

**James Madison to Joseph C. Cabell, December 27, 1832. Transcription: The Writings of James Madison, ed. Gaillard Hunt. New York: G.P. Putnam's Sons, 1900-1910.**

**TO JOSEPH C. CABELL. MAD. MSS.**

Montpr. Dec. 27 1832. 4 o'clock P. M.

Dear Sir I have this moment only recd. yours of the 22d.<sup>1</sup> I regret the delay as you wished an

<sup>1</sup> Cabell wrote from Richmond that the house of Delegates had proposed to print Madison's letter to Everett of August 28, 1831 (see *ante*, p. 383) with the report of 1799 on the Resolutions of the previous year; that in the course of the debate Madison had been accused of inconsistency. Cabell would like to read Madison's letter of June 29, 1821, to Judge Roane and to be permitted to say that Roane had in the month of April preceding written to Madison "for advice & aid upon *the subject* of the letters of Algernon Sydney." Cabell had seen the letters to Roane and had kept copies of them. He wanted a word in the letter of June 29th, 1821, supplied.— *Mad. MSS.* For the letters to Roane see *ante*, p. 65.

earlier answer than you can now have, tho' I shall send this immediately to the P. O. My correspondence with Judge Roane originated in his request that I wd. take up the pen on the subject he was discussing or about to discuss. Altho' I concurred much in his views of it, I differed as you will see with regard to the power of the Supreme Court of the U. S. in relation to the State Court. This was in my last letter which being an answer did not require one, and none was recd. My view of the supremacy of the Fedl. Court when the

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Constn. was under discussion will be found in the Federalist. Perhaps I may, as cd. not be improper, have alluded to Cases (of which all Courts must judge) within the scope of its functions. Mr. Pendleton's opinion that there ought to be an appeal from the *Supreme Court* of a State to the *Supreme Court* of the U. S. contained in his letter to me, was I find avowed in the Convention of Va., and so stated by his Nephew latterly in Congs. I send you a copy of Col. J. Taylor's argt. on the Carriage tax: if I understand the beginning Pages he is not only high-toned as to Judl. power, but regards the Fedl. Courts as the *paramount* Authy. Is it possible to resist the nullifying inference from the doctrine that makes the State Courts uncontrollable by the Supr. Ct. of the U. S.?

I cannot lay my hand on my letter to Judge Roane. The word omitted, I presume, is *argt.* It is a common Compt. among the French as you know to say you have given all its lustre &c. Will it not suffice for you to say, You had formerly a sight of the letter or of a Copy of it. Shd. the fact be denied, meet it as you please.

My letter was not written to A. Everett, but to his brother in Congs. in answer to one from him. It was his Act in handing it to the Review. As his motives were good, I wd. not wish his feelings to be touched by anything sd. on the occasion. What is sd. in that letter, as to the origin of the Constn. I considered as squaring with

the account given in the Fedlist. of the mixture of Natl. & Federal *features* in the Constitution. That view of it was well recd. at the time by its friends, and I believe has not been controverted by the Reprn. party. A marked & distinctive feature in the Resoln. of 98 is that the *plural* no. is *invariably* used in them & not the singular, and the *course of the reasoning*, required it.

As to my change of opinion abt. the Bank, it was in conformity to an unchanged opinion that a certain course of practice required it.

The tariff is unconnected with the resos. of 98. In the first Congs. of 89 I sustained & have in every situation since adhered to it. I had flattered myself, in vain it seems, that whatever

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my political errors may have been, I was as little chargeable with inconsistencies, as any of my fellow laborers thro' so long a period of political life. Please return me Taylor's pamphlet, and the letter also wch. I observe is not fit to be preserved; and I will if you think it worth while, send a copy. I have written it with sore eyes & at night as well as In much haste. Yours with cordial regards