The Sumter Banner.

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WM. J. FRANCIS, Proprietor. "God—and our Native Land." TERMS---Two Dollars Per Annum In Advance.

VOL. VI. SUMTERVILLE, S. C., APRIL 6, 1852. NO 24

POLITICAL.

[From the Winnsboro' Daily Register.]

Letter from the Hon. J. A. Woodward.

Mr. Editor:—Regarding the views expressed in the accompanying letter from my friend, Mr. Woodward, as worthy the profound consideration (more especially) of the members elect to the Convention, and the people generally, I deem it my duty to request its publication.

Very respectfully,
SAMUEL G. BARKLEY.
March 25th.

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Washington, March 16, 1852.

My Dear Sir:—I have been much gratified at the receipt of your letter, but regret that you are not more decided in your repugnance to the idea of prohibiting the election of United States Senators and Representatives, and thus detaching the State from the Legislative branch of the Federal Government, while she will still remain in union with the other States, and equally with them, be subject to all the laws and regulations of the Union.

Now, if the State were about to secede from the Union, a resolution recalling your Senators, and Representatives, though not legally binding until after the act of Secession, would meet my approbation. There would be an obvious propriety and decorum in the act, and it would relieve the delegation of an embarrassing situation. But to make such a measure the thing in chief; and not the mere consequence of a more decisive purpose—to rely upon it as the substance of remedy—as the protective effort of invoked sovereignty; would be strange, indeed. As to the effect of the measure, it would be the most pernicious, and in point of [illegible] be utterly indefensible.

First, let us consider it in a constitutional point of view. It is conceded that Convention is sovereign according to the doctrines of South Carolina, and that there is no authority capable of rightfully controlling its action. But it must be remembered, that a sovereign can, by compact, place himself under obligations and disabilities, of which he cannot relieve himself, except upon a violation of the terms of the compact, and then only by repudiating the compact itself. All that can be legally done by a State, a Convention may do, but there are a vast number of things which a State cannot do so long as she remains a member of the Union. No State can "coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts" &c. &c. Consult the Constitution, and see how many disabilities are imposed upon a State, of which it cannot exonerate itself, except by Secession. The tenth amendment to the Constitution reads as follows:

"The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people."

But the powers expressively delegated to the United States, or prohibited to the States, are, of course, not reserved either to the States or to the people of the States; and what the people of a State cannot do, a convention cannot do, for a convention is not greater than the people.

Now the offices of Senator and Representative are created by the Constitution of the United States, and the right of a Legislature of a State to elect the one, and that of the people to elect the other conferred by the same constitution. The Convention of a State neither created these officers, nor conferred the right to elect them; and what it did not give, it cannot take away. The Legislature holds its right to elect Senators independently of the people and of the Convention, and the people hold their right to elect Representatives, independently of the Convention and of the Legislature.

If, however, the Legislature should, of its own accord, decline to choose Senators, or if the people should all, of one accord, decline to elect Representatives, there could be found no where any right of compulsion or interference. But in case the Legislature, by repealing the election laws, should attempt to deprive the people of the means of electing Representatives, Congress would at once, "in pursuance" of a power expressly granted by the Constitution, proceed to provide necessary election laws, and by virtue of these laws, a handful of people might lawfully elect all the Representatives to which the State should be entitled. The consequence would be, that the choice of Representatives, would fall exclusively into the hands of those opposed, by supposition, to the State, and on the side of the Union. It would not help the matter, that the Legislature should have acted under and injunction from Convention. The ordinance of Convention, enjoining the act, would be of no higher authority than the Constitution of the State. Indeed, every ordinance of Convention, is, in theory, a part of the State Constitution: But the Constitution of the United States expressly declares, that all laws made in pursuance thereof, shall be the supreme law of the land, and that, "the Judges in every State shall be bound thereby, any thing in the *Constitution* or laws of any State to the contrary, notwithstanding." Thus it will be seen, that Representatives elected under the circumstances described, by a handful of people, in some corner of the State, would have to be regarded as lawful Representatives not only by the United States authorities, but by the judicial tribunals of the State itself. And should the Legislature, in obedience to an injunction from Convention, declare it an offence to participate in such elections, the State Courts would be bound, by oaths of office, to declare the act of the Legislature unconstitutional and void. There would be no way of exonerating the State [illegible] of public opinion is fully known, and I am satisfied that the proposition would be inopportune, and worse than useless. Our friends are not sufficiently strong to institute a discussion upon it, and it would find in every State overwhelming majorities committed, and in many instances, organized and embittered against it. I know that Mr. Calhoun meant to practice more than usual caution, both as to opportunity and as to the source from which the proposition should come. I cannot however, in a state of things, not foreseen by him, assume to make affirmations, as to what his advice would be, but I have an opinion perfectly satisfactory to myself.

[illegible] dest [illegible] rights, unless the Convention, pronouncing *judicially* upon the Constitution of the United States, should solemnly declare, that the State had never intended to grant to Congress the power to provide for elections. And where is the possibility or the desiderability, that a Convention of the people of South Carolina should ever be brought to utter so palpable a falsehood?

But it is needless to say more, with the view of showing that the Convention and the Constitution of the State, have nothing to do with the matter of United States Senators and Representatives. If as I have already said, the people should choose not to elect Representatives under an act of Congress for the purpose, they would violate neither the laws or the Constitution, of the United States; but it must be borne in mind, that though every person in the State, except fifty voters should refuse to go to the polls, these fifty would be considered as constituting the *people*, and the persons elected by them, would be lawful Representatives. A distinguished Representative from South Carolina, was once elected by thirty votes, there being no opposition.

But in point of expediency, what good consequences can be pointed out as likely to follow? Not one, I apprehend. That portion of the people, who, for any reason should choose to respect the will of the Convention, would become disfranchized as to the election of Representatives: and the election would fall exclusively into the hands of those who would disregard the will of the Convention. To prevent this monstrous injustice, the judicial tribunals would be resorted to; but I have shown how these authorities would, inevitably, be placed in conflict with the Convention, and on the side of those who should despise its command and love the Union. How long would such a state of things be tolerated by the people?

Nor can it be doubted that public opinion in our sister States, would be unanimous against us. Our friends there being, in a great measure, held responsible for our acts, would feel that we had, uselessly put upon them an unreasonable responsibility, and that it stood them in hand, to be foremost to reprobate an act, which it would be vain to attempt to defend; whether as Constitutional or as revolutionary—for the act would be not more repugnant to the Constitution, than it would be unworthy of the spirit of revolution. The worst thing that could befall us and our cause, would be the doing of some act, which, instead of arousing the generous and manly sympathies of our brethren in other States, would oblige all suspected of having sympathized with us to repudiate us, or be repudiated themselves by their neighbors. There are high considerations of patriotism and statesmanship, obvious to the minds of all; why our State should not yet awhile secede from her Southern sisters. And let us pursue such a course, as that none will be able to dispute that we were actuated by those high considerations. Let us not do just so much, and such sort of things, as will make it manifest to the world, that we abstained from doing more, only because we were afraid. Let the State secede or not secede; do what will touch the hearts of men, or what will challenge the approval of statesmen. No irresolute experimenting with political quackeries.

Anxious that the movement in the South should not prove a fruitless one. I endeavored for a long time to hope, that circumstances might justify the Convention in propounding to the other States, an amendment of the Constitution, such as was suggested by Mr. Calhoun. Upon that proposition I know that Mr. Calhoun looked to a protracted and ample discussion, involving as it would all the relations between the North and the South, comprehending every form of injustice and danger from the Union, present and future, and displacing the insidious policy of our enemies; which is that of well timed periodical assaults, with intervals, more or less extended of cajollery, flattery, and pledges—of platforms, election-jubilees and intrigues with Southern ambition. But the Convention is near at hand, and the

to the question, and two-thirds of the new Legislature must also vote for the change. But I shall not dwell on this point.

The Convention has before it the very simple task of setting forth the true reason why it ought not to secede, under the existing state of opinion at home, and in the other Southern States. There will be no need of resorting to fiction, it can do more than this: It can submit to the people of the South the reasons why we think they ought to provide for their separate existence and independence. The other States will never secede except upon their own convictions of what is sound policy. They will never admit that South Carolina is the deliberative and Legislative department of the South, and all the other States the Executive. We do not arrogate this to ourselves, and let us spare no pains to show that we do not. We only deny to other States superiority over ourselves.

But the Convention can do still more; it can do what greatly needs to be done; and what none other can do; it can place the people of the State where the Legislature found them in November 1850. From the time the Convention was first called, considering the circumstances and terms of the call, it was manifest that without some new aggression, the State would be isolated, and the Southern Rights party, yet in its infancy in the other States, would be repressed and suffocated. But the idea soon suggested itself that the Convention might be useful in restoring harmony to the South. In my first public communication, I indicated this as the proper office of the Convention. Had the last Legislature refused to fix a day for the Convention to meet, it would have done violence to the sentiment of reverence habitually felt for the recognized sovereign authority; to the legal opinions of the most eminent men of the State, living and dead. Such a course would have laid the foundation for strife and contention and the reign of faction for the next ten years. And in this contest, what would have been the predicament of those who, having advised or acquiesced in the call of the Convention, should have turned about to dishonor and strangle it? What?

There is no danger of the Convention doing an absurd act, with such responsibilities resting upon it. There never was any danger. When in May, 1851, both parties found it necessary to disavow "immediate secession," it was plain to me that secession was dead. This was the true, the only reliable test. The proposition of future speculative secession was fit only to produce a delusion. Put off the day as long as you might, it would have to come at last; and when it should come, the question would then be "immediate secession." And those who repudiated it in May, 1851, could not reasonably be expected, after a cooling process of twelve months, to be in favor of it in May 1852.

In my opinion, the Convention was called under a misapprehension of the views and wishes of our friends in other States. It was supposed by many concerned, that they desired us to act promptly and decisively. It was feared, that except we did so, we should fall behind our friends and drag them down. The authors of this delusion bear a weighty responsibility. But the Legislature having instituted action with the confident expectation in the minds of many that co-operation would be secured, the State will not suffer disgrace in declining to secede without co-operation, and against all hope of any support from abroad. With perfect unanimity, and, as no body doubts, with the perfect good faith, she marched up to the line of resistance: and the responsibility of non action is a thousand times more with the other States than with South Carolina. There is no disgrace in South Carolina declining to assume the exclusive control of a vast question in which fourteen other much larger States have an identical and equal interest with herself. No one disputes that in a legal sense, the institution of slavery within the State, is local and distinct from the same institution in any other State, and the State has the right to do as she pleases, leaving the other States to do as they may think proper. But politically and in point of fact, the institution and its destiny are one throughout the South, and those who will look at the matter, not through a lawyer's spectacles, but with the eye of the statesman, will easily perceive the weighty reasons, why one small State should not, upon the plea of technical individuality, think it becoming, and just and wise and statesmanlike, to set at naught the counsels, and disregard the wishes, of those fourteen sister States, so long as there existed no sufficient reasons for suspecting that they had abandoned all idea of defending themselves. I confess my mortification at what has taken place, but the State is in no danger of losing caste, except she first lose her self-possession and self-control. Hasty and abrupt action is natural to republics. It is the incident of high animation and exuberance of life, and I should be glad to believe, that, if, like the ancient republics, we have a great facility of falling into error, unlike them, we have a compensatory facility in coming again. With this compensation republics would be secure; without it they would not deserve to be.

I have no direct interest in the matter to which your letter refers, as I shall not be a candidate for re-election. My only concern is that of a private citizen, whose fortunes are involved in those of the State.

Very truly, your friend,
J. A. WOODWARD.
Sam'l. G. Barkley, Esq.

From the Southern Press.

Deficiency Bill—Faithful Execution of the Laws.

The House of Representatives has been engaged for the last three days in debate on the Deficiency Bill. The appropriations made at the last session of Congress for the year ending thirtieth June next, amounted to about fifty millions of dollars. As this has been a year of peace, and last Congress was one of the most patriotic that ever met, and the Union was saved by a union of the patriots of both parties, after the most copious profession of principles that ever occurred, it was not clearly understood how it happened that so much money was required. But, perhaps, a matter of ten or twenty millions, more or less, was too trifling to engage the attention of the great statesmen that were saving the Union. But now, when re-union of parties is the order of the day, and President-making engrosses the thoughts of anxious patriots, Mr. President Fillmore comes, and like Oliver Twist, holds out his empty *soup* bowl and demands of the horror struck treasury-guardians, nearly three millions more for the current year. Just as we were discussing the policy of intervention in the affairs of Europe, of defending the frontiers of Hungary against the Russians, and of Italy, Switzerland, Belgium, and perhaps, England, against Louis Napoleon, we are told that about three millions more must be voted, or we cannot defend our own frontiers from the Camanches, Apaches, and Navajoes.

This is a great and growing country. It is growing in territory, and in population, in philanthropy, in politics, in Presidential candidates, and in platforms. But it is growing more rapidly in deficiency bills. There is a deficiency in appropriations, in public morals, in common sense, in lands for the landless, in bread for the idle, and a deficiency of several hundred millions of acres of lands to make railroads all over creation, especially where there is a deficiency of population and business to use them after they are built. There is a deficiency of a hundred thousand federal offices for the friends of all the candidates. There will be a serious deficiency in the votes for nearly all of them in the national conventions, and we would not be surprised if there were a deficiency of votes for the nominees of each of the two parties.

There has been no deficiency of professions, however, by this administration of its devotion to the faithful execution of the law—but alas it turns out that there has been a great deficiency in its practice. The appropriations of public money have been made by Congress. And it has been thought essential that the control of the public purse should belong to the representatives of the State and people. Acting under this notion the last Congress appropriated some fifty odd millions of dollars, for one year, and specified the purposes to which it was to be applied. But now comes the President, and says, that in the exercise of his high discretion or prerogative, he concluded to spend it all in nine months, and now demands immediately some three millions more, or he will abandon the defence of the country. Now, if such a thing as this can be done, what is the use of laws? What is the use of Congress, except for a debating club—to discuss the emancipation of Africans in this country at one session, and the emancipation of the down-trodden masses of Europe at the next? We are beginning to take the affairs of Japan into consideration—with the view of giving her freedom of trade, at least with ourselves, and by next year we shall take up the cause of human liberty in Hindoostan, and the rights of man in China, for which we have a growing sympathy, arising from the tide of emigration, which has briskly begun from that country to California. And it has come to this, that whilst Congress is making a tour of philanthropy all over the world, and attending to the business of the rest of mankind, the President is making free with some three millions of the public money in contempt of law.

Now it is one of the most remarkable features of the times that such proceedings as the President's occur when there is a hostile political majority in both Houses of Congress. Indeed we have observed from the Compromise coalition, down to that of the Census Printing, that whenever any stupendous fraud, or abuse is to be perpetrated—such as would sink any party assuming the sole responsibility, it is forthwith undertaken by a combination of both parties, and then such professions of liberality, nationality, patriotism, and Unionism are made as we would expect from a band of brothers, leagued to defend the capitol against a midnight assault of barbarians. As a striking illustration of the way these things are done and suffered, we will quote commentaries of the Washington *Union*, which aspires to the sole organship of the opposition party, but which unfortunately cannot get the Census Printing without the aid of administration votes. But for that, and but for the general proclivity to a union of both parties for the sake of the spoils, we would have expected an opposition organ to sound a perfect hurricane of an alarum at this executive usurpation. Why, when General Jackson merely took the responsibility of changing the place of deposit of the public funds from one bank to others, the opposition was almost revolutionary and volcanic. Now, look at the gentleness of the roaring of General Jackson's ex-private secretary, when millions are taken by a Whig President out of the treasury, not only without authority of law, but in direct violation of it:

'The pendency of such a measure makes the impression that there must have been some very material error or mistake either in the Executive estimates or the Congressional appropriations at the last Congress, or that there has some extraordinary looseness in the execution of the laws by disbursing officers. If we are not mistaken in the temper of the people, they will have their attention arrested by a proposition to add three millions to the fifty millions appropriated for the current year, and a very satisfactory explanation will be required from the Executive, who now calls for so large an additional amount of money, and from the members of Congress who respond to that call. We are strongly inclined to the opinion that deficiency bills are becoming rather too much a matter of course, and that there is a readiness to yield to such Executive calls which is calculated to elicit some criticism. If we are correctly informed, the present deficiency bill is intended to comply with an Executive call for about three millions of dollars, which it is said becomes necessary to carry on the operations of the government until the 30th of June, 1852. The alleged necessity for the additional sum arises from the fact that the last Congress refused to appropriate the amount then called for by the Executive estimates by about three millions, and that as the expenditures have gone on according to the scale of the Executive estimates, and not according to the law of Congress, it now becomes necessary for the present Congress to correct an error of the last Congresss. To our mind this state of facts is extraordinary, and demands a corresponding degree of scrutiny on the part of members of Congress.

"We do not mean to be understood as intimating that there has been any misapplication of the public money which has produced the alleged deficiency, or that the facts, when developed, may not show that the deficiency ought to be supplied. What we mean is, that when the Executive has made his estimates, and submitted them to Congress, for the annual appropriation, and when Congress has refused to appropriate the amount estimated by three millions of dollars, if the Executive goes on to expend according to his estimate, and not according to the actual appropriations, he should be prepared with most satisfactory reasons for disregarding the law of Congress, and following his own discretion. The Executive may be able to give such reasons; but unless he can, we are unable to see upon what justifiable principle Congress can sanction such an assumption. That our position may be more clearly understood, we take a case for illustration: The Executive calls for five millions of dollars for the quarter-master's department; this is his estimate for the year. Congress deems this amount too large and only appropriates three millions. Now, if the Executive goes on and expends five millions, we say that is done in violation of law; and if the Executive asks the next Congress to sanction the excessive expenditure, it should be done only upon the most conclusive reasons. When Congress appropriates a specific sum to sustain a specific branch of the government, the Executive has no authority for transcending the limit fixed by Congress. To do so is to violate the law; and no violation of law by the Executive ought to be sanctioned, except under the pressure of absolute necessity. What we maintain, therefore, is, that the present deficiency bill presents a case in which the Executive should be held to a rigid accountability. Why has more money been expended than was appropriated by Congress? Why were not the expenditures made according to the scale indicated by the Congressional appropriations? What was the controlling necessity to justify the Executive in setting his discretion above the law? How has the money been expended? These are questions which necessarily arise in the case, and unless they are satisfactorily met and answered, a most dangerous precedent will be set; the result of which will be that the Executive estimates, and not the Congressional appropriations, will become the law of the land. We deem it proper to repeat that we do not make these remarks for the purpose of intimating any opinion as to the propriety of the deficiency bill, but with the sole view of showing how important it is that those who are notified that they will be held responsible for the expenditures according to the appropriations by Congress, may see the necessity of looking closely into this dangerous innovation upon the proper practice of the government. If the Executive can have deficiency bills passed whenever he chooses thus to have excess of expenditure sanctioned, the responsibility should rest distinctly and singly upon those who make the estimates, and not upon those who appropriate according to the estimates. In other words, upon this new doctrine the business of making appropriations by Congress will become a mere formal proceeding, having no responsibility attached to it. This, surely, is not in accordance with the true spirit of our institutions, and it is an innovation which should be promptly met by the most rigid investigation into the necessity for the present deficiency bill. We do not believe that the public mind will be satisfied that this government is economically administered with an annual expenditure of over fifty million of dollars, until the subject shall be thoroughly sifted; and there can be no better time to begin this investigation than is presented upon this Executive application for the passage of the deficiency bill before Congress."

Now, did anybody ever see such a collocation of defences, palliations and excuses? Why when Gen. Jackson removed the deposites, or rather changed the place of making them in future, he did not rely on excuses, and palliations and expediences. He relied on what he considered his constitutional power. But if a President can violate the law and rely on reasons and arguments he is the legislative as well as the Executive power. Why suppose the appropriations *were* inadequate, *he* is not responsible.

The excuse given in this case, in our opinion aggravates the offence. The President locates the different divisions of *the army* where he pleases, and then if the law does not provide for that arrangement, *he will*. And he pleads as his reason for violating the law his desire to supply the soldiers where he placed them. He enlists the feelings of *the army* on his side in violation of the law. Why this is Louis Napoleon's policy. And if this is tolerated, how long will it be before we shall have a *coup de etat*?

Is not Congress competent to determine how much the people shall be taxed for the defence of our frontier and of the Mexicans? And when seven or eight millions are voted for the army, can the President vote three or four millions more? Congress refuses to ratify it, and proceeds to impeach the President, what so natural as for him to appeal to the army against the fictions majority in Congress, and with the army and the