

JUDGE CLAYTON—NULLIFICATION. A late number of the Georgia Journal contains a long letter from Judge Clayton to Colonel Cumming and others, citizens of Richmond county, who, it seems, at public meeting, had passed a resolution requesting to be informed of his (Clayton's) "sentiments in regard to Nullification." The following quotation from Mr. Jefferson, he says, contains his opinion in full:—

"When powers are assumed, which have not been delegated, a **NULLIFICATION** of the **ACT** is the **RIGHTFUL REMEDY**: That **EVERY STATE** has a **NATURAL RIGHT**, in cases not within the compact, to **NULLIFY**, of their **OWN AUTHORITY**, all assumption of power by others, **WITHIN THEIR LIMITS**: that without this right, they would be under the dominion, absolute and unlimited, of whomsoever might exercise this right of judgment for them."

Mr. Clayton, however, does not rest satisfied with this "opinion in full," and proceeds to give his views in a more ample form, laying down these propositions, with the very logical commentary which follows:—

1st. That an unconstitutional law is **NO LAW**, and no man or community is bound to obey it, nay, they are bound to *resist* it, for every man is sworn to support the constitution.

2d. A law "unjust and inconsistent with the spirit of the constitution," is a violation of the constitution, because it is a perversion of that instrument, a perversion is a breach of its intention, and according to all rules of construction, legal or moral, the intention must govern.

3d. That the general government can pass no law for which it does not find an authority in the constitution, and that if it does, it is no more binding upon the States than if passed by a foreign nation, for as to all ungranted powers it is to these states a completely foreign government.

The two first positions need no commentary, the last suggests these reflections. Suppose Great Britain should pass an act for the benefit of her manufacturers, to operate in Georgia, what would the State do? I care not what, but whatever was done, precisely that ought to be done, in relation to the same act passed by the federal government, for the right is wholly and absolutely usurped in both cases. If South-Carolina, our neighboring State, were to pass such a law, every body would see its absurdity, and Georgia would nullify it in an instant; then where is the difference between one State and twenty-three States? Where is the difference between the northern States doing this thing, in their separate State legislatures, or, under the pretence of constitutional authority, combining and meeting in the halls of Congress for the same purpose, if both methods be equally out of the pale of the constitution? Why should we not as readily resist an *usurped* act of the general government as that of any other government? There is no reason for it, and in four distinct cases has the State of Georgia applied, as Mr. Jefferson calls it, this **RIGHTFUL REMEDY**.

It is not to be disputed that, as Mr. Clayton affirms, Georgia has four times resorted to Nullification. The first case to which he alludes as an instance of nullification, was the refusal of Georgia to obey the *new* treaty of 1825, by which the government attempted to annul the *old* one.

What became of the new treaty? Georgia nullified it. She resisted the authority of the general government because its act was *unconstitutional*, and being in the right, though force was not only threatened, but arrayed, she triumphed, and the old treaty was sustained. So, the federal troops marched to Flint river, and then, ————— marched back again.

The second instance was the case of Tassels. A mandate was sent from the Supreme Court of the United States, to suspend his execution until he could be heard before that Court on a writ of error. What said the legislature ?

“ *Resolved*, That the governor and every other officer of this state *disregard* any and every mandate and process that has been or shall be served upon him or them, proceeding from the supreme court of the United States, for the purpose of arresting any of the criminal laws of this state.”

“ *Resolved*, That the governor, with *all* the force and *means* placed at his command, *resist* and *repel* any and every invasion from whatever quarter, upon the administration of the criminal laws of this state.”

The third instance was the case of the Missionaries—the refusal of obedience to the mandate of the Supreme Court. The fourth, he says, is now actually going on. He alludes to the survey and occupation of the Cherokee lands. The survey is already made, and the commissioners are making preparations for the lottery, the drawing of which is to commence in October, and, in all probability the possession of the lands will pass from the Indians before the close of the year. “ Four times (says Mr. Clayton) has Georgia tried this matter, and just as certain as fate, four times she will have proved it. And if she will try it the fifth time, she will meet with the same success, for no man can believe that when the alternative is presented to the general government to give up the Union, or to cut the throats of her citizens to pamper the wealth of a privileged order, that the choice will occasion even an instant’s hesitation.”

Mr. Clayton avails himself of the opportunity to address "the balance of his remarks" to his constituents; and this "balance" is so peculiarly characteristic of Mr. Clayton that we present to the reader the principal part of it.

If in my late service I have advanced opinions on the floor of Congress you do not approve, or if I have misrepresented your sentiments to your oppressors, you ought to turn me out. Undeceive them as quick as it is in your power to do so, and I have no doubt they will greatly rejoice at it. It will be an act alike due to their superior discernment of your views, as well as to your own sincerity, and it will be certainly a just, though a severe rebuke to my want of fidelity. But let me pray you not to be deceived by the mere force of words. You cannot be made to believe that Congress has any thing to do with nullification, or that your liberties are in danger from the doctrine in that body. Depend upon it, whenever a vote shall be taken in Congress to *nullify* the tariff system, it would well behoove you to have as many *nullifiers* there as possible. You owe it to your understandings to make this enquiry, "what possible harm can a *nullifier* do us in Congress"? Perhaps, of all the places in the world it is the one where he could do the least harm: and if even Congress should attempt to force the tariff upon the South by arms, it is the one which might be able to do the most good. At least there would be more dependence upon his vote to withhold the necessary supplies, than upon that of an anti-nullifier. It is only at home you have to dread him, if there be need for dread at all. But you may rely upon it, there is nothing in that name, hostile to your liberty, which originated with the greatest friend liberty has ever had on this side of the Atlantic ocean. Though a constant effort is made to throw around the word nullification the greatest possible odium, and to render it another name for treason, yet did not Mr. Jefferson so conceive it. It was employed to rid ourselves of the unconstitutional acts of Great Britain; it was recommended by this immortal sage to subvert the tyranny of the sedition law; it has been successfully practised in our own state, and I affirm that many other cases can be adduced from other states. It means, it can mean nothing more than, disobedience to arbitrary and oppressive laws, and in that sense is there a man among you longer prepared to obey an edict that exacts half the fruits of your labor, and forces from an honest ploughman such a slavish contribution as that every furrow which he runs, under the scorching beams of a summer's sun, yields its produce to a northern nabob? Who is there that is not willing to wage an interminable war against an extortion that subjects

you, your property and your prosperity, to a tribute limited only by an *interest* that has been deaf to reason, dead to sympathy, blind to justice, and bent only upon the full fruition of its unholy desires? Would to God you could have personally witnessed the late deliberations of Congress. I tell you by all that is holy in heaven, that this protective system is dictated by the manufacturers themselves, that they attend by committees and agents, around the halls of Congress, for the purpose of giving instructions to members of Congress, as to what must be taxed, what must be free, and what must be the quantity of the burthens. I tell you in the same sacred manner, that members of Congress rise from their places, and deliberately drawing from their desks letters received from their manufacturing constituents, will read out their demands for an increase of taxes, and they are as deliberately granted, against the ardent and repeated remonstrances of your protesting representatives. I tell you solemnly, that it is not an uncommon thing for those members, friendly to the manufacturers, to fix the rate of duty on one day, and then change it to a higher amount on the next day at the mere instigation of manufacturing agents. I tell you that they assert on the floor of Congress, that the protective system shall never be repealed, and give as a reason that it was imposed by the South, that the nation is now pledged to continue it, that the manufacturers have two hundred millions of money invested in the business, that to take off the system would bankrupt the capitalists, blast the prospects of the farmers, beggar the operatives in the factories, and, in fine, reduce the manufacturing districts to communities of paupers; and rather than submit to such a state of things they say they are willing to dissolve the Union. They present the alternative that YOU or THEY must submit, and they most solemnly declare they shall not. What hope have you from a prospect so gloomy, if you can believe my testimony?

☞ We are pleased to have it in our power to present, in the same paper with the foregoing extracts from a letter of Judge Clayton, who seems to be up to the hub in the mire of nullification, the following views of a respected correspondent, which may serve as a suitable commentary upon the ridiculous notions of Judge Clayton.