort to the whole Union? A majority of them are already denounced as our oppressors and an appeal to them would only throw the apple of discord among the people! Shall we remain as we are? In a few months, we are told by those who hold the power of the State in their hands, an act of "Nullification," or, as patriotism should brand it, an act of "disunion," will be passed.—What other means are then left us to save the country but a Southern Convention? In the materials of which that assembly must be composed, we have the most ample guaranty, both for the safety of the union and the relief of our grievances. If then the advocates of "nullification" do not come into this measure, they will detach themselves and their interests from those of the whole South. If they do, then must their doctrine perish, and peace and harmony be restored to our beloved State.

It is said by many that we are unjustly and oppressively taxed. I admit it—though the degree of that taxation has been most grievously exaggerated—and if it were worth the discussion, or if the ears of those who make such clamor about it were open to conviction, it could be easily shewn.

That we ought to be, (and what is more *will be*,) relieved from these burdens by constitutional and peaceful means, I solemnly believe. But when we hear our brethren of the other States, reviled as our natural enemies—consulting nothing but their pecuniary advantage, without any regard to common honesty or the integrity of the Union—uninfluenced in their selfish purposes by one thrill of patriotism or equity—can we believe it?

This has not been their course, as the former history of our country has shewn. The true patriots of those sections of the Union, (and we doubt not they are as numerous there as in any other,) have never looked to exclusive sectional advantage, at the expense of

other members of the confederacy. In our revolutionary struggle they freely shed their blood with us in defence of our own land—and in every other period of our history have they been always ready to defend our common country, however and whenever assailed. When they conceived themselves grievously oppressed, (and by the South,) they yet submitted to the laws, until that oppression was constitutionally relieved. Shall we not then meet them in a reciprocal spirit? Is it not our most sacred duty to do so? They feel that they are benefitted by the Tariff laws—not believing that we are injured by them at all, or very little, and thinking our Representatives querulous and captious without due reason—they have nevertheless offered to meet us in a spirit of compromise. Can we fairly under such circumstances, refuse to meet them in a like spirit?—or is it just to require that concession of them, which it would ruin thousands of their families to make?

I am opposed, and ever have been, to a System of Protection.—I consider it not only calculated to work inequality and injustice, but on the broad principles of enlightened policy, injurious to National prosperity. I am as thoroughly convinced of these, as of any other propositions in the whole range of politics and morals. But what right have I to set up my opinion or *conviction* as an exclusive standard for others? What appears to my understanding plain as the sun at noon, may yet in the eyes of others, prove a palpable absurdity. Whatever may be our opinions, therefore, on this question, we *know* that a large and equally respectable portion of our countrymen, believe the reverse of the proposition. Their impressions are entitled to respect as well as ours—and it is the part of true wisdom to admit, that however confident we are, it is not impossible we may be in error.

Has it been imagined from the earliest stages of her history that South Carolina would ever submit to oppression? The first declaration of independence ever put forth on this continent, originated with her! So early as the commencement of the last century, when by the proprietary Government her chartered privileges were infringed and her people oppressed, she boldly declared her Independence, elected her own Governors, and placed herself under the protection of the King; and her declaration of independence, then put forth, is said to have formed the model of that of '76.*—In the same manner when that King sought to abuse his authority, she, in conjunction with her sister states, again repelled the aggressor—and no longer putting her trust in earthly rulers, she thenceforth appealed to the “King of kings” alone, as the only righteous and rightful protector of the people. Under his omnipotent protection she long has prospered; and under that protection we still will hope our happy Union will *yet* continue to endure. Troubles

* See Pitkin's *United States*; p. 62--9, vi.

and difficulties will, and must often arise—they are incidental to human life! But the undying principle, never to despair of his country's fortunes, is the duty and the privilege of the patriot.

From a foreign hand, our institutions, whilst they remain in their purity, have nothing to fear; that nation does not exist on the earth which is strong enough to enslave us—and our energies are daily augmenting. The genius of our United Government, may almost without poetry, be said to bear a charmed life—for it is not probable that it ever can fall but by the hands of a parricide. This is our danger—from a crime the most awful, the most unnatural which can blacken the page of our history. But can we believe in common charity, that *that* freeman pollutes our soil, who could be guilty of so fearful and atrocious a deed?

We then would say to our sovereign communities, in the sublime language of the great poet of our tongue:

“Go on hand in hand, O nations, never to be disunited—be the praise and the heroic song of all posterity. Merit this—but seek only virtue—not to extend your power. For what needs to win a fading triumphant laurel out of the tears of wretched men?—But to settle the pure worship of God in his church, and justice in the State. Then shall the hardest difficulties smooth out themselves before ye—envy shall sink to hell; craft and malice be confounded, whether it be homebred mischief, or out-landish cunning. Yea, other nations will then covet to serve ye; for lordship and victory, are but the pages of justice and virtue. Commit security to true wisdom, the vanquishing and unceasing of craft and subtlety, which are but her two runagates. Join your invincible might, to do worthy and Godlike deeds: And then he that seeks to break your Union, a cleaving curse be his inheritance to all generations.”

[*Milton's Ref. in Eng.*—p. 40.

Well may it be doubted whether our principles of self-government could ever have been matured, had not our ancestors separated themselves from European society. It was for those principles they were driven from their ancient homes; Believing it the rightful privilege of every freeman to worship God according to his conscience—and to be protected in life, liberty and estate, provided he submitted to just and equal laws, the stern republican of those times found but little sympathy, either in the genius of the Government, or the bulk of the society of his native land. Had he remained in that society and under that Government, it is more than probable his peculiar opinions would have perished with himself, or faded into the general mass of prejudice and ignorant acquiescence in established forms, by which he was surrounded. But his iron inflexibility of character, prompted to renounce the home of his ancestors—indeed all that is most valuable on earth to minds less energetic than his own—rather than relinquish the in-

estimable right of thinking and acting towards God and his fellow men, according to the untrammelled dictates of his own majestic will; For there is a moral majesty in that stern and solitary singleness of purpose—that unwavering consciousness of his own dignity of motive, which carried him into the dreadful wilderness, rather than bow down to the unjust dictation of his fellow man, that all the pomp and pageantry of the world could not equal. Here he neither found nor acknowledged any earthly superior, and although he submitted to the government and protection of the parent country, it was only whilst those rights were not denied him. No sooner did that country seek to subject him to another standard of laws, than he cast aside at once his allegiance and fellowship with her, and victoriously maintained the inviolable integrity of those privileges, for which he had sacrificed so much. Here he nourished in solitude, those thoughts and principles which found no response in the land of his forefathers. Here amidst scenes of suffering, danger and privation, did the self-exiled father of our country, lay the broad and deep foundations of American liberty. Exposed to the fury of the savage and the inclemency of the seasons—the frequent victim of pestilence and famine, he yet submitted willingly to all his hardships and afflictions, that *we* his children should reap the recompense he never was doomed to taste. And we have indeed reaped a harvest of national happiness, which must have surpassed the fondest anticipations of even that parent's hope.

True, our future prospect is dark—but still do we trust, that however gloomy the signs of what a future day may bring; our well balanced Constitution will yet withstand the tempest. Long has our venerable President labored to reconcile the conflicting elements. Placed at the head of the whole Union, he endeavors to act for the whole; and it speaks not well either for the head or the heart of those, who are willing to ascribe the spirit of compromise he manifests, rather to the base desire of office; than the just observance of the duties of his station. True, he is before the people a candidate for their favor. After a long and laborious life spent mostly in their service, he now seeks of his countrymen, not the paltry emoluments of office—he has already more than is needful for a childless man!—not the wearisome reward of turbulent ambition—already in the vale of years; he bends beneath the load of responsibility his station has imposed. But all he asks—all he wishes of his country, is one final seal of approbation before the grave shall close on his earthly pilgrimage. Soon in the natural progress of events, must that hour arrive, when his last moments will either be embittered by her condemnation, or soothed by the memory of her gratitude and favor. Will that country fix her seal of disapproval on him? Has he deserved it at her hands? Will his native State spurn him from her in his declining age? Grant that he has

at times done what is liable to reproach—grant even all his enemies would charge, and we will meet it with what *even his enemies* must allow. Has he not done more for his country than any of his cotemporaries—and has he not labored ardently and constantly for her welfare? Have we not often claimed him with exultation as our brother by birth, and the pride of our State? Has he done any thing that should forfeit a mother's love? No! he ever has exerted and even now exerts his best abilities in her behalf. Should party prejudice cast a temporary aspersion on his name, posterity will acquit him. But neither will his native State nor his general country forsake him. He has guided her councils with a firm and steady hand, and that common justice which is due to his long and important services—let us never, never leave it to posterity to award!

FELLOW-CITIZENS—There is one more subject to which I would most earnestly invite your attention. I would entreat you to reflect upon it daily in your domestic circles, and to teach it among their earliest lessons to your children. It is that the only power which has sustained or can sustain our institutions, is the *power of public opinion*. Though the Constitution points out the land-marks by which that public opinion is to be directed, and restrained, with unrivalled precision, yet of itself unsustained by this opinion of the people it is powerless. When the moral sentiment of the community upon these all important subjects, shall be successfully assailed, either by the prevalence of vice, or the instigations of an impious ambition—when prejudice and violence, intrigue and faction, shall usurp the ascendancy over the pure and enlightened principles which are there contained, then will we indeed bid a long and last farewell to all our freedom. We have so long dwelt beneath the broad shadow of its influence, that it is difficult to realize even in thought, what incalculable blessings we should lose! But should that day of peril and dismay ever arrive, soon will this great empire of freemen again become a dismal wilderness—a wilderness indeed, not of woods and wilds, of savage beasts and men!—But a more dreary wilderness of all that is most terrible to the imagination, or desolating to the heart. For then will the fiercest and deadliest passions of our nature “come hot from Hell,” gather to the conflict!—The sanguinary Moloch of civil discord will hold his festival in your land—and your wives, and your children, shall fall meet offerings at his shrine. Triumphant treason, rapine and murder will revel without control—and the proud standard of our independence, the broad stripes and bright stars of our invincible Union, will sink forever in an ocean of blood.

Deem not the picture overdrawn! It will be realized to the very letter, should the conflict once begin. The wars of civil dissension have ever been held the most cruel and bloody—but the

most savage and ferocious, even among civil dissensions, have ever been those of Republics. If the sword be once unsheathed amongst us, how can we say whom it will spare?

Let us then reflect deeply and earnestly upon it, for it is more than worthy all our thought. Let it sink into the inmost recesses of the heart, for all that is most valuable to the patriot, the parent, the relative, and the friend, may hang upon the hasty determinations of a day. Whether you shall be thus deeply and solemnly impressed—whether if so impressed it will be in your power to avert the impending calamities of our country, depends upon one higher and mightier than even the people. Never has there been any people so frequently and awfully warned. After suffering the miseries of a revolution, we have been set apart as spectators on the great theatre of the world. There have we witnessed year after year scenes of horror and atrocity, unexampled in the annals of our race. Blood has been poured out like water—rivers of tears have been shed by the afflicted nations for the attainment of blessings like ours—and yet they have not been attained. Rivers on rivers yet must flow, before these mighty boons will be vouchsafed them!

Is it not then worse than madness in us, to trifle with so great a good? If we hold fast with becoming diffidence in ourselves, the inestimable privileges which Heaven has so peculiarly bestowed, then shall we long continue to enjoy them! But if we reject the lessons of wisdom, and listen in their stead to the blind suggestions of passion, or the unhallowed prompting of insidious faction—If we rashly abandon all which is already ours, for the wild pursuits of imaginary good—then indeed are we foredoomed of Heaven and lost. All then that would remain would be to bewail the fate of our unhappy country, and bow with submission to that inscrutable decree, by which a people once so highly favored, shall have been so utterly abandoned to their fate!

APPENDIX.

THE DOCTRINE OF NULLIFICATION EXAMINED.

BY COL. CUMMING OF AUGUSTA, (GEO.)

THE maintenance of constitutional freedom, is the first interest of civil society, and a jealous vigilance over those who are entrusted with authority, one of the highest duties of the citizen. In such a cause, even some excesses of zeal are not without apology. But it occasionally happens, that those who are engaged in repelling the encroachments of power, themselves advance exorbitant pretensions, which endanger social order, and bring discredit on the very cause of liberty itself. To analyze and expose such pretensions, therefore, becomes also a duty, of no inconsiderable importance.

The Federal Constitution is a compact, by which the thirteen sovereign states that adopted it, renounced a certain portion of their powers; and also delegated a certain portion, to be jointly held by all the parties, under the form of a general government. The additional members of the confederacy, which now embraces twenty-four states, are all on the same political footing with the original thirteen. According to this constitution, the legislative power is exercised by majorities of both houses of Congress, with the concurrence of the President, or by two thirds of both houses, without his concurrence. The Supreme Court of the United States is the ultimate depository of the judicial power of the general government; and when the question is duly brought before that tribunal, it has a right to decide, whether an act of Congress is constitutional or not. Such is a brief summary of our legislative system, in its regular course. But it is contended, that an extraordinary case has occurred—that the majority, abusing the advantage of numbers, has enacted an unconstitutional law, oppressive to the minority; that the judicial department promises no adequate redress; and that some corrective, more efficacious, must consequently be employed. The remedy, which has been hitherto most zealously recommended, is that denominated Nullification, the merits of which, it is our present purpose to examine. The following, we believe, are substantially the doctrines comprehended under that term. “In all cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions, as of the mode and measure of redress. The Federal Constitution is a case

of such a compact. When a state considers an act of Congress unconstitutional, it has a right to nullify that act, within its own limits. The other states have no right to enforce the nullified act within those limits. A general convention of states must be called for the purpose of proposing amendments to the constitution, and thereby testing the question of constitutionality. The states in favor of the nullified act, must propose an amendment, conferring on Congress the power to pass such a law. That power is to be regarded as having never been delegated, unless three fourths of the states, in separate conventions, or in their respective legislatures, ratify the amendment so proposed."

If we designed to exhibit our own precise theory, in relation to the subject in dispute, it would be necessary to urge several very important qualifications, even of the two first of these propositions; but as our object is simply what has been stated; to examine the merits of nullification, we shall admit for the sake of argument, that "in all cases of compact, among parties having no common judge, each party has an equal right to judge for itself, as well of infractions, as of the mode and measure of redress," and that "the Federal Constitution is a case of such a compact." We shall also in the same manner, admit the third proposition, concerning the right to nullify, with such explanations however of the term *right*, as will presently appear. All the remaining propositions we totally deny.

Let us endeavor in the first place to ascertain, what will be the state of things produced, by the exercise of this equal right of interpretations, which has been admitted. Parties enjoying equal rights to interpret a contract, may have the *perfect* right to a speculative interpretation; that is, to an *opinion* concerning its import: because two or more persons may entertain different opinions, without any necessary interference. But the right referred to in this discussion, is obviously the right of practical interpretation—the right of the parties, to give an effect to the contract, conformable to their respective opinions of its meaning. The right of none therefore can be perfect, since the right of each is qualified by the right of every other. For if any one had a *perfect* right, of practical interpretation—that of giving effect to his own opinion; the rights of all the others must yield to it; and all those others, so far from enjoying equal rights, would practically possess no right at all. For example—two persons, placed in a situation where they can have no common judge, agree to build a house jointly, on a specified plan. During the progress of the work, they differ in their explanation of the original design. Each has a *perfect* right to consider his own explanation the true one; but neither can have the *perfect* right to execute the work, according to his own judgment; since if such were the case, the other who in theory has an equal right, would in practice have none at all. As a house cannot be built in two ways at the

same time, their practical rights unavoidably conflict; and each in maintaining his own, must necessarily oppose that of the other.— Unless, therefore, one voluntarily yields, or there is a compromise, force alone can decide between them. In similar circumstances, the result would be the same, if the contract consisted of reciprocal promises. Each party would have a right to interpret the whole contract—not only the promise made by himself, but the promise made by the other. If in a wilderness, where no civil law exists, it is stipulated between A and B, that at a certain time, A shall deliver to B a number of furs, and on a subsequent day, receive in exchange a number of bushels of grain; should a dispute ultimately arise, concerning the quantity of grain which was to be delivered, not only B would have a right to judge how much had been promised *by him*; but A likewise would have an equal right to judge how much had been promised *to him*. B would have a right to withhold any excess, which he thought was unjustly demanded, and A to seize what he thought was unjustly withheld. If there were no compromise, the strongest must necessarily prevail.

Foreign nations having no common judge, are on the same footing with individuals in a state of nature; and a dispute between them concerning the interpretation of a contract or treaty, would be governed by the same principles, and attended by the same consequences. Suppose at the end of a war between the U. States and Great Britain, that the American post of Niagara should be in possession of the British, and the Canadian post of Malden, in possession of the Americans. Suppose that the Americans, understanding by the treaty of peace, that the posts were to be mutually restored, should deliver Malden to its former masters. If the British asserted, that, according to their interpretation of the treaty, they were not bound to restore Niagara, and should finally refuse to evacuate that post; would the Americans acquiesce? Assuredly not? They would claim the right of interpreting both sides of the treaty—of judging how much they ought to regain, as well as how much they ought to restore; and if Niagara were not surrendered, they would either by a direct attack, or some other means, very speedily recommence hostilities.

Thus far it is apparent, that a full exercise of the right of each party to judge for itself, results in neither more nor less, than a decision by force. Let us see, whether the exercise of an equal right of interpretation, among all the parties to the federal compact, would not tend to a similar issue. Every state on entering the union, delegated a portion of its original sovereign power, and, thereby, subjected itself to the legislation of the general government, to the extent of the power ceded. But this delegation was not made without an equivalent. The state at the same time, acquired a share of the legislative power of the general government; i. e. she

acquired the right, in conjunction with her confederates, to enact laws operating on all the other states, to the very same extent, that she had conceded the right to enact laws operating on herself. This was the consideration, the *quid pro quo*, the very essence of the bargain. To exercise over a state any power which she did not delegate, is a violation of the compact—to resist a delegated power of the general government, which she has exercised conjointly with others, by act of Congress, is equally a violation of the compact.—She is as much wronged, when her just power of legislating over others is obstructed, as when the unjust power of legislating over herself is usurped. She possesses an equal right to judge, whether she has suffered the one wrong, or the other—or in different words, if a state in the minority has a right to judge, that an act of Congress is *not* constitutional; a state in the majority has an equal right to judge, that it *is* constitutional. Since both parties according to the fundamental principle assumed, would possess also an equal right to judge of “the mode and measure of redress,” the one might select its own means of resisting, the other its own means of enforcing a law, whose constitutionality was disputed. Parties in this position, are evidently arrayed against each other, with the unqualified license of mutual hostility. If both parties have free choice of “the mode and measure of redress,” states in the minority, without doubt, may nullify the law whose constitutionality they deny; and as clearly states in the majority, may endeavor to enforce it, by whatever means are considered most expedient. If neither party recedes, and gentle measures are ineffectual, the next resort will be to those which are violent, and civil war is the inevitable result.

The nullifiers indeed contend, that if a law were nullified, a presumption would be created against its constitutionality; and that the majority would be bound, if it did not yield by repealing it, to call a convention of states, and solicit a formal grant of the power to pass such a law, in order that the question might be tested.—This notion is utterly unfounded. In the first place, if the majority of states believes a law to be constitutional, and persists in maintaining it to be so; the contrary opinion of the minority cannot create a presumption of its unconstitutionality: unless we adopt the very extraordinary supposition, that a smaller number is more likely to be right than a greater. In the second place, the act of nullification itself is justified only on the ground, that all the parties have an equal right to interpret the Federal Compact, and to select their own mode and measure of redress, when they believe that a violation of it has occurred. The right of the parties must be the same, whether the violation is supposed to consist, in exercising a power which has not been conferred, or in resisting one which has actually been delegated. An attempt therefore by the minority of states, to prescribe any particular mode of proceeding to the majority,

would be wholly absurd—it would be dictating the mode and measure of redress to their opponents, who possess by their own acknowledgement, the full privilege of choosing for themselves. The very first principles of Nullification would justify the majority, in the *immediate* employment of such means, as were deemed most conducive to the accomplishment of their purpose.

But let us suppose that the majority, suspending all measures of coercion, should gratuitously consent to call a Convention, for proposing amendments to the Constitution; and that the parties were accordingly assembled.—The nullifiers would say to the majority: “We deny that Congress possesses the power which it has assumed, in passing the nullified act—Propose to the states an amendment granting that power, and we shall see, whether Congress is to acquire it or not.” To this the majority would of course reply: “We assert that Congress *does* possess the power which it has exercised, in passing the nullified act. Propose to the states an amendment taking away the power, and we shall see, whether Congress is to *lose* it or not.” What then would have been gained? The votes of a majority of the convention, must necessarily constitute the acts of that body; and no amendment which it rejected, could be submitted to the states for adoption. The parties would end where they began. But it may be argued, that although the majority would possess a formal right, to reject the proposition of the nullifiers; the latter would have equitable considerations to urge, which ought to ensure its adoption. Let us hear them—They would say: “The meaning of the parties is the spirit of a compact. When we ratified the Constitution, we believed that it did *not* confer on Congress the power in question. If the nullified law can be enforced, we live under a government exercising a power which we did *not* delegate, or suppose others to delegate: it is not the government which we designed. If you propose the amendment suggested by us, and it is ratified by three-fourths of the state, *Congress will undeniably possess the power*. But if you reject our proposition, the result must be, that *a mere majority* may assume for Congress, a power which constitutionally can be conferred only by three-fourths of the States.” These arguments, plausible perhaps at a first view, labour under this material objection; that they are not only quite as good, but even considerably better, on the opposite side. For the majority—without hesitation could reply—“Yes, we agree with you, that the meaning of the parties is the spirit of a compact. But when *we* ratified the Constitution, we believed that it *did* confer on Congress, the power in question. If the nullified law can *not* be enforced, we live under a government deprived of a power, which *we did* delegate, and understood all others to delegate; it is not the Government which we designed. If you propose the amendment suggested by us, and it is ratified by three fourths of the States, *Con-*

gress will be undeniably divested of the power. But if we accede to your proposition, the result must be, that a minority barely exceeding one-fourth, may deprive Congress of a power, which can constitutionally be taken away, only by three-fourths of the States."— A satisfactory reply to this answer, would, we apprehend, be somewhat difficult. In truth, the theory of nullification, pressed to its ultimate consequences, would amount to this—that three-fourths of the states are necessary to confer a power on Congress, while any number beyond one fourth, may take it away. Whether such a system would be expedient, we shall not at present enquire—most certainly it is not that of the Federal Constitution. In the article relative to amendments, the word *power* does not occur—it declares that "amendments" "shall be valid," "when ratified by the legislatures of three fourths of the several states, or by conventions in three-fourths thereof." Retrenching a power of Congress, is as much an amendment, as conferring a power; and therefore to be valid, must require the same number of votes. When a convention is called, to propose amendments relative to a power claimed by the majority, and denied by the minority, it is evident that the final decision must depend altogether on the form in which the amendment is submitted to the states. If the amendment proposes to give the power, the power will be lost; because a small minority is sufficient to reject it; and for the same reason, the power will be sanctioned, if the amendment proposes to take it away. The form of the amendment then being absolutely decisive, and each party having an equal right to support its own construction; it is the height of extravagance to expect, that a majority maintaining the constitutionality of the power, would agree to incur certain defeat, by soliciting a grant, which they knew that a minority exceeding one fourth was pre-determined to refuse.

It is already we think sufficiently proved, that a minority exceeding one-fourth, has not the constitutional right to impose its own construction on a majority. But there is a farther evidence which appears to us so striking, that it would be improper to pass it entirely without notice. If the framers of the constitution designed, that such a minority should have the right of laying an interdict, on the exercise of any power which it considered unconstitutional, why did not those framers plainly say so? Why did they not indicate the manner, in which that right was to be enforced? There was no motive, no apology for a mysterious silence. They might have simply provided that the declaration of this minority, through their respective state legislatures, or conventions, should be sufficient for the purpose. Instead of making this obvious provision, or any other equivalent to it, they did not even grant to such a minority, the right of calling a convention—a privilege which belongs only to Congress, acting on the application of two thirds of the states.

Here then, if we admit the pretensions of the nullifiers, is the most astonishing anomaly ever witnessed in government.

The constitution intends that a momentous power shall be possessed by a certain proportion of the states; and though an obvious mode might have been provided, for its safe and easy exercise, no mode whatever was designated; and hitherto none better has been devised, than the open resistance of a whole state, to a general law of the land! It will be difficult indeed to believe, that the sage authors of the constitution, were guilty of such a blunder—one which would disgrace the barbarous legislation, of a Tartar horde, or a Hottentot kraal. The necessity and the facility of prescribing regular means, for the exercise of such a power, supposing it to exist, are both so manifest; that the absence of all provision of the kind is alone conclusive proof, that the existence of the power itself, never was contemplated.

Thus we have shewn, that even if the majority should assent to the calling of a convention, the nullifying minority must nevertheless, fail, in the accomplishment of their purpose, since they could never cause their construction to be recognized. Each party, according to the principle originally assumed, would remain on the ground of its equal right, to “judge for itself, as well of infractions as of the mode and measure of redress.” In such a position, there would be no impediment to hostilities, and unless one side or the other receded, they must necessarily ensue. It this is evident in the abstract, it is even more manifest, in the case of the existing tariff law, on which it is proposed that the experiment of nullification shall be tried. Suppose, that by the operation of such a measure, the ports of South Carolina are made free. If they remain so; and the state is still to be considered a member of the Union, the principal importations of the whole country, must be concentrated in those ports. Congress could not impose duties on the coasting trade—New-York, Pennsylvania, and other States, could not afford to import directly from abroad, articles subject to a duty in their own ports, but exempt from it in those of South Carolina; and, consequently, all parts of the Union would probably obtain their foreign supplies through Charleston. As almost the whole fiscal resources of the Government are derived from the custom house, it is evident, that there would be nearly a total failure of the revenue. Other evils equally great would ensue. Every holder of dutiable articles purchased under the tariff, would find them reduced in value, to the amount of the duties which had been paid on them. Ship-owners, landholders, merchants, artisans, all the inhabitants of our other large cities, who owe their prosperity or subsistence to foreign commerce, would be exposed to ruin and beggary. All the dependent agricultural districts would participate in the shock. In the money market, which is so sensitive to every political and commercial vicissitude, confi-

science would be destroyed, private credit would be suspended, public credit would be menaced—embarrassment, and bankruptcy would pervade the land. Is it reasonable to expect, that the other members of the confederacy will permit such a state of things to continue, or even to commence? If every party to the compact “has an equal right to judge for itself, as well of infractions, as of the mode and measure of redress;” surely this is a case, in which the majority would not fail to exercise their privilege. Even States in the minority, deprecating such a wild career of political innovation, would at least not disapprove the measures by which it was arrested. According to the latitude of choice conceded, by the fundamental principle of the nullifiers, the majority might in these circumstances, adopt any mode of proceeding, which seemed most expedient. The reasonable presumption however is, that the most obvious, gentle, and effectual plan would be selected—that of immediately blockading all the ports which had been made free. If the nullifying state did not then submit, it must resist by force, and the very first blow would be the commencement of civil war. It is superfluous to enquire, by what species of political agency, the majority of States would, in the present instance, perform this indispensable duty of self defence. They would doubtless, without any reference to new fangled theories, act through the instrumentality of the general government, whose direction is in their hands. An objection from any quarter, to this mode of operation, would be unreasonable; but coming from the nullifiers—those who claim for all parties, an equal right to judge of “the *mode* and measure of redress,” it would be supremely ridiculous.

From the premises, we think ourselves authorized to conclude, that the believers in the doctrine of nullification, labor under an extreme delusion—that the pretension of any minority exceeding one one fourth, to impose its construction of the constitution on a majority, is in the highest degree chimerical—that those who resort to nullification as a peaceful remedy, are rushing blindfold into hostilities. The nullifiers have spoken of the *natural* right of parties, each to interpret a compact for itself, as if it were a constitutional right, whose exercise is compatible with the maintenance of a common government; when it is palpably in effect, the mere privilege of mutual welfare. In speculating on the interpretation of the constitution, they entirely forget that the States which ratified this instrument, adopted it *as a whole*, and as much for the sake of the powers, which they supposed it to confer on the general government, as for the sake of those, which they supposed it to reserve to the States individually—they forget, that the opinion of any State, believing power to have been delegated, is entitled to as much consideration as the opinion of another State, believing it to have been reserved—Finally, they forget, that in every disputed case, where

there was a variance in the original understanding of the parties, the intentions of one side or the other *must necessarily be frustrated*; and that this unavoidable inconvenience may as properly be endured by seven, as by seventeen—by any minority, as by any majority.

When there is a material, and irreconcilable difference of opinion, between the parties to the Federal Compact, it is manifest, that secession is the only effectual remedy for the weaker. It has indeed been maintained, that the right of secession itself, is only the right of nullifying the whole constitution and laws. Those who are misled by such an assertion, can have paid but little attention to the import of the words. Nullification is represented as an act performed under the constitution, and compatible with the continuance of the general government. Secession, on the contrary, as is implied by the very term, dissolves the government, releasing those who secede, from the obligations of the compact. To call secession, therefore, a species of nullification, is a mere solecism. But it is farther urged, that admitting the two measures to be essentially different; the scheme of nullification can at worst, only eventuate in the other, and in the mean time is more gentle in its operation. This is a most pernicious fallacy. Whenever secession is unequivocally proposed to the people, the *data* will be fairly before them—they will choose with a full knowledge of the alternatives—they will decide their destiny in open day. But when nullification is recommended to them, as being, in fact, one of the best means of preserving the union, notwithstanding we have seen that it is decidedly the reverse; if they credit such a representation, they have *not* the true *data* before them—they are deciding upon premises absolutely false, and may precipitate themselves into a revolution, when their purposes are diametrically opposite. The claims of nullification to a greater gentleness of process, are equally futile. If the southern states, impelled by their wrongs, should through a convention, or in any other manner, propose to the majority, that the Union be dissolved by common consent; either those wrongs will be redressed, or their proposition will be accepted; for no rational man will cherish the desperate project of retaining them in the Union by force. The parties would arrange the terms of a peaceful separation. The laws of the general government would be respected by both sides, until the moment of dissolution; and then the ports of each becoming foreign to the other, their respective systems of impost could be enforced without collision or inconvenience. We have already seen how different would be the consequences of nullification. We have seen that the nullifying state being still considered a member of the confederacy, no duties could be imposed on her coasting trade—that her ports being free, she would absorb nearly the whole importation of the country, and dis-

tribute supplies to every district of the union--that this state of affairs if acquiesced in, would cause a failure of the public revenue, and a convulsion in commerce, which must scatter dismay and ruin along the whole extent of our coast. The government could not submit to such evils. It would immediately interpose, to secure its own peculiar interests, and those of the community at large committed to its protection. For the nullifying state there would remain, only the two alternatives, of humiliation, and civil war.

But while we demonstrate that open secession is greatly preferable to the chimeras of nullification, and that it is in fact the only proper remedy, when the policy of the general government is no longer endurable; let it not be supposed, that we contemplate such an event with indifference, much less with satisfaction. No! even if finally constrained to such a course, by obstinate injustice, every good citizen will adopt it with the most sincere reluctance and profound regret. Long! long! may the patriotism and intelligence of the American people, defer that unhappy day, when sordid cupidity, or flagitious ambition shall be permitted to destroy the magnificent system of Republican Union, which has descended to us, consecrated by the blood of heroes, and the wisdom of sages--by the hopes and the admiration of all civilized men.

Our task is ended, if not completed, In this plain essay, the writer has endeavored to avoid all affectation of learned technicality, or rhetorical ornament, which could only have tended to obscure the subject. His highest aspiration has been through the medium of a simple and perspicuous style, to transmit the rays of truth uncolored and unrefracted.

OGLETHORPE.

Erratum —Page 8, 11th line from the bottom, for "here already crossed," read, *have already crossed*.