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JOURNALS

OF THE

(1832-33, 1852.)

CONVENTIONS OF THE PEOPLE

OF

SOUTH CAROLINA,

HELD IN 1832, 1833, AND 1852.

REPUBLISHED BY ORDER OF THE GENERAL ASSEMBLY.

COLUMBIA, S. C.:
R. W. GIBBES, STATE PRINTER.
1860.

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RESOLUTION

ORDERING THE PUBLICATION.

In the Senate, November 13, 1860.

Resolved, That the State Printer be authorized to print the proceedings of the Conventions of this State held in 1832, 1833 and 1852, and bind the same in the Acts and Resolutions of the General Assembly of this Session, and that five hundred copies of the same shall be ready by the regular meeting of the Legislature, for the use of the members.

Resolved, That the Senate do agree to the Resolution.

Ordered, That it be sent to the House of Representatives for concurrence.

By order,

WM. E. MARTIN, C. S.

In the House of Representatives, November 13, 1860.

Resolved, That the House do concur in the Resolution.

Ordered, That it be returned to the Senate.

By order,

JOHN T. SLOAN, C. H. R.

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JOURNAL OF THE CONVENTION

OF THE

PEOPLE OF SOUTH CAROLINA:

ASSEMBLED AT COLUMBIA ON THE 19TH NOVEMBER, 1832, AND AGAIN ON THE 11TH MARCH, 1833.

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JOURNAL OF THE CONVENTION.

MONDAY, NOVEMBER 19, 1832.

Pursuant to an Act of the Legislature of the State of South Carolina, entitled "An Act to provide for the calling of a Convention of the People of this State," passed on the 26th of October, 1832, the Delegates of the several Election Districts of this State assembled in the Hall of Representatives, in the town of Columbia, on this day at twelve o'clock.

On motion of Gen. J. B. EARLE, the Hon. STEPHEN D. MILLER, of Claremont, was called to the Chair, and Mr. A. BURT, of Abbeville, appointed Secretary.

The credentials of the following individuals were then exhibited, and their names enrolled as Members of the Convention:

From Greenville—B. F. Perry, Thomas P. Brockman, Silas R. Whitten.

From Spartanburg—John S. Rowland, J. S. Richardson, J. B. O'Neall, James Crook.

From Laurens—Archibald Young, William Arnold, John S. James, A. Fuller, Robert Long.

From Abbeville—George McDuffie, John Lipscomb, John Logan, A. Bowie, Samuel L. Watt, A. Burt.

From York—Benjamin Chambers, I. A. Campbell, James A. Black, James Moore, John L. Miller.

From Marlborough—Benjamin Rogers, Nicholas Ware.

From Union—J. S. Sims, Thomas Ray, A. Lancaster, John Littlejohn, George Douglas.

From Kershaw—Everard Cureton, Chapman Levy, John Chesnut, C. J. Shannon.

From Chesterfield—P. Phillips, James R. Ervin, Alfred M. Lowry.

From Darlington—William H. Cannon, S. B. Wilkins, Robert Ervin.

From Marion—A. L. Gregg, Thomas Harllee, William Evans.

From Williamsburg—T. D. Singleton, Sen., William Waties, P. G. Gourdin.

From Clarendon—John P. Richardson, Richard J. Manning, N. R. Burgess.

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From Claremont—Stephen D. Miller, John B. Miller, James G. Spann, Stephen Lacoste.

From All Saints—Peter Vaught.

From Prince George Winyaw—Philip Tidyman, Allard H. Belin.

From St. Peter's—J. Hamilton, Jr., A. J. Lawton, John S. Maner.

From St. Luke's—A. Huguenin, T. E. Screven, James Mongin Smith.

From St. Helena—R. W. Barnwell, Charles G. Capers.

From St. James', Goose Creek—Isaac Bradwell, Jr., G. H. Smith.

From St. Thomas and St. Dennis—Francis D. Quash, John L. Nowell.

From St. John's, Berkeley—Peter Gaillard, Jr., William Porcher.

From St. John's, Colleton—William M. Murray.

From Chester—R. G. Mills, John Douglas, Thomas B. Woodward, Thomas G. Blewett, William Stringfellow.

From Fairfield—William Harper, D. H. Means, Edward G. Palmer, John B. McCall, William Smith.

From Richland—Pierce M. Butler, William C. Clifton, Sterling C. Williamson, Sen., James Adams, John G. Brown.

From St. Philip's and St. Michael's—James Hamilton, Sen., Richard B. Baker, Sen., Robert J. Turnbull, S. L. Simons, John Magrath, Charles Parker, Barnard E. Bee, Elias Vanderhorst, Peter J. Shand, Nathaniel Heyward, Robert Y. Hayne, C. J. Colcock, John Ball, John L. Wilson, James Lynah, C. C. Pinckney, Philip Cohen.

From Christ Church—Jacob Bond I'On, James Anderson.

From St. James', Santee—Samuel Cordes.

From St. Stephen's—W. Dubose, Theodore L. Gourdin.

From St. Matthew's—R. P. McCord, T. J. Goodwyn.

From St. Andrew's—Benjamin Adams, John Rivers.

From St. Paul's—F. Y. Legare, Thomas W. Boone.

From St. Bartholomew's—W. C. Pinckney, F. H. Elmore, Isham Walker.

From Prince William's—Wm. Williams, Thomas H. Colcock, J. B. Ulmer.

From Orange—Edmund J. Felder, Donald Rowe.

From Barnwell—Jennings O'Bannon, Stephen Smith, L. M. Ayer, J. G. Brown.

From Lexington—West Caughman, Jacob H. King, Edwin J. Scott.

From Edgefield—James Spann, John Key, John Bauskett, Abner Whatley, John S. Jeter, R. G. Mays, F. H. Wardlaw.

From Pendleton—R. Anderson, Thomas Harrison, J. B. Earle, Thomas Pinckney, J. T. Whitefield, Francis Burt, Jr., F. W. Symmes, Bailey Barton.

From Newberry—Job Johnston, George W. Glenn, John Counts, John K. Griffin, John Hatton.

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From Lancaster—Samuel R. Gibson.

On motion of Judge HARPER, the Convention now proceeded to the election of a President; Colonels Pinckney, of Pendleton, and Butler, of Richland, and Mr. Black, of York, having been appointed a committee to count the votes, reported that His Excellency, James Hamilton, Jr., Governor and Commander-in-chief in and over the State, had been duly elected President of the Convention.

On motion of Judge HARPER, a committee was appointed to inform Governor Hamilton of his election, and to conduct him to the chair. The committee consisted of the Hon. Robert Y. Hayne, the Hon. George McDuffie, and the Hon. R. W. Barnwell. The President, in a short address, returned his grateful acknowledgments for the honor conferred, and entered upon the duties of his station.

Col. BUTLER now moved that the Convention should go into the election of a Clerk, which being agreed to, Judge Colcock nominated Mr. Isaac W. Hayne. Messrs. Elmore, Cohen and Barton were appointed a committee to count the votes.

While the committee had retired, Judge HARPER moved that the Messenger and Door Keeper of the House of Representatives should be appointed Messenger and Door Keeper of the Convention, which was agreed to; and on motion of the Hon. JOHN L. WILSON, Mr. A. S. Johnston was appointed Printer.

Col. ELMORE, on the part of the committee appointed to count the votes for Clerk, now reported Isaac W. Hayne, Esq., duly elected Clerk of the Convention.

On motion of Col. I'ON, a committee was appointed to draft and report rules for the regulation of the Convention during its further session. The committee consisted of Col. I'On, Col. Thomas Pinckney, and the Hon. J. B. O'Neall.

On motion of Judge COLCOCK, it was ordered that Clergymen should be invited to open the proceedings of each day with prayer.

Judge COLCOCK then introduced the following resolution:

Resolved, That the Act "to provide for the calling of a Convention of the People of this State," be referred to a select committee, to consist of twenty-one members, and to be nominated by the President, with instructions to consider and report thereon, and especially as to the measures proper to be adopted by this Convention, in reference to "the violations of the Constitution of the United States, in the enactment by Congress, on divers occasions, of laws laying duties and imposts for the purpose of encouraging and protecting domestic manufactures, and for other unwarrantable purposes."

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This resolution having been considered and adopted, Gen. HAYNE moved that the Convention stand adjourned until 10 o'clock to-morrow, in order that time might be allowed the President for the selection of the committee, which being agreed to, the Convention adjourned accordingly.

ISAAC W. HAYNE, *Clerk of the Convention.*

TUESDAY, NOVEMBER 20, 1832.

The Convention met according to adjournment. After a prayer from the Rev. Mr. Ray, the journal of the proceedings of the day previous was read. The following gentlemen then appeared and enrolled their names as members of the Convention: Henry Middleton, from Greenville, Minor Clinton, from Lancaster, M. Jacobs, from St. Helena.

Col. P'ON, on the part of the committee to draft Rules for the regulation of the Convention, then made the following Report, to wit:

RULES FOR THE CONVENTION.

The Committee appointed to draft rules for the government of the Convention in its deliberations, beg leave to submit the following:

1. The President and one hundred and twelve members shall be a quorum to transact business.

2. If any member shall break the Convention, or absent himself without leave, he shall be sent for at his own expense, and be subject to the censure of the Convention.

3. No member shall speak more than twice to the same point, without leave of the Convention.

4. Each member, when speaking, shall address himself to the chair, standing, and uncovered, at his place.

5. If two members rise to speak nearly at the same time, the President shall decide which was first up.

6. Every member, when speaking, shall adhere to the point before the Convention, and shall not be interrupted unless he departs from it, when he may be called to order.

7. When a question of order arises, it shall be determined by the President in the first instance, but any member may appeal from his determination, to the Convention.

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8. When a motion is made and seconded, it shall, if required by a member, be reduced to writing and delivered in at the table.

9. When a question is put by the President, and the Convention divides, the Clerk shall, at the request of any seven members present, take down and enter on the journals, the names of all those members who vote for and against the question, and have them published and printed in any Gazette of the State.

10. When the President desires to be heard, the members shall take their seats, and keep order whilst he is speaking.

11. When a motion is made for adjournment, and seconded, no question shall be debated until the Convention have decided on that motion.

J. B. I'ON,
Chairman of the Committee.

The report having been adopted, Col. I'ON moved that two hundred and fifty copies should be printed for the use of the members, which was agreed to.

Joseph L. Stevens and Alfred Huger appeared, and enrolled their names as delegates from St. John's, Colleton, and Spartanburg.

The PRESIDENT, under the resolution of the day previous, now appointed the following gentlemen to constitute the select committee of twenty-one, to consider and report upon the Act of the Legislature, entitled "An Act to provide for the calling of a Convention of the People of this State," to wit:

Hon. Charles J. Colcock,

Gen. J. B. Earle,	Hon. Robert Y. Hayne,
Hon. J. B. O'Neall,	Hon. S. D. Miller,
Col. W. C. Pinckney,	Hon. George McDuffie,
Chancellor Johnston,	R. J. Turnbull, Esq.,
Hon. J. K. Griffin,	Hon. R. W. Barnwell,
Benjamin Rogers, Esq.,	J. R. Ervin, Esq.,
Col. J. Bond I'On,	Col. P. M. Butler,
T. D. Singleton, Esq.,	Col. John Bauskett,
James A. Black, Esq.,	Hon. R. J. Manning,
Hon. William Harper,	Hon. Henry Middleton.

J. A. Keith, of Prince George, Winyaw, appeared and enrolled his name.

On motion of Judge COLCOCK, the Convention then adjourned until one o'clock to-morrow.

ISAAC W. HAYNE, *Clerk of the Convention.*

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WEDNESDAY, NOVEMBER 21, 1832.

The Convention met according to adjournment, and the proceedings were opened with a prayer from the Rev. Mr. Ray. The roll being called, the following gentlemen answered to their names, viz:

Messrs. Adams, B.
Adams, James
Ayer,
Anderson, J.
Anderson, Robert
Arnold,
Baker,
Ball,
Bee,
Boone,
Barnwell,
Bradwell,
Blewett,
Butler,
Brown, J. G., *Richland.*
Brown, J. G., *Barnwell.*
Bauskett,
Burt, A.
Burt, Francis, Jr.
Barton,
Brockman,
Bowie,
Burgess,
Belin,
Cohen,
Cordes,
Colcock, Thomas H.
Capers,
Clifton,
Caughman,
Counts,
Crooke,
Chambers,
Campbell,

Messrs. Cureton,
Chesnut,
Cannon,
Clinton,
Dubose,
Dawson,
Douglas, John
Douglas, George
Elmore,
Earle,
Ervin, James R.
Ervin, Robert
Evans, William
Felder,
Fuller,
Gourdin, T. L.
Gourdin, P. G.
Goodwyn,
Gaillard,
Griffin,
Glenn,
Gibson,
Hamilton, J., Sen.
Heyward,
Harper,
Hatton,
Harllee,
Huguenin,
Huger, Alfred
I'On,
Jeter,
Johnson,
James,
Jacobs,

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Messrs. Keith,
Key,
Levy,
Lowry,
Lacoste,
Lynah,
Legare,
Lawton,
Long,
Lipscomb,
Logan,
Littlejohn,
Lancaster,
Magrath,
Manning,
Maner,
Murray,
Mills,
Means,
Moore,
Miller, John L.
Miller, Stephen D.
Miller, John B.
McCord,
Middleton,
Nowell,
O'Neall,
O'Bannon,
Phillips, P.
Parker,
Porcher,
Palmer,
Perry,
Pinckney, C. C.
Pinckney, Thomas
Quash,
Richardson, John P.
Rivers,
Rowe,
Rowland,

Messrs. Rogers,
Ray,
Spann, James G.
Spann, James
Simons,
Shand,
Smith, James M.
Smith, G. H.
Smith, William
Smith, Stephen
Stringfellow,
Scott,
Symmes,
Sims,
Shannon,
Singleton,
Stevens,
Screven,
Turnbull,
Tyler,
Tidyman,
Ulmer,
Vaught,
Vanderhorst,
Wilson,
Walker,
Williams,
Woodward,
Williamson,
Wardlaw,
Whatley,
Whitefield,
Whitten,
Watt,
Waties,
Wilkins,
Ware,
Warren,
Young.

The Journal of the day previous having been read, this was announced by the President as the proper time for presenting reports from committees.

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Gen. J. B. EARLE, of the select committee, to which was referred the consideration of the Act of the Legislature, providing for the call of a Convention, in the absence of the Chairman, stated, on the part of the committee, that they had not found it practicable to prepare a report for to-day, and moved that further time should be allowed them; which was agreed to.

Mr. A. M. LOWRY, from Chesterfield, then introduced the following resolution, viz:

Resolved, That the tenth section of the first article of the Constitution of this State be altered and made to read as follows:

"Senators and Members of the House of Representatives shall be chosen on the second Monday in October next, and on the same days in every year thereafter, in such manner, and at such time, as are herein directed. And shall meet on the fourth Monday in November annually, at Columbia, (which shall remain the seat of government until otherwise determined by the concurrence of two-thirds of both branches of the whole Representation) unless the casualties of war, or contagious disorders should render it unsafe to meet there; in either of which cases, the Governor or Commander-in-chief for the time being, may, by proclamation, appoint a more secure and convenient place of meeting."

The question of consideration being put by the PRESIDENT, the Convention refused to consider this resolution.

Benjamin A. Markley, from St. Philip's and St. Michael's, and J. Walter Philips, from All Saints, appeared and enrolled their names as members of the Convention. The Convention then adjourned until to-morrow at one o'clock.

ISAAC W. HAYNE, *Clerk of the Convention.*

THURSDAY, NOVEMBER 22, 1832.

The Convention met according to adjournment, and the proceedings were opened with a prayer from the Rev. Mr. Ware. The roll being called, the following gentlemen answered to their names, viz:

Messrs. Adams, B.	Messrs. Anderson, J.
Adams, James	Anderson, Robert
Ayer,	Arnold,

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Messrs. Baker,
Ball,
Bee,
Boone,
Barnwell,
Bradwell,
Blewett,
Butler,
Brown, J. G., *Richland.*
Brown, J. G., *Barnwell.*
Bauskett,
Burt, A.
Burt, Francis
Barton,
Brockman,
Bowie,
Black,
Burgess,
Belin,
Cohen,
Cordes,
Colcock, Thos. H.
Colcock, C. J.
Capers,
Clifton,
Caughman,
Counts,
Crooke,
Chambers,
Campbell,
Cureton,
Chesnut,
Cannon,
Clinton,
Dubose,
Dawson,
Douglas, John
Douglas, Geo.
Elmore,
Earle,
Ervin, Jas. R.
Ervin, Robert

Messrs. Evans, Wm.
Felder,
Fuller,
Gourdin, T. L.
Gourdin, P. G.
Goodwyn,
Gailliard,
Griffin,
Glenn,
Gibson,
Gregg,
Hamilton, James, Sen.
Hayne,
Heyward,
Harper,
Harrison,
Hatton,
Harllee,
Huguenin,
Huger, Alfred
I'On,
Jeter,
Johnston,
James,
Jacobs,
Keith,
Key,
King,
Levy,
Lowry,
Lacoste,
Legare,
Lawton,
Long,
Lipscomb,
Logan,
Littlejohn,
Lancaster,
Magrath,
Markley,
Manning,
Maner,

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Messrs. Murray,
Mills,
McCall,
Means,
Mays,
Moore,
Miller, J. L.
Miller, S. D.
Miller, John B.
McCord,
Nowell,
O'Neall,
O'Bannon,
Phillips, P.
Phillips, J. W.
Parker,
Porcher,
Palmer,
Perry,
Pinckney, C. C.
Pinckney, W. C.
Pinckney, Thomas
Quash,
Richardson, J. P.
Richardson, J. S.
Rivers,
Rowe,
Rowland,
Rogers,
Ray,
Spann, J. G.
Spann, James
Simons,
Shand,
Smith, J. M.
Smith, G. H.
Smith, Wm.
Smith, Stephen
Stringfellow,
Scott,
Symmes,
Sims,
Shannon,
Singleton,
Stevens,
Screven,
Turnbull,
Tyler,
Tidyman,
Ulmer,
Vaught,
Vanderhorst,
Wilson,
Walker,
Williams,
Woodward,
Whitefield,
Whitten,
Watt,
Waties,
Wilkins,
Ware,
Whatley,
Young.

The Journal of the day previous having been read, Samuel Warren, from St. James', Santee, and D. E. Huger, from Kingston, appeared and enrolled their names as members of the Convention.

Judge COLCOCK, from the select committee of twenty one, informed the Convention that the committee was ready to report, and moved that the reading of the report should be dispensed with, and that it should lie on the table, and be ordered to be printed.

Judge O'NEALL moved to amend this motion so as to make this report the order of the day for Saturday.

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To this Judge COLCOCK objected, and obtained leave to withdraw his motion, upon which Judge O'NEALL withdrew his amendment.

Judge COLCOCK then called to his assistance Gen. HAYNE, one of the committee, by whom the report was read to the Convention. An Ordinance, accompanying the Report, was then read by the Chairman.

At the motion of Col. BARNWELL, the Report and Ordinance were ordered to lie on the table, be printed, and made the order of the day for tomorrow.

Mr. WILSON moved to amend this motion by specifying the number of copies to be printed, and proposed five thousand, which Col. PINCKNEY, of St. Bartholomew's, moved to amend, by inserting ten thousand instead of five, but on the suggestion of Judge HARPER, that it would be best to defer the printing of a larger number of copies than were needed for the use of the Convention, until the Report should be finally adopted, the amendments were withdrawn.

The following resolution was then introduced by the Hon. HENRY MIDDLETON, a Delegate from Greenville, to wit:

Whereas, the Sovereignty of the State of South Carolina resides in the aggregate body of freemen, inhabiting the territory, and consequently all just legislation can be alone founded upon the collective will of a majority of that body: *And whereas*, the supreme will of this body of freemen can only be collected either by an actual vote of the majority taken in primary assemblies, or by the election of Delegates, chosen in numbers proportionate to the number of free white men in each District and Parish of the State, so as to constitute an equal and adequate representation of the people thereof: *And whereas*, the Convention now actually here assembled, under the recommendation of the Legislature, is apportioned on a compound ratio of population and of property, which may be, and probably is, an equitable apportionment for the purposes of taxation and municipal regulations; but is by no means adequate or competent to the exercise of the highest attributes of sovereignty, by reason of the want of a full and equal representation of the people, a defect which cannot be remedied by any enactment of the Legislature: *And whereas*, any act amounting to an exercise of sovereignty, on the part of the portion of the people, here convened at this time, might be considered as a manifest and palpable usurpation of power, possessed alone by the whole people; therefore

Resolved, That this Convention, deeming itself incompetent, for the reasons above assigned, to wield the sovereign authority of the people it unequally represents, doth remand to the Legislature the high matters referred by the act of the 25th October last, with a recommendation to the said Legislature, that they reconsider, at their next stated meeting, the whole

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question; and if according to the constitutional provision, two-thirds of both branches shall agree so to do, then, and in that case, to recommit the said subject matter to a Convention, wherein the representation of the people shall be full and complete, and which will be thereby competent to determine such questions of sovereign right, as they may see fit to consider as affecting the interest of the State of South Carolina, her dignity and honor.

The Hon. GEORGE McDUFFIE moved the question of consideration.

Judge HUGER requested the withdrawal of the motion, that the resolution might be freely discussed; but the question being insisted on and put by the President, the Convention refused to consider the resolution.

Col. ANDERSON, of Pendleton, submitted to the Convention a memorial from sundry citizens of Pendleton District, praying that the Constitution might be so amended as to make two election districts of the two judicial districts into which Pendleton is divided. The question of consideration being moved by Judge HARPER, the Convention refused to consider the memorial.

On motion of Gen. HAYNE, it was then ordered that the select committee of twenty-one have leave to sit again, and the Convention adjourned until twelve o'clock to-morrow.

ISAAC W. HAYNE, *Clerk of the Convention.*

FRIDAY, NOVEMBER 23, 1832.

The Convention met according to adjournment, and after a prayer from the Rev. Mr. Goulding, the roll was called, and the following gentlemen answered to their names, viz:

Messrs.	Adams, B.	Messrs.	Boone,
	Adams, James		Barnwell,
	Ayer,		Bradwell,
	Anderson, James		Blewett,
	Anderson, R.		Butler,
	Arnold,		Brown, J. G., *Richland.*
	Baker,		Brown, J. G., *Barnwell.*
	Ball,		Bauskett,
	Bee,		Burt, A.

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Messrs. Burt, Francis, Jr.,
Barton,
Brockman,
Bowie,
Black,
Burgess,
Cohen,
Cordes,
Colcock, T. H.
Colcock, C. J.
Capers,
Clifton,
Caughman,
Counts,
Crooke,
Chambers,
Campbell,
Cureton,
Chesnut,
Cannon,
Clinton,
Dubose,
Dawson,
Douglas, John
Douglas, George
Elmore,
Earle,
Ervin, J. R.
Ervin, Robert
Evans, Wm.
Felder,
Fuller,
Gourdin, T. L.
Gourdin, P. G.
Goodwyn,
Gaillard,
Griffin,
Glenn,
Gibson,
Gregg,
Hamilton, J., Sen.
Hayne,

Messrs. Heyward,
Harper,
Harrison,
Hatton,
Harllee,
Huguenin,
Huger, Alfred
I'On,
Jeter,
Johnston,
James,
Jacobs,
Keith,
Key,
King,
Levy,
Lowry,
Lacoste,
Legare,
Lawton,
Long,
Lipscomb,
Logan,
Littlejohn,
Lancaster,
Magrath,
Manning,
Maner,
Murray,
Mills,
McCall,
Means,
Mays,
Moore,
Miller, J. L.
Miller, S. D.
Miller, John B.
McCord,
Nowell,
O'Neall,
O'Bannon,
Phillips, P.

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Messrs.	Phillips, J. W.	Messrs.	Symmes,
	Parker,		Sims,
	Porcher,		Shannon,
	Palmer,		Singleton,
	Perry,		Stevens,
	Pinckney, C. C.		Screven,
	Pinckney, Wm. C.		Turnbull,
	Pinckney, Thomas		Tyler,
	Quash,		Tidyman,
	Richardson, J. P.		Ulmer,
	Richardson, J. S.		Vanderhorst,
	Rivers,		Wilson,
	Rowe,		Walker,
	Rowland,		Williams,
	Rogers,		Woodward,
	Ray,		Williamson,
	Spann, J. G.		Wardlaw,
	Spann, James		Whatley,
	Simons,		Whitten,
	Shand,		Watt,
	Smith, J. M.		Waties,
	Smith, G. H.		Wilkins,
	Smith, Stephen		Ware,
	Smith, Wm.		Warren,
	Stringfellow,		Young.
	Scott,		

The journal of the previous day having been read, the Hon. R. W. BARNWELL offered the following resolution, which was agreed to, viz:

Resolved, That the President of the Senate, and Speaker of the House of Representatives, be invited to take seats upon the floor in the Chamber in which the Convention is now assembled.

Judge COLCOCK, from the committee of twenty one, made a further Report to the Convention, consisting of an Address to the people of the State, which having been read by Robert J. Turnbull, Esq., on motion of Judge COLCOCK, it was ordered to lie on the table, and to be printed.

Mr. SAMUEL R. GIBSON, a Delegate from Lancaster, presented a memorial from a portion of the citizens of that district, praying an alteration of the Constitution as to the basis of representation in the State Legislature.

Mr. S. D. MILLER moved that the memorial be laid on the table.

Mr. McDUFFIE moved the question of consideration.

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The President deciding the first motion to be first in order, the question was taken, and the memorial ordered to be laid on the table.

The Hon. J. L. WILSON then introduced the following resolution, viz:

Whereas, the Convention of the People of the State of South Carolina, having learned with deep and unfeigned regret, the death of Charles Carroll, of Carrollton, the last surviving signer of the Declaration of Independence, and lately the only living link that connected us with that important event—as a testimony of respect to the memory of the deceased,

Resolved, That the members of this Convention wear crape on the left arm, for the space of thirty days.

This resolution having been adopted by the unanimous vote of the Convention, it was ordered to be so entered on the journal of the proceedings.

The Ordinance, which was made the order of the day, was now taken up for consideration. The Ordinance having been read by the Clerk, Col. WILSON moved that it should be read again, clause by clause; but at the suggestion of Judge COLCOCK, that further time for consideration was desirable, the motion was withdrawn.

Judge COLCOCK then moved that the consideration of the Ordinance should be made the order of the day for to-morrow, and that the Convention should stand adjourned until 11 o'clock on that day, which being agreed to, the Convention adjourned accordingly.

ISAAC W. HAYNE, *Clerk of the Convention.*

SATURDAY, NOVEMBER 24, 1832.

The Convention met according to adjournment, and the proceedings were opened with a prayer by the Rev. Mr. Freeman.

A Parchment Roll was then exhibited, on which, at the President's request, the members enrolled their names, with the respective Election Districts which had delegated them, which was ordered to be deposited with the Records of the Convention. The following gentlemen were found to be present:

From Greenville—B. F. Perry, Thomas P. Brockman, Silas R. Whitten, Henry Middleton.

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From Spartanburg—John S. Rowland, J. S. Richardson, J. B. O'Neall, James Crooke, Alfred Iluger, J. P. Evans.

From Laurens—Archibald Young, William Arnold, John S. James, A. Fuller, Robert Long.

From Abbeville—George McDuffie, John Lipscomb, John Logan, A. Bowie, Samuel L. Watt, A. Burt.

From York—Benjamin Chambers, I. A. Campbell, James A. Black, Jas. Moore, John L. Miller.

From Marlborough—Benjamin Rogers, Nicholas Ware.

From Union—J. S. Sims, Thomas Ray, A. Lancaster, John Littlejohn, George Douglas.

From Kershaw—Everard Cureton, Chapman Levy, John Chesnut, C. J. Shannon.

From Chesterfield—P. Phillips, James R. Ervin, Alfred M. Lowry.

From Darlington—William H. Cannon, S. B. Wilkins, Robert Ervin.

From Marion—A. L. Gregg, Thomas Harllee, William Evans.

From Williamsburg—T. D. Singleton, Sr., William Waties, P. G. Gourdin.

From Clarendon—John P. Richardson, Richard J. Manning, W. R. Burgess.

From Claremont—Stephen D. Miller, John B. Miller, James G. Spann, Stephen Lacoste.

From All Saints—Peter Vaught, J. Walter Phillips.

From Prince George, Winyaw—Philip Tidyman, Allard H. Belin, J. A. Keith.

From St. Peter's—J. Hamilton, Jr., A. J. Lawton, John S. Maner.

From St. Luke's—A. Huguenin, T. E. Screven, James Mongin Smith.

From St. Helena—R. W. Barnwell, Charles G. Capers, M. Jacobs.

From St. James', Goose Creek—Isaac Bradwell, jr., G. H. Smith.

From St. Thomas and St. Dennis—Francis D. Quash, John L. Nowell.

From St. John's, Berkeley—Peter Gaillard, jr., William Porcher, J. H. Dawson.

From St. John's, Colleton—William M. Murray, Joseph L. Stevens.

From Chester—R. G. Mills, John Douglas, Thomas B. Woodward, Thos. G. Blewett, William Stringfellow.

From Fairfield—William Harper, D. H. Means, Edward G. Palmer, John B. McCall, William Smith.

From Richland.—Pierce M. Butler, Wm. C. Clifton, Sterling C. Williamson, Sen., James Adams, John G. Brown.

From St. Philip's and St. Michael's—James Hamilton, Sen., Richard B. Baker, Sen., Robert J. Turnbull, S. L. Simons, John Magrath, Charles Parker, Barnard E. Bee, Elias Vanderhorst, Peter J. Shand, Nathaniel

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Heyward, Robert Y. Hayne, C. J. Colcock, John Ball, John L. Wilson, James Lynah, C. C. Pinckney, Philip Cohen, B. A. Markley.

From Christ Church—Jacob Bond I'On, James Anderson.

From St. James', Santee—Samuel Cordes, Samuel Warren.

From St. Stephen's—W. Dubose, Theodore L. Gourdin.

From St. Matthew's—Benjamin Adams, John Rivers.

From St. Paul's—F. Y. Legare, Thomas W. Boone.

From St. Bartholomew's—W. C. Pinckney, F. H. Elmore, Isham Walker.

From Prince William's—Wm. Williams, Thomas H. Colcock, J. B. Ulmer.

From Orange—Edmund J. Felder, Donald Rowe, Elisha Tyler.

From Barnwell—Jennings O'Bannon, Stephen Smith, L. M. Ayer, J. G. Brown.

From Lexington—West Caughman, Jacob H. King, Edwin J. Scott.

From Edgefield—James Spann, John Key, John Bauskett, Abner Whatley, John S. Jeter, R. G. Mays, F. H. Wardlaw.

From Pendleton—R. Anderson, Thomas Harrison, J. B. Earle, Thomas Pinckney, J. T. Whitefield, Francis Burt, Jr., F. W. Symmes, Bailey Barton.

From Newberry—Job Johnston, George W. Glenn, John Counts, John K. Griffin, John Hatton.

From Lancaster—Samuel R. Gibson, Miner Clinton.

From Kingston—D. E. Huger.

The Journal of the day previous having been read, on motion of Chancellor JOHNSTON, a correction of the Journal was ordered, and made accordingly.

Judge COLCOCK, on the part of the select Committee of twenty-one, announced that the Committee were ready with a further report, consisting of an Address to the people of the United States. This Address having been read by the Hon. GEORGE McDUFFIE, was, on motion of Mr. TURNBULL, adopted by the Convention.

The Ordinance which had been made the special order of the day, was now taken up for consideration. Having been read by the Clerk, Judge COLCOCK moved so to amend it as to exempt the members of the Legislature from the oath required of the civil and military officers of the State, which amendment was adopted.

Mr. TURNBULL moved to amend the title of the Ordinance, by striking out the words "provide for arresting the operation of," and substituting the word "Nullify," so that when amended it should read, "AN ORDINANCE to NULLIFY certain acts of the Congress" &c. This amendment was likewise adopted.

The question was then taken on the adoption of the Ordinance thus

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amended. Seven members having risen for the Ayes and Noes, they were taken accordingly, and found to be as follows:

Messrs.		Messrs.	
	Adams, B.		Evans, W.
	Adams, James		Felder,
	Ayer,		Fuller,
	Anderson, James		Gourdin, T. L.
	Anderson, Robert		Gourdin, P. G.
	Arnold,		Goodwyn,
	Baker,		Gailliard,
	Ball,		Griffin,
	Bee,		Glenn,
	Boone,		Gregg,
	Barnwell,		Hamilton, J., Sr.
	Bradwell,		Heyward,
	Blewett,		Hayne,
	Butler,		Harper,
	Brown, J. G.		Harrison,
	Brown, John G.		Hatton,
	Bauskett,		Harllee,
	Burt, A.		Huguenin,
	Burt, F.		I'On,
	Barton,		Jeter,
	Bowie,		Johnston,
	Black,		James,
	Belin,		Jacobs,
	Cohen,		Keith,
	Cordes,		Key,
	Colcock, T. H.		King,
	Colcock, C. J.		Lacoste,
	Capers,		Legare,
	Clifton,		Lawton,
	Caughman,		Long,
	Counts,		Lipscomb,
	Chambers,		Logan,
	Campbell,		Littlejohn,
	Dubose,		Lancaster,
	Dawson,		Magrath,
	Douglas, J.		Markley,
	Douglas, G.		Maner,
	Elmore,		Murray,
	Earle,		Mills,

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McCall,
Means,
Mays,
McDuffie,
Moore,
Miller, J. L.
Miller, S. D.
Miller, J. B.
McCord,
Nowell,
O'Bannon,
Phillips, J. W.
Parker,
Porcher,
Palmer,
Pinckney, C. C.
Pinckney, W. C.
Pinckney, T.
Quash,
Rivers,
Rowe,
Rogers,
Ray,
Spann, J. G.
Spann, J.
Simons,
Shand,
Smith, J. M.
Smith, W.
Smith, S.
Smith, G. H.
Stringfellow,
Scott,
Symmes,
Sims,
Singleton,
Stevens,
Screven,
Turnbull,
Tyler,
Tidyman,
Ulmer,
Vaught,
Vanderhorst,
Wilson,
Walker,
Williams,
Woodward,
Williamson,
Wardlaw,
Whatley,
Whitefield,
Watt,
Ware,
Waties,
Warren,
Young.

His Excellency James Hamilton, Jr., President of the Convention, claimed his privilege of voting as a Delegate from St. Peter's, and gave it in the affirmative, making, in all, ONE HUNDRED AND THIRTY-SIX *Ayes*.

In the negative,

Messrs. Brockman,
Burgess,
Crooke,
Cureton,
Chesnut,
Cannon,
Clinton,
Ervin, J. R.
Ervin, R.
Messrs. Evans, J. P.
Gibson,
Huger, Alfred
Huger, D. E.
Levy,
Lowry,
Manning,
Middleton,
O'Neall,

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Messrs. Phillips, P.	Messrs. Rowland,
Perry,	Shannon,
Richardson, John P.	Whitten,
Richardson, J. S.	Wilkins.

Making, in all, TWENTY-SIX *Noes.*

One member absent, from sickness—five not yet enrolled.

The ORDINANCE was consequently adopted, by a majority of the members present of 109, and a majority of 103 of the whole number of delegates elected by the people.

On motion of Mr. McDUFFIE, the Report accompanying the Ordinance was taken up for consideration, and the reading being dispensed with, was adopted by the Convention. Mr. McDUFFIE then moved the consideration of the Address to the People of this State, reported by the Select Committee of twenty-one, which, being agreed to, and the reading dispensed with, the Address was adopted by the Convention.

On motion of Chancellor JOHNSTON, a reconsideration of the Address was granted.

Mr. TURNBULL then moved to amend the Address, by striking out, in the 19th paragraph, the words, "*with a full confidence that other divisions of the Confederacy will nobly follow and sustain us.*" He explained, that the State wished to be understood, notwithstanding her hopes that she would be sustained by other members of the Confederacy, as relying, not on them, but on herself alone. The amendment was agreed to without opposition, and the Address so amended, adopted by the Convention.

Col. W. C. PINCKNEY, of St. Bartholomew's, introduced the following resolution, which was concurred in by the Convention, to wit:

Resolved, That twenty thousand copies of the Report, the Addresses, and the Ordinance (as adopted) be printed; and that for each of the members of the Convention, thirty copies in separate sheets, shall be immediately printed; that ten thousand copies, with the Ordinance annexed to the Report, in pamphlet form, be separately printed for distribution; and that the remaining five thousand be bound up with the proceedings of the Convention, the whole of which shall be published under the direction of a Committee to be appointed by the President, for that purpose; that the documents thus ordered to be printed, be distributed under the direction of the President. And it shall be the duty of the Clerk, under the direction of the Committee, to assist in superintending the printing, and to make such distribution as the President shall direct. That he carry on the necessary correspondence, and cause a record of all the proceedings of the Convention to be made, and deposited in the Secretary of State's office, in Columbia; and to perform such other duties in reference to the business of the

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Convention, as may be prescribed by the President; and that during his continuance in office, he shall receive the same compensation as the Clerk of the House of Representatives.

Judge HARPER, of Fairfield, and Cols. BROWN and CLIFTON, of Richland, were appointed a Committee under this resolution.

On motion of the Hon. JOHN LYDE WILSON, a Committee was appointed to engross the Ordinance as adopted, and to superintend its signature by such members as might wish to affix their names to it.

Messrs. WILSON and C. C. PINCKNEY were appointed the Committee.

Col. WILSON then moved a recess until 5 o'clock, P. M. that the Engrossing Committee might have time to perform that service. The motion was carried, and the Convention adjourned accordingly.

ISAAC W. HAYNE, *Clerk of the Convention.*

SATURDAY, NOVEMBER 24—5 O'CLOCK, P. M.

The Convention met according to adjournment. The Journal of the morning's proceedings having been read, Mr. WILSON, on the part of the Engrossing Committee, made the following Report, to wit:

The Engrossing Committee, to whom was confided the care of the Ordinance of this Convention, for engrossing and enrollment, have performed that duty, and caused the great Seal of the State to be attached thereto.

Your Committee have so engrossed the Ordinance, as to admit the signatures of all the Members of the Convention, a ratification observed by those who proclaimed our Independence. Your Committee suggest the propriety of submitting to the Patriots of '76, yet abiding with us, and laboring in one common cause, for the continuance of our liberties, the first lines for their signatures.

JOHN L. WILSON, *Chairman.*

This Report was unanimously adopted.

The REPORT of the Select Committee, accompanying the Ordinance, as adopted by the Convention, and the ORDINANCE, as finally ratified, are as follows, to wit:

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REPORT OF THE COMMITTEE.

The Committee to whom was referred "the Act to provide for the calling of a Convention of the people of this State," with instructions "to consider and report thereon, and especially as to the measures proper to be adopted by the Convention, in reference to the violations of the Constitution of the United States, in the enactment by Congress, on divers occasions, of laws laying duties and imposts, for the purpose of encouraging and protecting domestic manufactures, and for other unwarrantable purposes," beg leave respectfully to submit the following

REPORT:

The Committee, deeply impressed with the importance of the questions submitted to them, and the weight of responsibility involved in their decision, have given to the subject their most deliberate and anxious consideration. In stating the conclusions to which they have arrived, they feel that it is due to themselves, to this Convention, and to the Public at large, briefly to review the history of the Protecting System in this country, to show its origin, to trace its progress, to examine its character, point out its evils, and to suggest the appropriate remedy. They propose to execute this task with all possible brevity and simplicity, sensible that the subject is too well understood in all its bearings to require at this time a very elaborate investigation.

In the natural course of human affairs, the period would have been very remote when the people of the United States would have engaged in manufactures, but for the restrictions upon our commerce which grew out of the war between Great Britain and France, and which led to the non-intercourse act, the embargo, and finally our own war of 1812. Cut off by these events, from a free commercial intercourse with the rest of the world, the people of the United States turned their attention to manufactures, and on the restoration of peace in 1815, an amount of capital had been already invested in these establishments, which made a strong appeal to the liberality—we might almost say, to the justice of the country, for protection; at least against that *sudden influx* of foreign goods which, it was feared, would entirely overwhelm these domestic establishments. When, therefore, in 1816, it became necessary that the Revenue should be brought down to the peace establishment, by a reduction of the duties upon imports, it was almost by common consent, conceded to the claims of the manufacturers, that this reduction should be *gradual;* and three years were accordingly allowed for bringing down the duties to the permanent revenue standard, which (embracing all the ordinary expenses of the Government, with liberal appropriations for the Navy and the Army, an extensive system of

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fortifications, and the gradual extinction of the public debt, then amounting to $130,000,000,) was fixed at 20 per cent. If the manufacturers had at that time even hinted that permanent protection was deemed indispensable to their success—if the slightest suspicion had been entertained that instead of the gradual reduction expressly provided for by the act of 1816, there would be claimed a *gradual increase* of the protecting duties, and that instead of being brought down in three years to 20 per cent., the duties were to be carried up to 50 or 100 per cent., and in many cases to prohibition, the painful contest in which the country has been engaged for the last ten years on this subject, would have commenced immediately, and it is confidently believed that in the temper of the public mind at that time, ample security would have been found against the introduction of such a system. But in defiance of the clear understanding of the whole country, and in violation of the principles of justice and of good faith, that part of the act above mentioned which required that the duties should be reduced in three years to 20 per cent., was repealed, and a broad foundation thus laid for the permanent establishment of the protecting system.

This system has been still further extended and fortified by the several successive acts of 1820, 1824 and 1828, until, by the passing of the act of 1832, (to take effect after the discharge of the public debt) it has become incorporated into our political system, as the "SETTLED POLICY OF THE COUNTRY." We have not deemed it necessary, in tracing the origin and progress of this system, to go further back than the commercial restrictions which preceded the late war:—for whatever theoretical opinions may have been expressed by Alexander Hamilton and others in relation to it, at an earlier period, it cannot be denied that no duties were actually imposed beyond those deemed indispensable for the public exigencies, and that prior to the year 1816, no protection whatever was actually extended to manufactures, beyond what was strictly incidental to a system for revenue. The *discrimination* between the *protected* and *unprotected* articles now contended for as the corner stone of the protecting system, was so far from being established by that act, that the highest duties were actually imposed on the very articles now admitted duty free; while the foreign manufactures which came into competition with our domestic fabrics were subjected to a lower rate of duty. The truth then unquestionably is, that the protecting policy, according to the principles now contended for, was never introduced into this country until the period we have mentioned, when it crept insidiously into the legislation of Congress in the manner above mentioned. This will be made abundantly manifest to every one who will take the pains to trace the progress of the duties from 7½ per cent. in 1790—up to 25 per cent. in 1816—40 per cent. in 1824, and 50, 60, and even 100 per cent.

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in 1823 and 1832; and who will merely examine the manner in which these duties were adjusted in the various acts here referred to.

As early as 1820—so soon indeed as the capitalists who had relied upon the powers of the Federal Government to enhance the profits of their investments by legislation, began to look forward to its eventual establishment as the settled policy of the country—they clearly perceived that an extension of the appropriations to objects not embraced in the specific grants of the Federal Constitution, was the necessary appendage of their system. They well knew that the people would not long submit to the levying of a large surplus revenue merely for the protection of manufactures carried on exclusively in one quarter of the Union—and they therefore sought in the extension of the appropriations to new objects, for a plausible and popular excuse for the continuance of a system of high duties. With that instinctive sagacity, which belongs to men who convert the Legislature of a country into an instrument for the promotion of their own private ends, they clearly saw that the distribution of an enormous surplus treasure would afford the surest means of bringing over the enemies of the American System to its support, and of enlisting in their cause not only large masses of the people, but entire States, who had no direct interest in maintaining the protective system, or who were even in some respects, its victims. No scheme that the wit of man could possibly have devised, was better calculated for the accomplishment of this object. It proposed simply to reconcile men to an unjust system of national policy, by admitting them to a large share of the spoils—in a word, to levy contributions, by the aid of those who were to divide the plunder.

If the United States had constituted one great nation, with a consolidated Government, occupying a territory of limited extent, inhabited by people engaged in similar pursuits, and having homogeneous interests, such a system would only have operated as a tax upon all the other great interests of the State, for the benefit of that which was favored by the laws, and when time had been allowed for the adjustment of society to this new condition of its affairs, the final result must have been, an aggregate diminution of the profits of the whole community, by diverting a portion of the people from their accustomed employments to less profitable pursuits. In such a case, the hope might perhaps have been indulged, that experience would demonstrate the egregious folly of enacting laws, the only effect of which would be, to supply the wants of the community at an increased expense of labor and capital. But it is the distinguishing feature of the American System, and one which stamps upon it the character of peculiar and aggravated oppression, that it is made applicable to a CONFEDERACY of twenty-four Sovereign and Independent States—occupying a territory upwards of

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2000 miles in extent—embracing every variety of soil, climate and productions—inhabited by a people whose institutions and interests are in many respects diametrically opposed to each other; with habits and pursuits infinitely diversified; and, in the great Southern section of the Union, rendered by local circumstances altogether incapable of change.

Under such circumstances, a system, which under a consolidated Government would be merely impolitic, and so far, an act of injustice to the whole community, becomes, in this country, a scheme of the most intolerable oppression, because it may be, and has in fact been, *so adjusted* as to operate exclusively to the benefit of a particular interest, and of particular sections of country, rendering in effect the industry of one portion of the Confederacy tributary to the rest. The laws have accordingly been so framed as to give a direct pecuniary interest to a sectional majority, in maintaining a grand system by which taxes are in effect imposed upon the few, for the benefit of the many, and imposed, too, by a system of indirect taxation, so artfully contrived as to escape the vigilance of the common eye, and masked under such ingenious devices as to make it extremely difficult to expose their true character. Thus, under the pretext of imposing duties for the payment of the public debt, and providing for the common defence and general welfare, (powers expressly conferred on the Federal Government by the Constitution) acts are passed, containing provisions designed exclusively and avowedly, for the purpose of securing to the American manufacturers a monopoly in our own markets, to the great and manifest prejudice of those who furnish the agricultural productions which are exchanged in foreign markets for the very articles which it is the avowed object of these laws to exclude.

It so happens, that six of the Southern States, whose industry is almost exclusively agricultural, though embracing a population equal to only one-third part of the whole Union, actually produce, for exportation, near $40,000,000 annually, being about two-thirds of the whole domestic exports of the United States. As it is their interest, so it is unquestionably their right, to carry these fruits of their own honest industry to the best market, without any molestation, hindrance, or restraint whatsoever, and subject to no taxes or other charges, but such as may be necessary for the payment of the reasonable expenses of the Government. But how does this system operate upon our industry? While imposts to the amount of 10 or 12 per cent. (if arranged on just and equal principles) must be admitted to be fully adequate to all the legitimate purposes of the Government, duties are actually imposed (with a few inconsiderable exceptions) upon all the Woolens, Cottons, Iron, and manufactures of Iron, Sugar and Salt—and almost every other article received in exchange for the Cotton, Rice and Tobacco of the South, being an average of about 50 per cent., whereby (in addition to the injurious

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effects of this system in prohibiting some articles, and discouraging the introduction of others) a tax, equal to one-half of the first cost, is imposed upon the Cottons, Woolens and Iron, which are the fruits of Southern industry, in order to secure an advantage in the home market, to their rivals, the American manufacturers of similar articles, equivalent to one-half of their value—thereby stimulating the industry of the North, and discouraging that of the South, by granting bounties to the one, and imposing taxes upon the other.

The committee deem it unnecessary to go into an elaborate examination of the true character and sectional operation of the protecting system. The subject has of late been so frequently and thoroughly examined, and the bearing of the system been so completely exposed, that the argument is exhausted. To the people of the Southern States there cannot be presented a more touching or irresistible appeal, either to their understandings or their hearts, than is found in the melancholy memorials of ruin and decay, which are everywhere visible around us;—memorials proclaiming the fatal character of that system, which has brought upon one of the finest portions of the globe, in the full vigor of its early manhood, the poverty and desolation, which belong only to the most sterile regions, or to the old age and decrepitude of nations. The moral blight and pestilence of unwise and partial legislation has swept over our fields, with "the besom of destruction." The proofs are everywhere around us.

It is in vain for any one to contend that this is a just and equal system, or that the Northern States pay a full proportion of the tax. If this were so, how is it to be accounted for, that high duties are regarded in that quarter of the Union, not as a burden, but as a blessing?

How comes it that a people, certainly not unmindful of their interests, are seen courting the imposition of taxes, and crying out against any material reduction of the public burdens? Does not this extraordinary fact afford conclusive evidence that high duties operate as a bounty to Northern industry; and that whatever taxes the manufacturers may pay, as consumers, they are more than remunerated by the advantages they enjoy as producers? or in other words, that they actually receive more than they pay, and therefore, cannot be justly said to be taxed at all. When, in addition to all this, we take into consideration that the amount of duties annually levied for the protection of manufactures, beyond the necessary wants of the Government, (which cannot be estimated at less than 10 or 12,000,000) is expended almost exclusively in the Northern portion of the Union, can it excite any surprise, that under the operation of the Protecting System, the manufacturing States should be constantly increasing in riches and growing in strength, with an inhospitable climate and barren soil, while the Southern States, the natural garden of America, should be rapidly falling

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into decay? It is contrary to the general order of Providence, that any country should long bear up against a system, by which enormous contributions raised in one quarter, are systematically expended in another. If the sixteen millions of dollars now annually levied in duties on the foreign goods received in exchange for Southern productions, were allowed to remain in the pockets of the people, or by some just and equal system of appropriation could be restored to them, the condition of the plantation States would unquestionably be one of unexampled prosperity and happiness. Such was our condition under a system of free trade, and such would soon again be our enviable lot. Of the results which would thereby be produced, some faint conception may be formed by imagining what would be the effect upon the industry of the people of our own State, if the $8,000,000 of foreign goods now annually received in exchange for our productions, and paying duties to the amount of $3,000,000, could be obtained by us duty free, or the duties thus levied, were expended within our own limits. Is it not obvious that several millions per annum would thereby be added to the available industry of South Carolina? the effect of which would assuredly be, to change the entire face of affairs in this State, by enhancing the profits of the agriculturalist, accumulating capital, giving a fresh impulse to commerce, and producing a vivifying influence upon every department of industry, the happy consequences of which would be experienced by every inhabitant of the State. We present this strong view of the subject, to shew the manifest justice of the claim which South Carolina now sets up to have this system of raising revenue by duties upon imports *restricted within the narrowest limits*, and to shew how utterly impossible it is for us to consent to have it extended beyond the indispensable wants of the government, either for the purpose of affording protection to the industry of others, or of distributing the proceeds among individuals or States.

Grievous, however, as the oppression unquestionably is, and calculated in the strong language of our own Legislature, "to reduce the Plantation States to POVERTY and UTTER DESOLATION," it is not in this aspect that the question is presented in its most dangerous and alarming form. It is not merely that Congress have resorted for unwarrantable purposes to an oppressive exercise of powers *granted* to them by the Constitution; but that they have *usurped a power not granted*, and have justified that usurpation on principles, which, if sanctioned or submitted to, must entirely change the character of the Government, reduce the Constitution to a dead letter, and on the ruins of our confederated republic, erect a consolidated despotism, "without limitation of powers." If this be so, there is no man who is worthy of the precious heritage of liberty derived from our ancestors, or who values the free institutions of his country, who must not tremble for the cause of freedom, not only in this country, but throughout the world, unless

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the most prompt and efficient measures are at once adopted, to arrest the downward course of our political affairs, to stay the hand of oppression, to restore the Constitution to its original principles, and thereby to perpetuate the Union.

It cannot be denied that the Government of the United States possesses no inherent powers. It was called into being by the States. The States not only created it, but conferred upon it all its powers, and prescribed its limits by a written charter called the Constitution of the United States. Before the Federal Government had thus been called into being, the several States unquestionably possessed as full sovereignty, and were as independent of each other as the most powerful nations of the world; and in the free and undisputed exercise of that sovereignty, they entered into a solemn compact with each other, by which it was provided, that for certain specified objects, a General Government should be established with strictly limited powers; the several States retaining their sovereignty unimpaired, and continuing to exercise all powers not expressly granted to the Federal Government.

In the clear and emphatic language of Mr. Jefferson, "the several States composing the United States of America, are not united on the principle of unlimited submission to the General Government, but by a compact under the style and title of the Constitution of the United States, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself the residuary mass of right to their own self-government, and whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force."* That such is the true nature of the federal compact, cannot admit of a reasonable doubt, and it follows of necessity, that the Federal Government is merely a joint agency, created by the States—that it can exert no power not expressly granted by them, and that when it claims any power, it must be able to refer to the clause in the charter which confers it. This view of the Constitution of the United States, brings the question of the constitutionality of the Tariff within the narrowest limits.

The regulation of *domestic industry*, so far as Government may rightfully interfere therewith, belonged to the several States before the Constitution was adopted, or the Union sprang into existence; and it still remains exclusively with them, unless it has been expressly granted to the Federal Government. If such a grant has been made, it is incumbent on those claiming under it, to point out the provision in the Constitution which embraces it. It must be admitted that there is not a clause or article in that instru-

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* See Kentucky Resolutions of 1798.

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ment, which has the slightest allusion, either to manufactures or to agriculture: while, therefore, the "regulation of commerce" is expressly conferred on the General Government, the regulation of every branch of domestic industry is reserved to the several States, exclusively, who may afford them encouragement, by pecuniary bounties, and by all other means, not inconsistent with the Constitution of the United States. To say that the power to regulate commerce, embraces the regulation of agriculture, and manufactures, and all the other pursuits of industry, (for they all stand upon the same footing,) is to confound the plainest distinctions, and to lose sight of the true meaning and intent of the grant in question. Commerce is, in general, regulated by treaties with foreign Nations; and, therefore, it was deemed necessary that this power should be confided to the General Government; but agriculture, manufactures, and the mechanic arts, can only be wisely ordered by municipal regulation. Commerce is one object of legislation, manufactures another, agriculture a third; and if the regulation of commerce implies an unlimited control over everything which constitutes the object of commerce, it would follow, as a matter of course, that the Federal Government may exert a supreme dominion over the whole labor and capital of the country. This would transform our confederated Government, with strictly limited powers, into an absolute despotism, and of the worst sort, where, under the forms of a free Government, we should have the spirit of a despotic one.

This view of the subject, we should deem perfectly conclusive, even if it could not be shewn that the power in question, so far from being granted, was purposely withheld from the Federal Government, by the framers of the Constitution; and that there are provisions of the Constitution, from which it may be fairly inferred, that it was intended to be reserved to the States respectively. It appears from the history of the proceedings of the Convention which framed the Constitution, that the subject of the PROTECTION of *manufactures*, was several times brought distinctly to the view of that body, and that they did not see fit to grant to the Federal Government the power in question. In the original proposition, to confer on Congress the power to impose "duties, imposts and excises," was embraced "*prohibitions* and *restraints*," which may well be supposed to be intended to embrace the protection of manufactures; but it is remarkable, that these words were omitted in the Report of the Committee on that clause. On the 18th of August a motion was made, "to establish rewards and immunities, for the promotion of agriculture, commerce, trades and *manufactures*," but this proposition also failed. On a subsequent day, it was moved, that there should be a "Secretary of Domestic Affairs, &c., whose duty it should be to attend to matters of general police, the state of *agriculture* and *manufactures*, the opening of roads and navigation, and facilitating of intercourse

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through the United States; and that he shall, from time to time, recommend such measures and establishments as may tend to promote these objects." This proposition likewise failed, the Constitution containing no provision in conformity therewith.

Now, as it is utterly impossible that these several propositions, embracing imposts, duties, prohibitions and restraints, and the encouragement of manufactures, could have been disposed of, without bringing the whole question of domestic manufactures fully into view—it must follow, that, as no power was given to Congress over *manufactures*, while the power to regulate *commerce* is expressly conferred, it was not the intention of the framers of the Constitution to entrust this power to Congress. Although repeatedly urged to confer such a power, they constantly refused it; and the Constitution as finally ratified, contains no provision, whatever, upon the subject. In the Report of Luther Martin, a delegate from Maryland, made to the Legislature of his State, an explanation is given of the proceedings of the Convention, in relation to this matter, which removes every shadow of doubt with regard to the true meaning and intent of the framers of the Constitution, in relation to the protection of manufactures. It appears from this statement, that, as the encouragement of manufactures had been refused to be conferred upon the Federal Government, it was the desire of Mr. Martin and others, to reserve to the States all the means which they supposed to be necessary for affording effectual encouragement to manufactures within their own limits. Among those it was presumed "that there might be cases in which it would be proper, for the purpose of encouraging manufactures, to lay duties to prohibit the exportation of raw materials, and even in addition to the duties laid by Congress on imports *for the sake of revenue*, to lay a duty to DISCOURAGE THE IMPORTATION OF PARTICULAR ARTICLES into a State, or to enable the manufacturer here to supply us on as good terms as could be obtained from a foreign market."* Here it will be seen that it is positively stated by Mr. Martin that the power given to Congress, to *impose duties upon imports*, was given expressly "*for the sake of revenue*," and was not considered as extending to any duty "to discourage the importation of particular articles, for the purpose of encouraging manufactures," and that it was considered that unless the several States should possess this power as well as that of prohibiting the exportation of certain raw materials, they would not be enabled to extend that complete protection to their own manufactures which might be deemed indispensable to their success. "The most, however," says Mr. Martin, "which we could obtain was, that this power might be exercised by the States, by

* Yates' Secret Debates in the Convention, p. 71.

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and with the consent of Congress, and subject to its control." Thus, then, it manifestly appears, that in relation to manufactures, the framers of the Constitution positively refused to confer upon the Federal Government any power whatever; that the power to lay duties, &c., was conferred for the sake of revenue alone, and was not intended to embrace the power to lay duties "to discourage the importation of particular articles to enable the manufacturers here to supply us on as good terms as could be obtained from a foreign market;" and finally, that the whole subject was left in the hands of the several States, with the restriction, "that no State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing their inspection laws." This power, it appears, was expressly inserted for the purpose of enabling the States to protect their own manufactures, and this, it seems, was the only provision which the friends of domestic industry could obtain. It is vain to allege that the powers retained by the States on this subject, are inadequate to the effectual accomplishment of the object. If this were so it would only shew the necessity of some further provision on this subject—but surely it will not be pretended that it would justify the usurpation by Congress, of a power, not only not granted by the Constitution, but purposely withheld.

We think, however, that this exposition of the Constitution places the protection of manufactures on the true foundation on which it should stand in such a Government as ours. Nothing can be more monstrous than that the industry of one or more States in this Confederacy should be made profitable at the expense of others, and this must be the inevitable result of any scheme of legislation by the General Government, calculated to promote Manufactures by restrictions upon Commerce or Agriculture. But leave Manufactures where Agriculture and other domestic pursuits have been wisely left by the Constitution—with the several States, and ample security is furnished that no preference will be given to one pursuit over another: and if it should be deemed advisable in any particular State, to extend encouragement to manufactures, either by direct appropriations of money, or in the way pointed out in the Article of the Constitution above quoted, that this will be done, not at the expense of the rest of the Union, but of the particular State whose citizens are to derive the advantages of those pursuits. Should Massachusetts, for instance, find it to her advantage to engage in the manufacture of Woolens or Cottons, or Pennsylvania be desirous of encouraging the working of her Iron Mines, let those States grant bounties out of their own Treasuries, to the persons engaged in these pursuits; and should it be deemed advisable to encourage their manufactures by duties, "discouraging the importation of similar articles," in these respective States, let them make an application to Congress, whose consent

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would doubtless be readily given to any acts of those States having these objects in view. The Manufacturers of Massachusetts and Pennsylvania would thus be encouraged at the expense of the people of those States respectively. But when they claim to do more than this, to encourage their industry, at the expense of the industry of the people of the other States; to promote the *Manufactures of the North*, at the expense of the *Agriculture of the South*, by *restrictions upon Commerce*—in a word, to secure a monopoly for their manufactures, not only in *their own market*, but throughout the United States, then we say, that the claim is unjust, and cannot be granted consistently with the principles of the Constitution, or of the great ends of a *Confederated Government*.

We shall not stop to enquire whether, as has been urged with great force, that provision of the Constitution, which confers the power upon Congress "to promote the progress of science and the useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries," does not, by a necessary implication, deny to Congress the power of promoting the useful arts (which include both agriculture and manufactures) by any other means than those here specified. It is sufficient for our purpose to shew that the power of promoting manufactures as a distinct substantive object of legislation, has no where been granted to Congress. As to the incidental protection that may be derived from the rightful exercise of the power, either of regulating commerce, or of imposing taxes, duties and imposts, for the legitimate purposes of government—this certainly may be as freely enjoyed by manufactures as it must be by every other branch of domestic industry. But as the power to regulate commerce, conferred expressly for its security, cannot be fairly exerted for its destruction, so neither can it be perverted to the purpose of building up manufacturing establishments—an object entirely beyond the jurisdiction of the Federal Government—so also, the power to levy taxes, duties, imposts and excises, expressly given for the purpose of raising *revenue*, cannot be used for the discouragement of importations, for the purpose of promoting manufactures, without a gross and palpable violation of the plain meaning and intent of the federal compact. Acts may be passed on these subjects, falsely purporting, on their face, to have been enacted for the purposes of raising revenue and regulating commerce, but if in truth, they are designed (as the Acts of 1824, 1828, and 1832, *confessedly* and avowedly have been) for an entirely different purpose, viz: for the encouragement and promotion of manufactures—the violation of the Constitution is not less gross, deliberate and palpable, because it assumes the most dangerous of all forms, *a violation by perversion*, the use of a power granted for one purpose, for another and different purpose, in relation to which Congress has no power to act at all. On the whole, even from the very brief and imperfect view which we

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have here taken of this subject, we think we have demonstrated that the protecting system is as GROSS AND PALPABLE a VIOLATION of the CONSTITUTION, according to its true spirit, intent and meaning, as it is unquestionably UNEQUAL, OPPRESSIVE and UNJUST in its bearing upon the great interests of the country, and the several sections of the Union.

But great as are the evils of the American System, fatal as it assuredly must be to the prosperity of a large portion of the Union, and gross as is the violation of the letter and spirit of the Constitution, which it perpetrates, the consequences which must inevitably result from the establishment of the pernicious principles on which it is founded, are evils of still greater magnitude. An entire change in the character of the Government is the natural and necessary consequence of the application to the Constitution of those latitudinous rules of construction, from which this system derives its existence, and which must "consolidate the States, by degrees, into one sovereignty; the obvious tendency and inevitable result of which would be to transform the present Representative system of the United States into a Monarchy."*

We fearlessly appeal to all considerate men, whether it be in the nature of things possible, to hold together such a Confederacy as ours, by any means short of military despotism, after it has degenerated into a CONSOLIDATED GOVERNMENT—that is to say, after it shall come to be its established policy to exercise a *general legislative control* over the interests and pursuits of the whole American people.

Can any man be so infatuated as to believe, that Congress could regulate wisely the whole labor and capital of this vast Confederacy? Would it not be a burden too grievous to be borne, that a great central Government, necessarily ignorant of the condition of the remote parts of the country, and regardless, perhaps, of their prosperity, should undertake to interfere with their domestic pursuits, to control their labor, to regulate their property, and to treat them, in all respects, as DEPENDENT COLONIES, governed not with reference to their own interests, but the interests of others? If such a state of things must be admitted to be altogether intolerable, we confidently appeal to the sober judgment and patriotic feelings of every man, who values our free institutions, and desires to preserve them—whether the progress of the Government towards this result, has not, of late years, been rapid and alarming? and whether, if the downward course of our affairs cannot be at once arrested—the consummation of this system is not at hand? No sooner had Congress assumed the power of building up manufactures, by successive tariffs—calculated and intended to drive men from agriculture and com-

* Madison's Report.

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merce, into more favored pursuits—than internal improvements sprung at once into vigorous existence. *Pensions* have been enlarged to an extent not only before unknown in any civilized country, but they have been established on such principles, as manifest the settled purpose of bestowing the public treasure in gratuities, to particular classes of persons and particular sections of country. *Roads and canals* have been commenced, and surveys made in certain quarters of the Union, on a scale of magnificence, which evinces a like determination to distribute the public wealth into new and favored channels; and it is in entire accordance, both with the theory and practice of this new system, that the General Government should absorb all the authority of the States, and eventually become the grand depository of the powers, and the general guardian and distributer of the wealth of the whole Union. It is known to all who have marked the course of our national affairs, that Congress has undertaken to create a BANK, and have already assumed jurisdiction over *science* and the *arts*, over *education*, and *charities*, over *roads* and *canals*, and almost every other subject, formerly considered as appertaining exclusively to the States, and that they claim and exercise an *unlimited control* over the appropriation of the *public lands*. as well as of the *public money*. On looking, indeed, to the legislation of the last ten years, it is impossible to resist the conviction that a fatal change has taken place in the whole policy and entire operation of the Federal Government; that in every one of its departments, it is both in theory and practice rapidly verging towards consolidation—asserting judicial supremacy over the sovereign States, extending EXECUTIVE PATRONAGE and influence to the remotest ramifications of society, and assuming legislative control over every object of local concernment, thereby reducing the States to petty corporations, shorn of their sovereignty, mere parts of one great whole, standing in the same relation to the Union, as a county or parish to the State, of which it is a subordinate part.

Such is the true character, and such the inevitable tendencies of the AMERICAN SYSTEM. And when the case, thus plainly stated, is brought home to the bosoms of patriotic men, surely it is not possible to avoid the conclusion, that a political system, founded on such principles, must bear within it the seeds of premature dissolution—and that, though it may for a season be extended, enlarged and strengthened, through the corrupting influence of patronage and power, until it shall have embraced in its serpent folds all the great interests of the State; still, the time must come, when the people, deprived of all other means of escape, will rise up in their might and release themselves from this thraldom, by one of those violent convulsions, whereby society is uprooted from its foundations, and the edict of REFORM is written in BLOOD.

Against this system South Carolina has remonstrated in the most earnest

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terms. As early as 1820, there was hardly a district or parish in the whole State from which memorials were not forwarded to Congress, the general language of which was that the protecting system was "utterly subversive of their rights and interests." Again, in 1823, and 1827, the people rose up, almost as one man, and declared to Congress and the world, "that the protecting system was unconstitutional, oppressive and unjust." But these repeated remonstrances were answered only by repeated injuries and insults—by the enacting of the Tariffs of 1824 and 1828. To give greater dignity, and if possible more effect, to these appeals, the Legislature, in December, 1825, solemnly declared, "that it was an unconstitutional exercise of power on the part of Congress, to lay duties to protect domestic manufactures"—and in 1828, they caused to be presented to the Senate of the United States, and claimed to have recorded on its Journals, the solemn PROTEST of the State of South Carolina, denouncing this system as "*utterly unconstitutional, grossly unequal and oppressive, and such an abuse of power as was incompatible with the principles of a free government and the great ends of civil society,*" and that they were "*then* only restrained from the assertion of the sovereign rights of the State, by the hope that the magnanimity and justice of the good people of the Union would effect an abandonment of a system partial in its nature, unjust in its operation, and not within the powers delegated to Congress." And, finally, in Dec., 1830, it was resolved, "That the several acts of Congress, imposing duties on imports, for the protection of domestic manufactures, are highly dangerous, and oppressive violations of the Constitutional compact; and that whenever the States which are suffering under the oppression, shall lose all reasonable hope of redress, from the wisdom and justice of the Federal Government, it will be their right and duty to interpose, in their sovereign capacity, for the purpose of arresting the progress of the evil occasioned by the said unconstitutional acts."

Nor has South Carolina stood alone in the expression of these sentiments. Georgia and Virginia, Alabama and Mississippi, and North Carolina, have raised their voices in earnest remonstrances and repeated warnings. Virginia, in 1828, in responding to South Carolina, declared "that the Constitution of the United States, being a federative compact between sovereign States, in construing which no common arbiter is known, each State has a right to construe the compact for itself; and that Virginia, as one of the high contracting parties, feels itself bound to declare, and does hereby most solemnly declare its deliberate conviction, that the acts of Congress, usually denominated the Tariff Laws, passed avowedly for the protection of domestic manufactures, are not authorized by the plain construction, true intent, and meaning of the Constitution."

Georgia, through her Legislature, pronounced this system to be one "which was grinding down the resources of one class of the States to build

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up and advance the prosperity of another of the same confederacy—and which they solemnly believed to be contrary to the letter and spirit of the Federal Constitution," and declared it to be the right of the several States, in case of any infraction of the general compact, "to complain, remonstrate, and even *refuse obedience* to any measure of the General Government, manifestly against and in violation of the Constitution; that otherwise the law might be violated with impunity and without redress, as often as the majority might think proper to transcend their powers, and the party injured would be bound to yield an implicit obedience to the measures, however unconstitutional, which must tend to annihilate all sovereignty and independence of the States, and consolidate all power in the General Government, which never was designed nor intended by the framers of the Constitution."

Alabama also protested against "the attempt to exclude the foreign in favor of the domestic fabrics, as the exercise of a power not granted by the Constitution," and concluded by stating, "that she wished it to be distinctly understood, that in common with the other Southern and South-Western States, she regards the power asserted by the General Government to control her *internal concerns* by protecting duties, as a *palpable usurpation* of powers, not given by the Constitution, and a species of oppression, little short of legalized pillage."

North Carolina, in the same spirit, declared, that while "it was conceded that Congress have the express power to lay imposts, she maintains that that power was given for the purpose of *Revenue*, and Revenue alone; and that every other use of the power is an usurpation on the part of Congress." And finally, the Legislature of Mississippi "Resolved, that the State of Mississippi concurs with the States of Georgia, South Carolina and Virginia, in their different resolutions upon the subject of *the Tariff*, Colonization Society and Internal Improvement."

It has been in the face of all these remonstrances and protests, and in defiance of these repeated warnings and solemn declarations, that the recent modification of the Tariff, by the Act of 1832, was effected. The period of the final extinction of the public debt had always been looked to as the crisis of our fate, when the policy of the country, in reference to the Protective System, was to be finally settled. It was the period assigned by common consent, as the utmost limit of the forbearance of South Carolina, whose citizens felt that in the adoption of that system, their Constitutional Rights had been trampled on, and their dearest interests cruelly sacrificed.

No one could fail to perceive, that when every pretext for the continuance of the high duties under which the Southern States had suffered for so many years, was taken away by the payment of the National Debt, and the consequent relief of the Treasury from an annual demand of twelve millions of dollars, that no reason could be given why these duties should

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not be brought down to the revenue standard, except that it was deliberately designed to secure to the manufacturers forever, the monopoly they had so long enjoyed, at the expense of the other great interests of the country.

We find accordingly, that the new Tariff, which is intended to take effect, only after the final extinguishment of the Public Debt, has been arranged and adjusted with a single eye to the perpetuation of this System, and with an entire disregard of the just claims of the Plantation States. Whatever may be the amount of the aggregate reduction effected by this bill, (and it is not pretended in the *latest* Treasury estimate, to exceed $5,000,000, of which near $4,000,000 are on the unprotected articles,) it is not denied that it will leave a surplus of many millions in the Treasury, beyond the usual expenses or necessary wants of the government; and it is notorious—nay, it appears on the face of the Bill itself, that while duties to the amount of 40, 50, and even 100 per cent. are still to be levied upon the protected articles, (that is to say, upon all the Cottons, Woolens and Iron, the Sugar and the Salt, and other articles embraced in the Protecting System,) the duties on the unprotected articles have been reduced greatly below the revenue standard, and upwards of $3,000,000 entirely repealed; so that according to this system, as now established, a large surplus revenue, to be applied to Internal Improvements, and other unwarrantable purposes, is to be levied by the imposition of enormous Taxes on the necessaries of life—the very articles received chiefly in exchange for Southern productions; and this has been done in order to protect the industry of the North, with which ours comes into competition, while the articles of luxury universally acknowledged to be the fittest subjects for Taxation, are to be admitted, duty free.*

Now, let it be remembered, that the very point in controversy, has all along been, not the *Revenue*, but the *Protecting* duties, and yet we see that in answer to all our petitions and remonstrances, Congress has been graciously pleased to make an adjustment of the Tariff, which simply consists in taking off the duties imposed for Revenue, while the protecting duties are allowed to remain substantially untouched. It was not so much the amount of the imposition, as the inequality and injustice of the Protecting System, that has roused the people of South Carolina to determined resistance; and yet we find that this inequality has been aggravated, and that injustice perpetuated, by the deliberate adoption of a measure, which was calculated and intended to rivet this System upon us, beyond all hope of relief.

The grave and solemn question now occurs, what is to be done to redeem

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* See Treasury Estimate, published in August last, showing an aggregate reduction of $5,187,078, of which $3,108,631 were made *entirely free.*

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ourselves from the state of colonial vassalage into which we have unhappily fallen? Shall we still continue to wait for a returning sense of justice on the part of our oppressors? We are thoroughly persuaded that the hope can no longer be indulged, that the tariff majority in Congress will, of their own accord, relieve us from this cruel bondage—experience teaches us that this expectation, so long and fondly indulged, is utterly delusive. The only effect of further delay must be to strengthen the hand of the oppressor—to crush the public spirit—deaden the sensibility of the people to the inestimable value of their rights—and teach them the degrading lesson of wearing their chains in patience. It is almost inconceivable that any reflecting man can believe that the crisis in our affairs, arising from the final extinction of the public debt, should be suffered to pass away, without reducing the tariff to the revenue standard, and yet that such reduction may be expected to take place at some future period. What period so auspicious as that which has been allowed to pass away unimproved? Is any one so ignorant of human nature, as not to know that the annual surplus, which then will be brought into the Treasury, under the Act of 1832, will be speedily absorbed by new and enlarged appropriations, serving as additional props to a system, which some vainly imagine to be tottering on its base, ready to fall under its own weight? Even at the last session of Congress, the annual appropriations were enlarged by several millions of dollars, in anticipation of this expected surplus, and the foundation is already laid for its absorption; and when this shall be accomplished, where will be the hopes of those who now say that the evil is to correct itself, and who tell us that the act of 1832, which was in fact designed to rivet the system upon the country forever—and was hailed by its friends as "a clear, distinct, and indisputable admission of the principle of protection," is to be viewed as a blessed reform presenting the brightest auspices for the future? The truth unquestionably is, that the American System is from its very nature progressive. When its foundations were laid, it was foreseen and predicted that the great interests which it would build up, would exert a controlling influence over the legislation of the country. The history of the world indeed affords no example of a voluntary relinquishment, by a favored class, of any pecuniary or political advantage, secured to them by the laws and general policy of the country. Force has often torn from the hands of the oppressor, his unrighteous gains, but reason and argument are as vain in convincing the understanding, as appeals to justice and magnanimity have ever proved to be impotent in softening the hearts of those who are enriched under the operation of laws passed professedly for the public good. Who is there, that can for one moment believe that any thing short of a direct appeal to their interests, will induce the dependents upon the Federal Government, the wealthy sugar planters, and iron masters, or the joint stock com-

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panies, who have millions invested in cotton and woolen factories, yielding, under the operation of the Protecting System, an annual income of 10 or 20 per cent., voluntarily to relinquish the advantage secured to them by the laws, and consent to come down to a level with the other classes of the community? It is impossible. From every view then, which your committee have been able to take of this subject, they are constrained to announce to this Convention, the solemn truth, that after more than ten years of patient endurance of a system, which is believed by the people of this State to be *fatal to their prosperity*, and a *gross, deliberate* and *palpable violation of their Constitutional Rights*—after the most earnest and unavailing appeals to that sense of justice, and those common sympathies, which ought to bind together the different members of a confederated republic, the crisis has at length arrived, when the question must be solemnly and finally determined, whether there remain any means, within the power of the State, by which these evils may be redressed.

It is useless to disguise the fact, or to attempt to delude ourselves on this subject. *The time has come* when the State must either adopt a *decisive course of action*, or we must at once *abandon the contest*. We cannot again petition. It would be idle to remonstrate, and degrading to protest. In our estimation, it is now a question of *Liberty* or *Slavery*. It is now to be decided, whether we shall maintain the rights purchased by the precious blood of our fathers, and transmit them unimpaired to our posterity, or tamely surrender them without a struggle. We are constrained to express our solemn conviction, that under the Protecting System, we have been reduced to a state of "colonial dependence, suffering and disgrace;" and that unless we now fly with the spirit which becomes freemen, to the rescue of our liberties, they are lost forever. Brought up in an ardent devotion to the union of the States, the people of South Carolina have long struggled against the conviction, that the powers of the Federal Government have been shamefully perverted to the purposes of injustice and oppression. Bound to their brethren by the proud recollections of the past, and fond hopes of the future, by common struggles for liberty and common glories acquired in its defence, they have been brought slowly, and with the utmost reluctance, to the conclusion, that they are shut out from their sympathies, and made the unpitied victims of an inexorable system of tyranny, which is without example in any country, claiming to be free. Experience has at length taught us the lamentable truth, that administered as the government now is, and has been for several years past, in open disregard of all the limitations prescribed by the Constitution, the Union itself, instead of being a blessing, must soon become a curse. Liberty, we are thoroughly persuaded, cannot be preserved under our system, without a sacred and inviolable regard, not merely to the letter, but to the true spirit of the Con-

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pact [*casus non fœderis*] to NULLIFY, of their own authority, all assumption of power by others within their limits; and that without this right, they would be under the dominion, absolute and limited, of whomsoever might exercise the right of judgment for them;" and that in case of acts being passed by Congress, "so palpably against the Constitution as to amount to an undisguised declaration, that the compact is not meant to be the measure of the powers of the General Government, but that it will proceed to exercise over the States all powers whatsoever, by seizing the rights of the States, and consolidating them in the hands of the General Government, with a power assumed of binding the States, not merely in cases made federal, but in all cases whatsoever, by laws made, not with their consent, but by others against their consent, it would be the duty of the States to declare the acts void and of no force; and that *each should take measures of its own* for providing that neither such acts, nor any other of the General Government, not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories."

In acting on these great and essential truths, South Carolina surely cannot err. She is convinced, and has so declared to Congress and the World, that the Protecting System is, in all its branches, "a gross, deliberate, and palpable violation of the Constitution." She believes that after having exhausted every other means of redress in vain, it is her right, and that it has now become her solemn duty, to interpose for arresting the evil within her own limits, by declaring said acts "to be null and void, and no law, and taking measures of her own, that they shall not be enforced within her territory." That duty she means to perform, and to leave the consequences in the hands of *Him*, with whom are the issues of life and the destinies of nations.

South Carolina will continue to cherish a sincere attachment to the Union of the States, and will, to the utmost of her power, endeavor to preserve it; "and believes that for this end, it is her duty to watch over and oppose any infraction of those principles which constitute the only basis of that Union, because a faithful observance of them can alone secure its existence." She venerates the CONSTITUTION, and will protect and defend it "against every aggression, either foreign or domestic;" but above all, she estimates, as beyond all price, her LIBERTY, which she is unalterably determined never to surrender, while she has the power to maintain it. Influenced by these views, your committee report herewith, for the adoption of the Convention, a solemn DECLARATION and ORDINANCE.

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AN ORDINANCE,

To NULLIFY *certain Acts of the Congress of the United States, purporting to be Laws, laying Duties and Imposts on the Importation of Foreign Commodities.*

WHEREAS, the Congress of the United States, by various acts, purporting to be acts laying duties and imposts on foreign imports, but in reality intended for the protection of domestic manufactures, and the giving of bounties to classes and individuals engaged in particular employments, at the expense and to the injury and oppression of other classes and individuals, and by wholly exempting from taxation, certain foreign commodities, such as are not produced or manufactured in the United States, to afford a pretext for imposing higher and excessive duties on articles similar to those intended to be protected, hath exceeded its just powers under the Constitution, which confers on it no authority to afford such protection, and hath violated the true meaning and intent of the Constitution, which provides for equality in imposing the burdens of taxation upon the several States and portions of the Confederacy;—And, Whereas, the said Congress, exceeding its just power to impose taxes and collect revenue for the purpose of effecting and accomplishing the specific objects and purposes which the Constitution of the United States authorizes it to effect and accomplish, hath raised and collected unnecessary revenue, for objects unauthorized by the Constitution;

We therefore, the people of the State of South Carolina, in Convention assembled, do Declare and Ordain, and it is hereby Declared and Ordained, That the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially an act entitled "an act in alteration of the several acts imposing duties on imports," approved on the nineteenth day of May, one thousand eight hundred and twenty-eight, and also, an act entitled "an act to alter and amend the several acts imposing duties on imports," approved on the fourteenth day of July, one thousand eight hundred and thirty-two, are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this State, its officers, or citizens; and all promises, contracts and obligations, made or entered into, or to be made or entered into, with purpose to secure the duties imposed by said acts, and all judicial proceedings which shall hereafter be had in affirmance thereof, are, and shall be, held utterly null and void.

And it is further Ordained, That it shall not be lawful for any of the constituted authorities, whether of this State, or of the United States, to enforce the payment of duties imposed by the said acts, within the limits of

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this State; but it shall be the duty of the Legislature to adopt such measures and pass such acts as may be necessary to give full effect to this Ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States, within the limits of this State, from and after the first day of February next; and the duty of all other constituted authorities, and of all persons residing or being within the limits of this State, and they are hereby required and enjoined, to obey and give effect to this Ordinance, and such acts and measures of the Legislature as may be passed or adopted in obedience thereto.

And it is further Ordained, That in no case of law or equity, decided in the courts of this State, wherein shall be drawn in question the authority of this Ordinance, or the validity of such act or acts of the Legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress, imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and if any such appeal shall be attempted to be taken, the Courts of this State shall proceed to execute and enforce their judgments, according to the laws and usages of the State, without reference to such attempted appeal, and the person or persons attempting to take such appeal may be dealt with as for a contempt of the Court.

And it is further Ordained, That all persons now holding any office of honor, profit or trust, civil or military, under this State, (members of the Legislature excepted) shall, within such time, and in such manner as the Legislature shall prescribe, take an oath, well and truly to obey, execute and enforce this Ordinance, and such act or acts of the Legislature, as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do, his or their office or offices shall be forthwith vacated, and shall be filled up, as if such person or persons were dead or had resigned; and no person hereafter elected to any office of honor, profit or trust, civil or military, (members of the Legislature excepted) shall, until the Legislature shall otherwise provide and direct, enter on the execution of his office, or be in any respect competent to discharge the duties thereof, until he shall, in like manner, have taken a similar oath; and no juror shall be impannelled in any of the Courts of this State, in any cause in which shall be in question this Ordinance, or any act of the Legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath, that he will well and truly obey, execute, and enforce this Ordinance, and such act or acts of the Legislature, as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof.

And we, the people of South Carolina, to the end that it may be fully

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understood by the Government of the United States, and the people of the co-States, that we are determined to maintain this, our Ordinance and Declaration, at every hazard, *Do further Declare*, that we will not submit to the application of force, on the part of the Federal Government, to reduce this State to obedience; but that we will consider the passage by Congress of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens, or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports, or any other act, on the part of the Federal Government, to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union: and that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things, which sovereign and independent States may of right do.

Done in Convention at Columbia, the twenty-fourth day of November, in the year of our Lord, one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Declaration of the Independence of the United States of America.

JAMES HAMILTON, Jr., *President of the Convention, and Delegate from St. Peter's.*

James Hamilton, Sen.
Richard Bohun Baker, Sen.
Samuel Warren,
Nathaniel Heyward,
Robert Long,
J. B. Earle,
L. M. Ayer,
Benjamin Adams,
James Adams,
James Anderson,
Robert Anderson,
Wm. Arnold,
John Ball,
Barnard E. Bee,
Thos. W. Boone,
R. W. Barnwell,
Isaac Bradwell, Jr.,
Thomas G. Blewett,
P. M. Butler,
John G. Brown,
J. G. Brown,
John Bauskett,
A. Burt,
Francis Burt, Jr.,
Bailey Barton,
A. Bowie,
James A. Black,
A. H. Belin,
Phillip Cohen,
Samuel Cordes,
Thos. H. Colcock,
C. J. Colcock,
Chas. G. Capers,
Wm. C. Clifton,

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West Caughman,
John Counts,
Benjamin Chambers,
I. A. Campbell,
Wm. Dubose,
John H. Dawson,
John Douglas,
Geo. Douglas,
F. H. Elmore,
Wm. Evans,
Edmund J. Felder,
A. Fuller,
Theo. L. Gourdin,
Peter G. Gourdin,
T. J. Goodwyn,
Peter Gailliard, Jr.,
John K. Griffin,
Geo. W. Glenn,
Alex. L. Gregg,
Robert Y. Hayne,
William Harper,
Thomas Harrison,
John Hatton,
Thomas Harllee,
Abm. Huguenin,
Jacob Bond I'On,
John S. Jeter,
Job Johnston,
John S. James,
M. Jacobs,
J. A. Keith,
John Key,
Jacob H. King,
Stephen Lacoste,
James Lynah,
Francis Y. Legare,
Alex. J. Lawton,
John Lipscomb,
John Logan,
J. Littlejohn,
A. Lancaster,
Benj. A. Markley,
John Magrath,
John S. Maner,
W. M. Murray,
R. G. Mills,
John B. McCall,
D. H. Means,
R. G. Mays,
George McDuffie,
James Moore,
John L. Miller,
Stephen D. Miller,
John B. Miller,
R. P. McCord,
John L. Nowell,
Jennings O'Bannon,
J. Walter Phillips,
Charles Parker,
William Porcher,
Edward G. Palmer,
Charles C. Pinckney,
Wm. C. Pinckney,
Thomas Pinckney,
Francis D. Quash,
John Rivers,
Donald Rowe,
Benjamin Rogers,
Thomas Ray,
James G. Spann,
James Spann,
S. L. Simons,
Peter J. Shand,
James Mongin Smith,
G. H. Smith,
Wm. Smith,
Stephen Smith,
Wm. Stringfellow,
Edwin J. Scott,
F. W. Symmes,
J. S. Sims,
T. D. Singleton,
Joseph L. Stevens,
T. E. Screven,

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Robert J. Turnbull,
Elisha Tyler,
Peter Tidyman,
Isaac B. Ulmer,
Peter Vaught,
Elias Vanderhorst,
John L. Wilson,
Isham Walker,
William Williams,
Thomas B. Woodward,
Sterling C. Williamson,
F. H. Wardlaw,
Abner Whatley,
J. T. Whitefield,
Samuel L. Watt,
Nicholas Ware,
Wm. Waties,
Archibald Young,
R. Barnwell Smith.

[ATTEST.] ISAAC W. HAYNE,
Clerk of the Convention.

Of the signatures to the Ordinance, the seven first are, according to the Resolution, the signatures of those Delegates who bore arms in the war of the Revolution. The signatures of the other Delegates, approving, were taken alphabetically, with the exception of R. Barnwell Smith, Esq., who, though prevented by sickness from taking his seat in the Convention, was, by resolution of the Convention, permitted to sign the Ordinance, and record his approval of the proceedings.

The address to the people of the State, read by Robert J. Turnbull, Esq., as adopted by the Convention, is as follows, to wit:

ADDRESS,

To the People of South Carolina, by their Delegates in Convention.

FELLOW-CITIZENS:

The situation in which you have been placed by the usurpations of the Federal Government, is one which you so peculiarly feel, as to render all reference to it at this moment as unnecessary. For the last ten years the subject of your grievances has been presented to you. This subject you have well considered. You have viewed it in all its aspects, bearings and tendencies, and you seem more and more confirmed in the opinion, expressed by both branches of the Legislature, that the Tariff, in its operation, is not only "grossly unequal and unjust, but is such an abuse of power as is incompatible with the principles of a Free Government, and the great ends of civil society;" and that, if persisted in, "the fate of this State would be poverty and utter desolation." Correspondent with this Convention, a disposition is manifested in every section of the country, to arrest by some means or other, the progress of this intolerable evil. This disposition having arisen from no sudden excitement, but having been gradually formed by the free and temperate discussions of the Press, there is no reason to be-

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lieve that it can ever subside, by any means short of the removal of the urgent abuse; and it is under this general conviction, that we have been convened to take into consideration, not only the character and extent of your grievances, but also the mode and measure of redress.

This duty, Fellow-Citizens, we have discharged to the best of our judgments, and the result of our deliberations will be found in the DECLARATION and ORDINANCE just passed by us—founded on the great and undeniable truth, that in all cases of a palpable, oppressive and dangerous infraction of the Federal compact, each State has a right to annul, and to render inoperative within its limits, all such unauthorized acts. After the luminous expositions which have been already furnished by so many great minds, that the exercise of this right is compatible with the first principles of our anomalous scheme of Government, it would be superfluous here, to state at length, the reasons by which this mode of redress is sustained. A deference, however, for the opinions of those of our fellow-citizens, who have hitherto dissented from us, demands that we should briefly state the principal ground, upon which we place the right and the expediency of Nullification.

The Constitution of the United States, as is admitted by contemporaneous writers, is a compact between Sovereign States. Though the subject matter of that compact was a government, the powers of which *Government* were to operate to a *certain extent* upon the people of those Sovereign States, *aggregately*, and not upon the State Authorities, as is usual in Confederacies, still the Constitution is a Confederacy. First: It is a Confederacy, because in its *foundations*, it possesses not one single feature of *nationality*. The people of the separate States, as distinct political communities, *ratified* the Constitution, each State acting for itself, and binding its own citizens, and not those of any other State. The act of ratification declares it "to be binding on the *States*, so ratifying." The *States* are its authors—*their* power created it—*their* voice clothed it with authority—the Government it formed is, in reality *their* Government, and the Union of which it is the bond, is a Union of *States*, and not of individuals. Secondly: It is a Confederacy, because the *extent* of the powers of the Government depends, not upon the people of the United States *collectively*, but upon the State Legislatures, or on the people of the separate States, acting in their State Conventions, each State being represented by a single vote.

It must never be forgotten, that it is to the *creating* and to the *controlling* power, that we are to look for the true character of the Federal Government; for the present controversy is, not as to the sources from which the ordinary powers of the Government are drawn; these are partly *federal*, and partly *national*. Nor is it relevant, to consider upon *whom* these powers operate. In this last view, the Government for *limited* purposes is entirely national. The true question is, who are the parties to the compact? Who created,

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and who can alter and destroy it? Is it the *States* or the *People?* This question has been already answered. The States, as *States*, ratified the compact. The people of the United States, collectively, had no agency in its formation. There did not exist then, nor has there existed at any time since, such a political body as the people of the United States. There is not now, nor has there ever been such a relation existing, as that of a citizen of New Hampshire, and a citizen of South Carolina, bound together in the same *social* compact. It would be a waste of time to dwell longer on this part of our subject. We repeat, that, as regards the FOUNDATION, and the EXTENT of its powers, the Government of the United States is strictly what its name implies, a FEDERAL Government—a league between several Sovereigns; and in these views, a more perfect Confederacy has never existed in ancient or modern times.

On looking into this Constitution, we find that the most important sovereign powers are delegated to the central Government, and all other powers are reserved to the States. A foreign or an inattentive reader, unacquainted with the origin, progress, and history of the Constitution, would be very apt, from the phraseology of the instrument, to regard the States as having divested themselves of their Sovereignty, and to have become great corporations subordinate to one Supreme Government. But this is an error. The States are as sovereign now, as they were prior to to their entering into the compact. In common parlance, and to avoid circumlocution, it may be admissible enough, to speak of *delegated* and *reserved* Sovereignty. But correctly speaking, Sovereignty is an unit. It is "one, indivisible and unalienable." It is, therefore, an absurdity to imagine, that the Sovereignty of the States is surrendered in *part*, and retained in *part*. The Federal Constitution is a treaty, a confederation, an alliance, by which so many Sovereign States agree to exercise their sovereign powers *conjointly* upon certain objects of external concern, in which they are equally interested, such as WAR, PEACE, COMMERCE, Foreign Negociation, and Indian Trade; and upon all other subjects of civil Government, they are to exercise their sovereignty *separately*. This is the true nature of the compact.

For the convenient conjoint exercise of the Sovereignty of the States, there must, of necessity, be some common agency or functionary. This agency is the Federal Government. It represents the confederated States, and executes their joint will, as expressed in the compact. The powers of this Government are wholly *derivative* It possesses no more inherent sovereignty than an incorporated town, or any other great corporate body—it is a political corporation, and, like all corporations, it looks for its powers to an exterior source. That source is the States. It wants that "irresistible, absolute, uncontrolled authority," without which, according to jurists, there can be no sovereignty. As the States conferred, so the States can take away its

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powers. All inherent sovereignty is, therefore, in the States. It is the moral obligation alone, which each State has chosen to impose upon herself, and not the want of sovereignty, which restrains her from exercising all those powers, which (as we are accustomed to express ourselves) she has surrendered to the Federal Government. The present organization of our Government, as far as regards the *terms* in which the powers of Congress are delegated, in no wise differs from the old Confederation. The powers of the Old Congress were delegated rather in stronger language than we find them written down in the new charter; and yet he would hazard a bold assertion, who would say, that the States of the old Confederacy were not as sovereign as Great Britain, France and Russia would be, in an alliance offensive and defensive. It was not the reservation in express terms of the "Sovereignty, Freedom, and Independence of each State" which made them Sovereign. They would have been equally Sovereign, as is universally admitted, without such a reservation.

We have said thus much on the subject of Sovereignty, because the only foundation upon which we can safely erect the right of a State to protect its citizens, is, that South Carolina, by the Declaration of Independence, became, and has since continued, a Free, Sovereign and Independent State; that, as a Sovereign State, she has the *inherent* power to do all those acts, which, by the law of Nations, any Prince or Potentate may of right do; that, like all independent States, she neither has, nor ought she to suffer any other restraint upon her sovereign will and pleasure, than those high moral obligations, under which all Princes and States are bound before God and man, to perform their solemn pledges. The inevitable conclusion, from what has been said, therefore, is, that as in all cases of compact between Independent Sovereigns, where, from the very nature of things, there can be no common judge or umpire, each Sovereign has a right "to judge as well of infractions, as of the mode and measure of redress"—so in the present controversy between South Carolina and the Federal Government, it belongs solely to her, by her delegates in solemn Convention assembled, to decide, whether the Federal compact be violated, and what remedy the State ought to pursue. South Carolina, therefore, cannot, and will not yield to any Department of the Federal Government, and still less to the Supreme Court of the United States, the creature of a Government, which itself is a creature of the States, a right which enters into the essence of all sovereignty, and without which it would become a bauble and a name.

It is fortunate for the view which we have just taken, that the history of the Constitution, as traced through the Journals of the Convention which framed that instrument, places the right contended for, upon the same sure foundation. These journals furnish abundant proof, that "no line of jurisdiction between the States and Federal Government, in doubtful cases,"

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could be agreed on. It was conceded by Mr. Madison and Mr. Randolph, the most prominent advocates for a Supreme Government, that it was impossible to draw this line, because no tribunal sufficiently impartial, as they conceived, could be found, and that there was no alternative, but to make the Federal Government Supreme, by giving it, in all such cases, a negative on the acts of the State Legislatures. The pertinacity with which this negative power was insisted on by the advocates of a national Government, even after all the important provisions of the *judiciary* or *third article* of the Constitution were arranged or agreed to, proves, beyond doubt, that the Supreme Court was never contemplated by either party in that Convention, as an arbiter, to decide conflicting claims of sovereignty between the States and Congress; and the repeated rejection of all proposals to take from the States, the power of placing their own construction upon the articles of Union, evinces that the States were resolved never to part with the right to judge, whether the acts of the Federal Legislature were, or were not, an infringement of those articles.

Correspondent with the right of a sovereign State, to judge of the infractions of the Federal Compact, is the duty of this Convention to declare the extent of the grievance, and the mode and measure of redress. On both these points, public opinion has already anticipated us, in much that we could urge. It is doubted, whether, in any country, any subject has undergone, before the people, a more thorough examination than the Constitutionality of the several acts of Congress, for the protection of Domestic Manufactures. Independent of the present embarrassments they throw in the way of our commerce, and the plain indications, that certain articles which are the natural exchange for our valuable staple products, are, sooner or later, to be virtually prohibited—independent of the diminution which these impost duties cause in our incomes, and the severity of the tax upon all articles of consumption needed by the poor, they recognize a principle, not less at war with the ends for which this great confederacy was formed, than it is with that spirit of justice, and those feelings of concord which ought to prevail amongst States united by so many common interests and exalted triumphs. The people surely need not to be told, in this advanced period of intellect and of freedom, that no government can be free, which can rightfully impose a tax, for the encouragement of one branch of industry, at the expense of all others, unless such a tax be justified by some great and unavoidable public necessity. Still less can the people believe, that in a confederacy of States, designed, principally, as an alliance offensive and defensive, its authors could ever have contemplated that the federal head should regulate the domestic industry of a widely extended country, distinguished above all others, for the diversity of interests, pursuits and resources in its various sections. It was this acknowledged diversity, that

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caused the arrangement of the conjoint and separate exercises of the sovereign authority; the one to regulate external concerns, and the other to have absolute control "over the lives, liberties and properties of the people, and the internal order, improvement and prosperity of the States."

It is the striking characteristic in the operation of a simple and consolidated government, that it protects Manufactures, Agriculture, or any other branch of the public industry—that it can establish corporations, or make Roads and Canals, and patronize learning and the arts. But it would be difficult to shew that such was the government, which the sages of the Convention designed for the States. All these powers were proposed to be given to Congress, and they were proposed by that party in the Convention, who desired a *firm National Government.* The Convention having decided on the *federal* form, in exclusion of the national, all these propositions were rejected; and yet we have lived to see an American Congress who can hold no power except by express grant, as fully in the exercise of these powers, as if they were part and parcel of their expressly delegated authority. Under a pretence of regulating Commerce, they would virtually prohibit it. Were this regulation resorted to, as a means of coercing foreign nations to a fair reciprocity in their intercourse with us, or for some other *bona fide* commercial purpose, as has been justly said by our Legislature, the Tariff acts would be constitutional. But none of these acts have been passed as countervailing or *retaliatory* measures, for restrictions placed on our Commerce by foreign nations. Whilst other nations seemed disposed to relax in their restraints upon trade, our Congress seems absolutely bent upon the interdiction of those articles of merchandize, which are exchangeable for the products of Southern labor; thus causing the principal burthen of taxation to fall upon this portion of the Union, and by depriving us of our accustomed markets, to impoverish our whole Southern country. In the same manner, and under the pretense of promoting the Internal Improvement of the States, and for other equally unjustifiable and unconstitutional purposes, Congress is in the constant habit of violating those fundamental principles of the Constitution, on which alone can rest the prosperity of the States, and the durability of the Union.

It is in vain to imagine, that with a people who have struggled for freedom, and know its inestimable value, such a state of affairs can be endured longer than there is a well founded hope, that reason and justice will resume their empire in the common council of the confederacy. That hope having expired with the last session of Congress, by the present Tariff Act distinctly and fully recognizing, as the permanent policy of the country, the odious principle of protection, it occurs to us, that there is but one course for the State to pursue. That course, fellow-citizens, is RESISTANCE. Not *physical*, but MORAL resistance—not resistance in an angry, or irritated feeling, but

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resistance by such counter-legislation, which, whilst it shall evince to the world that our measures are built upon the necessity of tendering to Congress an amicable issue, to try a doubtful question, between friends and neighbors, shall, at the same time, secure us in the enjoyment of our rights and privileges. It matters not, fellow-citizens, by what name this counter-legislation shall be designated—call it Nullification, State interposition, State veto, or by whatever other name you please, still if it be but resistance to an oppressive measure, it is the course which duty, patriotism, and self-preservation prescribes. If we are asked, upon what ground we place the right to resist a particular law of Congress, and yet regard ourselves as a constituent member of the Union, we answer—the ground of the COMPACT. We do not choose, in a case of this kind, to recur to what are called our natural rights, or the right of revolution. We claim to nullify by a more imposing title. We claim it as a CONSTITUTIONAL right—not meaning, as some have imagined, that we *derive* the right from the Constitution, for derivative rights can only belong to the *functionaries*, of the high contracting parties to the Constitution, but we claim to exercise it as one of the PARTIES to the compact, and as consistent with its letter, its genius and its spirit—it being distinctly understood at the time of ratifying the Constitution, that the exercise of all sovereign rights not agreed to be had conjointly, were to be exerted separately by the States. Though it be true, that the provision in favor of what we call the reserved rights of the States, was not necessary to secure to the States such reserved rights, yet the mere circumstance of its insertion in the instrument, makes it as clear a *Constitutional* provision as that of the power of Congress to raise armies, or to declare war. Any exercise of a right in conformity with a Constitutional provision, we conceive to be a *Constitutional* right, whether it be founded on an express grant of the right, or be included in a general reservation of undefined powers. The Constitution being the supreme law, and instrument in which a distribution of powers is made between the Federal Government and the States, it is incumbent on the authorities of each Government, so to shape their legislation as not to overstep the boundaries assigned to them. No act can therefore be done by either Government, which for its *validity* can be referred to any other test, than the STANDARD OF THE CONSTITUTION. If a State Government passes an act, defining and punishing a burglary, or a law abolishing the rights of primogeniture, it is more correct to say, that she is in the exercise of her *Constitutional*, than of her *natural* rights, because it is an express *Constitutional* provision, that she should exercise all her sovereign rights, not already entrusted to the common functionary of the parties. As it is impossible then that any act can be passed by either Government, which if disputed, must not be referred to the Constitution as the supreme law of the parties, so a right is constitutional or unconstitutional, as

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it shall be found to comport with or to be repugnant to the terms or the spirit of that instrument. There is not therefore a sovereign, or a natural right, which South Carolina can lawfully exercise in conformity with her engagements, which is not stipulated for in the tenth amendment to the Constitution. All such rights stipulated for, must be Constitutional. To regard them otherwise, would be a perversion of terms.

That Nullification under our reserved rights was regarded as Constitutional by the Virginia Resolutions of 1798, is clear from the exposition of them by the celebrated Report, drawn by Mr. Madison. In defending the third of these Resolutions, which asserts the doctrine of State interposition and protection, the Committee say "that they have *scanned* it not merely with a strict, *but with a severe eye;* and they feel confidence in pronouncing, that in its *just and fair construction*, it is unexceptionably *true in its several positions*, as well as CONSTITUTIONAL and conclusive in its *inferences.*" What were the positions of the third Resolution? 1st. That the powers of the Federal Government were limited to the plain sense of the instrument constituting the compact. 2d. That in case of a deliberate, palpable and dangerous infraction of the compact, the State has the right to interpose, &c. Now what is the inference? It is that "they are in duty bound to arrest the progress of the evil, by maintaining within their RESPECTIVE limits, the authorities, rights and liberties appertaining to them." This inference, says the Report, is "CONSTITUTIONAL and conclusive." The same doctrine was as distinctly affirmed by the Virginia Assembly, in their Resolutions adopting the Report. They say "that having fully and accurately re-examined and re-considered these Resolutions, they find it to be their indispensable duty to ADHERE TO THE SAME as founded in truth, as CONSONANT WITH THE CONSTITUTION, and as CONDUCIVE TO ITS PRESERVATION."

We are aware that it has been recently maintained, that by the State interposition referred to in this Resolution, the Virginia Assembly had allusion to the natural right; and Mr. Madison himself has been brought forward to give a construction to this Resolution contrary to the most obvious import of the terms. Be it so. Then, if the State interposition here spoken of be a natural right, it is a right which the Virginia Assembly have pronounced "CONSONANT with the Constitution, and as conducive to its preservation." Or, in other words, that without the exercise of this natural sovereign right of interposition, the Constitution cannot be preserved. There is no incongruity in this. It is quite competent for two monarchs to stipulate in a treaty for that right, which, independent of that treaty, would be a natural right; as if a power were conferred by the treaty, on the citizens of either Prince, to capture, adjudge and execute all subjects of the other, engaged in piracy on the high seas. It certainly would be more proper to call

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such a right, a *Conventional* right, than a natural right, though it be both. Several of the State Constitutions furnish instances of natural rights being secured by a Constitutional provision. Even in the instrument we are now considering, there is a distinct affirmation, in terms, of a natural right of Sovereignty; such as the sovereign right of a State to keep troops and ships of war in a certain emergency, or the sovereign right of a State to lay import and export duties, for the purpose of executing its inspection laws. In these cases, a natural right is also a constitutional right, contrary to the definition of those who maintain that no right is properly constitutional which is a sovereign right—because constitutional rights are derivative rights, exercised by functionaries. That reasoning would be indeed strange, which would place a natural reserved sovereign right, expressed in terms, upon a better footing than all that mass of residuary power included in the general reservation of the tenth amendment. It would be to create a distinction without a difference. The reserved rights, though undefined, are easily ascertained. Any particular right, not found in the enumerated powers of Congress, of course belongs to the States.

The right to nullify is universally admitted to be a natural or sovereign right. The natural rights of the States are also admitted to be their reserved rights. If they are reserved, they must be constitutional, because the Constitution being an agreement to arrange the mode by which the States shall exercise their sovereignty, expressly stipulates for the exercise of these powers in all cases not enumerated. To some it may be unimportant upon what basis we place the right of a State to protect its citizens, as counter-legislation would be the beginning of resistance in either case; others may, perhaps, justly say, that the whole controversy is resolvable into a dispute as to what is, or is not, the proper definition of a constitutional right. We, however, think it of infinite importance in urging the right of Nullification, to regard it as a *Constitutional*, rather than as a natural remedy, because a constitutional proceeding is calculated to give it a pacific course and a higher recommendation. The characteristic, in fact, of the American Constitutions in general, is, that they sanctify the fundamental principles of the American Revolution. Whilst other nations have to resort to the law of nature, and by force to drive despots from their thrones—thus incurring what amongst them is odiously termed, the guilt of rebellion—we here have the incalculable advantage of a thorough understanding amongst all classes, that it is the right as well as the duty of a free people, to recur, when necessary, to their sovereign rights, to resist oppression. Such a sentiment as this becoming familiar to the public mind, acquires prodigious strength, when its spirit is seen to pervade a written Constitution, and prevents rather than accelerates opportunities for an unnecessary recurrence to revolutionary movements. Under such a structure of the public sentiment, when the voice of a sover-

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eign State shall be spoken, "it will be heard in a tone, which virtuous governors will *obey*, and tyrannical ones shall DREAD." Nothing can more reconcile Nullification to our citizens, than to know, that if we are not proceeding according to the forms of the Constitution, we are, nevertheless, adhering to its *spirit*. The Convention which framed the Constitution, could not agree upon any mode of settling a dispute like the present. The case was, therefore, left unprovided for, under the conviction, no doubt, as is admitted by Mr. Hamilton in "The Federalist," that if the Federal Government should oppress the States, the State Governments would be ready to check it, by virtue of their own inherent sovereign powers. "It may be safely received as an AXIOM *in our political system*, (says Mr. Hamilton) that the *State Governments will in all possible contingencies*, afford COMPLETE SECURITY against invasion of the public liberty by the *national authority*. *Projects of usurpation* cannot be *masked under pretences* so likely to escape the penetration of *select bodies* of men, as of the people at large. The LEGISLATURES will have better means of information. They can discover the danger at a distance; and, *possessing all the organs of* CIVIL POWER, and the confidence of the people, they can at once adopt a REGULAR PLAN OF OPPOSITION, in which they can *combine all the resources of the community*."

That measure cannot be revolutionary, which is adopted, not with a view to resort to force, but by some decisive measures, to call the attention of the co-States to a disputed question, in such a form as to compel them to decide what are, or are not the rights of the States, in a case of a palpable and dangerous infraction of those fundamental principles of liberty, in which they all have an interest.

In the exercise of the right of Nullification, we are not unmindful of the many objections which have been urged against it. That it may embarrass the present majority in Congress, who are fatally bent upon building up the sectional interests of their constituents, upon the ruin of our commerce, we can readily imagine; but these embarrassments, on examination, will be found to proceed rather from an unwillingness, on their part, to adjust the controversy on principles of reason and justice, than from any real difficulty existing in the Constitution. The provisions of the Constitution are ample for taking the sense of the States on a question, more important than any which has occurred since the formation of the Government. But if the spirit of justice departs from the councils, to which we have a right to look up, as the guardians of public liberty and the public peace, no provisions of human wisdom can avail. We have heard much of the danger of suffering one State to impede the operations of twenty-three States; but it must be obvious to every considerate man, that the danger can only exist where a State is wrong. If the people of any one State are *right* in the principles

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for which they contend, it is desirable that they should impede the operations of Congress, until the sentiments of its co-States shall be had. A higher eulogy could not be bestowed upon our system, than the power of resorting to some conservative principle, that shall stay a disruption of the league. It is no argument to say that a State may have no grounds on which to place herself upon her sovereign rights. This is a possible, but by no means a probable case. Experience has given us a most instructive lesson on this very subject—it has taught us, that the danger is not that a State may resort to her sovereign rights too often, but that it will not avail herself of them when necessary. Look, fellow-citizens, to our State. For ten years we have petitioned and remonstrated against the unconstitutionality of the Tariff Acts, and though the conviction has been universal, that the effects of the system would be ruinous to our interests, yet the difficulty has been great, to bring the people to the resisting point.

And so with other objections. It has been maintained by us, that according to the philosophy of the government, and the true spirit of the compact, it becomes Congress in all emergencies like the present, to solicit from the States, the call of a Convention. That upon such a convocation, it should be incumbent on the States claiming the doubtful power to propose an amendment to the Constitution, giving the doubtful power, and on failure to obtain it by a consent of three-fourths of all the States, to regard the power as never having been intended to be given. We must not be understood to say, that this was matter even of implied stipulation, at the formation of the compact. The Constitution is designedly silent on the subject, on account of the extreme difficulty in the minds of its framers of appointing a mode of adjusting these differences. This difficulty we now discover was imaginary. It had its source in apprehensions, which an experience of upwards of forty years has proved to be without the shadow of a foundation. Many of the sages of that day were dissatisfied with their work, for a reason which is the very opposite of the truth. They feared, not that the General Government would encroach upon the rights of the States, but that the States would perpetually be disposed to pass their boundaries of power, and finally destroy the Confederation.

Had they been blessed with the experience which we have acquired, there could have been no objection to trusting the States, who created the Government, and who would not fully embarrass it, with a veto under certain modifications. It seems but reasonable, that a *disputed* power, which it would have required three-fourths of the States to *add* to the Constitution, ought not to be insisted on by a majority in Congress, as impliedly conferred, if more than one-fourth should object to it. To deny this, would be to decide finally the validity of a power by a positive majority of the people at large, instead of a concurring majority of the States. There is, it is true, one ob-

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jection, and only one, to this view, and that is, that under this theory, a majority little beyond the three-fourths, as for instance seven States out of twenty-four, might deprive Congress of powers which have been expressly delegated. The answer to this is, that it would be a very extreme case for a single State to claim the resumption of a power which it had clearly delegated in *positive* terms. But it seems almost beyond the range of possibility, that six other States should be found to sustain a nullifying State in such a pretension. Should such a case ever occur, as one-fourth and upwards of ten States resolving to break their pledges, without the slightest pretence, it would show that it was time to dissolve the league. If a spirit of friendship and fair dealing cannot bind together the members of this Union, the sooner it is dissolved the better. So that this objection is rather nominal, than substantial. But the evil of this objection is that whilst its admission would relieve us from an imaginary peril, we should be plunged into that certain danger of an unrestricted liberty of Congress to give us, instead of a Confederated Government, a Government without any other limitation upon its power than the will of a majority.

Other objections have been urged against Nullification. It is said that the President or Congress might employ the military and naval force of the United States to reduce the nullifying State into obedience, and thus produce a civil dissension amongst the members of the confederacy. We do not deem it necessary, in a community so conversant with this part of the subject as that of South Carolina, to recapitulate the arguments which have been urged against such an improbable course, both for want of power, and on the ground of expediency. But we cannot pass over one view, which we think sufficient to quiet all apprehension on that score. We live in an age of reason and intellect. The idea of using force on an occasion of this kind, is utterly at variance with the genius and spirit of the American people. In truth, it is becoming repugnant even to the genius and spirit of the governments of the old world. We have lately seen in England one of the greatest reforms achieved, which her history records—a reform which her wisest statesmen twenty years ago, would have predicted could not be accomplished without civil war, brought about by a bloodless revolution. The cause is manifest. Not only are the people every where better informed, but such is the influence which public opinion exerts over constituted authorities, that the rulers of this earth are more swayed by reason and justice than formerly. Under such evident indications of the march of mind and intellect, it would be to pay but a poor compliment to the people of these States, to imagine, that a measure taken by a Sovereign State, with the most perfect good feeling to her confederates, and to the perpetuity of the Union, and with no other view than to force upon its members the consideration of a most important constitutional question, should terminate otherwise than peaceably.

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Fellow-citizens, it is our honest and firm belief, that nullification will preserve, and not destroy this Union. But we should regret to conceal from you that if Congress should not be animated with a patriotic and liberal feeling in this conjuncture, they can give to this controversy what issue they please. Admit then that there is risk of a serious conflict with the federal government. We know no better way to avoid the chance of hostile measures in our opponents, than to evince a readiness to meet danger, come from what quarter it will. We should think that the American Revolution was indeed to little purpose, if a consideration of this kind were to deter our people from asserting their sovereign rights. That revolution, it is well known, was not entered into by our Southern ancestors from any actual oppression which the people suffered. It was a contest waged for PRINCIPLE, emphatically for principle. The calamities of revolution, strife and civil war, were fairly presented to the illustrious patriots of those times which tried the souls of men. The alternative was either to remain dependent colonies in hopeless servitude, or to become free, sovereign and independent States. To attain such a distinguished rank amongst the nations of the earth, there was but one path, and that the path of glory—the crowning glory of being accounted worthy of all suffering, and of embracing all the calamities of a protracted war abroad, and of domestic evils at home, rather than to surrender their liberties. The result of their labors is known to the world, through the flood of light which that revolution has shed upon the science of government, and the rights of man, in the "LESSON it has taught the oppressor, and in the EXAMPLE it has afforded to the oppressed," in the invigoration of the spirit of freedom every where, and in the amelioration it is producing in the social order of mankind.

Inestimable are the blessings of that well regulated freedom which permits man to direct his labors and his enterprise to the pursuit or branch of industry to which he conceives nature has qualified him, unmolested by avarice enthroned in power. Such was the freedom for which South Carolina struggled when a dependent colony. Such is the freedom of which she once tasted as the first fruit of that revolutionary triumph which she assisted to achieve. Such is the freedom she reserved to herself on entering into the league. Such is the freedom of which she has been deprived, and to which she must be restored, if her commerce be worth preserving, or the spirit of her Laurens and her Gadsden has not fled forever from our bosoms. It is in vain to tell South Carolina that she can look to any administration of the federal government for the protection of her sovereign rights, or the redress of her southern wrongs. Where the fountain is so polluted, it is not to be expected that the stream will again be pure. The protection to which in all representative governments the people have been accustomed to look, to wit, the responsibility of the governors to the governed, has proved nerveless and

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illusory—under such a system, nothing but a radical reform in our political institutions can preserve this union. It is full time that we should know what rights we have under the federal constitution, and more especially ought we to know whether we are to live under a consolidated government, or a confederacy of States—whether the States be sovereign, or their local Legislature be mere corporations. A FRESH UNDERSTANDING OF THE BARGAIN we deem absolutely NECESSARY. No mode can be devised by which a dispute can be referred to the source of all power, but by some one State taking the lead in the great enterprise of reform. Till some one Southern State tenders to the Federal Government an issue, it will continue to have its "appetite increased by what it feeds on." History admonishes us that rulers never have the forecast to substitute in good time reform for revolution. They forget that it is always more desirable that the just claims of the governed should break in on them "through well contrived and well disposed windows, not through flaws and breaches, through the yawning chasm of their own ruin." One State must, under the awful prospects before us, throw herself into the breach in this great struggle for constitutional freedom. There is no other mode of awakening the attention of the co-States to grievances which if suffered to accumulate must dismember the union. It has fallen to our lot, fellow-citizens, first to quit our trenches. Let us go on to the assault with cheerful hearts and undaunted minds.

Fellow-citizens, the die is now cast. We have solemnly resolved on the course which it becomes our beloved State to pursue—we have resolved that until these abuses shall be reformed, NO MORE TAXES SHALL BE PAID HERE. "Millions for defence, but not a cent for tribute." And now we call upon our citizens, native and adopted, to prepare for the crisis, and to meet it as becomes men and freemen. We call upon all classes and parties to forget their former differences, and to unite in a solemn determination never to abandon this contest until such a change be effected in the councils of the nation, that all the citizens of this confederacy shall participate equally in the benefits and the burthens of the government. To this solemn duty we now invoke you in the name of all that is sacred and valuable to man. We invoke you in the name of that LIBERTY which has been acquired by you from an illustrious ancestry, and which it is your duty to transmit unimpaired to the most distant generations. We invoke you in the name of that CONSTITUTION which you profess to venerate, and of that UNION which you are all desirous to perpetuate. By the reverence you bear to these your institutions—by all the love you bear to liberty; by the detestation you have for servitude—by all the abiding memorials of your past glories—by the proud association of your exalted and your common triumphs in the first and greatest of revolutions—by the force of all those sublime truths which that event has inculcated amongst the nations—by the

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noble flame of republican enthusiasm which warms your bosoms, we conjure you in this mighty struggle to give your hearts and souls and minds to your injured and oppressed State, and to support her cause publicly and privately, with your opinions, your prayers, and your actions. If appeals such as these prove unavailing, we then COMMAND YOUR OBEDIENCE to the laws and the authorities of the State, by a title which none can gainsay. We demand it by that allegiance, which is reciprocal with the protection you have received from the State. We admit of no obedience to any authority, which shall conflict with that primary allegiance, which every citizen owes to the State of his birth or his adoption. There is not, nor has there ever been "any *direct or immediate* allegiance between the citizens of South Carolina and the Federal Government. The relation between them is through the State." South Carolina having entered into the Constitutional compact, as a separate, independent, political community, as has already been stated, has the right to declare an unconstitutional act of Congress, null and void. After her sovereign declaration that the act shall not be enforced within her limits, "such a declaration is obligatory on her citizens. As far as its citizens are concerned, the clear right of the State is to declare the extent of the obligation." This declaration once made, the citizen has no course, but TO OBEY. If he refuses obedience, so as to bring himself under the displeasure of his only and lawful sovereign, and within the severe pains and penalties which by her high sovereign power, the Legislature will not fail to provide in her self-defence, the fault and the folly must be his own.

And now, fellow-citizens, having discharged the solemn duty, to which we have been summoned in a crisis big with the most important results to the liberties, peace, safety and happiness of this once harmonious but now distracted Confederacy, we commend our cause to that great Disposer of events, who (if he has not already for some inscrutable purposes of his own, decreed otherwise) will smile on the efforts of truth and justice. We know that "unless the Lord keepeth the city, the watchman waketh but in vain," but relying as we do, in this controversy, on the purity of our *motives* and the honor of our *ends*, we make this appeal with all the confidence, which in times of trial and difficulty, ought to inspire the breast of the patriot and the christian. Fellow-citizens, DO YOUR DUTY TO YOUR COUNTRY, AND LEAVE THE CONSEQUENCES TO GOD.

The address to the people of the United States, as read by the Hon. Geo. McDuffie, and adopted by the Convention, is as follows, to wit:

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ADDRESS

To the People of Massachusetts, Virginia, New York, Pennsylvania, North Carolina, Maryland, Connecticut, Vermont, New Hampshire, Maine, New Jersey, Georgia, Delaware, Rhode Island, Kentucky, Tennessee, Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama and Missouri.

We, the People of South Carolina, assembled in Convention, have solemnly and deliberately declared, in our paramount sovereign capacity, that the Act of Congress approved the 19th day of May, 1828, and the Act approved the 14th of July, 1832, altering and amending the several Acts imposing duties on imports, are unconstitutional, and therefore, absolutely void, and of no binding force within the limits of this State; and for the purpose of carrying this declaration into full and complete effect, we have invested the Legislature with ample powers, and made it the duty of all the functionaries and all the citizens of the State, on their allegiance, to cooperate in enforcing the aforesaid declaration.

In resorting to this important measure, to which we have been impelled by the most sacred of all duties which a free people can owe, either to the memory of their ancestors or to the claims of their posterity, we feel that it is due to the intimate political relation which exists between South Carolina and the other States of this Confederacy, that we should present a clear and distinct exposition of the principles on which we have acted, and of the causes by which we have been reluctantly constrained to assume this attitude of sovereign resistance in relation to the usurpations of the Federal Government.

For this purpose, it will be necessary to state, briefly, what we conceive to be the relation created by the Federal Constitution, between the States and the General Government; and also what we conceive to be the true character and practical operation of the system of protecting duties, as it affects our rights, our interests and our liberties.

We hold then, that on their separation from the Crown of Great Britain, the several Colonies became free and independent States, each enjoying the separate and independent right of self-government, and that no authority can be exercised over them or within their limits, but by their consent, respectively given as States. It is equally true, that the Constitution of the United States is a compact formed between the several States, acting as sovereign communities; that the government created by it is a joint agency of the States, appointed to execute the powers enumerated and granted by that instrument; that all its acts not intentionally authorised, are of themselves essentially null and void, and that the States have the right, in the same sovereign capacity in which they adopted the Federal Constitution, to pro-

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nounce, in the last resort, authoritative judgment on the usurpations of the Federal Government, and to adopt such measures as they may deem necessary and expedient to arrest the operation of the unconstitutional acts of that Government, within their respective limits. Such we deem to be the inherent rights of the States—rights, in the very nature of things, absolutely inseparable from sovereignty. Nor is the duty of a State, to arrest an unconstitutional and oppressive act of the Federal Government, less imperative than the right is incontestible. Each State, by ratifying the Federal Constitution, and becoming a member of the Confederacy, contracted an obligation to "protect and defend" that instrument, as well by resisting the usurpations of the Federal Government, as by sustaining that government in the exercise of the powers actually conferred upon it. And the obligation of the oath which is imposed under the Constitution on every functionary of the States to "preserve, protect and defend" the Federal Constitution, as clearly comprehends the duty of protecting and defending it against the usurpations of the Federal Government, as that of protecting and defending it against violation in any other form or from any other quarter.

It is true, that in ratifying the Federal Constitution, the States placed a large and important portion of the rights of their citizens under the joint protection of all the States, with a view to their more effectual security; but it is not less true that they reserved a portion still larger and not less important under their own immediate guardianship, and in relation to which their original obligation to protect their citizens, from whatever quarter assailed, remains unchanged and undiminished.

But clear and undoubted as we regard the right, and sacred as we regard the duty of the States to interpose their sovereign power for the purpose of protecting their citizens from the unconstitutional and oppressive acts of the Federal Government, yet we are as clearly of the opinion that nothing short of that high moral and political necessity, which results from acts of usurpation, subversive of the rights and liberties of the people, should induce a member of this Confederacy to resort to this interposition. Such however, is the melancholy and painful necessity under which we have declared the acts of Congress imposing protecting duties, null and void within the limits of South Carolina. The spirit and the principles which animated your ancestors and ours in the councils and in the fields of their common glory, forbid us to submit any longer to a system of legislation now become the established policy of the Federal Government, by which we are reduced to a condition of colonial vassalage, in all its aspects more oppressive and intolerable than that from which our common ancestors relieved themselves by the war of the Revolution. There is no right which enters more essentially into a just conception of liberty, than that of the free and unrestricted use of the productions of our industry wherever they can be most advantageously

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exchanged, whether in foreign or domestic markets. South Carolina produces, almost exclusively, agricultural staples, which derive their principal value from the demand for them in foreign countries. Under these circumstances, her natural markets are abroad; and restrictive duties imposed upon her intercourse with those markets, diminish the exchangeable value of her productions very nearly to the full extent of those duties.

Under a system of free trade, the aggregate crop of South Carolina could be exchanged for a larger quantity of manufactures, by at least one third, than it can be now exchanged for under the protecting system. It is no less evident, that the value of that crop is diminished by the protecting system very nearly, if not precisely, to the extent that the aggregate quantity of manufactures which can be obtained for it, is diminished. It is, indeed, strictly philosophically true, that the quantity of consumable commodities which can be obtained for the cotton and rice annually produced by the industry of the State, is the precise measure of their aggregate value. But for the prevalent and habitual error of confounding the money price with the exchangeable value of our agricultural staples, these propositions would be regarded as self-evident. If the protecting duties were repealed, one hundred bales of cotton or one hundred barrels of rice would purchase as large a quantity of manufactures, as one hundred and fifty will now purchase. The annual income of the State, its means of purchasing and consuming the necessaries and comforts and luxuries of life, would be increased in a corresponding degree.

Almost the entire crop of South Carolina, amounting annually to more than six millions of dollars, is ultimately exchanged either for foreign manufactures, subject to protecting duties, or for similar domestic manufactures. The *natural* value of the crop would be all the manufactures which we could obtain for it, under a system of unrestricted commerce. The *artificial* value produced by the unjust and unconstitutional legislation of Congress, is only such part of those manufactures as will remain after paying a duty of fifty per cent. to the Government, or, to speak with more precision, to the Northern manufacturers. To make this obvious to the humblest comprehension, let it be supposed that the whole of the present crop should be exchanged, by the planters themselves, for those foreign manufactures, for which it is destined, by the inevitable course of trade, to be ultimately exchanged, either by themselves or their agents. Let it be also assumed, in conformity with the facts of the case, that New Jersey, for example, produces, of the very same description of manufactures, a quantity equal to that which is purchased by the cotton crop of South Carolina. We have, then, two States of the same Confederacy, bound to bear an equal share of the burthens, and entitled to enjoy an equal share of the benefits of the common government, with precisely the same quantity of productions, of the same quality and

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kind, produced by their lawful industry. We appeal to your candor, and to your sense of justice, to say whether South Carolina has not a title as sacred and indefeasable, to the full and undiminished enjoyment of these productions of her industry, acquired by the combined operations of agriculture and commerce, as New Jersey can have to the like enjoyment of similar productions of her industry, acquired by the process of manufacture? Upon no principle of human reason or justice, can any discrimination be drawn between the titles of South Carolina and New Jersey to these productions of their capital and labor. Yet what is the discrimination actually made by the unjust, unconstitutional and partial legislation of Congress? A duty, on an average, of fifty per cent., is imposed upon the productions of South Carolina, while no duty at all is imposed upon the similar productions of New Jersey! The inevitable result is, that the manufactures thus lawfully acquired by the honest industry of South Carolina, are worth, annually, three millions of dollars less to her citizens than the very same quantity of the very same description of manufactures are worth to the citizens of New Jersey—a difference of value produced exclusively by the operation of the protecting system.

No ingenuity can either evade or refute this proposition. The very axioms of geometry are not more self-evident. For even if the planters of South Carolina, in the case supposed, were to sell and not consume these productions of their industry, it is plain that they could obtain no higher price for them, after paying duties to the amount of $3,000,000, than the manufacturers of New Jersey would obtain for the same quantity of the same kind of manufactures, without paying any duty at all.

This single view of the subject, exhibits the enormous inequality and injustice of the protecting system, in such a light, that we feel the most consoling confidence that we shall be fully justified by the impartial judgment of posterity, whatever may be the issue of this unhappy controversy. We confidently appeal to our confederate States, and to the whole world, to decide whether the annals of human legislation furnish a parallel instance of injustice and oppression, perpetrated under the forms of a free Government. However it may be disguised, by the complexity of the process by which it is effected, it is nothing less than the monstrous outrage of taking three millions of dollars annually, from the value of the productions of South Carolina, and transferring it to the people of other and distant communities. No human Government can rightfully exercise such a power. It violates the eternal principles of natural justice, and converts the Government into a mere instrument of legislative plunder. Of all the Governments on the face of the earth, the Federal Government has the least shadow of a constitutional right to exercise such a power. It was created, principally, and almost exclusively, for the purpose of protecting, improving, and extending

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that very commerce, which, for the last ten years, all its powers have been most unnaturally and unrighteously perverted to cripple and destroy. The power to "regulate commerce with foreign nations," was granted obviously for the preservation of that commerce. The most important of all the duties which the Federal Government owes to South Carolina under the compact of Union, is the protection and defence of her foreign commerce, against all the enemies by whom it may be assailed. And in what manner has this duty been discharged? All the powers of the earth, by their commercial restrictions, and all the pirates of the ocean, by their lawless violence, could not have done so much to destroy our commerce, as has been done by that very Government, to which its guardianship has been committed by the Federal Constitution. The commerce of South Carolina consists in exchanging the staple productions of her soil, for the manufactures of Europe. It is a lawful commerce. It violates the rights of no class of people in any portion of the Confederacy. It is this very commerce, therefore, which the Constitution has enjoined it upon Congress to encourage, protect, and defend, by such regulations as may be necessary to accomplish that object. But instead of that protection, which is the only tie of our allegiance, as individual citizens, to the Federal Government, we have seen a gigantic system of restrictions gradually reared up, and at length brought to a fatal maturity, of which it is the avowed object, and must be the inevitable result, to sweep our commerce from the great highway of nations, and cover our land with poverty and ruin.

Even the States most deeply interested in the maintenance of the protecting system, will admit, that it is the interest of South Carolina to carry on a commerce of exchanges with foreign countries, free from restrictions, prohibitory burthens, or incumbrances of any kind. We feel and we know, that the vital interests of the State are involved in such a commerce. It would be a downright insult to our understandings, to tell us that our interests are not injured, deeply injured, by those prohibitory duties, intended and calculated to prevent us from obtaining the cheap manufactures of foreign countries for our staples, and to compel us to receive for them the dear manufactures of our domestic establishments, or pay the penalty of the protecting duties for daring to exercise one of the most sacred of our natural rights. What right, then, human or divine, have the manufacturing States—for we regard the Federal Government as a mere instrument in their hands—to prohibit South Carolina, directly or indirectly, from going to her natural markets, and exchanging the rich productions of her soil, without restriction or incumbrance, for such foreign articles as will most conduce to the wealth and prosperity of her citizens? It will not surely be pretended—for truth and decency equally forbid the allegation—that in exchanging our productions for the cheaper manufactures of Europe, we

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violate any right of the domestic manufacturers, however gratifying it might be to them, if we would purchase their inferior productions at higher prices.

Upon what principle, then, can the State of South Carolina be called upon to submit to a system, which excludes her from her natural markets, and the manifold benefits of that enriching commerce which a kind and beneficent Providence has provided to connect her with the family of nations by the bonds of mutual interest? But one answer can be given to this question. It is in vain to attempt to disguise the fact, mortifying as it must be, that the principle by which South Carolina is thus excluded, is in strict propriety of language, and to all rational intents and purposes, a principle of colonial dependence and vassalage, in all respects identical with that which restrained our forefathers from trading with any manufacturing nation of Europe, other than Great Britain. South Carolina now bears the same relation to the manufacturing States of this Confederacy, that the Anglo American colonies bore to the mother country, with the single exception, that our burthens are incomparably more oppressive than those of our ancestors. Our time, our pride, and the occasion, equally forbid us to trace out the degrading analogy. We leave that to the historian who shall record the judgment which an impartial posterity will pronounce upon the eventful transactions of this day.

It is in vain that we attempt to console ourselves by the empty and unreal mockery of our representation in Congress. As to all those great and vital interests of the State, which are affected by the protecting system, it would be better that she had no representation in that body. It serves no other purpose but to conceal the chains which fetter our liberties, under the vain and empty forms of a representative Government. In the enactment of the protecting system, the majority of Congress is, in strict propriety of speech, an irresponsible despotism. A very brief analysis will render this clear to every understanding. What, then, we ask, is involved in the idea of political responsibility, in the imposition of public burthens? It clearly implies that those who impose the burthens, should be responsible to those who bear them. Every representative in Congress should be responsible, not only to his own immediate constituents, but through them and their common participation in the burthens imposed, to the constituents of every other representative. If, in the enactment of a protecting tariff, the majority in Congress imposed upon their own constituents the same burthens which they impose upon the people of South Carolina, that majority would act under all the restraints of political responsibility, and we should have the best security which human wisdom has yet devised against oppressive legislation.

But the fact is precisely the reverse of this. The majority in Congress, in imposing protecting duties, which are utterly destructive of the interests

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of South Carolina, not only impose no burthens, but actually confer enriching bounties upon their constituents, proportioned to the burthens they impose upon us. Under these circumstances, the principle of representative responsibility is perverted into a principle of absolute despotism. It is this very tie, binding the majority of Congress to execute the will of their constituents, which makes them our inexorable oppressors. They dare not open their hearts to the sentiments of human justice, or to the feelings of human sympathy. They are tyrants by the very necessity of their position, however elevated may be their principles, in their individual capacities.

The grave question, then, which we have had to determine, as the Sovereign Power of the State, upon the awful responsibility under which we have acted, is, whether we will voluntarily surrender the glorious inheritance, purchased and consecrated by the toils, the sufferings and the blood of an illustrious ancestry, or transmit that inheritance to our posterity, untarnished and undiminished? We could not hesitate in deciding this question. We have, therefore, deliberately and unalterably resolved, that we will no longer submit to a system of oppression, which reduces us to the degrading condition of tributary vassals; and which would reduce our posterity, in a few generations, to a state of poverty and wretchedness, that would stand in melancholy contrast with the beautiful and delightful region, in which the Providence of God has cast our destinies.

Having formed this resolution, with a full view of all its bearings, and of all its probable and possible issues, it is due to the gravity of the subject, and the solemnity of the occasion, that we should speak to our confederate brethren, in the plain language of frankness and truth. Though we plant ourselves upon the Constitution, and the immutable principles of justice, and intend to operate exclusively through the civil tribunals and civil functionaries of the State; yet, we *will* throw off this oppression, *at every hazard.* We believe our remedy to be essentially peaceful. We believe the Federal Government has no shadow of right or authority, to act against a sovereign State of the Confederacy, in any form, much less to coerce it, by military power. But we are aware of the diversities of human opinion, and have seen too many proofs of the infatuation of human power, not to have looked, with the most anxious concern, to the possibility of a resort to military or naval force on the part of the Federal Government—and in order to obviate the possibility of having the history of this contest stained by a single drop of fraternal blood, we have solemnly and irrevocably resolved, that we will regard such a resort, as a dissolution of the political ties which connect us with our confederate States; and will, forthwith, provide for the organization of a new and separate Government.

We implore you, and particularly the manufacturing States, not to believe that we have been actuated, in adopting this resolution, by any feeling of

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resentment or hostility towards them; or by a desire to dissolve the political bonds, which have so long united our common destinies. We still cherish that rational devotion to the Union, by which this State has been pre-eminently distinguished, in all times past. But that blind and idolatrous devotion, which would bow down and worship Oppression and Tyranny, veiled under that consecrated title—if it ever existed amongst us—has now vanished forever. CONSTITUTIONAL LIBERTY the only idol of our political devotion; and, to preserve that, we will not hesitate a single moment to surrender the Union itself, if the sacrifice be necessary. If it had pleased God to cover our eyes with ignorance—if he had not bestowed upon us the understanding to comprehend the enormity of the oppression under which we labor—we might submit to it without absolute degradation and infamy. But the gifts of Providence cannot be neglected, or abused, with impunity. A people, who deliberately submit to oppression, with a full knowledge that they are oppressed, are fit only to be slaves; and all history proves that such a people will soon find a master. It is the pre-existing spirit of slavery, in the people, that has made tyrants in all ages of the world. No tyrant ever made a slave—no community, however small, having the spirit of freemen, ever yet had a master. The most illustrious of those States, which have given to the world examples of human freedom, have occupied territories not larger than some of the districts of South Carolina; while the largest masses of population, that were ever united under a common Government, have been the abject, spiritless, and degraded slaves of despotic rulers. We sincerely hope, therefore, that no portion of the States of this Confederacy will permit themselves to be deluded into any measures of rashness, by the vain imagination that South Carolina will vindicate her rights and liberties, with a less inflexible and unfaltering resolution, with a population of some half a million, than she would do with a population of twenty millions.

It does not belong to freemen to count the costs, and calculate the hazards of vindicating their rights, and defending their liberties; and even if we should stand alone in the worst possible emergency of this great controversy, without the cooperation or encouragement of a single State of the confederacy, we will march forward with an unfaltering step, until we have accomplished the object of this great enterprise.

Having now presented, for the consideration of the Federal Government and our confederate States, the fixed and final determination of this State, in relation to the protecting system, it remains for us to submit a plan of taxation, in which we would be willing to acquiesce, in a spirit of liberal concession, provided we are met in due time, and in a becoming spirit, by the States interested in the protection of manufactures.

We believe, that upon every just and equitable principle of taxation, the whole list of protected articles should be imported free of all duty, and that

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the revenue derived from import duties, should be raised exclusively from the unprotected articles; or that whenever a duty is imposed upon protected articles imported, an exercise of duty of the same rate, should be imposed upon all similar articles, manufactured in the United States. This would be as near an approach to perfect equality as could possibly be made, in a system of indirect taxation. No substantial reason can be given for subjecting manufactures, obtained from abroad, in exchange for the productions of South Carolina, to the smallest duty, even for revenue, which would not show that similar manufactures made in the United States, should be subject to the very same rate of duty. The former, not less than the latter, are, to every rational intent, the productions of domestic industry, and the mode of acquiring the one, is as lawful and more conducive to the public prosperity, than that of acquiring the other.

But we are willing to make a large offering to preserve the Union; and with a distinct declaration that it is a concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of the Government for Constitutional purposes; and provided also, that a duty, substantially uniform, be imposed upon all foreign imports.

It is obvious, that even under this arrangement, the manufacturing States would have a decided advantage over the planting States. For it is demonstrably evident that, as communities, the manufacturing States would bear no part of the burthens of Federal Taxation so far as the revenue should be derived from protected articles. The earnestness with which their representatives seek to increase the duties on these articles, is conclusive proof that those duties are bounties, and not burthens, to their constituents. As at least two-thirds of the federal revenue would be raised upon protected articles, under the proposed modification of the Tariff, the manufacturing States would be entirely exempted from all participation in that proportion of the public burthens.

Under these circumstances, we cannot permit ourselves to believe, for a moment, that in a crisis marked by such portentous and fearful omens, those States can hesitate in acceding to this arrangement, when they perceive that it will be the means, and possibly the only means, of restoring the broken harmony of this great Confederacy. They, most assuredly, have the strongest of human inducements, aside from all considerations of justice, to adjust this controversy, without pushing it to extremities. This can be accomplished only by the proposed modification of the Tariff, or by the call of a general Convention of all the States. If South Carolina should be driven out of the Union, all the other planting States, and some of the Western States, would follow by an almost absolute necessity. Can it be believed that

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Georgia, Mississippi, Tennessee, and even Kentucky, would continue to pay a tribute of fifty per cent. upon their consumption, to the Northern States, for the privilege of being united to them, when they could receive all their supplies through the ports of South Carolina, without paying a single cent of tribute?

The separation of South Carolina would inevitably produce a general dissolution of the Union; and as a necessary consequence, the protecting system, with all its pecuniary bounties to the Northern States, and its pecuniary burthens upon the Southern States, would be utterly overthrown and demolished, involving the ruin of thousands and hundreds of thousands in the manufacturing States.

By these powerful considerations connected with their own pecuniary interests, we beseech them to pause and contemplate the disastrous consequences which will certainly result from an obstinate perseverance on their part, in maintaining the protecting system. With them, it is a question merely of pecuniary interest, connected with no shadow of right, and involving no principle of liberty. With us, it is a question involving our most sacred rights—those very rights which our common ancestors left to us as a common inheritance, purchased by their common toils, and consecrated by their blood. It is a question of liberty on the one hand, and slavery on the other. If we submit to this system of unconstitutional oppression, we shall voluntarily sink into slavery, and transmit that ignominious inheritance to our children. We will not, we cannot, we dare not, submit to this degradation; and our resolve is fixed and unalterable, that a protecting tariff shall be no longer enforced within the limits of South Carolina. We stand upon the principles of everlasting justice, and no human power shall drive us from our position.

We have not the slightest apprehension that the General Government will attempt to force this system upon us by military power. We have warned our brethren of the consequences of such an attempt. But if, notwithstanding, such a course of madness should be pursued, we here solemnly declare, that this system of oppression shall never prevail in South Carolina, until none but slaves are left to submit to it. We would infinitely prefer that the territory of the State should be the cemetery of freemen, than the habitation of slaves. Actuated by these principles, and animated by these sentiments, we will cling to the pillars of the temple of our liberties, and if it must fall, we will perish amidst the ruins.

The Report and Ordinance, with the two Addresses, as given above, having been adopted by the Convention, the Convention then, on motion of Dr. TIDYMAN, went into a Committee of the Whole, Col. I'ON being called to the Chair.

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Dr. TIDYMAN offered the following resolution:

Resolved, That the thanks of the members of this Convention be given to the President, for the very able, dignified, and impartial manner, with which he has presided over their deliberations, and for the zeal and fidelity with which he has discharged the duties of his office.

The resolution having been unanimously adopted, the Committee rose, and reported it to the Convention, as so adopted.

Gen. HAYNE then offered the following resolution, which was adopted by the Convention, to wit:

Resolved, That copies of the Ordinance just adopted by this Convention, with the Report thereon, and the Addresses to the People of the several States, and of this State, be transmitted, by the Governor, to the President of the United States, to be, by him, submitted to Congress; and also to the Governors of the several States, for the information of their respective Legislatures.

Judge HARPER offered the following resolution, to wit:

Resolved, That when this Convention adjourns, it shall adjourn to meet at this place, at such time as the President shall appoint, who is authorized, if in his opinion the public exigencies shall require, by notice under his hand, duly published, to assemble the Convention at any time before the 12th of November next; and that he appoint a committee, a majority of whom, or the survivors or survivor of such majority, in case of the death or disqualification of the President, shall have like authority to assemble the Convention, and appoint a time for its meeting.

This resolution was adopted, and the Hon. William Harper, of Fairfield, the Hon. Robert Y. Hayne, of Charleston, and Messrs. Benjamin Rodgers, of Marlborough, Thomas Harrison, of Pendleton, and John S. Maner, of St. Peter's, were appointed the Committee.

On motion of Chancellor JOHNSTON, the following resolution was adopted, to wit:

Resolved, That the President be authorized to draw his warrant or warrants on the Treasury, for the contingent expenses of this Convention.

Mr. TURNBULL moved the following, which was likewise adopted, to wit:

Resolved, That the President of this Convention be requested to transmit to the Legislature, a copy of the Ordinance just passed by this Convention,

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together with copies also of the Report of the Committee of twenty-one, and of the Addresses to the People of this State, and the People of the United States.

Chancellor JOHNSTON offered the following resolution, which was concurred in by the Convention, to wit:

Resolved, That any Delegate shall be at liberty hereafter to sign the Ordinance adopted by the Convention, and record his approbation of the proceedings thereof.

The Hon. ROBERT W. BARNWELL then moved the following, to wit:

Whereas, It is the duty of a people at all times to acknowledge their dependence upon God, and more especially to commit themselves to his keeping, when they have adopted measures of deep import to their future welfare and security.

Be it Resolved, That we, the Delegates of South Carolina, assembled in Convention, do recommend to our fellow-citizens of the State to observe Thursday, the 31st day of January, 1833, as a day of solemn fasting, humiliation and prayer, imploring the Almighty to bestow His blessing upon the proceedings of this body, that they may eventuate in the promotion of His glory, and in restoring and perpetuating the liberty and prosperity of our native State.

This Resolution was unanimously adopted, and ordered to be so entered on the Journal of the Convention.

The President then rose and asked, "Has any member any further proposal to bring before this Convention?"

None being offered, the President held up the Ordinance, and said, "*I do announce that this Ordinance has been adopted and ratified by the good People of the State of South Carolina, assembled in their highest sovereign capacity.*"

The President then addressed the Convention, in a short speech. In concluding it, he requested the Rev. Mr. Ware to ask the Divine blessing upon the proceedings of the assembly.

After prayer by that reverend gentleman, Col. I'ON moved an adjournment.

The motion was carried. Whereupon the President pronounced the Convention ADJOURNED until it should be again assembled according to the provisions of Judge Harper's Resolution.

ISAAC WILLIAM HAYNE, *Clerk of the Convention.*

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SECOND SESSION.

MONDAY, MARCH 11, 1833.

Pursuant to a Proclamation of the President of the Convention, issued on the 13th day of February, one thousand eight hundred and thirty-three, the Convention of the people of South Carolina reassembled in the Hall of the House of Representatives, in the Town of Columbia, on this day, at Meridian.

The proceedings were opened by a prayer from the Rev. Mr. Ware, after which the roll was called, and the following members answered to their names, viz :

Messrs. Adams, James
Ayer,
Anderson, J.
Anderson, Robert
Arnold,
Baker,
Ball,
Bee,
Boone,
Blewett,
Butler,
Brown, J. G., *Richland.*
Brown, J. G., *Barnwell.*
Bauskett,
Burt, Francis, Jr.
Black,
Belin,
Cohen,
Cordes,
Colcock, Thomas H.
Colcock, C. J.
Capers,

Messrs. Clifton,
Caughman,
Counts,
Crooke,
Chambers,
Campbell,
Cureton,
Chesnut,
Clinton,
Dubose,
Dawson,
Douglas, John
Douglas, George
Elmore,
Earle,
Ervin, James R.
Evans, William
Evans, J. P.
Felder,
Gourdin, T. L.
Gourdin, P. G.
Goodwyn,

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Messrs. Gaillard,
Griffin,
Glenn,
Gibson,
Gregg,
Hayne,
Heyward,
Harper,
Harrison,
Hatton,
Harllee,
Huguenin,
I'On,
Jeter,
Johnson,
James,
Keith,
Key,
King,
Levy,
Lowry,
Lacoste,
Legare,
Lawton,
Long,
Logan,
Littlejohn,
Lancaster,
Magrath,
Maner,
Murray,
Mills,
McCall,
Means,
Mays,
McDuffie,
Moore,
Miller, John L.
Miller, Stephen D.
Miller, John B.
McCord,
Nowell,

Messrs. O'Neall,
O'Bannon,
Phillips, P.
Phillips, J. W.
Porcher,
Palmer,
Perry,
Pinckney, C. C.
Pinckney, Wm. C.
Pinckney, Thomas
Quash,
Rowland,
Rivers,
Rowe,
Rogers,
Ray,
Spann, James G.
Spann, James
Simons,
Shand,
Smith, James M.
Smith, G. H.
Smith, William
Smith, Stephen
Stringfellow,
Scott,
Symmes,
Sims,
Shannon,
Singleton,
Stevens,
Turnbull,
Tyler,
Tidyman,
Ulmer,
Wilson,
Walker,
Williams,
Woodward,
Whitten,
Watt,
Waties,

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Messrs. Wilkins, Ware, Warren, Williamson, Wardlaw, Whatley, Young.

The PRESIDENT then addressed the Convention, explaining to them the objects for which they had been convoked. In concluding, he announced, that as he had been chosen to preside over this body, as Governor of the State, and as another now filled that station, he would, after submitting to the Convention the documents which had induced him to call them together at this time, resign his office into their hands. The following documents were then read by the Clerk, to wit:

[I.]

LETTER FROM THE GOVERNOR OF THE STATE TO THE PRESIDENT OF THE CONVENTION.

EXECUTIVE DEPARTMENT,
Columbia, March 11, 1833.

TO JAMES HAMILTON, *Jr., Esq.,*
President of the Convention of the People of South Carolina.

SIR:—I herewith transmit you a letter which I have received from the Hon. Benjamin Watkins Leigh, Commissioner from the State of Virginia, which, together with the correspondence in relation to Mr. Leigh's Mission, and the Resolutions of Virginia, of which he is the bearer, you are requested to lay before the Assembly over which you preside.

I am very respectfully, your obedient servant,
ROBERT Y. HAYNE.

COLUMBIA, March 11th, 1833.

SIR:—Having, at our first interview, presented you the Resolutions of the General Assembly of Virginia of the 26th January last, on the subject of Federal Relations, I have now to request your Excellency to lay these Resolutions before the Convention of the people of South Carolina, which, at my instance, has been reassembled for the purpose of considering them.

The General Assembly of Virginia has expressed, in its own language, its sentiments concerning the unhappy controversy between the State of South Carolina and the Federal Government, and its motives, its views and object, in making this intercession. In these respects, therefore, the Commissioner it has thought proper to depute to South Carolina, can have nothing to add, and nothing even to explain. The duty presented to him is simple and precise. He is instructed to communicate the Preamble and Resolutions to the proper

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Authorities of this State, and "to give them such direction as in his judgment may be best calculated to promote the objects which the Legislature of Virginia has in view:" and this part of his duty he has already, by the prompt and cordial compliance of those Authorities, had the happiness to accomplish, to the entire satisfaction (as he has reason to believe) of the Legislature of Virginia. And he is further instructed, and "authorized to express to the public Authorities and people of this, our sister State, the sincere good will of the Legislature and people of Virginia, towards their sister State, and their anxious solicitude that the kind and respectful representations they have addressed to her, may lead to an accommodation of the differences between this State and the General Government."

Virginia is animated with an ardent and devoted attachment to the Union of the States, and to the rights of the several States that compose the Union; and if similarity of situation and of interests naturally induce her to sympathize, with peculiar sensibility, in whatever affects the prosperity and happiness of South Carolina, and the other Southern States, she knows how to reconcile this sentiment with her affection and duty towards each and every other State, severally, and towards the United States. She is most solicitous to maintain and preserve our present institutions, which, though they partake of imperfection, from which no human institutions can ever be exempt; and notwithstanding some instances of maladministration or error, to which all governments are liable, are yet, as she confidently believes, the happiest frame of polity that is now or ever has been enjoyed by any people—to maintain and preserve *the whole, and every part of these institutions,* in full vigor and purity; to uphold the Union and the States; to maintain the Federal Government in all its just powers, administered, according to the pure principles of the Constitution, without the least departure from the limitations prescribed by the compact, fairly understood, and the State Governments, in all their rights and authority, as absolutely necessary to the good government and happiness of their respective citizens. Consolidation and disunion are alike abhorrent from her affections and her judgment—the one involving, *at the least,* a forfeiture of the manifold advantages and blessings so long and so generally felt and acknowledged to have been derived from the Union; and the other having an apparent, perhaps inevitable, tendency to military despotism. And she is apprehensive, for reasons too obvious to need particular mention, that in case any differences between the Federal Government and the States shall ever be brought to the arbitrament of force, the result, let it be what it may, must effect such a change in our existing institutions, as cannot but be evil, since it would be a change from those forms of government, which we have experienced to be good, and under which we have certainly been, in the main, free, prosperous, contented and happy. Therefore, in the present controversy between

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the Federal Government and the State of South Carolina, she deprecates any resort to force by either, and is sanguine in the hope, that, with proper moderation and forbearance on both sides, this controversy may be adjusted (as all our controversies hitherto have been) by the influence of truth, reason and justice.

Virginia, remembering the history of South Carolina, her services in war and in peace, and her contributions of virtue and intelligence to the common councils of the Union; and knowing well the generosity, the magnanimity and the loyalty of her character, entertained the most perfect confidence, that these sentiments, so cherished by herself, would find a response in the heart and understanding of every citizen of this State. And that confidence induced her intercession on the present occasion. She has not presumed to dictate, or even to advise. She has addressed her *entreaty* to the Congress of the United States, to redress the grievance of which South Carolina complains. And she has spoken to South Carolina also, as one sovereign State, as one State of this Union ought to speak to another. She has earnestly, affectionately, and respectfully, *requested and entreated* South Carolina "to rescind or suspend her late Ordinance, and to await the result of a combined and strenuous effort of the friends of Union and Peace, to effect an adjustment and conciliation of all public differences now unhappily existing." She well hoped, that this State "would listen willingly and respectfully to *her* voice;" for she knew and felt that South Carolina could not descend from the dignity, and would nowise compromit the rights of her sovereignty, by yielding to the intercession of a sister State.

If, therefore, no other considerations could have been presented to the Convention of the people of South Carolina, if no other motives for compliance could have been suggested, than the intercession of Virginia, offered in the temper and manner it has been, and the interest we all have in the Union, the common attachment we feel for our *tried* republican institutions, the aversion from civil discord and commotion, and the wise and just dread of changes of which no sagacity can foresee the consequences—it might have been hoped and expected, that the Convention would rescind, or at least suspend for a time, its late Ordinance.

But, in truth, the Convention comes now to a consideration of this subject, under a state of circumstances, not anticipated by Virginia when she interposed her good offices to promote a peaceable adjustment of the controversy between this State and the Federal Government. There *has been made* that "combined and strenuous effort of the friends of peace and union, to effect an adjustment and conciliation" of this controversy—the result of which South Carolina was requested and expected to await—and that effort, it is hoped, will prove successful. The recent act of Congress, "to modify the act of the 14th July, 1832, and all other acts imposing duties on imports,"

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is such a modification of the tariff laws as (I trust) will leave little room for hesitation on the part of the Convention of the people of South Carolina, as to the wisdom and propriety of rescinding its Ordinance.

Forbearing, therefore, to enter at large into the many and forcible considerations of justice and policy, which, independently of this measure of Congress, might, I humbly conceive, have sufficed to induce the Convention to suspend, if not rescind the Ordinance, I shall rest in the hope, that the wisdom of the Convention will adopt, at once, the course which the dignity and patriotism of South Carolina, her attachment to the Union, so constantly expressed, and manifested by her deeds, her duty to herself and towards her sister States, and (I hope I may add without presumption) her respect for the intercession of Virginia, shall dictate to be proper; and that that course will lead to a renewal of perfect harmony.

Sensible as I am, how little any effort of mine has or could have contributed to the result I now anticipate, I shall be well content with the honor of having been the bearer of the Resolutions of Virginia, and of a favorable answer to them—happy in being the humblest instrument of such a work.

I have the honor to be, with profound respect,

Your most obedient servant,

B. W. LEIGH.

To his Excellency ROBERT Y. HAYNE,
Governor of South Carolina.

[II.]

LETTER FROM THE GOVERNOR OF VIRGINIA, TO THE GOVERNOR OF SOUTH CAROLINA.

EXECUTIVE DEPARTMENT,
Virginia, January 26, 1833.

To His Excellency, Robert Y. Hayne:

SIR:—This will be delivered to you by the Hon. Benjamin Watkins Leigh, a distinguished citizen of Virginia, who has been elected by the General Assembly, a Commissioner of this State, to the State of South Carolina, in conformity to a Preamble and Resolutions on the subject of Federal Relations, this day adopted by the General Assembly of Virginia.

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Mr. Leigh will make known to you any further views that may be entertained on the subject of the Preamble and Resolutions.

I have the honor to be, with high consideration and respect,

Your Excellency's most obedient servant,

JOHN FLOYD.

[III.]

Certified copy of the Preamble and Resolutions adopted by the Virginia Legislature, and transmitted through their Commissioner, to the constituted Authorities of this State.

VIRGINIA, TO WIT:

I, JOHN FLOYD, Governor of the State aforesaid, do hereby certify and make known unto all whom it may concern, that GEORGE W. MUNFORD, whose name is subscribed to the certificate to two documents hereunto annexed, marked A and B, is, as he there styles himself, Clerk of the House of Delegates, and Keeper of the Rolls of Virginia, duly appointed and qualified according to law; and to all his official acts as such, full faith, credit and authority, are had and ought to be given.

In testimony whereof, I have subscribed my name, and caused the great seal of the State to be affixed hereunto.

Done at the city of Richmond, the twenty-sixth day of January,
[L. S.] in the year of our Lord, one thousand eight hundred and thirty-three, and of the Commonwealth the fifty-seventh.

JOHN FLOYD.

[BY THE GOVERNOR.]

WM. H. RICHARDSON, *Secretary of the Commonwealth, and Keeper of the Seal.*

[A.]

Whereas, The General Assembly of Virginia, actuated by a desire to preserve the peace and harmony of our common country; relying upon the sense of justice of each and every State in the Union, as a sufficient pledge that their Representatives in Congress will so modify the acts laying duties and imposts on the importation of foreign commodities, commonly called the tariff acts, that they will no longer furnish cause of complaint to the

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people of any particular State; believing accordingly, that the people of South Carolina are mistaken, in supposing that Congress will yield them no relief from the pressure of those acts, especially as the auspicious approach of the extinguishment of the Public Debt affords a just ground for the indulgence of a contrary expectation; and confident that they are too strongly attached to the Union of the States, to resort to any proceedings which might dissolve or endanger it, whilst they have any fair hope of obtaining their object, by more regular and peaceful measures; persuaded, also, that they will listen willingly and respectfully to the voice of Virginia, earnestly and affectionately requesting and entreating them to rescind or suspend their late Ordinance, and await the result of a combined and strenuous effort of the friends of Union and Peace, to effect an adjustment and reconciliation of all public differences now unhappily existing; regarding, moreover, an appeal to force, on the part of the General Government, or on the part of the Government of South Carolina, as a measure which nothing but extreme necessity could justify or excuse in either; but apprehensive, at the same time, that if the present state of things is allowed to continue, acts of violence will occur, which may lead to consequences that all would deplore—cannot but deem it a solemn duty to interpose, and mediate between the high contending parties, by the declaration of their opinions and wishes, which they trust that both will consider and respect: Therefore,

Resolved, By the General Assembly, in the name, and on behalf of the people of Virginia, That the competent Authorities of South Carolina be, and they are hereby, earnestly and respectfully requested and entreated to rescind the Ordinance of the late Convention of that State, entitled "An Ordinance to Nullify certain acts of the Congress of the United States, purporting to be laws, laying duties and imposts on the importation of foreign commodities;" or, at least, to suspend its operation until the close of the first session of the next Congress.

Resolved, That the Congress of the United States be, and they are hereby, earnestly and respectfully requested and entreated, so to modify the acts laying duties and imposts on the importation of foreign commodities, commonly called the Tariff Acts, as to effect a gradual but speedy reduction of the resulting revenue of the General Government, to the standard of the necessary and proper expenditures for the support thereof.

Resolved, That the people of Virginia expect, and in the opinion of the General Assembly, the people of the other States have a right to expect, that the General Government and the Government of South Carolina, and all persons acting under the authority of either, will carefully abstain from any and all acts whatever, which may be calculated to disturb the tranquility of the country, or endanger the existence of the Union.

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And, Whereas, considering the opinions which have been advanced and maintained by the Convention of South Carolina, in its late Ordinance and Addresses, on the one hand, and by the President of the United States, in his Proclamation, bearing date the tenth day of December, one thousand eight hundred and thirty-two, on the other, the General Assembly deem it due to themselves, and the people whom they represent, to declare and make known their own views, in relation to some of the important and interesting questions which these papers present. Therefore,

Resolved, By the General Assembly, That they continue to regard the doctrines of State Sovereignty and State Rights, as set forth in the Resolutions of 1798, and sustained by the Report thereon, of 1799, as a true interpretation of the Constitution of the United States, and of the powers therein given to the General Government; but that they do not consider them as sanctioning the proceedings of South Carolina, indicated in her said Ordinance; nor as countenancing all the principles assumed by the President in his said Proclamation, many of which are in direct conflict with them.

Resolved, That this House will, by joint vote with the Senate, proceed, on this day, to elect a Commissioner, whose duty it shall be to proceed immediately to South Carolina, and communicate the foregoing Preamble and Resolutions to the Governor of that State, with a request that they be communicated to the Legislature of that State, or any Convention of its citizens, or give them such other direction as, in his judgment, may be best calculated to promote the objects which this Commonwealth has in view: And that the said Commissioner be authorized to express to the public authorities and people of our sister State, in such manner as he may deem most expedient, our sincere good will to our sister State, and our anxious solicitude that the kind and respectful recommendations we have addressed to her, may lead to an accommodation of all the differences between that State and the General Government.

Resolved, That the Governor of the Commonwealth be, and he is hereby, requested to communicate the foregoing Preamble and Resolutions to the President of the United States, to the Governors of the other States, and to our Senators and Representatives in Congress.

Agreed to by the House, the twenty-sixth day of January, one thousand eight hundred and thirty-three.

GEORGE W. MUNFORD,
Clerk of the House of Delegates and Keeper of the Rolls of Virginia.

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[B.]

IN THE HOUSE OF DELEGATES, January 26, 1833.

The House of Delegates have, this day, by joint vote with the Senate, elected BENJAMIN WATKINS LEIGH, Esq., a Commissioner of this State to the State of South Carolina, in conformity to a Preamble and Resolutions upon the subject of Federal Relations, also adopted to-day.

GEORGE W. MUNFORD,

Clerk of the House of Delegates and Keeper of the Rolls of Virginia.

[IV.]

CORRESPONDENCE BETWEEN THE COMMISSIONER OF VIRGINIA, AND THE CONSTITUTED AUTHORITIES OF THIS STATE.

[LETTER NO: ONE.]

CHARLESTON, February 5, 1833.

SIR:—When I had the honor, yesterday, of laying before your Excellency the Resolutions of the General Assembly of Virginia, of the 26th January last, and called your attention particularly to the Resolution of the General Assembly in the name and on behalf of the people of Virginia, that the competent authorities of South Carolina be, and are hereby, earnestly and respectfully requested and entreated to rescind the Ordinance of the State Convention of that State, entitled "An Ordinance to Nullify certain Acts of the Congress of the United States, purporting to be laws, laying duties and imposts on the importations of foreign commodities;" or, at least, to suspend its operation until the close of the first session of the next Congress, you informed me that the only authority competent to comply with that request, or even to consider it, is the Convention of the people of South Carolina, which made the Ordinance, and the power of reassembling the Convention is vested in the President of that body.

I have now, therefore, to request your Excellency to communicate the Resolutions of the General Assembly of Virginia, and this letter also, to the President of the Convention; confidently hoping that that officer will not refuse or hesitate to reassemble the Convention, in order that the Resolutions of the General Assembly may be submitted to it, and that the Convention may consider whether, and how far, the earnest and respectful

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request and entreaty of the General Assembly shall and ought to be complied with.

I have the honor to be, &c., &c.,

B. W. LEIGH.

To His Excellency, ROBERT Y. HAYNE,
Governor of South Carolina.

[LETTER NO. TWO.]

EXECUTIVE DEPARTMENT,
Charleston, Feb. 6, 1833.

SIR:—I have had the honor to receive your letter of the 5th instant, and in compliance with the request therein contained, communicate its contents, together with the Resolutions of the Legislature of Virginia, of which you are the bearer, to Gen. JAMES HAMILTON, Jr., the President of the Convention. I have now the pleasure of inclosing you his answer, by which you will perceive, that in compliance with the request conveyed through you, he will promptly reassemble the Convention, to whom the Resolutions adopted by the Legislature of Virginia will be submitted, and by whom they will doubtless receive the most friendly and respectful consideration. In giving you this information, it is due to the interest manifested by Virginia, in the existing controversy between South Carolina and the Federal Government, to state that as soon as it came to be understood that the Legislature of Virginia had taken up the subject in a spirit of friendly interposition, and that a bill for the modification of the Tariff was actually before Congress, it was determined by the common consent of our fellow-citizens, that no case should be made under our Ordinance, until after the adjournment of the present Congress. The propriety of a still further suspension, can, of course, only be determined by the Convention itself. With regard to the solicitude expressed by the Legislature of Virginia, that there should be "*no appeal to force,*" on "the part of either the General Government or the Government of South Carolina, in the controversy now unhappily existing between them," and that "the General Government and the Government of South Carolina, and all persons acting under the authority of either, should carefully abstain from any and all acts, whatever, which may be calculated to disturb the tranquility of the country, or endanger the existence

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of the Union;" it is proper that I should distinctly and emphatically state, that no design now exists, or ever has existed, on the part of the Government of South Carolina, or any portion of the people, to "appeal to force," unless that measure should be rendered indispensable in repelling unlawful violence.

I beg leave to assure you, and through you, the people of Virginia, and our other sister States, that no acts have been done, or are contemplated by South Carolina, her constituted authorities, or citizens, in reference to the present crisis, but such as are deemed measures of precaution. Her preparations are altogether defensive in their character; and notwithstanding the concentration of large naval and military forces in this harbor, and the adoption of other measures on the part of the General Government, which may be considered as of a character threatening the peace, and endangering the tranquility and safety of the State, we shall continue to exercise the utmost possible forbearance, acting strictly on the defensive, firmly resolved to commit no act of violence, but prepared, as far as our means may extend, to resist aggression. Nothing, you may be assured, would give me, personally, and the people of South Carolina, more satisfaction than that the existing controversy should be happily adjusted, on just and liberal terms; and I beg you to be assured, that nothing can be further from our desire, than to disturb the tranquility of the country, or endanger the existence of the Union.

Accept, Sir, for yourself, the assurance of the high consideration of yours respectfully and truly,

ROBERT Y. HAYNE.

To the Hon. B. W. LEIGH.

[LETTER NO. THREE.]

CHARLESTON, February 6, 1833.

SIR:—I do myself the honor of acknowledging the receipt of your letter of the 5th, enclosing a copy of a communication you have received from BENJAMIN WATKINS LEIGH, Esq., Commissioner from the State of Virginia, covering certain Resolutions passed by the Legislature of that State, which that gentleman has been deputed to convey to the Executive of this State.

In reply to the reference which you have made to me, as President of the Convention of the People of South Carolina, consequent on the application

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on the part of that gentleman, for the meeting of that body, I beg leave to communicate to him, through your Excellency, that, appreciating very highly the kind disposition and the patriotic solicitude which have induced the highly respectable Commonwealth which he represents, to interpose her friendly and mediatorial offices in the unhappy controversy existing between the Federal Government and the State of South Carolina, I should do great injustice to those dispositions on her part, and, I am quite sure, to the feelings of the People of South Carolina, if I did not promptly comply with his wishes in reference to the proposed call.

You are, therefore, authorized to say to Mr. Leigh, that the Convention will be assembled with as much dispatch as may be compatible with the public convenience, and with a due regard to those circumstances which best promise a full consideration and final decision, on the proposition of which he is the bearer.

I have the honor to remain, with distinguished consideration and esteem, your Excellency's obedient servant,

JAMES HAMILTON, Jr.,
President of the Convention of the People of South Carolina.

To His Excellency, ROBERT Y. HAYNE.

Messrs. Geo. Sistrunk, from St. George's, R. Barnwell Smith, from St. Bartholomew's, Robert W. Gill, from Lancaster, Benjamin Gause, from Kingston, and James C. Coggeshall, from Prince George, Winyaw, now appeared for the first time, exhibited their credentials, enrolled their names, and took their seats as members of the Convention.

The Convention then proceeded to the election of a President. Messrs. Butler, Burt and Quash were appointed a committee to count the votes and make known the result. The committee reported his Excellency ROBERT Y. HAYNE, Governor and Commander-in-chief in and over the State, duly elected President of the Convention.

Chancellor Johnston and Col. Thomas Pinckney were appointed a committee to wait on the President elect, inform him of his election, and conduct him to the chair; which having been done, Gov. HAYNE, after a short address, entered upon the duties of his station.

On motion of General HAMILTON, the following resolutions were adopted unanimously, to wit:

Resolved, That a committee of three be appointed to wait on Benjamin Watkins Leigh, Esq., Commissioner of the Commonwealth of Virginia, and invite him to a seat within the bar of this Convention.

Resolved, That this Convention will receive Mr. Leigh, standing and uncovered.

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The committee consisted of Gen. Earle, Col. I'On and Mr. Heyward.

On motion of the Hon. C. J. COLCOCK, it was

Resolved, That a committee of twenty-one be appointed to take into consideration the communication of the Hon. Benjamin W. Leigh, Commissioner from the State of Virginia, and all other matters connected with the subject, and the course which should be pursued by the Convention at the present important crisis of our political affairs.

The following gentlemen were named by the President to constitute the committee, viz :

Hon. C. J. Colcock,

Gen. J. B. Earle,	R. J. Turnbull, Esq.,
Hon. Wm. Harper,	B. Rogers, Esq.,
Hon. J. B. O'Neall,	Hon. R. W. Barnwell,
Col. Wm. C. Pinckney,	Col. J. R. Ervin,
Hon. S. D. Miller,	Col. J. Bond I'On,
Chancellor Job Johnston,	T. D. Singleton, Esq.,
Hon. G. McDuffie,	Col. P. M. Butler,
Hon. R. J. Manning,	Jas. A. Black, Esq.,
Hon. J. K. Griffin,	Col. John Bauskett.

On motion of Judge HARPER, it was ordered that the correspondence between Mr. Leigh and Governor Hayne should be printed, for the use of the Convention; likewise the Acts of the late Congress connected with the controversy between this State and the Federal Government.

On motion of Col. I'ON, the members of Congress and of the State Legislature, who might be present, were invited to a seat within the bar of the Convention.

On motion of Gen. HAMILTON, the Convention now adjourned until to-morrow, at one o'clock, P. M.

ISAAC W. HAYNE, *Clerk of the Convention.*

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TUESDAY, MARCH 12, 1833.

The Convention met according to adjournment at one o'clock, P. M., and the proceedings were opened by a prayer from the Rev. Mr. Ray. The roll having been called, the President suggested that as this formality was an unnecessary consumption of the time of the Convention, and as there was no rule requiring its observance, it would, if no objection were made, be dispensed with for the future.

Messrs. John Lipscomb, of Abbeville, and J. T. Whitefield, of Pendleton, appeared and took their seats.

The President then announced the names of Gen. James Hamilton, Jr. and Samuel B. Wilkins, Esq., as completing the select committee of twenty-one; these names being substituted for those of his Excellency R. Y. Hayne, now President of the Convention, and of the Hon. Henry Middleton, absent, who, with the gentlemen named yesterday, constituted the select committee of the Convention, at its late session.

Judge COLCOCK, on the part of the committee, stated that they were unable to report to-day, and obtained leave to sit again.

On motion of Gen. HAMILTON, the following resolution was adopted, to wit:

Resolved, That a committee of accounts, to consist of three members, be raised, for the purpose of examining and reporting on the accounts of this Convention, and what balance may stand to its credit in the Treasury, and what further sum may be necessary for defraying the expenses of its present session.

Messrs. Simons, Bauskett and Chesnut were appointed the Committee.

Mr. TURNBULL moved that, until otherwise ordered, the Convention should adjourn from day to day to meet at twelve o'clock, meridian, which being agreed to, he moved that the Convention do now adjourn; which being likewise concurred in, the Convention adjourned accordingly.

ISAAC W. HAYNE, *Clerk of the Convention.*

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WEDNESDAY, MARCH 13, 1833.

The Convention met pursuant to adjournment, at Meridian to-day. The proceedings were opened by a prayer from the Rev. Mr. Wofford, and the Journal of yesterday read.

Messrs. A. Bowie and A. Burt, of Abbeville, M. Jacobs, of St. Helena, and Peter Vaught, of All Saints, appeared and took their seats.

The Hon. C. J. COLCOCK, from the Select Committee of twenty-one, reported to the Convention an Ordinance and an accompanying Report, on the subject of the Act of the late Congress of the United States, entitled "An act to modify the act of the 14th July, 1832, and all other acts imposing duties on imports."

On motion of Mr. WILSON, these were ordered to be printed; and, on motion of Judge COLCOCK, made the order of the day for to-morrow.

Mr. WILSON, after a few explanatory remarks, introduced the following resolution, to wit:

Resolved, That a Committee be appointed to wait on our Senators and Representatives lately in Congress, and now in the town of Columbia, requesting them to give us genuine information relative to the late proceedings of the Federal Government, towards South Carolina, in consequence of the Ordinance of Nullification, passed by the people of this State, in Convention, in November last; and that the Committee report what arrangements may be made as to the manner and time of giving the information desired.

On motion of Judge COLCOCK, this resolution was ordered to lie on the table. After a short interval, Mr. WILSON moved to take it up for immediate consideration.

Gen. HAMILTON moved to postpone it until to-morrow. After some slight debate, the vote was taken on the question of postponement, and the motion failed:

Ayes, 66—Noes, 69.

The resolution was then adopted, and Mr. Wilson, Gen. Hamilton and Chancellor Johnston were appointed the Committee.

Mr. WILSON then introduced the following resolutions, to wit:

Whereas, A Convention of the people of the State has been called to place the State of South Carolina upon its Sovereignty, and to consider of, and do such acts as may, in the opinion of this Convention, serve more effectually to perpetuate the same; and, whereas, protection and allegiance

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are reciprocal duties, and a fundamental principle of all Governments; be it therefore,

Resolved, That it is expedient and proper that the Constitution of this State be so altered and amended as to require every elector, who may claim to exercise the elective franchise, in addition to the oath of qualification now prescribed, to take an oath of allegiance to the State of South Carolina; and upon the refusal of any elector to take such oath, the Managers of Elections shall not be permitted to receive his vote.

Resolved, That it is expedient and proper that all officers hereafter to be elected to any office of honor, profit or trust, civil or military, be required to take an oath of paramount allegiance to the State of South Carolina.

These resolutions having been laid before the Convention by the PRESIDENT, Mr. TURNBULL stated that the Committee of twenty-one already had the subjects to which they related under consideration; whereupon

Mr. WILSON moved that they should be referred to that Committee, which was agreed to.

Gen. HAMILTON then moved that the gentleman who offered these resolutions should be added to the Committee, which being agreed to, the Hon. JOHN L. WILSON was added to the Select Committee of twenty-one.

Gen. EARLE then moved to adjourn, but withdrew the motion, in order that an earlier hour than the regular time of meeting might be fixed on for that purpose.

On motion of Col. ELMORE, it was ordered that when the Convention adjourned, it should adjourn to meet at 11 o'clock, A. M., to-morrow.

Gen. EARLE renewed his motion for immediate adjournment, which having been carried, the Convention adjourned accordingly.

ISAAC W. HAYNE, *Clerk of the Convention.*

THURSDAY, MARCH 14, 1833.

The Convention met to-day at 11 o'clock, A. M., pursuant to adjournment.

The proceedings were opened with prayer by the Rev. Mr. Keeney, and the Journal of yesterday read.

Judge COLCOCK, on the part of the Select Committee of twenty-one,

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stated that they were not prepared to make a further report to-day, and obtained leave to sit again.

The following Report was then presented by Mr. WILSON, to wit:

The Committee appointed to wait upon our late Members and Senators in Congress from this State, now in Columbia, requesting them to give such genuine information as they may possess in relation to the acts of the Federal Government, growing out of the late Ordinance of Nullification, by the people of this State, in Convention, in November last, have performed the duty assigned them, and beg leave respectfully to

REPORT:

That the gentlemen lately composing our Delegation in Congress, now in Columbia, deem it unnecessary, as a body, to give any exposition of the Acts of Congress referred to, but that the views of those who are members of this Convention, on the subject, will be submitted to the Convention.

J. L. WILSON, *Chairman.*

The Report was, at the motion of Mr. WILSON, ordered to lie on the table.

The Convention then proceeded to the consideration of the Ordinance, which had been made the order of the day. Judge COLCOCK moved that the Ordinance should be amended, by striking out, in the Preamble, the words, "as amounts, substantially, to an ultimate reduction of the duties to the revenue standard, and that no higher duties shall be laid than may be necessary to defray the economical expenditures of the Government," and inserting the following, to wit: "as will ultimately reduce them to the revenue standard, and provides that no more revenue shall be raised than may be necessary to defray the economical expenses of the Government." This amendment was adopted.

Mr. WILSON moved the following amendments, which were likewise adopted, to wit: that after the word "Ordinance," should be inserted, "adopted by this Convention, on the 24th day of November, 1832"—after the word "passed," to insert "by the General Assembly of this State"—and again, after the word "passed," occurring the second time, the same words, to wit: "by the General Assembly of this State."

After some discussion upon the question of the adoption of the Ordinance thus amended, in which the Hon. Stephen D. Miller, the Hon. R. W. Barnwell, R. Barnwell Smith, Esq., Gen. Hamilton, and Col. F. H. Elmore, took part, Gen. HAMILTON moved to recommit the Report and Ordinance to the Committee of twenty-one. Chancellor JOHNSTON moved that the question should be separately taken on the Report and Ordinance. The

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PRESIDENT stated that, as the Report was not properly before the Convention, the question would be solely on the recommitment of the Ordinance. General HAMILTON then withdrew his motion.

After some further discussion, as to the adoption of the Ordinance, Mr. BOWIE moved that its further consideration should be postponed until to-morrow. The vote by acclamation leaving the President in doubt, a division was called for, and the Ayes were found to be 57—the Noes, 83. The motion was consequently lost. Mr. BUTLER then moved to adjourn, which was also lost. On motion, a recess of two hours was then taken by the Convention.

—

FOUR O'CLOCK, P. M.

The Convention reassembled. Mr. J. WALTER PHILLIPS moved that the preamble to the Ordinance should be stricken out. This elicited a debate, in which Mr. Wilson, Mr. Phillips, General Hamilton and Mr. Whitefield bore a part, when the question being taken, the motion was lost. Judge COLCOCK then moved that the further consideration of the Ordinance should be postponed, and that it should be made the order of the day for to-morrow, which was agreed to.

On motion of Mr. BUTLER, the Report was then taken up, and ordered to be recommitted to the Committee of twenty-one. The Convention then adjourned until 10 o'clock to-morrow.

ISAAC W. HAYNE, *Clerk of the Convention.*

FRIDAY, MARCH 15, 1833.

The Convention met to-day at 10 o'clock, pursuant to adjournment. After a prayer from the Rev. Mr. English, the Journal of yesterday was read. The following resolution was submitted by Mr. WILSON, to wit:

Resolved, That the Librarian receive dollars, for his attendance at the Legislative Library, during the last and present session of the Convention; and the President of the Convention be authorized to draw his warrant for the same.

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On motion of Mr. WILSON, the blank was filled with the word "sixty," and the Resolution adopted.

Judge COLCOCK presented a Resolution, fixing Monday next, as the time for the adjournment of the present session of the Convention, which was, on motion of Mr. SPANN, laid on the table.

Judge COLCOCK presented the Report, which was yesterday recommitted to the Committee of twenty-one. Judge HARPER, on the part of the same Committee, made a further Report, consisting of a Report and Ordinance in relation to the Act of the late Congress, entitled "an act further to provide for the collection of duties on imports."

Gen. HAMILTON, on the part of the same Committee, made a third Report, on the subject of the mediation of Virginia. On motion of Judge COLCOCK, the two last Reports were ordered to be printed, and made the order of the day for to-morrow.

The following resolution was then introduced by Gen. HAMILTON, to wit:

Resolved, That whilst this Convention, as an offering to the peace and harmony of this Union, in a just regard to the interposition of the highly patriotic Commonwealth of Virginia, and with a proper deference to the united vote of the whole Southern States in favor of the recent accommodation of the Tariff, has made the late modification of the Tariff approved by act of Congress of the 2d March, 1833, the basis of the repeal of her Ordinance of the 24th November, 1832—yet this Convention owes it to itself, to the People they represent, and the posterity of that people, to declare that they do not, by reason of said repeal, acquiesce in the principle of the substantive power existing on the part of Congress to protect domestic manufactures; and hence on the final adjustment, in 1842, of the reductions, under the act of 2d March, 1833, or at any previous period, should odious discriminations be instituted for the purpose of continuing in force the protective principle, South Carolina will feel herself free to resist such a violation of what she conceives to be the good faith of the act of the 2d March, 1833, by the interposition of her sovereignty, or in any other mode she may deem proper.

This resolution was also ordered to be printed, and made the special order of the day for to-morrow. R. BARNWELL SMITH, Esq., moved to append to it the following resolution, which was ordered accordingly, to wit:

Resolved, That it is the opinion of this Convention, that the military preparations heretofore begun by the State, should be continued, and that effectual measures should be adopted and completed, for putting the State in a firm attitude of defence.

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The Ordinance, which was made the order of the day, was then taken up for consideration:

On motion of Chancellor JOHNSTON, it was agreed to reconsider the question as to the adoption of the Preamble to the Ordinance. Mr. J. WALTER PHILLIPS moved to strike it out. This was opposed by Mr. TURNBULL, advocated by Mr. PHILLIPS and Judge RICHARDSON, and opposed by Mr. McDUFFIE, in reply.

Mr. TURNBULL then moved to amend the Preamble by substituting the words, "provided for," for the word "made," which was agreed to. The Ayes and Noes were then taken on striking out the Preamble, and were as follows:

In the affirmative—

Messrs. Brockman,	Messrs. Lancaster,
Crooke,	McCord,
Chesnut,	O'Neall,
Cannon,	Phillips, P.
Clinton,	Phillips, J. W.,
Ervin, R.	Perry,
Evans, J. P.	Richardson, J. S.
Gibson,	Sistrunk,
Gause,	Whitten,
Gill,	Wilkins.
James,	

In the negative—

ROBERT Y. HAYNE, *President.*

Messrs. Adams, B.	Messrs. Burt, A.
Adams, J.	Burt, F.
Ayer,	Barton,
Anderson, J.	Bowie,
Anderson, R.	Black,
Arnold,	Belin,
Baker,	Cohen,
Ball,	Cordes,
Bee,	Colcock, T. H.
Boone,	Colcock, C. J.
Barnwell,	Capers,
Bradwell,	Clifton,
Blewett,	Caughman,
Butler,	Counts,
Brown, J. G.	Chambers,
Brown, John G.	Campbell,
Bauskett,	Cureton,

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Messrs. Coggeshall,
Dubose,
Dawson,
Douglas, J.
Douglas, G.
Elmore,
Earle,
Ervin, J. R.
Evans, W.
Felder,
Fuller,
Gourdin, T. L.
Gourdin, P. G.
Goodwyn,
Gaillard,
Griffin,
Glenn,
Gregg,
Hamilton, J., Jr.
Heyward,
Harper,
Harrison,
Hatton,
Harllee,
Huguenin,
I'On,
Jeter,
Johnston,
Jacobs,
Key,
Keith,
King,
Levy,
Lowry,
Lacoste,
Legare,
Lawton,
Long,
Lipscomb,
Logan,
Littlejohn,
Magrath,

Messrs. Maner,
Murray,
Mills,
McCall,
Means,
Mays,
McDuffie,
Moore,
Miller, J. L.
Miller, S. D.
Miller, J. B.
Nowell,
O'Bannon,
Parker,
Porcher,
Palmer,
Pinckney, C. C.
Pinckney, W. C.
Pinckney, T.
Quash,
Rivers,
Rowe,
Rogers,
Ray,
Spann, J. G.
Spann, J.
Simons,
Shand,
Smith, J. M.
Smith, G. H.
Smith, W.
Smith, S.
Smith, R. B.
Stringfellow,
Scott,
Symmes,
Sims,
Shannon,
Singleton,
Stevens,
Turnbull,
Tyler,

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Messrs. Tidyman,
Ulmer,
Vaught,
Vanderhorst,
Wilson,
Walker,
Williams,
Woodward,
Williamson,
Wardlaw,
Whatley,
Whitefield,
Watt,
Waties,
Ware,
Warren,
Young.

Ayes, 21—Noes, 136.

The question was then put as to the adoption of the Ordinance, and the Ayes and Noes being taken, were as follows:

In the affirmative—

ROBERT Y. HAYNE, *President.*

Messrs. Adams, B.
Adams, James
Ayer,
Anderson, J.
Anderson, Robert
Arnold,
Baker,
Ball,
Bee,
Boone,
Barnwell,
Bradwell,
Blewett,
Butler,
Brown, J. G., *Richland.*
Brown, J. G., *Barnwell.*
Bauskett,
Burt, A.
Burt, Francis
Barton,
Brockman,
Bowie,
Black,
Belin,
Cohen,
Cordes,
Colcock, Thomas H.
Colcock, C. J.
Messrs. Capers,
Clifton,
Caughman,
Counts,
Crooke,
Chambers,
Campbell,
Cureton,
Chesnut,
Cannon,
Clinton,
Coggeshall,
Dubose,
Dawson,
Douglas, John
Douglas, George
Elmore,
Earle,
Ervin, James R.
Ervin, R.
Evans, William
Evans, J. P.
Fuller,
Gourdin, T. L.
Gourdin, P. G.
Gaillard,
Griffin,
Glenn,

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Messrs. Gibson,
Gregg,
Gause,
Gill,
Hamilton, J. Jr.,
Heyward,
Harper,
Harrison,
Hatton,
Harllee,
Huguenin,
I'On,
Jeter,
Johnson,
James,
Jacobs,
Keith,
Key,
King,
Levy,
Lowry,
Lacoste,
Legare,
Lawton,
Long,
Lipscomb,
Logan,
Littlejohn,
Lancaster,
Magrath,
Maner,
Murray,
Mills,
McCall,
Means,
Mays,
McDuffie,
Moore,
Miller, John L.
Miller, Stephen D.
Miller, John B.
Nowell,

Messrs. O'Neall,
O'Bannon,
Phillips, P.
Parker,
Porcher,
Palmer,
Perry,
Pinckney, C. C.
Pinckney, Wm. C.
Pinckney, Thomas
Quash,
Richardson, J. S.
Rivers,
Rowe,
Rogers,
Ray,
Spann, James G.
Spann, James
Simons,
Shand,
Smith, S.
Smith, James M.
Smith, G. H.
Smith, William
Smith, R. B.
Stringfellow,
Scott,
Symmes,
Sims,
Shannon,
Singleton,
Stevens,
Sistrunk,
Turnbull,
Tyler,
Tidyman,
Ulmer,
Vaught,
Vanderhorst,
Wilson,
Walker,
Williams,

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Messrs.	Woodward,	Messrs.	Watt,
	Williamson,		Waties,
	Wardlaw,		Wilkins,
	Whatley,		Ware,
	Whitefield,		Warren,
	Whitten,		Young.

In the negative—

Messrs.	Felder,	Messrs.	McCord,
	Goodwyn,		Phillips, J. W.

Ayes, 153—Noes, 4.

Absent—11.

Messrs. Whitten, Perry, Lipscomb, and J. R. Ervin obtained leave to be absent from the Convention during the remainder of the session.

A motion was now made to adjourn, but having been lost, the report accompanying the Ordinance just adopted, was taken up for consideration. The report was read by the PRESIDENT, and the question put as to agreeing to the amendment reported by the Committee, recommending to strike out the words "and triumph," from the phrase "cause for congratulation and triumph," which passed in the affirmative.

A verbal amendment was moved by Col. BAUSKETT, and agreed to.

Mr. R. BARNWELL SMITH moved to lay the report on the table, but withdrew the motion to give an opportunity for discussion. In this, the Hon. S. D. Miller, Judge Colcock, Mr. Smith, and Gen. Hamilton took part. The question was then put on the motion to lay the report on the table, and the motion lost. The vote being taken on the adoption of the report, it was adopted by the Convention.

It was then moved by Gen. HAMILTON, to take up for consideration the resolution fixing the time of adjournment. This elicited some debate, when Mr. MILLER moved to adjourn until to-morrow, at ten o'clock, which having been agreed to, the Convention adjourned accordingly.

ISAAC W. HAYNE, *Clerk of the Convention.*

SATURDAY, MARCH 16, 1833.

The Convention met at ten o'clock, A. M., pursuant to adjournment.

The proceedings were opened with a prayer by the Rev. Mr. Jackson, and the Journal of yesterday read.

The following report was presented by the Hon. J. L. WILSON, to wit:

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The Engrossing Committee, to which was referred the Ordinance passed yesterday, in Convention, for rescinding the Ordinance of Nullification, adopted on the 24th of November last, beg leave to report the same as engrossed, and suggest the propriety of the same order of signature as was observed in the Ordinance of Nullification.

JOHN L. WILSON, *Chairman.*

On motion of Mr. MILLER, it was ordered that the ratification should be according to the usual parliamentary form, viz: By the signatures, merely, of the President and Clerk. The Ordinance as engrossed, after having been read by the Chair, was so ratified in the presence of the Convention.

A recess was then taken until 12 o'clock, M.

The Ordinance as ratified, and the accompanying report, as adopted by the Convention, are as follows, to wit:

REPORT.

The Committee, to whom was referred the communication of the Hon B. W. Leigh, Commissioner from the State of Virginia, and all other matters connected with the subject, and the course which should be pursued by the Convention at the present important crisis of our political affairs, beg leave to

REPORT:

(IN PART)

That they have had under consideration, the act passed at the late session of Congress, to modify the "act of the 14th July, 1832, and all other acts imposing duties upon imports;" and have duly deliberated on the course which it becomes the people of South Carolina to pursue at this interesting crisis in her political affairs. It is now upwards of ten years since the people and constituted authorities of this State took ground against the *Protecting System*, as "unconstitutional, oppressive and unjust," and solemnly declared, in language which was then cordially responded to by the other Southern States, that it never could be submitted to "as the settled policy of the country."

After remonstrating for years against this system in vain, and making every possible effort to produce a redress of the grievance, by invoking the protection of the Constitution, and by appealing to the justice of our brethren, we saw, during the session of Congress which ended in July last, a modification effected avowedly as the final adjustment of the Tariff, to take effect after the complete extinguishment of the Public Debt, by which the

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Protecting System could only be considered as rivetted upon the country forever. Believing that under these circumstances, there was no hope of any further reduction of the duties, from the ordinary action of the Federal Government, and convinced, that under the operation of this system, the labor and capital of the plantation States must be forever tributary to the manufacturing States, and that we should in effect, be reduced to a condition of colonial vassalage, South Carolina felt herself constrained, by a just regard for her own rights and interests, by her love of liberty and her devotion to the Constitution, to interpose in her sovereign capacity, for the purpose of arresting the progress of the evil, and maintaining, within her own limits, the authorities, rights and liberties, appertaining to her as a sovereign State. *Ardently attached* to the *union of the States*, the people of South Carolina were still more devoted *to the rights of the States*, without which the Union itself would cease to be a blessing; and well convinced that the regulation of the whole labor and capital of this vast Confederacy by a great central Government, must lead inevitably to the total destruction of our free institutions, they did not hesitate to throw themselves fearlessly into the breach, to arrest the torrent of usurpation which was sweeping before it all that was truly valuable in our political system.

The effect of this interposition, if it has not equalled our wishes, has been beyond what existing circumstances would have authorized us to expect. The spectacle of a single State, unaided and alone, standing up for her rights—influenced by no other motive than a sincere desire to maintain the public liberty, and bring about a salutary reform in the administration of the Government, has roused the attention of the whole country, and has caused many to pause and reflect, who have heretofore seemed madly bent on the consummation of a scheme of policy absolutely fatal to the liberty of the people, and the prosperity of a large portion of the Union. Though reviled and slandered by those whose pecuniary or political interests stood in the way of a satisfactory adjustment of the controversy—deserted by many to whom she had a right to look for succour and support, and threatened with violence from abroad, and convulsions within, South Carolina, *conscious of the rectitude of her intentions, and the justice of her cause*, has stood unmoved; firmly resolved to maintain her liberties, or perish in the conflict. The result has been a beneficial modification of the Tariff of 1832, even before the time appointed for that act to go into effect, and within a few months after its enactment; accompanied by a provision *for a gradual reduction of the Duties to the Revenue Standard.* Though the reduction provided for by the Bill, which has just passed, is, neither in its amount, nor the time when it is to go into effect, such as the South had a right to require, yet such an approach has been made towards the true principles on which the duties on imports ought to be adjusted un-

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der our system, that the people of South Carolina are willing so far to yield to the measure, as to agree that their Ordinance shall henceforth be considered as having no force or effect.

Unequal and oppressive as the system of raising revenue by duties upon imports, must be upon the Agricultural States, which furnish more than two thirds of the domestic exports of the United States, yet South Carolina always has been, and still is willing to make large sacrifices to the peace and harmony of the Union. Though she believes that the Protecting System is founded in the assumption of powers not granted by the Constitution of the Federal Government, yet she has never insisted on such an immediate reduction of the duties as should involve the manufacturers in ruin. That a reduction to the lowest amount necessary to supply the wants of the Government, might be safely effected in four or five years, cannot, in our estimation, admit of a reasonable doubt; still, in a great struggle for *principles*, South Carolina would disdain to cavil about a small amount of duties, and a few years more or less in effecting the adjustment, provided only she can secure substantial justice, and obtain a distinct recognition of the principles for which she has so long contended.

Among the provisions of the new Bill, which recommend it to our acceptance, are the establishment of a system of *ad valorem duties*, and the entire abandonment of the specific duties and the *minimums*; tyrannical porvisions, by which duties rated nominally at 25 per cent., were, in many cases, raised to upwards of 100 per cent.; and by which the coarse and cheap articles, used by the poor, were taxed much higher than the expensive articles used by the rich; a regulation against which we have constantly protested in the most earnest terms, as unjust and odious. The reduction before the expiration of the present year of one tenth part of the excess of the duties over 20 per cent., on all articles "exceeding 20 per cent. on the value thereof," (embracing the entire mass of the protected articles) and a gradual reduction thereafter, on such articles, down to 20 per cent., (the duties upon which, under the Tariff of 1832, range from 30 to upwards of 100 per cent., and average upwards of 50 per cent.) are great and manifest ameliorations of the system, to the benefits of which we cannot be insensible. But great as must be the advantage of these reductions, they are small in comparison with the distinct recognition in the new Bill of two great principles which we deem of inestimable value—*that the duties shall be eventually brought down to the Revenue Standard*, even if it should be found necessary to reduce the duties on the protected articles below 20 per cent., and that no more money shall be raised than shall be necessary to an economical administration of the Government.

These provisions embody great principles in reference to this subject, for which South Carolina has long and earnestly contended; and if the pledge

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therein contained shall be fulfilled in good faith, they must in their operation, arrest the abuses which have grown out of the unauthorized appropriations of the public money. We should consider the reduction of the revenue to the amount "necessary to the economical administration of the government," as one of the happiest reforms which could possibly take place in the practical operation of our system; as it would arrest the progress of corruption; limit the exercise of Executive patronage and power; restore the independence of the States; and put an end to all these questions of disputed power, against which we have constantly protested.

It is this aspect of the question which has reconciled us to the provisions of the new Bill, (certainly not free from objections) which provide for the introduction of linens, silks, worsted, and a number of other articles *free of duty*. The reduction of revenue which will thereby be effected, and the beneficial influence of a free trade in several of these articles, which are almost exclusively purchased by the agricultural staples of the Southern States, and which will furnish an advantageous exchange for these productions, to the amount of several millions of dollars annually, are considerations not to be overlooked. Nor can we be insensible to the benefit to be derived from the *united efforts of the whole South*, aided by other States having interests identified with our own, *in bringing about the late adjustment of the Tariff;* promising, we trust, for the future, that union of sentiment, and concert in action, which are necessary to secure the rights and interests of the Southern States.

On the whole, in whatever aspect the question is contemplated, your Committee find, in the late modification of the Tariff, cause for congratulation. If we have not yet succeeded in the complete establishment of the great principles of free trade and constitutional liberty, such progress has been made towards the accomplishment of the former, as must serve to rekindle our hopes, and to excite us to fresh exertions in the glorious work of reform in which we are engaged.

Influenced by these views, the Committee is satisfied that it would not comport with the liberal feelings of the people of South Carolina, nor be consistent with the sincere desire by which they have always been animated, not only to live in harmony with their brethren, but to preserve the Union of the States, could they hesitate under existing circumstances in recommending that the Ordinance of Nullification, and the acts of the Legislature consequent thereon, be henceforth held and deemed of no force and effect. And they recommend the following Ordinance:

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AN ORDINANCE.

Whereas, the Congress of the United States, by an Act recently passed, has provided for such a reduction and modification of the duties upon foreign imports, as will ultimately reduce them to the Revenue Standard—and provides that no more revenue shall be raised than may be necessary to defray the economical expenses of the Government;

It is, therefore, Ordained and Declared, That the Ordinance adopted by this Convention on the 24th day of November last, entitled "An Ordinance to Nullify certain acts of the Congress of the United States, purporting to be laws, laying duties on the importation of foreign commodities," and all acts passed by the General Assembly of this State, in pursuance thereof, be henceforth deemed and held to have no force or effect: *Provided*, That the act entitled "An act further to alter and amend the Militia laws of this State," passed by the General Assembly of this State on the 20th day of December, 1832, shall remain in force, until it shall be repealed or modified by the Legislature.

Done at Columbia, the fifteenth day of March, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-seventh year of the Sovereignty and Independence of the United States of America.

ROBERT Y. HAYNE, *President of the Convention, Delegate from the Parishes of St. Philip and St. Michael.*

ISAAC W. HAYNE, *Clerk.*

TWELVE O'CLOCK, M.

The Convention reassembled. Mr. S. L. SIMONS, from the Committee on Accounts, presented the following report, to wit:

The Committee on Accounts, to whom was referred a resolution, instructing them to examine and report on the accounts of this Convention, and what balance may stand to its credit in the Treasury, and what further sum may be necessary for defraying the expenses of its present session, beg leave to

REPORT:

That they have carefully examined all the accounts which were contracted under the orders of the Convention, together with the pay roll of its members and officers, and find them correct in every particular. Of the sum of ten thousand dollars appropriated by the Legislature for the use of the Convention, eight thousand three hundred and eighty-five dollars, 53-100

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have been disbursed; and a balance of one thousand six hundred and fourteen dollars, 47-100, remains to its credit in the Treasury. Taking the expenditures of the former as a guide for the wants of the present session, your Committee would respectfully recommend the adoption of the following resolution:

Resolved, That the President of this Convention be authorized to issue his warrants on the Treasury, to the amount of ten thousand dollars, for the purpose of defraying the expenses of its present session, if so much be necessary.

S. L. SIMONS, *Chairman*.

This resolution was adopted by the Convention.

On motion of Mr. SPANN, a resolution was passed inviting to a seat within the bar of the Convention, the Hon. Dixon H. Lewis, a Representative in Congress from the State of Alabama, now in Columbia.

The report and ordinance on the Force Bill, which had been made the order of the day, were then taken up.

The Ordinance was announced by the President to be first in order.

The Hon. R. W. BARNWELL moved to strike out so much of the Ordinance as relates to the requisition of an oath of allegiance. The following motions to amend having precedence, were first put and adopted, to wit: That the words "or appointed," should be added after the word "elected;" the word "such" be inserted after the word "any," in the first line of the last paragraph, and the words "heretofore elected, or hereafter to be elected" be stricken out.

Mr. BARNWELL'S motion being now again before the Convention, on motion, it was ordered, that when the question should be taken, it should be by ayes and noes.

A discussion arose, in which Judge O'NEALL, Judge HARPER, Mr. TURNBULL, and Mr. P. PHILLIPS took part.

Mr. WILSON proposed to amend the Ordinance by striking out after the words "we further ordain," and inserting the following, to wit:

That no person who shall be hereafter elected or appointed, or who has heretofore been elected, but who has not yet taken the oaths of office required at the time of his election or appointment, to any office, civil or military, within this State, (members of the Legislature excepted) shall enter on the execution of such office, or be in any respect competent to discharge the duties thereof, until he shall have taken, in addition to the oaths of office now required, at the same time and in the same manner, that such oaths are required to be taken, the following oath of allegiance:

I declare myself a citizen of the Free and Sovereign State of South Carolina; I declare that my allegiance is due to the said State, and hereby re-

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nounce and abjure all other allegiance, incompatible therewith; and I will be true and faithful to the said State, so long as I continue a citizen thereof: So help me God.

And it is further Ordained, That if any officer heretofore elected, shall refuse or neglect to take the aforesaid oath within the time that other oaths of office are required by law to be taken, such office shall be considered as vacant, and the Governor of the State shall proceed (except in the instance of Judges of the State) to fill such vacancy by appointing an officer, to serve until another officer shall be elected and qualified.

This amendment was ordered to be printed.

The Convention then took a recess of two hours.

—

SIX O'CLOCK, P. M.

The Convention reassembled. Mr. BARNWELL moved to lay the Ordinance upon the table, and to take up the report and resolutions relating to the Virginia Mediation, which was agreed to.

Mr. PERRY moved that the question should be taken separately on the report and resolutions, which was likewise agreed to.

The resolutions being first in order, were considered and unanimously adopted, and were ordered to be so entered on the Journals.

The report was then taken up and adopted by the Convention.

The Report and Resolutions, as adopted, are as follows:

REPORT

ON THE MEDIATION OF VIRGINIA.

The Committee to whom were referred the Resolutions of the General Assembly of Virginia, and the communication of Mr. LEIGH to the Governor of the State of South Carolina, beg leave to

REPORT:

That, although circumstances have supervened since the institution of this Commission on the part of the highly respected Commonwealth from which it proceeds, which have enabled this Convention to accomplish the object which her Assembly so anxiously and patriotically had in view, we are nevertheless sensible of the friendly dispositions and sympathy which induced the interposition of her good offices, at a moment when South Carolina, denounced by the Executive of the Federal Government, and threatened with the extremity of its vengeance, stood absolutely alone in the contest

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she was waging for the rights of the States and the Constitutional liberties of the Country.

To this interference and these friendly dispositions, South Carolina desires to respond as a sister, sovereign, and independent Commonwealth, in a tone of candor, confidence and affection. Appreciating thus sensibly, both the motives and objects which influenced the General Assembly of Virginia to dispatch at a moment so interesting, her Commissioner to this State, whose mission, even if the recent modification of the Tariff had not been adopted, would have challenged her high respect and profound consideration, she cannot permit the occasion thus offered, to pass, without making a few declarations which she regards as due to herself and the public liberty of the Country.

In the first place, South Carolina desires to stand acquitted, and believes, on a calm and dispassionate reflection by her co-States, she must stand acquitted, of the charge of having acted with any undue precipitation in the controversy hitherto pending with the General Government. For ten years she petitioned, protested and remonstrated against that system of unjust and unconstitutional legislation, which had equally received the reprobation of Virginia, before she resorted to her veto, to forbid its enforcement within her limits. In exercising this faculty of her sovereignty, she believed she rested on those doctrines which, in 1798 and 1799, had conferred on Virginia and her distinguished statesmen a renown so unfading. She now refers to this subject in no invidious spirit of controversy; but when Virginia asserted, in those memorable Resolutions of her General Assembly, "that she viewed the powers of the Federal Government as resulting from the compact to which the States are parties; as limited by the plain, sense and intention of the instrument constituting that compact; and that, in case of a deliberate, palpable and dangerous exercise of other powers, not granted by the said compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights and liberties appertaining to them"—we conceived she had done nothing more or less, than announce the remedy which South Carolina has resorted to, through her State interposition. It is moreover asserted, in the Report explanatory of those Resolutions, that this right is a Constitutional, and not a Revolutionary right; and by the whole context of the powerful argument embraced in that Report, the right itself stands forth as separate and independent of the ordinary remedies of procuring a redress for the ordinary abuses of the Federal Government.

When, therefore, the General Assembly of Virginia, in the recent Resolutions, borne by her Commissioner, which your Committee are now considering, declares "that she does not regard the Resolutions of 1798 and '99,

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as sanctioning the proceedings of South Carolina, as indicated in the Ordinance of her Convention," with all proper deference, South Carolina must, nevertheless, adhere, with an honest and abiding confidence, to her own construction.

It is within the providence of God that great truths should be independent of the human agents that promulgate them. Once announced, they become the subjects and property of reason, to all men and in all time to come. Nor will South Carolina feel less confidence in the conservative character of her remedy, which she believes to be in perfect harmony with a true exposition of the doctrines of the Resolutions of 1798, by the recent testimony afforded of its efficacy, in a pacific accommodation of the late controversy with the Federal Government, although that Government has attempted to destroy the authority and efficiency of this remedy, by the contemporary passage of an Act, perpetrating a worse and more aggravated outrage on the Constitution, which has again demanded the interposition of this Convention.

With this brief justification of the principles of South Carolina, your Committee take leave of the subject; assuring the ancient and distinguished Commonwealth, whose mission has been borne by her Commissioner with an ability, temper and affection, entirely corresponding with her own dispositions, that in the struggles for liberty and right which we apprehend from the antagonist principles, now fearfully at work between those who support a limited and economical system of Government, and those who favor a consolidated and extravagant one, which the States in a minority are destined to wage, she will find in South Carolina, a faithful and devoted ally, in accomplishing the great work of Freedom and Union. If she cannot say, with Virginia, that consolidation and disunion are equivalent evils, because she believes, with their own Jefferson, that consolidation is the greatest of all political curses to which our Federative form of Government can have any possible tendency; she, nevertheless, affirms, and challenges the production of any event in her history to disprove the declaration, that she is devoted to the union of these States, on the very terms and conditions of that compact out of which the Union had its origin; and for these principles she is prepared to peril, at all times and under all circumstances, the lives and fortunes of her people.

Your Committee conclude by recommending the adoption of the following Resolutions:

Resolved, unanimously, That the President of this Convention do communicate to the Governor of Virginia, with a copy of this Report and these Resolutions, our distinguished sense of the patriotic and friendly motives which actuated her General Assembly, in tendering her mediation in the late controversy between the General Government and the State of South

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Carolina; with the assurance that her friendly councils will at all times command our respectful consideration.

Resolved, unanimously, That the President of this Convention likewise convey to the Governor of Virginia, our high appreciation of the able and conciliatory manner in which Mr. LEIGH has conducted his mission, during which he has afforded the most gratifying satisfaction to all parties, in sustaining, towards us, the kind and fraternal relations of his own State.

On motion of Mr. BARNWELL, the Convention then adjourned until Monday, at 10 o'clock.

ISAAC W. HAYNE, *Clerk of the Convention.*

MONDAY, MARCH 18, 1833.

The Convention met, pursuant to adjournment, at 10 o'clock, A. M. The proceedings were opened by a prayer from the Rev. Mr. Tradewell, and the Journal of yesterday read. The amendments of Mr. WILSON, as to that part of the Ordinance relating to the oath of allegiance, were then taken up for consideration, and supported in a speech, by the mover. After which, on motion of Mr. BARNWELL, a recess was taken until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

The Convention reassembled, and Mr. WILSON'S amendments were again taken up. On his motion the Ayes and Noes were taken, and found to be as follows:

In the affirmative—

Messrs.	Anderson, R.	Messrs.	Felder,
	Arnold,		Gourdin, P. G.
	Boone,		Goodwyn,
	Bradwell,		Gaillard,
	Brown, J. G.		Hatton,
	Burt, Francis		King,
	Barton,		Long,
	Black,		Lancaster,
	Cordes,		McCord,

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Messrs. Pinckney, Wm. C.
Rowe,
Spann, J. G.
Spann, James
Smith, Wm.
Scott,
Singleton,
Ulmer,
Wilson,
Walker,
Williams,
Whitefield.

In the negative—

ROBERT Y. HAYNE, *President.*

Messrs. Adams, B.
Adams, James
Ayer,
Anderson, James
Baker,
Ball,
Boe,
Barnwell,
Blewett,
Butler,
Brown, J. G., *Barnwell.*
Bauskett,
Burt, A.
Brockman,
Bowie,
Belin,
Cohen,
Colcock, T. H.
Colcock, C. J.
Capers,
Clifton,
Caughman,
Counts,
Crooke,
Chambers,
Campbell,
Cureton,
Chesnut,
Cannon,
Clinton,
Coggeshall,
Dubose,
Dawson,
Douglas, John
Douglas, George
Elmore,
Earle,
Ervin, R.
Evans, Wm.
Evans, J. P.
Fuller,
Gourdin, T. L.
Griffin,
Glenn,
Gibson,
Gregg,
Gause,
Gill,
Hamilton, J., Jr.
Heyward,
Harrison,
Harllee,
Huguenin,
I'On,
Jeter,
Johnston,
James,
Jacobs,
Keith,
Key,
Levy,
Lowry,
Lacoste,
Lawton,
Logan,
Littlejohn,
Magrath,
Maner,

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Messrs. Murray,	Messrs. Shand,
Mills,	Smith, J. M.
McCall,	Smith, G. H.
Means,	Smith, Stephen
Mays,	Smith, R. B.
M'Duffie,	Stringfellow,
Moore,	Symmes,
Miller, J. L.	Sims,
Miller, S. D.	Shannon,
Miller, J. B.	Stevens,
Nowell,	Sistrunk,
O'Neall,	Turnbull,
O'Bannon,	Tyler,
Phillips, P.	Tidyman,
Phillips, J. W.	Vaught,
Parker,	Woodward,
Porcher,	Williamson,
Palmer,	Wardlaw,
Perry,	Whatley,
Pinckney, Thomas	Watt,
Pinckney, C. C.	Waties,
Rivers,	Wilkins,
Rogers,	Ware,
Ray,	Warren,
Simons,	Young.

Ayes, 30—Noes, 118.

Chancellor JOHNSTON then moved to strike out that part of the Ordinance, as reported, relating to the requisition of an oath of allegiance, and to insert the following, to wit:

"*We do further Ordain and Declare*, That the allegiance of the citizens of this State, while they continue such, is due to the said State; and that obedience only, and not allegiance, is due by them to any other power or authority, to whom a control over them has been, or may be delegated by the State: and the General Assembly of the said State is hereby empowered, from time to time, when they may deem it proper, to provide for the administration to the citizens and officers of the State, or such of the said officers as they may think fit, of suitable oaths or affirmations, binding them to the observance of such allegiance, and abjuring all other allegiance; and, also, to define what shall amount to a violation of their allegiance, and to provide the proper punishment for such violation."

Judge COLCOCK proposed the following amendment to that amendment:

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"*Resolved*, That it is expedient to refer the subject of an oath of allegiance to the Legislature, with a recommendation that a Bill be introduced to make it a Constitutional provision, in the mode pointed out by that instrument; which would afford the people an opportunity of expressing their opinions on the subject."

The vote having been taken on this, it was rejected.

The question then recurring on Chancellor Johnston's amendment, the Ayes and Noes were called for, and found to be as follows, to wit:

In the affirmative—

ROBERT Y. HAYNE, *President*.

Messrs. Adams, B.	Messrs. Griffin,
Ayer,	Glenn,
Anderson, J.	Hamilton, J., Jr.
Baker,	Heyward,
Ball,	Harrison,
Bee,	Hatton,
Boone,	Harllee,
Barnwell,	Huguenin,
Blewett,	I'On,
Brown, John G.	Jeter,
Bauskett,	Johnston,
Burt, A.	Jacobs,
Bowie,	Keith,
Belin,	Legare,
Cohen,	Lawton,
Cordes,	Long,
Colcock, T. H.	Logan,
Colcock, C. J.	Littlejohn,
Capers,	Magrath,
Caughman,	Maner,
Counts,	Murray,
Chambers,	Mills,
Campbell,	McCall,
Coggeshall,	Means,
Dubose,	Mays,
Dawson,	McDuffie,
Douglas, J.	Moore,
Douglas, G.	Miller, J. L.
Elmore,	Nowell,
Earle,	O'Bannon,
Fuller,	Parker,

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Messrs. Porcher,
Palmer,
Pinckney, C. C.
Pinckney, T.
Quash,
Rivers,
Rogers,
Ray,
Spann, J. G.
Simons,
Shand,
Smith, J. M.
Smith, G. H.
Smith, W.

In the negative—

Messrs. Adams, J.
Anderson, R.
Arnold,
Bradwell,
Butler,
Brown, J. G.
Burt, F.
Barton,
Brockman,
Black,
Clifton,
Crooke,
Cureton,
Chesnut,
Cannon,
Clinton,
Ervin, R.
Evans, W.
Evans, J. P.
Felder,
Gourdin, T. L.
Gourdin, P. G.
Goodwyn,
Gailliard,
Gibson,
Gregg,
Gause,

Messrs. Smith, R. B.
Stringfellow,
Sims,
Stevens,
Turnbull,
Tyler,
Ulmer,
Vaught,
Vanderhorst,
Williams,
Wardlaw,
Whatley,
Watt,
Young.

Messrs. Gill,
James,
Key,
King,
Levy,
Lowry,
Lacoste,
Lancaster,
Miller, S. D.
Miller, John B.
McCord,
O'Neall,
Phillips, P.
Phillips, J. W.
Perry,
Pinckney, W. C.
Rowe,
Spann, J.
Smith, W.
Scott,
Symmes,
Shannon,
Singleton,
Sistrunk,
Tidyman,
Wilson,
Walker,

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Messrs. Woodward,
Williamson,
Whitfield,
Waties,

Messrs. Wilkins.
Ware,
Warren.

Ayes, 90—Noes, 60.

The amendment was consequently adopted.

The Hon. S. D. MILLER moved to strike out all that part of the Ordinance, after the words "the enforcement thereof," including Chancellor Johnston's amendment. The Ayes and Noes were again called for, and were as follows, to wit:

In the affirmative—

Messrs. Adams, J.
Anderson, R.
Arnold,
Baker,
Bee,
Boone,
Bradwell,
Blewett,
Brown, John G.
Burt, F.
Barton,
Brockman,
Colcock, T. H.
Colcock, C. J.
Clifton,
Counts,
Crooke,
Cureton,
Chesnut,
Cannon,
Clinton,
Douglas, J.
Earle,
Ervin, R.
Evans, J. P.
Felder,
Fuller,
Gourdin, T. L.
Gourdin, P. G.
Gaillard,
Griffin,

Messrs. Gibson,
Gause,
Gill,
Harrison,
Jeter,
Johnston,
James,
Keith,
Levy,
Lowry,
Lacoste,
Lawton,
Littlejohn,
Lancaster,
Means,
Miller, J. L.
Miller, S. D.
Miller, J. B.
Nowell,
O'Neall,
Phillips, P.
Palmer,
Perry,
Rowe,
Ray,
Spann, J. G.
Spann, J.
Smith, W.
Stringfellow,
Shannon,
Singleton,

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Messrs. Sistrunk,
Tyler,
Tidyman,
Ulmer,
Wilson,
Walker,

Messrs. Wardlaw,
Whatley,
Wilkins,
Ware,
Warren.

In the negative—

ROBERT Y. HAYNE, *President.*

Messrs. Adams, B.
Ayer,
Anderson, J.
Ball,
Barnwell,
Butler,
Brown, J. G.
Bauskett,
Burt, A.
Bowie,
Black,
Belin,
Cohen,
Cordes,
Capers,
Caughman,
Chambers,
Campbell,
Coggeshall,
Dubose,
Dawson,
Douglas, G.
Elmore,
Evans, W.
Goodwyn,
Glenn,
Gregg,
Hamilton, J., Jr.
Heyward,
Hatton,
Harllee,
Huguenin,
I'On,
Jacobs,

Messrs. Key,
King,
Legare,
Long,
Logan,
Magrath,
Maner,
Murray,
Mills,
McCall,
Mays,
McDuffie,
Moore,
McCord,
O'Bannon,
Phillips, J. W.
Parker,
Porcher,
Pinckney, C. C.
Pinckney, W. C.
Pinckney, T.
Quash,
Rivers,
Rogers,
Simons,
Shand,
Smith, J. M.
Smith, G. H.
Smith, S.
Smith, R. B.
Scott,
Symmes,
Sims,
Stevens,

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Messrs.	Turnbull,	Messrs.	Williamson,
	Vaught,		Whitefield,
	Vanderhorst,		Watt,
	Williams,		Waties,
	Woodward,		Young.

Ayes, 73—Noes, 79.

The Ayes and Noes were now called for, upon the question of the adoption of the Ordinance as amended, and being taken, were found to be as follows, to wit:

In the affirmative—

ROBERT Y. HAYNE, *President.*

Messrs.	Adams, B.	Messrs.	Chambers,
	Adams, James		Campbell,
	Ayer,		Coggeshall,
	Anderson, J.		Dubose,
	Anderson, Robert		Dawson,
	Arnold,		Douglas, John
	Baker,		Douglas, George
	Ball,		Elmore,
	Bee,		Earle,
	Boone,		Evans, William
	Barnwell,		Fuller,
	Bradwell,		Felder,
	Blewett,		Gourdin, T. L.
	Butler,		Gourdin, P. G.
	Brown, J. G., *Richland.*		Goodwyn,
	Brown, J. G., *Barnwell.*		Gaillard,
	Bauskett,		Griffin,
	Burt, A.		Glenn,
	Burt, Francis		Gregg,
	Barton,		Hamilton, J. Jr.,
	Bowie,		Heyward,
	Black,		Harrison,
	Belin,		Hatton,
	Cohen,		Harllee,
	Cordes,		Huguenin,
	Colcock, Thomas H.		I'On,
	Colcock, C. J.		Jeter,
	Capers,		Johnson,
	Clifton,		James,
	Caughman,		Jacobs,
	Counts,		Keith,

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Messrs. Key,
King,
Lacoste,
Legare,
Lawton,
Long,
Logan,
Littlejohn,
Lancaster,
Magrath,
Maner,
Murray,
Mills,
McCall,
Means,
Mays,
McDuffie,
Moore,
Miller, John L.
Miller, Stephen D.
Miller, John B.
McCord,
Nowell,
O'Bannon,
Phillips, J. W.
Parker,
Porcher,
Palmer,
Pinckney, C. C.
Pinckney, Wm. C.
Pinckney, Thomas
Quash,
Rivers,
Rowe,
Rogers,

Messrs. Ray,
Spann, James G.
Spann, James
Simons,
Shand,
Smith, James M.
Smith, G. H.
Smith, William
Smith, S.
Smith, R. B.
Stringfellow,
Scott,
Symmes,
Sims,
Singleton,
Stevens,
Turnbull,
Tyler,
Tidyman,
Ulmer,
Vaught,
Vanderhorst,
Walker,
Williams,
Woodward,
Williamson,
Wardlaw,
Whatley,
Whitefield,
Watt,
Waties,
Ware,
Warren,
Young.

In the negative—

Messrs. Brockman,
Crooke,
Cureton,
Chesnut,
Cannon,
Clinton,

Messrs. Ervin, R.
Evans, J. P.
Gause,
Gill,
Levy,
Lowry,

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Messrs. O'Neall, Phillips, P. Perry, Shannon, Messrs. Sistrunk, Wilson, Wilkins.

Ayes, 132—Noes, 19.

The following letter from Judge RICHARDSON was then read, to wit:

March 18, 1833.

GENTLEMEN: According to my individual understanding of the end and object of the high trust confided to me, by the people, who made me a Delegate to the State Convention of South Carolina, they have been virtually fulfilled, by the present adjustment of the Tariff, our proceedings thereupon, and the answer to the Virginia Commission. I beg leave, therefore, with deep regard for the confidence which has been reposed, to resign my seat.

With the highest consideration and respect, your obedient servant,

J. S. RICHARDSON.

To the President and Members of the General Convention of the State of South Carolina.

This letter was ordered to lie on the table.

The Report accompanying the Ordinance just adopted, was read, and on motion of Mr. EDWIN J. SCOTT, amended, by striking out, from the sentence preceding the last, the words after the word "State." The Report as amended was then adopted by the Convention.

It was moved to take up the Resolutions introduced on Thursday last by Gen. Hamilton and R. Barnwell Smith, Esq., but the vote being taken, it was agreed not to consider them.

The Hon. J L. WILSON, from the Engrossing Committee, reported the Ordinance Nullifying the Force Bill, as engrossed. It was then ratified, in the presence of the Convention, by the signatures of the President and Clerk.

The Report and Ordinance, as adopted by the Convention, are as follows, to wit:

REPORT.

The Committee, to whom was referred the Act of the Congress of the United States, entitled "An Act further to provide for the collection of duties on imports," beg leave to

REPORT:

That they have, so far as time would allow, considered the Act with such attention as the importance of the matters contained in it would seem to

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require. At the present moment, when a question, which has long divided and perplexed the country, has been adjusted, on terms calculated to quiet agitation and restore harmony, it would have been matter of peculiar gratification, to be able to indulge without restraint, the feelings which such adjustment was calculated to excite. But your Committee regret to say, that at the moment of returning peace, the most serious and alarming cause of dissatisfaction has been afforded by the Act under consideration. Your Committee do most solemnly believe that the principles sought to be established by the Act, are calculated, when carried into practice, to destroy our Constitutional frame of Government, to subvert the public liberty, and to bring about the utter ruin and debasement of the Southern States of this Confederacy.

The general purpose of the whole act, though not expressed in the terms of it, is perfectly well known to have been to counteract and render inefficacious an act of this State, adopted in her sovereign capacity, for the protection of her reserved rights. Believing, as we most fully do, that the power attempted to be exercised by the State, is among the reserved powers of the States, and that it may be exercised consistently with the Constitution of the United States, an opinion formed by the good people of this State, upon the fullest and most careful consideration, and expressed through their Delegates in Convention, your committee must on that ground alone, have been convinced that the purpose of counteracting that act, and the means by which it is sought to be counteracted, are unauthorised by the Constitution. We think that this will become more apparent by attending to the leading provisions of the Act of Congress.

The Act gives the President of the United States, for a limited time, an almost unlimited power of control over the commerce of the whole United States; though certainly the power was only contemplated to be exercised against that of South Carolina.

It exempts property in the hands of the officer of the Revenue, alleged to be detained for enforcing the payment of duties, from liability to the process of the State Courts.

It exempts a class of persons residing within the State—officers of the United States, and persons employed by them, or acting under their direction, or any other person, professing to act in execution of the Revenue Laws—from all responsibility to the State laws or State tribunals, for any crime or wrong, when it is alleged that the act was done in execution of the Revenue Laws, or under color thereof.

It gives to the same class of persons, the right to seek redress for any alleged injury whatever, either to person or property, however foreign to the proper subjects of the jurisdiction, in the Courts of the United States; pro-

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vided the injury be received in consequence of any act done in execution of the Revenue Laws.

It directly supposes all the Courts of the State to be inferior and subordinate to those of the United States, and provides for rendering them so, by directing to them the writ of *certiorari* superseding their jurisdiction.

It affects to limit and control the jurisdiction of the Courts of the State; providing for the removal of causes from their cognizance; declaring their judgments void, and providing for the discharge of persons confined under their process.

It tyrannically provides for rendering persons liable to punishment for acts done by them in execution of the laws of the State and the process of its Courts, to which they are bound to yield obedience, and which they are compelled, under the highest sanctions, to enforce.

It not only provides for the punishment of persons thus acting, by the civil tribunals, but authorizes the employment of military force, under color of executing the laws of the United States, to resist the execution of the laws of the State; superseding, with the quick execution of the sword, the slower process of Courts.

The Act authorizes the confinement of persons in unusual places—which can only mean on board ships—in which persons from the most remote parts of the State may be confined.

The Committee believe that all these positions are distinctly sustained by the Act in question. By the Constitution of the United States, the power to regulate commerce is given to Congress. It is an important portion of the Legislative power, and, as Legislative power, is incapable of delegation. Congress has, however, in effect, delegated to the President the power to abolish, at his discretion, any port of the United States, or interrupt or destroy its commerce. This may easily be effected, under the authority to remove the custom house to any port or harbor within the Collection District, by fixing it at inconvenient or inaccessible places. To say nothing of the unusual and tremendous character of this power, which New York or Philadelphia might perhaps apprehend, if there were any expectation of its being exercised with respect to them, and the enormous abuse to which it is liable, does the Constitution contemplate or authorize the delegation of this discretion to an individual? If it were exercised, it would be a plain violation of that part of the Constitution which directs that, in regulation of commerce, no preference shall be given to the ports of one State over those of another. The same inequality is occasioned by directing the payment of Cash Duties. It is vain to say that this has been rendered necessary by the Act of the State, and without it, the collection of revenue would be impracticable. Whatever latitude may be allowed in the selection of means necessary and

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proper to carry into effect the granted powers of Congress, we believe no one has yet imagined, that a plain provision of the Constitution may be violated, as a means of carrying into effect a power granted by another provision. Although we may concede the power of *Congress*, for sufficient cause and in good faith, to abolish one port of entry and establish another, yet we, of course, cannot concede that it may delegate this power; or, that the sovereign Act of the State, for the vindication of her reserved rights, constitutes sufficient cause, or that this act has been done in good faith.

The provisions of the Act, that all property in the hands of any officer or other person, detained under any Revenue Law, shall be subject only to the orders and decrees of the Courts of the United States, plainly enacts, that it shall not be subject to any process, order or decree of the Courts of the State. We have heretofore been accustomed to regard our Superior Courts as having jurisdiction over all persons and all property within the limits of the State. This jurisdiction is, of course, superseded, whenever any other Court of concurrent jurisdiction has possession or custody of any cause or any property. But that a ministerial, executive officer, or that property in his hands, should be exempted from the jurisdiction and authority of State Courts, we believe to be unprecedented in our legislation, and without any shadow of Constitutional authority.

One of the most extraordinary and exceptionable provisions of the Act, appears to be that authorizing the removal, previous to trial, of suits or prosecutions from the State Courts, upon affidavit made, and a certificate of the opinion of some counsellor or attorney to the same effect, that the suit or prosecution was for, or on account of, any act done under the Revenue Laws of the United States, or under color thereof, or for, or on account of any right, authority or title, set up or claimed by any officer or other person, under any such law of the United States. If there be any violation of the law of the State—if there be a wrong done to person or property within the limits of the State—have not the Courts of the State jurisdiction of that matter? By what authority does the Congress of the United States limit that jurisdiction? What shadow of Constitutional provision is there to sanction this most flagrant usurpation? True, such a violation of the law of the State may, sometimes, be justified, as being done in execution of a Constitutional law of the United States, but this is a matter of defence, to be tried as every other defence is to be tried, and can have no effect in ousting the jurisdiction, or in giving the Courts of the United States original jurisdiction of offences against the State laws. So any person is authorized to bring suit in the Courts of the United States, for any injury to person or property, for, or on account of, any act done in execution of the Revenue Laws. The Constitution gives to the Courts of the United States jurisdiction of all cases in law and equity *arising under the Constitution and laws of the United States.*

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An assault on the person or trespass to property, is a violation of the laws of the State. Can it make a difference, that a violation of the State law was provoked by an act done under color of executing the law of the United States? The protection of persons and property has, heretofore, been supposed the province of the States. In assuming to itself this new function, the Federal Government indicates most clearly its tendency to engross all power, and control all State authority.

It is plain likewise from the various provisions of the act, that such suits are intended to be allowed against persons acting in execution of the process of the State Courts. Judgments of those Courts are declared to be void, and persons and property exempted from their jurisdiction.

It is not only our law, but part of the law of the civilized world, that the judgment of a Court of competent jurisdiction is valid, until it be reversed by a competent authority. The judgment of a Superior Court of general jurisdiction can never be void for want of jurisdiction. When there are Courts of concurrent jurisdiction, that which obtains possession of the cause is entitled to retain it; its process must be respected, and all other jurisdiction is excluded. It is true that the judgments of Courts of limited jurisdiction (and such are the Courts of the United States, and so they themselves have determined) are void, if the jurisdiction be transcended. This distinction would seem to determine whether sovereignty is to be attributed to the State or to the Federal authority. Hitherto, it has never occurred to any one to doubt that an officer acting in execution of the process of a Court of general jurisdiction, and all persons acting under his direction, are exempted from all responsibility for that act. He is bound under the highest sanction to execute that process; and shall he be punished for performing his duty?

If this act were submitted to, the entire administration of the criminal justice of the State might be interrupted; and it is not too much to say, that the State Governments would be rendered impracticable. The worst criminal —one stained with the guilt of murder—upon making an affidavit which no such criminal would hesitate to make, and procuring a certificate, which any criminal might easily procure, would be able to elude the criminal justice of the State. His cause must be removed to the Federal Court; and when, upon his trial, it shall appear that his act was not done in execution of the law of the United States, your Committee do not perceive what other consequence can follow, than that he must be acquitted and go with impunity.

Having taken this view of the provisions of the act in question, the Committee would submit to the solemn consideration and determination of this Convention, whether they do not effect an entire change in the character of our Constitution, and will not, when carried into practice, abolish every vestige of liberty, and render this an absolute consolidated Government,

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without limitation of powers. It has been truly said, that if these things may be done, the most solemn acts of the highest authorities of the State may be regarded as the unauthorized proceedings of individuals; the Courts of justice may be shut up; the Legislature dispersed, as a lawless mob; and we ourselves, representing, as we vainly believe, the sovereignty of the State, called to answer for what we have said and done on this floor, at the bar of a Circuit Court of the United States. In this an exaggerated picture? Let us examine it a little more closely. If these provisions may be made to enforce the execution of the Revenue Laws of the United States, they may be made to enforce any other Act which Congress shall think proper to pass. No matter how oppressive, how clearly unconstitutional, there is no power in the constituted authorities of the State to resist it. If one class of cases may be removed from the jurisdiction of the State Courts, any other class, subject only to the discretion of Congress, may be likewise removed. If the process of the Courts be void, and the officer executing it, and those acting under his direction, responsible civilly, or punishable criminally, the Judge who directed the process must be answerable in like manner. He was equally without authority, and having commanded the act, is a partaker of the guilt. The Legislature who commanded the act of the Judge, and the Convention of the people in obedience to whose mandate everything was done, must have the same participation. If the sheriff and his *posse*, obstructing the execution of the Revenue Laws, may constitute that unlawful combination and assemblage, on being notified of which the President is authorized to use the military force of the United States to disperse them, then the Courts, the Legislature, or the Convention, in obedience to whose authority alone the sheriff acts, and who are the efficient causes of the obstruction, are assemblages of similar character, and may be dispersed by military force. The whole purpose of the act is to confound the acts of the constituted authorities of the State, however solemn and well considered, with the lawless and irregular acts of individuals or mobs. The certain effect of it must be to restrain the States from the exercise of any other authority than such as Congress, or the sectional majority represented in Congress, shall think fit to permit them to exercise; and to ensure the enforcement of every law which that majority may think proper to enact. It involves the cruelty and absurdity of making the community responsible to hostile force for its acts as a community, and the individuals of the community, punishable for their acts in obedience to the laws of their Government; an obedience from which they cannot exempt themselves, unless they absolve themselves from their allegiance by self-banishment.

That the object of many of the politicians who supported this bill—the politicians of that majority in whose hands all power will be—is to establish a consolidated Government, is now hardly at all disguised. The chimera of

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a Government partly consolidated, partly federative, is now scarcely contended for. The same class of politicians have always had in view the same object. It was attempted to be effected in the Convention which framed the Constitution of the United States. The attempt was there foiled.

After the formation of the Government, those who affected Consolidation, assumed the term of "Federal," and denied that the opinions held by them, led to that result. The possession of power, however, developed their views, and the first marked indication of their disposition to engross the powers of the States, and meddle with their internal concerns, was afforded by the Alien and Sedition Laws. This attempt was so strongly rebuked by public opinion, which led to the change of administration in 1800, that the hopes of Consolidation seemed abandoned forever. They remained dormant, until revived by the agitations springing out of our late Protecting System. It was perceived that nothing less strong than a Consolidated Government could sustain that system of iniquity. Gradually, we have been told, that the States have parted with a portion of their sovereignty; then, that they were never sovereign; until at length, availing themselves of the excitement of a particular crisis, and passion for power, and the influence of an individual, the act before us has been passed, sweeping away every vestige of State Sovereignty and Reserved Rights, or causing them to be held at the mercy of the majority; compared to which, the Alien and Sedition Laws sink into measures harmless and insignificant.

And what is it to the Southern States, to be subjected to a Consolidated Government? These States constitute a minority, and are likely to do so forever. They differ in institutions and modes of industry, from the States of the majority, and have different, and in some degree, incompatible interests. It is to be governed, not with reference to their own interests, or according to their own habits and feelings, but with reference to the interests, and according to the prejudices of their rulers, the majority. It has been truly said that the Protecting System constitutes but a small part of our controversy with the Federal Government. Unless we can obtain the recognition of some effectual Constitutional check on the usurpation of power, which can only be derived from the Sovereignty of the States, and their right to interpose for the preservation of their reserved powers, we shall experience oppression, more cruel and revolting than this.

While there remains within the States any spirit of liberty, prompting them to repel Federal usurpations, one of the most obvious means to break that spirit and reduce the States to subjection, will be that which has been attempted by the Act before us. It will be to create or to sustain, by the patronage of Government or other means, a party within the State, devoted to Federal power, exempted from responsibility to the State authorities, and having power to harass and degrade the State authorities, by means of the

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tribunals of the United States. Thus will be created a Government, within a Government, with all the consequences, which experience informs us, are likely to arise from that state of things, and such as did arise from the independent ecclesiastical jurisdictions established within the Governments of Europe. The Federal Government will interfere with every department of the State Governments; it will influence elections; it will raise up and put down parties, as they shall be more servile to its will. Pretexts for interference will never be wanting. Already has it been said, that ours is no longer a Republican Government, because the State, in vindicating its Sovereignty, has refused to entrust with any portion of its authority, those who deny or refuse to recognise that Sovereignty. Other classes of individuals might be found, within the State, whom it might suit the majority to suppose disfranchised, in derogation of true republican principles, and to require their interference and protection. This interference will be practiced at first with moderation, and with some apparent respect for the rights of the States. Gradually, as the power of the Government shall be established, and the Southern States become weakened and less capable of resistance, the shew of moderation will be thrown off. Thus the peace of those States will be embroiled; their prosperity interrupted, their character degraded; until in the natural progress of things, your Committee think it not too strong to say, that they will be more miserable, more utterly enslaved, more thoroughly debased, than any provinces that have ever been rendered subject by the sword.

In alluding to the oath, which the State has heretofore thought proper to exact of its citizens, and to one somewhat similar, which the Committee propose to recommend, they think proper to disclaim, as they do most solemnly disclaim, on behalf of themselves and the Convention, that this or any other measure which the Convention has adopted, has been adopted upon mere party views, to secure party ascendancy, or gratify party, resentment. They appeal to God, that their only object has been to vindicate their just rights and liberties, and the common liberties of the whole South. This object they have pursued in singleness of purpose; though exposed to much obloquy—threatened with much danger, and discountenanced by those from whom they had a right to expect support. They have never sought to endanger this Union; but to perpetuate it, by rendering it compatible with, and a security for, liberty.

The firmness of the State seems, at length, in some degree, to have triumphed. But let it be recollected that the moment of triumph is commonly one of danger. Let it be kept in mind that this is not a contest ended, but a contest not more than begun, and not to be determined, till this act shall cease to disgrace the Statute Book. Let this contest be carried on firmly, steadily, without passion, and without faltering. If the vigilance

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of the State should relax, if it should cease to raise up barriers against the head of usurpation, which threatens to overwhelm us, the torrent will break loose, and sweep our liberties along with it. Let every man consider this his own peculiar business. If liberty be saved, everything is saved: If liberty be lost, everything is lost.

As the provisions of the Act have reference only to certain Acts of the People and Legislature of this State, which have been superseded by the late modification of the Tariff, it could not have been contemplated that it should have any immediate operation. And your Committee doubted whether, regarding it as merely a menace, they should recommend any action upon it, or only that the sentiments of the Convention should be expressed in regard to the principles it contains. But most of its provisions are made permanent, and may be put in practice on some future occasion. The Committee cannot doubt that it expresses the true principles of many of those who voted for it, and who will seek occasion to reduce them to practice. As a precedent, it is most dangerous. The vote on the very Act shows how little is to be expected from a majority. It is incumbent on South Carolina, unsupported as she is, to take care that no Federal authority, unauthorized by our Federal Compact, shall be exercised within the limits of the State. For the purpose of providing that the act shall never have operation or effect, within the limits of the State, the Committee beg leave to report the following Ordinance:

AN ORDINANCE,

To Nullify an Act of the Congress of the United States, entitled "An Act further to provide for the Collection of Duties on Imports," commonly called the Force Bill.

We, the People of the State of South Carolina in Convention assembled, do *Declare and Ordain*, that the Act of the Congress of the United States, entitled "An Act further to provide for the collection of duties on imports," approved the 2d day of March, 1833, is unauthorized by the Constitution of the United States, subversive of that Constitution, and destructive of public liberty; and that the same is, and shall be deemed, null and void, within the limits of this State; and it shall be the duty of the Legislature, at such time as they may deem expedient, to adopt such measures and pass such acts as may be necessary to prevent the enforcement thereof, and to inflict proper penalties on any person who shall do any act in execution or enforcement of the same within the limits of this State.

We do further Ordain and Declare, That the allegiance of the citizens of this State, while they continue such, is due to the said State: and that

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obedience only, and not allegiance, is due by them to any other power or authority, to whom a control over them has been, or may be delegated by the State; and the General Assembly of the said State is hereby empowered, from time to time, when they may deem it proper, to provide for the administration to the citizens and officers of the State, or such of the said officers as they may think fit, of suitable oaths or affirmations, binding them to the observance of such allegiance, and abjuring all other allegiance; and, also, to define what shall amount to a violation of their allegiance, and to provide the proper punishment for such violation.

Done in Convention, at Columbia, the eighteenth day of March, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-seventh year of the Sovereignty and Independence of the United States of America.

ROBERT Y. HAYNE, *President of the Convention, Delegate from the Parishes of St. Philip and St. Michael.*

ISAAC W. HAYNE, *Clerk.*

Gen. HAMILTON then introduced the following Resolutions, which were adopted, to wit:

Resolved, That the Clerk do order to be printed, by the Printer of this Convention, to be appended to the copies now on hand of the proceedings of the former session of the Convention, five hundred copies of the Journal, Ordinances, and Reports of the present session; a copy of each to be distributed to each Member of the Convention and Legislature—also, separately, three thousand copies of the Ordinances and Reports of the present session, to be distributed to the people of this State; and it be made the duty of the Clerk to attend to the distribution of the same.

Resolved, That the President of this Convention do transmit to the President of the United States, and to the Governors of the several States, copies of the Reports and Ordinances of this Convention, adopted at its present session.

It was now moved by Gen. HAMILTON, that the Convention should resolve itself into a Committee of the whole; which being agreed to, Mr. TURNBULL was called to the Chair. Col. SAMUEL WARREN then introduced the following Resolution, which was adopted unanimously, and ordered to be so entered on the Journal, to wit:

Resolved, unanimously, That the thanks of this Convention be presented to his Excellency, ROBERT Y. HAYNE, for the dignity, ability, and impartiality, with which he has presided over its deliberations.

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The Committee rose and reported to the Convention.

On motion of Mr. TURNBULL, it was

Resolved, That the Convention do now adjourn, *sine die*, and that it be dissolved.

After a prayer from the Rev. Mr. Ray, the President pronounced the Convention DISSOLVED.

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JOURNAL

OF THE

STATE CONVENTION OF SOUTH CAROLINA

HELD IN 1852:

TOGETHER WITH THE

RESOLUTION AND ORDINANCE.

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IN CONVENTION, FRIDAY, April 30, 1852.

Ordered, That five thousand copies of the proceedings of this Convention, and of the Report, Resolution, and Ordinance, be printed; and that the same be distributed as follows, under the superintendence of the Clerk:

For the Executive, three hundred copies; for each of our Senators and Representatives in Congress, for their own use, one hundred copies; for each member of this Convention, and of the State Legislature, ten copies; and that the remaining copies be for public distribution.

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JOURNAL OF THE CONVENTION.

MONDAY, APRIL 26, 1852.

Pursuant to an act of the Legislature of the State of South Carolina, entitled "An Act to provide for the appointment of Deputies to a Southern Congress, and to call a Convention of the People of this State,"* ratified on the 20th day of December, 1850; and also "An Act to fix the time for the meeting of the Convention elected under the authority of an Act entitled 'An Act to provide for the appointment of Delegates to a Southern Congress, and to call a Convention of the People of this State,'" passed in the year of our Lord one thousand eight hundred and fifty, ratified on the 16th December, 1851, the Delegates of the several election districts and parishes of this State assembled in the Hall of the House of Representatives, in the Capitol, at Columbia, in the State of South Carolina, on this day, at 12 o'clock, meridian.

On motion of Mr. EDMUND BELLINGER, Jr., a Delegate from Barnwell, the Hon. DAVID L. WARDLAW, a Delegate from Abbeville, was called to the Chair, and Mr. RICHARD J. DAVANT, a Delegate from St. Luke's, was requested to act as Secretary.

The Convention having been called to order, the Election Districts and Parishes were called over, whereupon the following Delegates appeared at the Clerk's desk, presented their credentials, and enrolled their names:

Abbeville—Messrs. D. L. Wardlaw, Thos. C. Perrin, J. C. Martin, Geo. W. Pressly, G. R. McCalla.

All Saints—Messrs. T. Pinckney Alston, Peter Vaught.

Barnwell—Messrs. E. Bellinger, Jr., S. W. Trotti, A. P. Aldrich, J. V. Martin, Winchester Graham.

Chester—Messrs. Saml. McAliley, C. T. Scaife, I. Mobley, Wm. A. Rosborough.

* See Addenda, at the end of the Journal.

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Chesterfield—Messrs. J. C. Coit, W. J. Hanna, Hugh Craig.

Christ Church—Messrs. Jacob Bond I'On, A. V. Toomer.

Claremont—Messrs. W. Haynsworth, Thos. R. English, Sen., F. Sumter, A. C. Spain.

Clarendon—Mr. John P. Richardson.

Darlington—Messrs. Josiah J. Evans, E. W. Charles, E. A. Law.

Edgefield—Messrs. James Jones, F. H. Wardlaw, F. W. Pickens, M. L. Bonham, R. B. Bouknight, Wiley Harrison.

Fairfield—Messrs. John H. Means, Wm. A. Owens, John Buchanan.

Greenville—Messrs. B. F. Perry, Thos. P. Brockman, Vardry McBee, Jesse Center, P. E. Duncan.

Horry—Mr. Hartford Jones.

Kershaw—Messrs. John Cantey, Thos. Lang, L. J. Patterson.

Lancaster—Messrs. John Williams, James D. McIlwain.

Laurens—Messrs. H. C. Young, A. C. Jones, Thomas Wright, John D. Williams, J. H. Irby.

Lexington—Messrs. H. J. Caughman, Henry Arthur, John C. Hope.

Marion—Messrs. W. W. Harllee, William Evans, John C. Bethea, W. R. Johnson.

Marlboro'—Messrs. James E. David, Wm. J. Cook, Wm. T. Ellerbe.

Newberry—Messrs. F. B. Higgins, J. H. Williams, Peter Moon, Drayton Nance.

Orange Parish—Messrs. D. F. Jamison, M. Gramling.

Pendleton—Messrs. F. Burt, John Maxwell, John Martin, J. N. Whitner, R. A. Maxwell, F. W. Symmes.

Prince William's—Messrs. B. McBride, G. C. Mackay, John E. Frampton.

Prince George, Winyaw—Messrs. J. Harleston Read, J. H. Trapier, Benj. H. Wilson, Samuel T. Atkinson.

Richland—Messrs. W. F. DeSaussure, J. U. Adams, A. H. Gladden, Maxcy Gregg, C. Bookter.

Spartanburg—Messrs. John G. Landrum, Jas. Farrow, J. Winsmith, P. M. Wallace, R. C. Poole.

St. Andrew's—Messrs. John Rivers, Alexander H. Brown.

St. Bartholomew's—Messrs. E. St. P. Bellinger, Lewis O'Bryan, David Walker, D. S. Henderson.

St. George's, Dorchester—Mr. I. M. Dwight.

St. Helena—Messrs. Edmd. Rhett, John Fripp.

St. James', Goose Creek—Messrs. Isaac Bradwell, Jr., West Williams.

St. James', Santee—Messrs. Danl. DuPre, Saml. J. Palmer.

St. John's, Berkeley—Messrs. Morton Waring, Philip C. Kirk.

St. John's, Colleton—Messrs. W. B. Seabrook, Hugh Wilson, Jr., E. M. Whaley.

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St. Luke's—Messrs. Julius G. Huguenin, R. J. Davant.

St. Matthew's—Messrs. O. M. Dantzler, H. A. Haigler.

St. Paul's—Messrs. J. Berkley Grimball, E. B. Scott.

St. Peter's—Messrs. D. H. Hamilton, A. M. Ruth, E. Martin.

St. Philip's and St. Michael's—Messrs. Langdon Cheves, A. P. Butler, Edwd. Frost, C. M. Furman, Dan'l E. Huger, M. King, R. W. Barnwell, Benj. F. Dunkin, W. Peronneau Finley, Thos. Lehre, Chas. Macbeth, I. W. Hayne, John Bellinger, A. G. Magrath, Edwd. McCrady, John Cuningham.

St. Stephen's—Messrs. W. Mazyck Porcher, T. L. Gourdin.

St. Thomas' and St. Dennis'—Mr. Geo. Elfe.

Union—Messrs. J. S. Sims, Wm. J. Bobo, B. H. Rice, J. M. Gadberry.

Williamsburg—Messrs. D. M. Mason, S. E. Graham.

York—Messrs. R. Y. Russel, Robt. T. Allison, W. A. Latta.

One hundred and forty-nine delegates having appeared, the presiding officer announced that a quorum was present; whereupon the Convention proceeded with its organization.

The Convention proceeded to the election of President, and, upon an inspection of the ballots, it appeared that his Excellency JOHN H. MEANS, Governor and Commander-in-chief in and over the State of South Carolina, a delegate in this Convention from the District of Fairfield, had been chosen.

On motion of the Hon. JACOB BOND I'ON, a delegate from Christ Church Parish, a committee of three was appointed to wait on his Excellency the Governor, to inform him of his election and conduct him to the chair; and it was ordered that the Convention do rise and be uncovered to receive the President.

Messrs. CANTEY, DESAUSSURE, and OWENS were appointed the committee, who immediately conducted his Excellency the Governor to the chair, who proceeded to address the Convention as follows:

Gentlemen of the Convention:

Although I am fully aware that I am indebted more to my official station than to any merit of my own for the distinguished honor you have conferred upon me, yet I must be permitted to express my profound gratitude to you for having honored that station in my person. Unaccustomed as I am to parliamentary usages, I should be disposed to shrink from the position you have assigned me, but that I feel assured that I will be sustained and assisted in the discharge of its duties by the same kindness which has prompted you to bestow it upon me. While I am fully alive to its responsibilities, I trust I feel still deeper the solemn responsibility which rests upon me as a member of this Convention. We have met together clothed in the sovereign power of the land. The voice of this Convention, when it speaks, must be potential

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for good or for evil. How much prudence, how much caution and deliberation, does it become us to use before we act! It is useless for me to enter into a detail of the peculiar circumstances under which we have met; a mere allusion to them is sufficient to bring to your minds the fact that they are full of embarrassment. We certainly have a most delicate part to act—one which we cannot perform with credit to ourselves, or with honor to the State, unless we are buoyed by a devoted patriotism above the petty considerations of party strife, of personal ambition, or which is even worse and more to be deprecated, vindictive feelings to each other because we differ in opinion. The external circumstances by which we are surrounded fearfully admonish us that we have no strength to waste in internal feuds. The very dangers of our position call loudly upon us to be united. But, unfortunately for us and the great cause of the South, we are not united. We have been divided and distracted by the convulsive throes of party strife. The great question of our wrongs has been forgotten amid our wranglings as to the remedy.

While this state of things exists among us, the fiendish fanaticism of an abolition spirit, which tramples all law, both human and divine, under foot, is steadily moving forward towards the accomplishment of its ends. If we intend not basely to desert the cause in which we have been so long engaged, and finally submit to our degradation and ruin, this tide of fanaticism must be sooner or later met. As dark as are the dangers which surround us, still more gloomy are those which threaten us from our internal commotions. If we are united, we need fear no danger. The justice of our cause, and our strong arms, will be sufficient to protect us. But if, in the madness of party strife, we fall upon each other and forget the common enemy, an easy victory will be accomplished by them; a victory which will bring ruin and disgrace upon us. The very first object of this Convention should be to heal these divisions. I will not presume to suggest the course which will be proper for you to pursue to accomplish this great object, and to maintain the honor and dignity of our beloved State. This must be a matter of consultation and deliberation. The intelligence, the patriotism, the dignity of this body, are an earnest that that course will be one which will involve no *sacrifice of principle;* one, the object of which will be to promote the best interests of our State. We meet together as members of one common family, whose interest, honor, and destiny are the same. A deep devotion to our country, and its institutions, should be the polar star to guide us in our course. The arm of our State, which was recently strong and ready to strike, has been paralyzed alone by our dissensions. Let us heal them at once, that with firm and united strength we may meet the enemies of our institutions. Upon *the union* of our State, I solemnly believe, depends our *destiny.*

Mr. DESAUSSURE moved that the proceedings of the Convention be

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opened with prayer, and that the Rev. J. C. COIT, a delegate from Chesterfield, be requested to officiate at this time; which was agreed to, and the proceedings were opened with prayer accordingly.

Mr. EDMUND BELLINGER, Jr., offered the following Resolution, which was agreed to:

Resolved, That the Assistant Clerk of the House of Representatives be requested to furnish stationery, to be placed on the tables of the members of the Convention, from what he has in the possession of the House of Representatives.

The Convention proceed to the election of Clerk.

Hon. JACOB BOND I'ON nominated JAMES A. STROBHART as a candidate for the office.

Whereupon the Convention proceeded to a ballot, and the Chair appointed Messrs. CUNINGHAM, ALDRICH, and MAGRATH a Committee to count the ballots.

The Convention proceeded to ballot for Messenger and Doorkeeper.

On motion of Mr. EDMUND BELLINGER, it was ordered that the election should be decided by a plurality instead of a majority of votes; and the same was ordered.

Messrs. J. V. MARTIN, GLADDEN and SPAIN were appointed a committee to count the ballots.

Mr. CUNINGHAM, from the committee to count the ballots for Clerk of the Convention, reported that JAMES A. STROBHART was duly elected, who immediately entered upon his duties.

Mr. EDMUND BELLINGER, Jr., moved the adoption of the following orders:

1. *Ordered*, That the President appoint a Cashier and Assistant Cashier.
2. *Ordered*, That the Clerk act as Reading Clerk, and also superintend such printing as the Convention shall order.
3. *Ordered*, That the reporters for the public journals be allowed access to the Hall, for the purpose of reporting.
4. *Ordered*, That the regular hour of meeting shall be 12 o'clock, M., subject to special orders fixing some other time.
5. *Ordered*, That there be printed for the use of the Convention an Alphabetical List of the names of the members, and also a list of the names arranged according to Congressional and State election divisions.
6. *Ordered*, That the Journal of each day's proceedings be printed and laid on the tables of members before the hour of meeting.

The vote was taken upon each separately, and they were agreed to by the Convention.

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Mr. LAW laid before the Convention the resignation of Hon. GEORGE W. DARGAN, a delegate elect from the District of Darlington; which, on motion of Hon. WHITEMARSH B. SEABROOK, was ordered to lie on the table for the present.

Mr. JAMISON offered the following Resolution:

Resolved, That the President appoint a Committee of five members to prepare and report Rules for the government of the Convention.

The resolution was agreed to, and Messrs. JAMISON, BROWN, RHETT, ALDRICH and HAMILTON were appointed the Committee.

Mr. EDMUND BELLINGER, Jr., offered the following Resolution, which was agreed to:

Resolved, That the proceedings of each day be opened with prayer by such of the clergy as the President shall appoint to perform that appropriate duty.

Mr. JAMISON announced that DONALD ROWE, a delegate elect from Orange Parish, had died since his election; and, in a feeling and impressive manner, commented upon the character of the deceased, and offered the following Resolutions, which were seconded by Hon. B. F. DUNKIN, and were unanimously agreed to:

Resolved, unanimously, That the members of this body have learned with regret the death of DONALD ROWE, a member elect to the Convention.

Resolved, unanimously, That they sincerely mourn his loss, and, in testimony whereof, and as a tribute of respect to his memory, they do wear the customary badge of mourning during the session of the Convention.

Resolved, That a copy of the foregoing resolutions be sent by the Secretary of this body to the family of the deceased.

Mr. BURT offered the following Resolution:

Resolved, That a Committee of Five be appointed by the President to make a contract for the printing of the proceedings of this Convention.

The resolution was agreed to, and Messrs. Burt, Nance, Young, Harllee and Buchanan were appointed the committee.

On motion of Mr. HAMILTON, the Convention, at 3 o'clock, P. M., adjourned until to-morrow, at 12 o'clock, M.

JAMES A. STROBHART, *Clerk of the Convention.*

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TUESDAY, APRIL 27, 1852.

At 12 o'clock, M., the Convention assembled, pursuant to adjournment, and was called to order by the Clerk.

The roll being called, the President took the Chair.

After prayer by the Rev. Daniel DuPre, a delegate from St. James', Santee, the Journal of the previous day was read by the Clerk.

The following additional Delegates appeared at the Clerk's desk, and enrolled their names: viz: N. A. Peay, of Fairfield; D. St. P. DuBose, of Clarendon; A. Whyte, of York; M. T. Appleby, of St. George's, Dorchester; John F. Livingston, of Abbeville; T. O. Elliott, and C. G. Memminger, of St. Philip's and St. Michael's; and J. M. Doby, of Lancaster.

The PRESIDENT then called for reports of Committees.

Mr. J. V. MARTIN, from the Committee to count the votes for Messenger and Doorkeeper, reported B. I. Hayes to have been duly elected to the former, and B. O'Neal to the latter office.

Mr. JAMISON, from the Committee appointed to prepare Rules for the government of the Convention, reported the following:

RULE 1. The President and eighty-four members shall be a quorum to transact business.

2. If any member shall absent himself without leave, he may be sent for at his own expense, and be subject to the censure of the Convention.

3. No member shall speak more than twice to the same point without leave of the Convention.

4. Each member, when speaking, shall address himself to the Chair, standing and uncovered, at his place.

5. If two members rise to speak nearly at the same time, the President shall decide which was first up.

6. Every member, when speaking, shall adhere to the point before the Convention, and shall not be interrupted unless he departs from it, when he may be called to order.

7. When a question of order arises, it shall be decided by the President in the first instance, but any member may appeal from his determination to the Convention.

8. When a motion is made and seconded, it shall, if required by a member, be reduced to writing, and delivered in at the table.

9. When a question is put by the President, and the Convention divides, the Clerk shall, at the request of any seven members present, take down and

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enter on the Journal the names of all those members who vote for and against the question, and cause them to be published in any gazette of the State.

10. When the President desires to be heard, the members shall take their seats, and keep order whilst he is speaking.

11. When a motion is made for adjournment and seconded, no question shall be debated until the Convention shall have decided that motion.

12. Motions to adjourn, to take a recess, to lay on the table, to postpone indefinitely, or to a day beyond the session, to adjourn a debate, shall be decided without debate, after such short conversations as the President may permit.

13. On points not specified in the above rules, the Convention shall be governed by "the rules of the House of Representatives of the General Assembly of South Carolina," so far as they are applicable.

All of which were adopted; the 13th Rule having been amended by the slight addition to the last line of the words "so far as they are applicable."

Mr. BURT, from the Committee charged with making a contract for printing the proceedings of the Convention, reported that they had contracted with Messrs. Johnston & Cavis to print for the use of the Convention, on the same terms as like work had been done for the State Senate during the last session of the Legislature, and asked the approval of the Convention. The report was adopted.

A letter from T. G. Simons, of St. Philip's and St. Michael's, offering his resignation of his seat in the Convention, was read, and, on motion, laid on the table.

The Hon. LANGDON CHEVES submitted the following Resolution:

Resolved, That a Committee of Twenty-one be appointed by the President, to whom shall be referred the Act of the General Assembly, entitled "An Act to provide for the appointment of deputies to a Southern Congress, and to call a Convention of the people of this State," with instructions to consider and report thereon.

The resolution was adopted; and, in order that the President might have leisure to select the Committee, the Convention, on motion of the Hon. JACOB BOND PON, took a recess of one hour. After the expiration of the hour, the Convention reassembled, and the President announced the following Committee, viz:

Messrs. Langdon Cheves,	Messrs. A. P. Butler,
J. P. Richardson,	D. E. Huger,
W. B. Seabrook,	R. W. Barnwell,

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Messrs. J. J. Evans,
J. N. Whitner,
D. L. Wardlaw,
Edward Frost,
F. H. Wardlaw,
B. F. Dunkin,
J. Buchanan,
B. F. Perry,
Maxcy Gregg,
E. Bellinger, Jr.
F. W. Pickens,
I. W. Hayne,
W. W. Harllee,
Henry Arthur,
Samuel McAliley.

Mr. EDMUND BELLINGER, Jr., submitted the following orders for the action of the Convention; and, after consideration, they were adopted:

Ordered, That three hundred copies of the Rules of the Convention be printed for the use of the members.

Ordered, That the Clerk be authorized to furnish stationery for the Convention.

On motion of Mr. CUNINGHAM, the Convention then adjourned until twelve o'clock to-morrow.

JAMES A. STROBHART, *Clerk of the Convention.*

WEDNESDAY, APRIL 28, 1852.

At 12 o'clock, M., the Convention assembled, pursuant to adjournment, and was called to order by the Clerk.

The roll being called, and a quorum answering to their names, the President took the Chair.

After prayer by the Rev. J. G. Landrum, a delegate from Spartanburg, the Journal of the previous day was read by the Clerk. John Schnierle, a delegate from St. Philip's and St. Michael's, was announced, appeared at the Clerk's desk, and enrolled his name.

The President then having called for Reports of Committees, and the Chairman of the Committee of Twenty-one having announced that his Committee was not yet ready to submit their Report—

That it might have further time, Mr. LEHRE moved that the Convention adjourn until 12 o'clock, M., to-morrow; which being agreed to, the Convention adjourned accordingly.

JAMES A. STROBHART, *Clerk of the Convention.*

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THURSDAY, APRIL 29, 1852.

At 12 o'clock, M., the Convention assembled, pursuant to adjournment.

The roll being called, and a quorum having answered to their names, the President took the Chair.

After prayer by the Rev. S. R. English, Sen., a delegate from Claremont, the Journal of the previous day was read.

Reports being in order, the Hon. LANGDON CHEVES, from the Select Committee of Twenty-one, informed the Convention that the Committee was ready to report.

The Report was then read; and on his motion it was ordered to be printed, and made the special order of the day for to-morrow.

Mr. PERRY, one of the Select Committee of Twenty-one, offered a separate Report of the minority of the same.*

Mr. JOHN BELLINGER moved to amend the majority Report, by adding thereto the following, viz:

"*Be it ordained by this Convention,* That the Legislature of the State shall have the power, by a vote of two-thirds, (accompanied with a notification to the other States,) to withdraw the State of South Carolina from the Federal Union."

Mr. E. BELLINGER, Jr., moved that these, together with all other matters connected with the question, be printed with the majority Report; which motion was agreed to.

Mr. GREGG offered a separate Report on his own behalf; which, on his motion, was excepted from the general order, and was ordered to be printed and laid on the table.*

Mr. HARLLEE offered the following Resolution:

Resolved, That the President of the Senate and Speaker of the House of Representatives be invited to seats on this floor.

The Resolution was passed, and the invitation extended by the President.

Under a previous order to that effect the President announced E. M. WHALEY as Cashier, and O. M. DANTZLER Assistant Cashier, of the Convention.

The Hon. LANGDON CHEVES moved that when the Convention adjourn, it shall stand adjourned until ten o'clock, to-morrow.

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* See Addenda at the end of the Journal.

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On motion of Mr. EDMUND BELLINGER, Jr., the Convention then adjourned.

JAMES A. STROBHART, *Clerk of the Convention.*

FRIDAY, APRIL 30, 1852.

The Convention met, pursuant to adjournment, and the roll was called.

After prayer by the Rev. R. Y. Russel, a Delegate from York, the Clerk read the Journal of yesterday.

On motion of Mr. LEHRE, Mr. I. M. Dwight, a Delegate from St. George's, Dorchester, was excused from further attendance on the Convention, on account of illness in his family.

The special order was taken up.

Mr. JOHN BELLINGER addressed the Convention in support of his amendment offered on yesterday, which proposed that it should be ordained by the Convention that the Legislature of the State should have power, by a vote of two-thirds, (accompanied with a notification to the other States,) to withdraw the State of South Carolina from the Federal Union.

The Hon. LANGDON CHEVES moved to lay the amendment on the table.

After a short conversation between the Hon. LANGDON CHEVES, the Hon. A. P. BUTLER and Mr. EDMUND BELLINGER, Jr., on this motion, the yeas and nays were called for by Mr. JOHN BELLINGER, ordered, and taken as follows:

In the affirmative—

Messrs.	Aldrich,	Messrs.	Brockman,
	Allison,		Brown,
	Appleby,		Burt,
	Arthur,		Butler,
	Barnwell,		Cantey,
	Bellinger, E. Jr.		Caughman,
	Bethea,		Center,
	Bobo,		Charles,
	Bookter,		Cheves,
	Bouknight,		Coit,
	Bradwell,		Cook,

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Messrs. Craig,
David,
Doby,
DuBose,
Duncan, P. E.
Dunkin, B. F.
Ellerbe,
Elliott,
English,
Evans, J. J.
Evans, W.
Farrow,
Finley,
Frost,
Furman,
Graham, W.
Grimball,
Haigler,
Hanna,
Harllee,
Harrison,
Hayne,
Haynsworth,
Higgins,
Hope,
Huger,
I'On,
Irby,
Jones, H.
King,
Landrum,
Lang,
Law,
Lehre,
Livingston,
Magrath,
Martin, E.
Messrs. Martin, J. C.
Maxwell, R. A.
Memminger,
Mobley,
Moon,
McAliley,
McBee,
Macbeth,
McCalla,
McCrady,
McIlwain,
O'Bryan,
Patterson,
Perrin,
Pickens,
Poole,
Porcher,
Pressly,
Richardson,
Rivers,
Rosborough,
Russel,
Scaife,
Schnierle,
Seabrook,
Sims,
Spain,
Sumter,
Symmes,
Wardlaw, D. L.
Wardlaw, F. H.
Whyte,
Whitner,
Williams, J.
Williams, J. H.
Williams, W.
Young.

In the negative,

His Excellency JOHN H. MEANS, *President.*

Messrs. Adams,
Alston,
Atkinson,
Messrs. Bellinger, John
Bellinger, E. St. P.
Bonham,

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Messrs.	Buchanan,	Messrs.	Mason,
	Cuningham,		Maxwell, J.
	Dantzler,		McBride,
	Davant,		Nance,
	DeSaussure,		Owens,
	DuPre,		Palmer,
	Elfe,		Peay,
	Frampton,		Perry,
	Fripp,		Read,
	Gadberry,		Rhett,
	Gladden,		Rice,
	Gourdin,		Ruth,
	Graham, S. E.		Scott,
	Gregg,		Toomer,
	Gramling,		Trapier,
	Hamilton,		Trotti,
	Henderson,		Vaught,
	Huguenin,		Wallace,
	Jamison,		Walker,
	Johnson,		Waring,
	Jones, A. C.		Whaley,
	Jones, James		Wilson, B. H.
	Kirk,		Wilson, Hugh, Jr.
	Latta,		Williams, J. D.
	Mackay,		Winsmith,
	Martin, J.		Wright.
	Martin, J. V.		

Ayes, 96—Nays, 60.

So the amendment was laid on the table.

Mr RHETT proposed to amend the ordinance, by declaring and ordaining that the first clause of the second section of the fourth article of the Constitution of the United States, whereby it is provided, that "the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States," should be rendered null and void within the limits of South Carolina, so far as regards the citizens of Massachusetts and Vermont; and that it should be the duty of the Legislature, by suitable and effectual provisions and penalties, to debar and exclude the citizens of those States from entering, abiding, or holding property within this State, after the ratification of the same.

Mr. RHETT sustained his amendment with much eloquence, and warmly protested against the check to free discussion by motions to lay on the table.

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Mr. CUNINGHAM also, in strong and glowing language, joined in this protest.

On motion, Mr. Rhett's amendment was laid on the table.

Mr. ADAMS, as a substitute for the Report of the Committee, offered a resolution, that this Convention, having been called to secede from the Union on account of the past aggressions of the Federal Government, yielding to the popular vote of October last against that remedy, and not agreeing on any other, should now adjourn *sine die.*

Mr. TOOMER offered resolutions recommending to the slaveholding States to call Conventions of the people of their several States, to adopt and carry out measures for the organization of a Southern Confederacy, &c.

Each of these resolutions was, on motion, laid on the table.

The minority report of Mr. Perry was also, on motion, laid on the table.

Mr. MEMMINGER asked and obtained leave to read a statement of his own opinion and that of those agreeing with him upon the questions under discussion; and moved that it be printed and laid on the table.

The motion to print, meeting with much opposition, was withdrawn by Mr. MEMMINGER. The document was then received and laid on the table.

Mr. HARLLEE then moved the adoption of the report of the Select Committee of Twenty-one, which is as follows:

The committee of Twenty-one, to whom was referred "An Act to provide for the election of deputies to a Southern Congress, and the call of a Convention," with instructions to consider and report thereon, respectfully report:

That they have considered the subject referred to them, and have concluded to recommend to the Convention the adoption of the accompanying Resolution and Ordinance:

Resolved by the people of South Carolina in Convention assembled, That the frequent violations of the Constitution of the United States by the Federal Government, and its encroachments upon the reserved rights of the sovereign States of this Union, especially in relation to slavery, amply justify this State, so far as any duty or obligation to her confederates is involved, in dissolving at once all political connection with her co-States; and that she forbears the exercise of this manifest right of self government from considerations of expediency only.

AN ORDINANCE to declare the right of this State to secede from the Federal Union.

We the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, That South Carolina, in the exercise of her sovereign will, as an independent State,

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acceded to the Federal Union, known as the United States of America; and that in the exercise of the same sovereign will, it is her right, without let, hindrance, or molestation from any power whatsoever, to secede from the said Federal Union; and that for the sufficiency of the causes which may impel her to such separation, she is responsible alone, under God, to the tribunal of public opinion among the nations of the earth.

Upon the motion to adopt the report, the yeas and nays were called for, ordered, and taken as follows:

In the affirmative—

His Excellency JOHN H. MEANS, *President.*

Messrs.	Aldrich,	Messrs.	DuBose,
	Allison,		Dunkin, B. F.
	Alston,		DuPre,
	Appleby,		Elfe,
	Arthur,		Ellerbe,
	Atkinson,		Elliott,
	Barnwell,		English,
	Bellinger, J.		Evans, J. J.
	Bellinger, E. Jr.,		Evans, W.
	Bellinger, E. St. P.		Farrow,
	Bethea,		Finley,
	Bobo,		Frampton,
	Bonham,		Frost,
	Bookter,		Furman,
	Bouknight,		Gadberry,
	Bradwell,		Gladden,
	Brown,		Graham, S. E.
	Buchanan,		Gregg,
	Burt,		Gramling,
	Butler,		Grimball,
	Cantey,		Haigler,
	Caughman,		Hanna,
	Cheves,		Harllee,
	Coit,		Harrison,
	Cook,		Hayne,
	Craig,		Haynsworth,
	Cuningham,		Henderson,
	Dantzler,		Higgins,
	Davant,		Hope,
	David,		Huger,
	DeSaussure,		Huguenin,
	Doby,		I'On,

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Messrs. Irby,
Jamison,
Johnson,
Jones, A. C.
Jones, James
Jones, H.
King,
Kirk,
Landrum,
Lang,
Law,
Lehre,
Livingston,
Mackay,
Magrath,
Martin, E.
Martin, J.
Martin, J. C.
Mason,
Maxwell, R. A.
Maxwell, J.
Memminger,
Mobley,
Moon,
McAliley,
Macbeth,
McBride,
McIlwain,
Nance,
O'Bryan,
Patterson,
Peay,
Perrin,
Pickens,
Poole,
Porcher,

In the negative—

Messrs. Adams,
Brockman,
Center,
Charles,
Duncan, P. E.

Messrs. Pressly,
Read,
Rhett,
Rice,
Richardson,
Rivers,
Rosborough,
Russel,
Ruth,
Scaife,
Schnierle,
Scott,
Seabrook,
Sims,
Spain,
Sumter,
Symmes,
Trapier,
Vaught,
Wallace,
Walker,
Wardlaw, D. L.
Wardlaw, F. H.
Waring,
Whaley,
Wilson, B. H.
Wilson, Hugh, Jr.,
Whyte,
Whitner,
Williams, J.
Williams, J. D.
Williams, J. H.
Winsmith,
Wright,
Young.

Messrs. Fripp,
Gourdin,
Graham, W.
Hamilton,
Latta,

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Messrs. Martin, J. V.	Messrs. Palmer,
McBee,	Perry,
McCalla,	Toomer,
McCrady,	Trotti.
Owens,	

Ayes, 136—Nays, 19.

So the report was adopted, and ordered to be engrossed.

On motion of Mr. TROTTI, a Committee of three was appointed to superintend the engrossing of the resolution and ordinance; and it was ordered that the same be ratified in the usual parliamentary mode, by the signatures of the President and Clerk, and that the great seal of the State be thereunto affixed.

To allow time for engrossing, &c., the Convention then took a recess until five o'clock.

—

RECESS.

At five o'clock, P. M., the President called the Convention to order.

Mr. ELFE, who by mistake had voted in the negative when the yeas and nays were called on the adoption of the report, was, by consent of the Convention, allowed to change his vote.

On motion of the Hon. A. P. BUTLER, the Clerk of the Convention was allowed five hundred dollars for his regular and extra services.

The Librarian and Keeper of the State House was allowed fifty dollars; the Assistant Clerk of the House of Representatives, the Messenger, and Doorkeeper were allowed each one hundred dollars.

On motion of Mr. BURT, it was ordered that the Treasurer be required to pay the Printers of the Convention such sum as may be due; their accounts to be audited by the Clerk.

Also, that the President of the Convention be authorized to draw his warrant upon the Treasurer for whatever sum may be reported to him, by the Clerk, as due for stationery and other incidental expenses of the Convention.

Also, that a full and minute statement of the expenditures of the Convention, prepared by the Clerk, signed by the President, and attested by the Clerk, be transmitted to the Executive, with a request that the same be laid before the General Assembly, at their next session, for their information.

Also, that five thousand copies of the proceedings of this Convention, and of the report, resolution and ordinance, be printed; and that the same be distributed as follows, under the superintendence of the Clerk:

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For the Executive, three hundred copies; for each of our Senators and Representatives in Congress, for their own use, one hundred copies; for each member of this Convention and of the State Legislature, ten copies; and that the remaining copies be for public distribution.

On motion of Mr. E. BELLINGER, Jr., it was ordered, that the Clerk do prepare a full index for the Journal; and that the Journal, together with the resolution and ordinance, and the roll of members, be deposited *in perpetuam memoriam rei*, amongst the archives of the State.

On motion of Mr. DANTZLER, it was ordered that drafts, signed by the President, and countersigned by the Cashier of the Convention, be issued for the pay of members, and for such other amounts as shall have been, or may be ordered by this Convention to be paid.

On motion of Mr. ALDRICH, it was ordered that any delegate who has been excused from attendance on this Convention, for sickness, or other cause, be allowed hereafter to sign the roll of members.

On motion of Mr. BARNWELL, it was resolved, that the President do return the sincere thanks and grateful acknowledgments of this Convention to the Reverend Clergy who have favored us with their prayers. This the President did forthwith, in a very appropriate and feeling manner.

On motion of Mr. E. BELLINGER, Jr., the Convention then resolved itself into Committee of the whole, the Hon. J. J. Evans in the Chair.

The Hon. A. P. BUTLER offered a resolution, tendering the thanks of the Convention to the President, for the very able, dignified, and impartial manner with which he had presided over its deliberations, and for the fidelity and zeal with which he had discharged the onerous and responsible duties of his station.

The resolution was unanimously adopted.

The Committee then rose, and the Chairman reported the resolution, prefaced by a few feeling and very eloquent remarks.

The President, in like spirit and manner, returned his grateful acknowledgements.

The Engrossing Committee reported the resolution and ordinance prepared for ratification. They were then ratified and signed by the President and by the Clerk of the Convention.

On motion of Mr. EDMUND BELLINGER, Jr., it was resolved, that when this Convention shall adjourn, it do adjourn *sine die*, AND BE DISSOLVED.

On motion of the Hon. LANGDON CHEVES, it was resolved, that the Convention do now adjourn.

Whereupon, at the hour of half-past six, P. M., of Friday, 30th April, A. D. 1852, the Convention adjourned, and the President announced the Convention DISSOLVED.

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ADDENDA

TO THE

JOURNAL OF THE STATE CONVENTION.

MINORITY REPORT BY MR. PERRY.

Mr. PERRY, a member of the Committee of Twenty-one, to whom was referred "An Act to provide for the election of Deputies to a Southern Congress and the call of a Convention," with instructions to consider and report, submitted the following as a minority report, which was read, ordered to be printed, and made the order of the day for to-morrow:

The undersigned, a member of the Committee of Twenty-one, differing from the Committee in their report on the Act referred to them, calling this Convention, begs leave to submit the following Preamble and Resolutions, as expressing his views in regard to the important matters contained in said report, and as to the true policy to be pursued by the State of South Carolina in relation to her difficulties with the Federal Government.

APRIL 29, 1852. B. F. PERRY.

Whereas, The Legislature of South Carolina, in consequence of the agressions of Congress and the Northern States on the domestic institutions of the South, deemed it necessary to embody the sovereign power of the State in Convention, in order that the "Commonwealth should suffer no detriment," and for "the purpose of considering the proceedings and recommendations of a Congress of the slaveholding States:" *And whereas,* the other slaveholding States have declined meeting South Carolina in a Southern Congress, for the purpose of considering the past aggressions of the Federal Government on an institution in which they all have a common and an equal interest: *And whereas,* it would be unwise and imprudent, and wanting in respect to the other Southern States, for South Carolina, under existing circumstances, to take any decisive separate action in a cause which equally belongs to them all: *And whereas,* there have been recent manifestations on the part of the Federal Government and a large portion of the Northern

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people to cease their aggressions on the institutions of the South, and carry out in good faith the guarantees of the Federal Constitution: *And whereas*, a deep-rooted and long cherished regard for the Union of these States, as "the palladium of our independence," "tranquility," "peace," "safety," "prosperity," and "liberty," makes it right and proper, honorable and patriotic, that we should "suffer while evils are sufferable," rather "than right ourselves by abolishing the forms to which we have been accustomed:"

Be it therefore Resolved, That this Convention will forbear at present to exercise that highest and most sacred of all rights which can belong to a free and brave people—a right secured to them by nature and nature's God, and paramount to all constitutions and political compacts or agreements—the right "to alter or abolish" their government when it becomes destructive of the ends for which it was instituted, and ceases to protect them in the enjoyment of their "lives, liberty, property, and pursuit of happiness."

Resolved, That the Union of the several States of this Confederacy was formed for the purpose of protecting equally the interests of all the States—their domestic institutions, property, and industrial pursuits; and the existence of African slavery in the Southern States, at the formation of the Federal Union, was not only recognised in the Constitution, but guarantied, and made the basis, in part, of their representation in the Congress of the United States.

Resolved, That this domestic institution of the South is not only moral and correct in the opinion of this Convention, but a great blessing to the African race: and absolutely necessary for the continued peace and prosperity of the slaveholding States; and as such will be forever defended and maintained by them at any and all hazards, and to the last extremity of their existence as a people.

Resolved, That South Carolina, through her sovereign Convention, now pledges herself to her sister Southern States, to resist, in company with them, or alone if need be, by all the means which nature and God have given her, any and every attempt on the part of Congress to interfere with slavery in the States, or the slave trade between the States, or to abolish slavery in the District of Columbia without the consent of the owners, or to exclude slavery from the Southern territories of the United States, or the forts, navy yards, and other public places in the slaveholding States belonging to the Federal Government, or refuse the admission of a State into the Union on account of slavery, or refuse to enforce and carry out the existing constitutional provisions on the subject of rendition of fugitive slaves, or alter or change the Federal Constitution in any respect touching slavery.

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REPORT OF MR. GREGG.

Mr. GREGG, from the same Committee, submitted a report on his own behalf, stating his reasons for not concurring in the report of the Committee, which, on his motion, was laid on the table, and ordered to be printed.

The undersigned, a member of the Convention, to which was referred for consideration the Act of the General Assembly calling together this Convention, being dissatisfied with the Report of the Committee, not on account of what is contained in it, but of what is omitted, respectfully asks leave to state his reasons.

The position of South Carolina at this time is a most difficult and embarrassing one. Suffering under injuries which render a continuance in the present Union incompatible with honor or safety; but deserted by other States, suffering under the same injuries, and whose solemn pledges of resistance gave South Carolina a right to expect very different action from them; the citizens of the State became divided in opinion as to the course proper to be taken. One portion of them believed that all hope being lost of any other States seceding from the Confederacy by a concerted movement, it was necessary for South Carolina to vindicate herself from intolerable wrongs by seceding alone. Another portion regarded this course as unwise, and thought it necessary to wait for the support of other States. The prospect of such support has grown fainter day by day, until it has receded to an indefinite distance; and that portion of our citizens who have placed their only hope in it, now find themselves powerless to effect their object. But by the popular majority which they have exhibited, opposed to exercising the right of secession at this time, they have also paralyzed the power of their fellow-citizens who desired to adopt that course.

Under these circumstances this Convention meets, charged with the duty of seeing that the Commonwealth receive no detriment. To secede under such circumstances is impracticable. To obtain the aid of any other State in resisting the aggressions which have been committed by the Northern States and the Federal Government is hopeless. Unless some effective mode of action could be adopted, which, while stopping short of secession, might place and preserve the State in a position of readiness to take advantage of the earliest opportunity for successful resistance, guarding, as far as practicable, in the meantime, against the many corrupting influences of a longer connection with the Government which oppresses us, nothing remains but submission—a submission likely to be fatal. If any such mode of action could be devised and proposed by those who are opposed to separate secession, it would beyond doubt be accepted and supported by those who have been in favor of that measure.

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The Report of the Committee is unsatisfactory to the undersigned, because it contains no recommendation of any action whatever beyond a mere declaration of the right of secession, and of the injuries which have been suffered, justifying its exercise by South Carolina.

If a protestation in favor of our rights, made at a time when in fact we are deprived of them, can be of any avail towards preserving them in recollection and recovering them at a future day, it is wise and proper to make such protestation. But actions outweigh words, and one step in advance towards practical resistance would be worth more than the strongest declarations. If the majority of the Committee had devised any measures with a character of practical resistance, however moderate, impressed upon them, the undersigned would have greatly preferred, for the sake of that harmony which is of such high importance if ever the State is to be rescued from its present condition, to acquiesce in their Report. He believes that such measures might be devised by those who have opposed separate secession, and that, if adopted with unanimity by the people of the State, they would afford some reasonable hope of ultimate deliverance. But seeing no prospect that the introduction of any such measures under present circumstances, and against the determined opposition of those who have defeated secession, could result in any good to the State, he has, as a member of the Committee, nothing to recommend. He is willing to vote for the declaration of principles contained in the Resolution and accompanying Ordinance; but he desires at the same time to leave on the record of the proceedings of this Convention his distinct declaration, that it is not in accordance with his wishes that nothing more should be done to prevent detriment to the Commonwealth.

MAXCY GREGG.

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ALPHABETICAL LIST

OF

MEMBERS OF THE STATE CONVENTION,

ELECTED IN FEBRUARY, 1851.

JOHN H. MEANS, PRESIDENT, *Fairfield.*

Adams, James U.,	Richland.
Aldrich, A. P.,	Barnwell.
Allison, R. T.,	York.
Alston, T. P.,	All Saints.
Appleby, M. T.,	St. George's, Dorchester.
Arthur, Henry,	Lexington.
Atkinson, Samuel T.,	Prince George, Winyaw.
Barnwell, R. W.,	St. Philip's and St. Michael's.
Beaty, James,	Horry.
Bellinger, John,	St. Philip's and St. Michael's.
Bellinger, Edmund, Jr.,	Barnwell.
Bellinger, E. St. P.,	St. Bartholomew's.
Bethea, John C.,	Marion.
Bobo, W. J.,	Union.
Bonham, M. L.,	Edgefield.
Bookter, Christian,	Richland.
Bouknight, R. B.,	Edgefield.
Bradwell, Isaac, Jr.,	St. James', Goose Creek.
Brockman, T. P.,	Greenville.
Brown, A. H.,	St. Andrew's.
Buchanan, J.,	Fairfield.
Burt, F.,	Pendleton.
Butler, A. P.,	St. Philip's and St. Michael's.
Cantey, John,	Kershaw.

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Caughman, H. J.,	Lexington.
Center, Jesse,	Greenville.
Charles, E. W.,	Darlington.
Cheves, Langdon,	St. Philip's and St. Michael's.
Coit, J. C.,	Chesterfield.
Cook, W. J.,	Darlington.
Craig, Hugh,	Chesterfield.
Cuningham, John,	St. Philip's and St. Michael's.
Dantzler, O. M.,	St. Matthew's.
Dargan, Geo. W.,	Darlington.
Davant, R. J.,	St. Luke's.
David, J. E.,	Marlboro'.
DeSaussure, W. F.,	Richland.
Doby, J. M.,	Lancaster.
Dozier, A. W.,	Williamsburg.
DuBose, D. St. P.,	Clarendon.
Duncan, P. E.,	Greenville.
Dunkin, B. F.,	St. Philip's and St. Michael's.
DuPre, Daniel,	St. James', Santee.
Dwight, I. M.,	St. George's, Dorchester.
Elfe, George,	St. Thomas' and St. Dennis'.
Ellerbe, W. T.,	Marlboro'.
Elliott, T. O.,	St. Philip's and St. Michael's.
English, T. R., Sen.,	Claremont.
Evans, J. J.,	Darlington.
Evans, W.,	Marion.
Farrow, James,	Spartanburg.
Finley, W. P.	St. Philip's and St. Michael's.
Frampton, John E.,	Prince William's.
Fripp, John,	St. Helena.
Frost, Edward,	St. Philip's and St. Michael's.
Furman, C. M.,	St. Philip's and St. Michael's.
Gadberry, J. M.,	Union.
Gladden, A. H.,	Richland.
Gourdin, Theo. L.,	St. Stephen's.
Graham, Samuel E.,	Williamsburg.
Graham, W.,	Barnwell.
Gregg, Maxcy,	Richland.
Gramling, M.,	Orange.
Grimball, J. B.,	St. Paul's.
Haigler, H. A.,	St. Matthew's.
Hamilton, D. H.,	St. Peter's.

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Hanna, W. J.,	Chesterfield.
Harllee, W. W.,	Marion.
Harrison, Wiley,	Edgefield.
Hayne, I. W.,	St. Philip's and St. Michael's.
Haynsworth, W.,	Claremont.
Henderson, D. S.,	St. Bartholomew's.
Higgins, F. B.,	Newberry.
Hope, J. C.,	Lexington.
Huger, D. E.,	St. Philip's and St. Michael's.
Huguenin, J. G.,	St. Luke's.
Hunter, W.,	Pendleton.
I'On, Jacob B.,	Christ Church.
Irby, James H.,	Laurens.
Jamison, D. F.,	Orange.
Johnson, W. R.,	Marion.
Jones, A. C.,	Laurens.
Jones, James,	Edgefield.
Jones, Hartford,	Horry.
King, M.,	St. Philip's and St. Michael's.
Kirk, P. C.,	St. John's, Berkeley.
Lake, J. A.,	Edgefield.
Landrum, J. G.,	Spartanburg.
Lang, Thomas,	Kershaw.
Latta, W. A.,	York.
Law, E. A.,	Darlington.
Lehre, Thomas,	St. Philip's and St. Michael's.
Livingston, J. F.,	Abbeville.
Mackay, Geo. C.,	Prince William's.
Magrath, A. G.,	St. Philip's and St. Michael's.
Martin, Edmund,	St. Peter's.
Martin, J.,	Pendleton.
Martin, J. C.,	Abbeville.
Martin, J. V.,	Barnwell.
Mason, D. M.,	Williamsburg.
Maxwell, R. A.,	Pendleton.
Maxwell, John,	Pendleton.
Memminger, C. G.,	St. Philip's and St. Michael's.
Mobley, Isaiah,	Chester.
Moon, Peter,	Newberry.
Moore, J. S.,	York.
McAliley, Samuel,	Chester.
McBee, V.,	Greenville.

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Macbeth, C.,	St. Philip's and St. Michael's.
McBride, B.,	Prince William's.
McCalla, G.,	Abbeville.
McCrady, E.,	St. Philip's and St. Michael's.
McIlwain, J. D.,	Lancaster.
Nance, Drayton,	Newberry.
O'Bryan, L.,	St. Bartholomew's.
O'Hear, J. S.,	St. Thomas' and St. Dennis'.
Owens, W. A.,	Fairfield.
Palmer, S. J.,	St. James', Santee.
Patterson, L. J.,	Kershaw.
Peay, N. A.,	Fairfield.
Perrin, Thos. C.,	Abbeville.
Perry, B. F.,	Greenville.
Pickens, F. W.,	Edgefield.
Poole, R. C.,	Spartanburg.
Porcher, W. Mazyck,	St. Stephen's.
Pressly, G. W.,	Abbeville.
Read, J. H., Sen.,	Prince George, Winyaw.
Rhett, Edmund,	St. Helena.
Rice, B. H.,	Union.
Richardson, J. P.,	Clarendon.
Rivers, John,	St. Andrew's.
Rosborough, W. A.,	Chester.
Russel, R. Y.,	York.
Ruth, A. M.,	St. Peter's.
Scaife, C. T.,	Chester.
Schnierle, John,	St. Philip's and St. Michael's.
Scott, E. B.,	St. Paul's.
Seabrook, W. B.,	St. John's, Colleton.
Simons, T. G.,	St. Philip's and St. Michael's.
Sims, J. S.,	Union.
Sloan, Wm.,	Pendleton.
Spain, A. C.,	Claremont.
Sumter, F.,	Claremont.
Symmes, F. W.,	Pendleton.
Toomer, A. V.,	Christ Church.
Trapier, J. H.,	Prince George, Winyaw.
Trotti, S. W.,	Barnwell.
Vaught, Peter,	All Saints.
Vernon, J. J.,	Spartanburg.
Wallace, P. M.,	Spartanburg.

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Walker, David,	St. Bartholomew's.
Wardlaw, D. L.,	Abbeville.
Wardlaw, F. H.,	Edgefield.
Waring, M.,	St. John's, Berkeley.
Whaley, E. M.,	St. John's, Colleton.
Wilson, B. H.,	Prince George, Winyaw.
Wilson, Hugh, Jr.,	St. John's, Colleton.
Whyte, A.,	York.
Whitner, J. N.,	Pendleton.
Williams, John,	Lancaster.
Williams, J. D.,	Laurens.
Williams, J. H.,	Newberry.
Williams, W.,	St. James', Goose Creek.
Winsmith, John,	Spartanburg.
Witherspoon, S. W.,	Clarendon.
Wright, Thomas,	Laurens.
Young, H. C.,	Laurens.

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MEMBERS OF THE STATE CONVENTION,

ARRANGED ACCORDING TO CONGRESSIONAL DISTRICTS.

FIRST DISTRICT.

SPARTANBURG—James Farrow, J. G. Landrum, R. C. Poole, J. J. Vernon, P. M. Wallace, John Winsmith.
UNION—W. J. Bobo, J. M. Gadberry, B. H. Rice, J. S. Sims,
YORK—R. T. Allison, W. A. Latta, J. S. Moore, R. Y. Russel, A. Whyte.
CHESTER—Isaiah Mobley, Samuel McAliley, W. A. Rosborough, C. T. Scaife.

SECOND DISTRICT.

PENDLETON (ANDERSON and PICKENS)—J. N. Whitner, F. W. Symmes, Wm. Sloan, John Maxwell, R. A. Maxwell, J. Martin, W. Hunter, F. Burt.
GREENVILLE—Jesse Center, B. F. Perry, V. McBee, P. E. Duncan, T. P. Brockman.
LAURENS—H. C. Young, Thomas Wright, J. D. Williams, A. C. Jones, James H. Irby.

THIRD DISTRICT.

LANCASTER—J. M. Doby, J. D. McIlwain, John Williams.
KERSHAW—John Cantey, Thos. Lang, L. J. Patterson.
FAIRFIELD—J. Buchanan, J. H. Means, W. A. Owens, N. A. Peay.
RICHLAND—James U. Adams, C. Bookter, W. F. DeSaussure, Maxcy Gregg, A. H. Gladden.
SUMTER—*Clarendon*—D. St. P. DuBose, J. P. Richardson, S. W. Witherspoon.
Claremont—T. R. English, Sen., W. Haynsworth, A. C. Spain, F. Sumter.

FOURTH DISTRICT.

CHESTERFIELD—J. C. Coit, Hugh Craig, W. J. Hanna.
MARLBOROUGH—J. E. David, W. T. Ellerbe, W. J. Cook.

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DARLINGTON—E. A. Law, J. J. Evans, G. W. Dargan, E. W. Charles.
MARION—W. R. Johnson, W. W. Harllee, W. Evans, John C. Bethea.
HORRY—Hartford Jones, James Beaty.
GEORGETOWN—*Prince George Winyaw*—B. H. Wilson, J. H. Read, Sen., J. H. Trapier, S. T. Atkinson.
All Saints—Peter Vaught, T. P. Alston.
WILLIAMSBURG—A. W. Dozier, Samuel E. Graham, D. M. Mason.

FIFTH DISTRICT.

ABBEVILLE—J. C. Martin, D. L. Wardlaw, G. W. Pressly, G. McCalla, Thos. C. Perrin, J. F. Livingston.
NEWBERRY—F. B. Higgins, Peter Moon, Drayton Nance, J. H. Williams,
EDGEFIELD—J. Jones, F. H. Wardlaw, M. L. Bonham, Wiley Harrison, J. A. Lake, F. W. Pickens, R. B. Bouknight.
LEXINGTON—Henry Arthur, J. C. Hope, H. J. Caughman.

SIXTH DISTRICT.

CHARLESTON—*St. Philip's and St. Michael's*—R. W. Barnwell, John Bellinger, A. P. Butler, Langdon Cheves, J. Cuningham, B. F. Dunkin, T. O. Elliott, W. P. Finley, Edwd. Frost, C. M. Furman, I. W. Hayne, D. E. Huger, M. King, Thos. Lehre, A. G. Magrath, C. G. Memminger, C. Macbeth, Edw. McCready, John Schnierle, T. G. Simons.
St. James', Santee—S. J. Palmer, Daniel DuPre.
St. Stephen's—W. M. Porcher, T. L. Gourdin.
St. Thomas' and St. Dennis'—Geo. Elfe, J. S. O'Hear.
St. James', Goose Creek—Isaac Bradwell, Jr., W. Williams.
St. John's, Berkeley—P. C. Kirk, Morton Waring.
Christ Church—Jacob Bond I'On, A. V. Toomer.
St. Andrew's—John Rivers, A. H. Brown.

SEVENTH DISTRICT.

ORANGEBURG—*Orange Parish*—D. F. Jamison, M. Gramling.
St. Matthew's—O. M. Dantzler, H. A. Haigler.
BARNWELL—E. Bellinger, Jr., S. W. Trotti, J. V. Martin, A. P. Aldrich, W. Graham.

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COLLETON—*St. Bartholomew's*—David Walker, D. S. Henderson, L. O'Bryan, E. St. P. Bellinger.
St. George's, Dorchester—M. T. Appleby, I. M. Dwight.
St. John's, Colleton—W. B. Seabrook, Hugh Wilson, Jr., E. M. Whaley.
St. Paul's—J. B. Grimball, E. B. Scott.

BEAUFORT—*Prince William's*—G. C. Mackay, B. McBride, J. E. Frampton.
St. Helena—Edmund Rhett, John Fripp.
St. Peter's—D. H. Hamilton, A. M. Ruth, Edmund Martin.
St. Luke's—J. G. Huguenin, R. J. Davant.

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ACTS OF THE GENERAL ASSEMBLY

RELATIVE TO

THE STATE CONVENTION.

AN ACT to provide for the appointment of Deputies to a Southern Congress, and to call a Convention of the People of this State.

Whereas, the Convention of the slaveholding States, lately assembled at Nashville, have recommended to the said States to meet in Congress or Convention, to be held at such time and place as the States desiring to be represented may designate, to be composed of double the number of their Senators and Representatives in the Congress of the United States, entrusted with full power and authority to deliberate, with the view and intention of arresting further aggressions, and if possible of restoring the constitutional rights of the South, and if not, to recommend due provision for their future safety and independence:

I. *Be it enacted by the Senate and House of Representatives now met and sitting in General Assembly, and by the authority of the same,* That eighteen Deputies shall be appointed in the manner hereinafter provided, who are hereby authorized, as Deputies from the State, to meet such Deputies as may be appointed and authorized by any other slaveholding State in Congress or Convention, as above recommended, and to join with them in discussing and devising such measures as, in their opinion, may be adequate to obtain the objects proposed by the said Convention at Nashville, and in reporting such, measures to the said several slaveholding States, as, when agreed to and fully confirmed by them, or any of them, will effectually provide for the same.

II. Four of the said Deputies shall be elected by joint ballot of the General Assembly at its present session; and the qualified voters in each Congressional District in this State shall elect two, at such time as is hereinafter prescribed.

III. The Governor of this State shall issue writs of election to the Managers of Election, requiring them to hold elections in their respective Con-

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gressional Districts, on the second Monday in October next, and the day following, for two Deputies to the said Congress, in each Congressional District, and the said Managers shall thereupon advertise and hold such elections, and make due returns thereof to the Governor.

IV. That the Governor shall duly commission all the said Deputies, so to be elected by the General Assembly and by the people; and shall, in concert with the Governor or other proper authorities of other States joining in such Congress, appoint the time and place of meeting, and give due notice thereof; and any of the Deputies on the part of this State who may attend at such time and place, shall have full power to represent the State, as hereinbefore provided.

V. That a Convention of the people of the State of South Carolina is hereby ordained, to be assembled in the Town of Columbia, as hereinafter provided, for the purpose, in the first place, of taking into consideration the proceedings and recommendations of a Congress of the slaveholding States, if the same shall meet and be held; and for the further purpose of taking into consideration the general welfare of this State, in view of her relations to the Laws and Government of the United States, and thereupon to take care that the Commonwealth of South Carolina shall suffer no detriment.

VI. That on the second Monday in February next, and on the day following, the Managers of Elections for the several Districts in this State, shall, after giving public notice, as in cases of elections for Members of the Legislature, open the polls and hold elections in their respective Districts for Delegates to the said Convention, in all respects in the same manner and form, and at the same places, as elections are now conducted for Members of the Legislature: And all persons who are qualified and entitled, by the Constitution and Laws of this State, to vote for Members of the Legislature, shall be qualified and entitled to vote for said Delegates to said Convention; and, in case of any vacancy occurring by death, resignation, or removal from the State, or refusal to serve, of any person elected a Delegate to the said Convention, the presiding officer of the said Convention shall issue his writ authorizing and requiring the Managers of Elections, in the election districts in which such vacancy may have occurred, after giving due notice thereof, to open a poll and hold an election to fill such vacancy, as in cases for the election of Members of the Legislature.

VII. That each election district throughout the State shall be entitled to elect and send to the said Convention, a number of Delegates equal to the whole number of Senators and Representatives which such District is now entitled to send to the Legislature: and the Delegates to the said Convention shall be entitled to the same freedom of arrest in going to, returning from, and whilst in attendance on, said Convention, as is extended to the Members of the Legislature.

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VIII. That all free white male citizens of this State, of the age of twenty-one years and upwards, shall be eligible to a seat in said Convention.

IX. That the Governor be, and is hereby, requested, forthwith after the passage of this Act, to communicate an authentic copy of the same to the Executives of each of the slaveholding States of the Union, and to urge upon the said authorities, in such manner as he may deem best, the desire of the State of South Carolina, that the said slaveholding States do send duly commissioned Deputies to meet the Deputies herein provided to be elected, at the city of Montgomery, in the State of Alabama, on the second day of January, Anno Domini, one thousand eight hundred and fifty-two.

X. That it shall be the duty of his Excellency the Governor of the State, by his proclamation, to call together said Convention, and appoint the time for the meeting thereof, whenever, at any period before the next Session of this General Assembly, the conjuncture of a Southern Congress, contemplated in the purpose of this Act, shall have happened. *Provided*, That in case the Governor shall not assemble the Convention anterior to the next Session of this Legislature, this General Assembly shall, by a majority of votes, fix the time for the meeting of said Convention.

XI. That the said Convention may be continued by adjournment from time to time, so long as may be necessary for the purposes aforesaid: *Provided, however*, That unless sooner dissolved by their own authority, the said Convention shall cease and determine in twelve months from the day on which the said Convention shall first assemble.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the Sovereignty and Independence of the United States of America.

ROBERT F. W. ALLSTON, *President of the Senate.*
JAMES SIMONS, *Speaker House of Representatives.*

AN ACT to fix the time for the meeting of the Convention, elected under the authority of an Act, entiled "An Act to provide for the appointment of Deputies to a Southern Congress, and to call a Convention of the people of this State," passed in the year of our Lord one thousand eight hundred and fifty.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the

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fourth Monday in April next, be, and the same is hereby, fixed as the time for the assembling of the Convention of the people of this State, provided for and elected under the authority of an Act, entitled "An Act to provide for the appointment of Deputies to a Southern Congress, and to call a Convention of the people of this State," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the Sovereignty and Independence of the United States of America.

ROBERT F. W. ALLSTON, *President of the Senate.*
JAMES SIMONS, *Speaker House of Representatives.*

EXTRACT FROM AN ACT, entitled "An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-one."

For the pay of the Members of the State Convention, to be held on the fourth Monday in April next, ten thousand dollars, if so much be necessary; each member to receive the same pay that is now by law allowed to Members of the Legislature; for the Clerk, and the Messenger and the Doorkeeper of the said Convention, each the same pay that is now by law allowed to the Members of the Legislature.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the Sovereignty and Independence of the United States of America.

ROBERT F. W. ALLSTON, *President of the Senate.*
JAMES SIMONS, *Speaker House of Representatives.*

A JOINT RESOLUTION of the Legislature, granting the use of the Hall of the House of Representatives to the State Convention.

Resolved, That the use of the State House and of the Legislative Library be, and the same are hereby, tendered to the Convention of the State, ap-

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pointed by an Act of the General Assembly, to convene in the town of Columbia, on the fourth Monday in April, 1852, and that the Keeper of the State House and Librarian are hereby directed to be in attendance on said Convention.

In the House of Representatives, December 15, 1851.

Resolved, That the House do agree to the Resolution.

Ordered, That it be sent to the Senate for concurrence.

By order,

T. W. GLOVER, C. H. R.

In the Senate, December 15, 1851.

Resolved, That the Senate do concur in the Resolution.

Ordered, That it be returned to the House of Representatives.

By order,

W. E. MARTIN, C. S.

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