

## REPORT

ADOPTED BY

### THE LEGISLATURE OF GEORGIA, ON THE RESOLUTIONS OF SOUTH CAROLINA AND OHIO,

IN RELATION TO

THE POWERS OF THE GENERAL GOVERNMENT AND STATE RIGHTS, AND  
TO THE SUBJECT OF SLAVERY.

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1829, JANUARY 14.—Read, and ordered to be printed.

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EXECUTIVE DEPARTMENT, GEORGIA,

MILLEDGEVILLE, *January 3d, 1829.*

GENTLEMEN: By the request of the General Assembly, I transmit to you a copy of the report and resolutions adopted by them, on the resolutions of South Carolina and Ohio, to be laid before the Senate of the United States.

I am, gentlemen,

Your obedient servant,

JOHN FORSYTH.

The Hon. JOHN M. BERRIEN, and

OLIVER H. PRINCE, *Senators from Georgia.*

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HOUSE OF REPRESENTATIVES,

*December 10, 1828.*

The Committee to whom was referred the resolutions from the States of South Carolina and Ohio, have had the same under their consideration.

As the subjects referred involve questions of the deepest interest, touching the fundamental principles of the federal government, the sovereignty of the States, causes of complaint for infractions of the Constitution, and encroachments by the General Government upon State rights, as well as the rights of the States to redress their wrongs, your committee have devoted their serious attention and grave consideration to the subject, which the magnitude and importance of the questions involved require. And from the view which your committee have given the subject, they concur in the sentiments and resolutions of the State of South Carolina upon most of the subjects involved in the discussion.

They entertain no doubt but that the Constitution of the United States is a federal compact, formed and adopted by the States as sovereign and independent communities.

The convention which formed and adopted the constitution, was composed of members elected and delegated by, and deriving immediate power and authority from the legislatures of their respective States. Its ratification depended upon the Legislatures of the States, each reserving the right of assent or dissent without regard to population.

By the articles of Confederation of 1778, which was a compact between the States, there was a special reservation of all rights of sovereignty and independence, not thereby expressly delegated, which proves conclusively, that prior to entering into that compact, all the rights of sovereignty and independence belonged to the States, and were complete in them, and that they did not intend to divest themselves of any of those rights, except such as were expressly delegated.

In the constitution of 1787, the powers delegated are clearly defined and particularly enumerated. The amendment to the constitution is more explicit. It declares that the powers not delegated to the United States by the constitution, are reserved to the States respectively, or to the people.

The States were granting powers to the General Government, and as they enumerated the powers granted, it was useless, and would have been superfluous to have made special reservations. The affirmative grant of powers enumerated, operates an exclusion of all powers not enumerated.

The States, in forming the constitution, treated with each other as sovereign and independent governments, expressly acknowledging their rights of sovereignty; and inasmuch as they divested themselves of those rights only which were expressly delegated, it follows, as a legitimate consequence, that they are still sovereign and independent as to all the powers not granted.

The States respectively, therefore, have, in the opinion of your committee, the unquestionable right in case of any infraction of the general compact, or want of good faith in the performance of its obligations, to complain, remonstrate, and even to refuse obedience to any measure of the General Government, manifestly against and in violation of the constitution; and, in short, to seek redress of their wrongs by all the means rightfully exercised by a sovereign and independent government. Otherwise, the constitution might be violated with impunity and without redress, as often as the majority might think proper to transcend their powers, and the party injured bound to yield a submissive obedience to the measure, however unconstitutional. This would tend to annihilate all the sovereignty and independence of the States, and to consolidate *all power* in the General Government, which never was designed nor intended by the framers of the constitution.

Your committee are also of opinion, that the acts of the General Government in providing for the general welfare, must be general in their operation, and promotive of the general good; not the advancement of the interest of any particular section or local interest, to the injury of another.

The term general welfare, implies clearly, that the means used to obtain this end, must be general in their nature and tendency. Any measures, therefore, having for their object sectional advantages or local interests, to the prejudice of another portion of the community, cannot be general, and therefore contrary to the letter and spirit of the constitution.

It is believed by your committee, therefore, that the tariff laws of the United States, so far as they have for their object the protection of a particular branch of labor to the injury of the commercial interest of the country, and of the agricultural interest of the southern States, are unconstitutional.

For the same reason, Congress have not the right to appropriate the moneys of the United States for the improvement or benefit of a particular sec-

tion of the country, in which all the States would not have a common interest and equal benefit.

If Congress is invested with the right at all, she is invested to an unlimited and indefinite extent, and may exhaust the whole wealth and treasure of the Government in the promotion of the improvement and interest of particular sections of the country to the injury of another. In fine, that she may make one portion of the country tributary to another—that she may tax the community to enrich or aggrandize a particular section, and make the general welfare yield to a particular interest.

But if it be true, as your committee maintain, that the Congress of the United States are restricted to the powers expressly enumerated, it is equally true that they have no power or right to pass any laws but such as may be necessary and proper to carry into effect the powers enumerated, and which promote the general welfare of the United States.

In relation to the right of Congress to interfere, either directly or indirectly, with the subject of slavery, as recognised by the laws of this State, your committee deem it improper and unnecessary to enter into a discussion.

This State never can, and never will so far compromise her interests on a subject of such deep and vital concern to her self-preservation, as to suffer this question to be brought into discussion. Non-interference on this subject was the *sine qua non* on the part of the slave-holding States, in forming the Union, and entering into the Federal Compact. As the southern States would then, so they must now or hereafter consider any attempt to interfere with this delicate subject, an aggression, as having a tendency to produce revolt and insurrection of the most hideous character.

These States must view with jealousy and distrust, all associations having for their object the abolition of slavery. The principles propagated by the enthusiastic devotees of this project, are calculated to have the most pernicious effects—exciting false hopes of liberty; producing discontent and dissatisfaction in the mind of the otherwise happy and contented slave, and a restlessness for emancipation when the actual state of things forbids the possibility of it at present.

The Colonization Society is considered by your committee as one of a dangerous character in this respect. Its schemes of colonization are vain and visionary. Its professed objects never can be accomplished—they are wholly impracticable. This institution, therefore, should not, in the opinion of your committee, receive the support, countenance, or patronage of Congress, and not being a matter of national interest, the Government has no right to take it under its protection, or make appropriations for its support. Your committee therefore recommend the adoption of the following resolutions:

*Resolved*, That this Legislature concur with the Legislature of the State of South Carolina, in the resolutions adopted at their December session in 1827, in relation to the powers of the General Government and State rights.

*Resolved*, That his Excellency the Governor be requested to transmit copies of this preamble and resolutions to the Governors of the several States, with a request that the same be laid before the Legislatures of their respective States; and also to our Senators and Representatives in Congress, to be by them laid before Congress for consideration.

Approved, December 20<sup>th</sup>, 1828.

JOHN FORSYTH, Governor.