

The whole doctrine amounts to this : that if the central government passes any bill whatever, the Legislature of any one State of the Union has power to veto that measure if it consider it detrimental to the interests of that State ; and that this power is conferred upon the State by the constitution.

The chief object of the promoters of nullification, was to provide some means by which, as they stated, the minority might be defended against an arbitrary majority. The above stated principle was advocated, but necessarily required some means of substantiation. Naturally the agitators went to the constitution to obtain this means, and in it they declared was found a passage conferring the required powers upon the State Legislatures. But they plainly misinterpreted the constitution, and showed a misconception of the origin and true character of the government. The question therefore was a constitutional one and as such Daniel Webster dealt with it.

He first defined the system of government, describing its origin, the foundation on which it was based and the agents of its administration. He then examined the proposed doctrine to see if it complied with all the requirements of the constitution. As the constitution granted certain powers to Congress, and certain others to the States, and also placed restrictions on these powers there should necessarily be some authority with ultimate jurisdiction to determine the interpretation of these grants and restrictions. What was this authority ? The nullifiers claimed that it was the State Legislature; their opponents maintained it was the Supreme Court. It was necessary then to go to the constitution for decision. Webster quoted two passages relating to the question: (1) The constitution and laws of the United States made in pursuance thereof shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding. (2) The judicial power shall extend to all cases arising under the constitution and laws of the United States. These two provisions cover the whole ground and clearly show that the powers are vested in the Supreme Court. This body, established by the constitution, must have some function, and if not the one mentioned, then it is a useless and unnecessary tribunal ; and besides no other