[redacted] BATON
[redacted] PRINTER.
[redacted]
[redacted] MORNING, JAN. 31, 1833.
[redacted] GOVERNOR
[redacted] DAWSON.

[redacted] Court of
[redacted] ard be per-
[redacted] mitted to [redacted] son or per-
[redacted] sons attempting to take [redacted] dealt with as
[redacted] for a contempt of Court." It [redacted] Carolina, "that all per-
[redacted] sons holding any office of [redacted] profit or trust, civil or mi-
[redacted] litary, under the State, shall, within such time, and in such
[redacted] manner as the [redacted] legislature shall prescribe, take an oath
well and truly to obey, execute and enforce this ordinance, and
[redacted] 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 per-
son hereafter elected to any office of honor or profit or trust, ci-
vil or military, shall, until the legislature shall otherwise
provide and direct, enter on the execution of his office, or
be in any respect empowered 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
the State, in any case in which shall be a question this
Ordinance, or any of the legislative [redacted] passed in pursuance
thereof, unless he shall first, in addition to the usual oath,
[redacted] an oath that he will well and truly obey, execute
and enforce this Ordinance, and such act or acts of the le-
gislature as may be passed to carry the same into operation
and effect, according to the true intent and meaning thereof."
The Ordinance concludes, "And we, the people of
South Carolina, to the end that it may be fully understood
by the Government of the United States and the people of
the co-states, that we are determined to maintain this Ordi-
nance and the duties [redacted] 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 obe-
dience, but that we will consider the passage, by Congress,
of any act authorising the employment of a military or na-
val force against the State of South Carolina, her constitu-
ted authorities or citizens; or any act abolishing or closing
[redacted] any of them, or otherwise obstruc-
ting the free ingress and egress of vessels, to and from the
[redacted] any act on the part of the Federal Go-
vernment to coerce the state, shut up her ports, destroy or
harass her commerce, or to enforce the acts hereby declared
null and void, otherwise than through the civil tribu-
nals of the country, as inconsistent with the longer continu-
ance 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
connexion with the people of the other states, and will forth-
with proceed to organize a separate government, and do all
other acts and things which sovereign and independent
states may of right do."

The solemn denunciation of the laws and authority of
United States has been followed up by a series of acts
on the part of the authorities of that state, which manifest a
determination to render inevitable a resort to those mea-
sures of self-defence which the paramount duty of govern-
ment requires, but upon the adoption of which that state will
proceed to execute the purpose it has avowed in this Ordi-
nance of withdrawing from the Union.

On the 27th of November, the legislature assembled at
Columbia; and on their meeting, the Governor laid before
them the Ordinance of the convention. In his message on
this occasion, he acquaints them that "this Ordinance has
thus become a part of the fundamental law of South Caroli-
na;" that "the crisis has been at last met, and South Caroli-
na has at length appealed to her ulterior sovereignty as a
member of this confederacy, and has planted herself on her
reserved rights. The rightful exercise of this power is not
a question on which we shall any longer argue. It is suf-
ficient that she has willed it, and that the act is done; nor
is its strict compatibility with our constitutional obligation
to all laws passed by the General Government, within
the authorized grants of power, to be drawn in question,
when this superposition is exerted in a case in which the
compact has been palpably, deliberately, and dangerously
violated. That it brings up a conjuncture of deep and mo-
mentous interest is neither to be concealed nor denied. This
crisis presents a class of duties which is referable to your-
selves. You have been commanded by the people, in their
highest sovereignty, to take care that within the limits of
this State their will shall be obeyed." "The measure of
legislation," he says, "which you have to employ at this
crisis is the precise amount of such enactments as may be
necessary to render it utterly impossible to collect within
our limits the duties imposed by the protective tariffs the
nullified." He proceeds—"That you should arm every ci-
tizen with a civil process, by which he may claim, if he pleases, a restitution of his goods seized under the existing im-
posts, on his giving security to abide the issue of a suit at
law, and at the same time define what shall constitute rea-
son against the State, and by a bill of pains and penalties
compel obedience and punish disobedience to your own
laws, are points too obvious to require any discussion. In
one word, you must survey the whole ground. You must
look to and provide for all possible contingencies.
In your own limits your own Courts of Judicature must
not only be supreme, but you must look to the ultimate is-
sue of any conflict of jurisdiction and power between
them and the Courts of the United States." The Governor
also asks for power to grant clearances—in violation of
the laws of the Union. And, to prepare for the alternative,
which must happen unless the United States shall passive-
ly surrender their authority, and the Executive disregar-
ding his oath, and refrain from executing the laws of the
Union, he recommends a thorough revision of the militia
system, and that the Governor "be authorised to accept for
the defence of Charleston and its dependencies the services
of two thousand volunteers, either as companies of [redacted]
and that they be formed into a temporary brigade, consisting
of infantry, riflemen, cavalry, field and heavy artillery; and
that they be "armed and equipped from the public arse-
nals completely for the field, and that appropriations be
made for supplying all deficiencies in our munitions of
war." In addition to these volunteer drafts, he recom-
mends that the Governor be authorised "to accept the
services of ten thousand volunteers from the other divisions
of the State to be enrolled, and arranged in regiments
and brigades—the officers to be selected by the commander-
in-chief; and that this whole force be called the *State
Guard*."

A request has been regularly made of the Secretary of
State of South Carolina, for authentic copies of the acts
which have been passed for the purpose of enforcing the
Ordinance, but up to the date of the latest advices that re-
quest had not been complied with; and on the present oc-
casion, therefore, reference can only be made to those acts
published in the newspapers of the State. The acts to
which it is deemed proper to invite the particular attention
of Congress are:

1. "An act to carry into effect in part an Ordinance to
nullify certain acts of Congress of the United States pur-
porting to be laws laying duties on the importation of for-
eign commodities, passed in Convention of this state at
Columbia, on the 24th November, 1832."

This act provides that any goods seized or detained un-
der pretence of securing the duties, or for the non payment
of duties, or under any process, order of decree, or other
pretext contrary to the intent and meaning of the Ordinance
may be recovered by the owner or consignee by an act of
replevin; that in case of refusing to deliver them, so that
the replevin cannot be executed, the sheriff may seize the
personal estate of the offender to double the amount of the
goods; and if any attempt shall be made to retake or seize
the goods, it is the duty of the sheriff to re-capture them; and
that any person who shall disobey the process, or remove
the goods, and any one who shall attempt to re-take or
seize the goods under pretence of securing the duties, or
for non payment of duties, or under any process or decree
contrary to the intent of the Ordinance, shall be fined and
imprisoned, besides being liable for any other offence in-
volved in the act.

It also provides that any person arrested or imprisoned,
on any judgment or decree, obtained in any Federal Court
for duties, shall be entitled to the benefit secured by the
habeas corpus act of the State in cases of unlawful arrest,
and may maintain an action for damages; and that if any
estate be sold under such judgment or decree, the sale shall
be held illegal.

It also provides that any jailor who receives a person
committed on any process or other judicial proceedings to
enforce the payment of duties, and any one who hires his
house as a jail to receive such person, shall be fined and
imprisoned: And finally, it provides that persons paying
duties, may recover them back with interest.

The next is called "An act to provide for the security
and protection of the people of the State of South Caroli-
na."

This act provides that if the Government of the United
States, or any officer thereof, shall, by the employment of
naval or military force, attempt to coerce the State of South
Carolina into submission to the acts of Congress declared
by the Ordinance null and void, or to resist the enforce-
ment of the Ordinance or of the laws passed in pursuance
thereof, or in case of any armed or forcible resistance there-
to, the Governor is authorised to resist the same, and to or-
der into service the whole or so much of the military force
of the State as he may deem necessary, and that in case
of any overt act of coercion or intention to commit the
same manifested by an unusual assemblage of naval or
military forces in or near the State, or the occurrence of
any circumstances *indicating that armed force is about to*
be employed against the State, or in resistance to its laws,
the Governor is authorised to accept the services of such
volunteers, and call into service such portions of the mi-
litia as may be required to meet the emergency.

The act also provides for accepting the service of the vol-
unteers, and organizing the militia, embracing all free white
males between the ages of 18 and 60, and for the purchase
of arms, ordnance and ammunition. It also declares that
the power conferred on the governor shall be applicable to
all cases of insurrection, or invasion or imminent danger
thereof, and to cases where the laws of the state shall be
opposed, and the execution thereof forcibly resisted by com-
binations too powerful to be suppressed by the power vest-
ed in the sheriffs and other civil officers; and declares it to
be the duty of the governor, in every such case, to call forth
such portions of militia and volunteers as may be necessa-
ry promptly to suppress such combinations, and cause the
laws of the state to be executed.

3d. Is an act concerning the oath required by the ordi-
nance, passed in convention at Columbia, the 24th of No-
vember, 1832."

This act prescribes the form of the oath,—which is to
obey and execute the ordinance and all acts passed by the
legislature in pursuance thereof,—and directs the time and
manner of taking it by the officers of the state, civil, ju-
diciary and military.

It is believed that other acts have been passed embracing

[redacted] having
[redacted] constitutional remedies without the hope of redress,
[redacted] have a natural right, when their happiness can be no
otherwise secured, and when they can do so without greater
injury to others, to absolve themselves from their obligation
to the government and appeal to the last [redacted] on the
present occasion, cannot be denied.

The existence of this right, however must depend upon
the causes which may justify its exercise. [redacted] ultima
ratio, which presupposes that the proper [redacted] to all
other means of redress have been made in [redacted] and
which can never be rightfully resorted to, [redacted] be unavoidable. It is not the right of the State, [redacted] of the individual, and of all the *individuals* in the State. It is the right of mankind, generally, to secure, by all means in their power, the blessings of liberty and happiness; but when, for these purposes, any body of men have voluntarily associated themselves under a particular form of government, a portion of them can dissolve that association without acknowledging the correlative right in the remainder to decide whether that dissolution can be permitted, consistently with the general happiness. In this view, it is a right dependent upon the power to enforce it. Such a right, though it may be admitted to exist, and cannot be *wholly surrendered, is necessarily subjected to limitations* in all free governments, and in compacts of all kinds freely entered into, and in which the interest and welfare of the individual becomes identified with those of the community of which he is member. In compacts between individuals, however deeply they may affect their relations, these principles are acknowledged to create a sacred obligation; and in compacts of civil governments, involving the duties and happiness of millions of mankind, the obligation cannot be less.

Without adverting to the particular theories the federal compact has given rise—both as to its form the parties to it—and without enquiring whether it ly federal, or social, or national, it is sufficient that be admitted to be a compact, and to possess the ch incident, be a compact; to be a compact by which erected on the one hand, and obedience given other; a compact, freely, voluntarily, and solemnly to by the several States, and ratified by them respectively; a compact by the several States ple thereof respectively, have bound themselves other and to the federal government, and by which eral government is bound to the several States citizens of the United States. To the compact tever mode it may have been done, the people Carolina have freely and voluntarily given their assent, to the whole and every part of it they are, upon principal of good faith, inviolably bound. Under this obligation, they are bound, and should be required, to contribute their portion of the public expenses, and to laws made by the common Constitution, for the common until they can be changed in the mode has provided for the attainment of those Government and of the Union. Nothing less which would justify revolutionary remedy can people from this obligation; and for nothing Government permit it to be done without violation of obligation; by which, under the compact, it is bound other States and to every citizen of the United States.

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

Upon the power of Congress, the veto of the and the authority of the Judiciary, which is "to all cases in law and equity, arising under the Constitution and laws of the United States, made in pursuance are the obvious checks; and the sound action of tion, with the ultimate power of amendment, tary and only questions upon the powers of

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It would not be a proper resistance to "a *multitudes*, usurp"—as has sometimes been unlawful opposition to the very harmonious action of government lutely dependent. South Carolina has these remedies, but, in effect, has defied them threatening to separate from the Union, if any made to enforce the revenue laws otherwise the civil tribunals of the country, she has pe pealed in her own name to those tribunals stitution has provided for all cases in under the Constitution and laws of has endeavoured to frustrate their pro by drawing the cognizance of cases laws to her own tribunals, specially for the purpose of enforcing the acts obstruct those laws, and both judges will be bound by the import of their oaths treat the Constitution and laws of the respect as a nullity. Nor has the State appeal to public opinion and to the Far, without waiting to learn whether consent to a Convention, or if there amend the Constitution to suit the own authority altered the her own will and authority self arbiter in her own case, and all immediate to measures of unless they be submitted to, and by the sword.

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

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

The same instrument confers on congress the power not merely to lay and collect taxes, duties, imposts and excises *to pay the debts and provide for the common welfare*; but "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers, and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof," and also to provide for calling forth the militia for executing the laws of the Union. In all cases similar to the present, the duties of the Government become the measure of its powers, and whenever it fails to exert a power necessary and proper to the discharge of the duty prescribed by the Constitution, it violates the public trust not less than if it were transcending its proper limits. To enforce [redacted] the performance may be [redacted] to the right authority of the Government to be [redacted] and its laws obstructed by a [redacted] State, would be [redacted] comport with its safety nor the rights of the great body of the American people.

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Upon the power of Congress, the veto of the [redacted] and the authority of the Judiciary, which is "to all cases in law and equity, arising under the Constitution and laws of the United States, made in pursuance are the obvious checks; and the sound action of the people, tion, with the ultimate power of amendment, which is tary and only questions upon the powers of the

However it may be alleged that a violation of the powers of the Government has been committed by the enactment of this law, it cannot even be pretended that violation can be predicated of those measures under the provisions of this law. Constitutional remedies shall have been fully tried: Federal Government exercise powers not warranted by the Constitution, and immediately effecting individuals, it can scarcely be denied that the proper remedy is a suit in the Judiciary. Such undoubtedly, is the remedy for those who deem the acts of Congress laying duties and providing for their collection, to be unconstitutional. The whole operation of such laws is upon those importing the merchandize: a State is absolutely prohibited from laying imposts or duties on imports, even without the consent of Congress, and cannot directly under those laws, without importing in herself or wrongfully interposing her authority against thus interposing, however, she cannot rightfully the operation of the laws upon individuals. Further, obedience to, or violation of the laws, the ordinary remedies through the judicial tribunals would remain. And, in a case where an individual should be prosecuted for any offence against the laws, he could not set up, in justification of his act, a law of a state, which being unconstitutional, would therefore be regarded as null and void. The law of a State cannot authorize the commission of a crime against the United States, or any other act, which, according to the supreme law of the Union, would be otherwise unlawful. And it is equally clear, that if there be any case in which a State, as such, is affected by the law beyond the scope of judicial power, the remedy consists people to the people either to effect a change in the sentation, or to procure relief by an amendment Constitution. But the measures of the Government be recognised as valid, and consequently supreme, these remedies shall have been effectually tried: and attempt to subvert these measures, or to render the subordinate to State authority, and afterwards resort constitutional redress, is worse than evasive.

It would not be a proper resistance to "a *multitudes*, usurp"—as has sometimes been unlawful opposition to the very harmonious action of government lutely dependent. South Carolina has these remedies, but, in effect, has defied them threatening to separate from the Union, if any made to enforce the revenue laws otherwise the civil tribunals of the country, she has pe pealed in her own name to those tribunals stitution has provided for all cases in under the Constitution and laws of has endeavoured to frustrate their pro by drawing the cognizance of cases laws to her own tribunals, specially for the purpose of enforcing the acts obstruct those laws, and both judges will be bound by the import of their oaths treat the Constitution and laws of the respect as a nullity. Nor has the State appeal to public opinion and to the Far, without waiting to learn whether consent to a Convention, or if there amend the Constitution to suit the own authority altered the her own will and authority self arbiter in her own case, and all immediate to measures of unless they be submitted to, and by the sword.

In [redacted] of duty
[redacted] imposes upon the
[redacted] Union, it cannot be
[redacted] for the acts of
South Carolina, or for her [redacted] in property the
happiness of so many millions of people. Mistaken and op-
pression, to warrant the [redacted] the free institutions
of these States, [redacted] and lasting—defying all
other remedy. For causes of minor character, the Govern-
ment could not submit to such a catastrophe, without
violation of its most sacred obligations to the other States
of the Union, [redacted] their destiny to its
hands. [redacted]
[redacted] nance, no such cause either in
the [redacted] oppression complained of, or in
the [redacted] redress by constitutional means. The
long sanction they have received from the proper authori-
ties and from the people, not less than the unexampled
growth and increasing prosperity of so many millions of
freemen, attest that no such oppression as would justify,
or even palliate such a resort, can be justly imputed either
to the present policy or past measures of the Federal Gov-
ernment. [redacted] same modes of collecting duties and for the
same objects, which began with the foundation of
the Government, and which has conducted the country
through its subsequent steps to its present enviable condi-
tion of happiness and renown, has not been changed. Tax-
ation and representation—the great principle of the Ame-
rican Revolution—have continually gone hand in hand;
and all times and in every instance, no tax of any kind
has been imposed without the participation—and in some
cases which have been complained of, with the express
assent of a part of the Representatives of South Carolina
in the councils of the Government. Up to the present peri-
od no revenue has been raised beyond the necessary wants
of the country, and the authorized expenditures of the gov-
ernment. And as soon as the burthen of the public debt is
removed, those charged with the administration have
promptly recommended a corresponding reduction of reve-
nue.

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

[redacted] nations [redacted]
[redacted] still claims to be a compe-
[redacted] nent part [redacted] to participate in the national
councils, [redacted] the public benefits, without con-
tributing [redacted] thens; thus asserting the danger-
ous anomal [redacted] continuing in an association without ac-
knowledgi [redacted] any other obligation to its laws than what de-
pends upon her own will.

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

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

The same instrument confers on congress the power not merely to lay and collect taxes, duties, imposts and excises *to pay the debts and provide for the common welfare*; but "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers, and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof," and also to provide for calling forth the militia for executing the laws of the Union. In all cases similar to the present, the duties of the Government become the measure of its powers, and whenever it fails to exert a power necessary and proper to the discharge of the duty prescribed by the Constitution, it violates the public trust not less than if it were transcending its proper limits. To enforce [redacted] the performance may be [redacted] to the right authority of the Government to be [redacted] and its laws obstructed by a [redacted] State, would be [redacted] comport with its safety nor the rights of the great body of the American people.

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[redacted] Transcript

[redacted] Marine [redacted]

PORT OF [redacted]

Ship Nestor, [redacted]
Ship Nestor, [redacted]
Ship Fisher, [redacted]
Barque Commerce, [redacted]
Brig Lottery, [redacted]
Schr Tippecanoe, [redacted]

ARRIVED

Steamboat [redacted]
cotton, [redacted]
Cowles & Walker, [redacted]
rams & Lee, Hermitage, [redacted]
Steamboat Planter, [redacted]
ton, &c. [redacted]
J Dick & Co, Cooper, [redacted]
co. Fish, Wait & [redacted]
Maurice, Cottingham, [redacted]
16 passengers.

Steamboat Mechanic, [redacted]
60 casks bacon, [redacted]
whiskey, Harris, [redacted]