CONGRESSIONAL.

SPEECH OF -MR. CLAYTON, OF GEORGIA, On the bill proposing a reduction of the duties on Imports.

He CLAYTON proposed an amendment to the tariff bill to the following effect: Let. After the first of January, 1835, all duties should be ad valuem, and for no other ob-

ject but revenue. 2d. That for the first year all duties above thould be reduced to 35 per cent., for the second, 25; and after that they should be regularly £5: per cent, until altered by law.

3d. That for the purpose of constitutionally and equally protecting manufactures, Congress should freely give its consent to any State that | chose to manufacture, to lay such duties as it might deem necessary to encourage that busitiess within its own limits, upon any imports or exports to or from any, foreign nation whatever, provided mid duties were paid into the federal

The above amendment was accompanied with

the following remarks. Lir. Chairman: Almost every gentleman who has eddressed the committee, has pronounced this a most grave and cerious question. Judg ing from the extraordinary apathy which seems to prevail in this body, it would not be so concidered by mer and I should much sooper take it for a farce than a tragedy. It is a remarkable fact. Mr. Chairman, and I doubt whether due credit will be given to its relation, that, while this whole country, from its centre to its circumference, is under the tremor of deep enziety, when all eyes are directed to this very point for safety from the impending storm; when in all quarters there is one general expression of concern, prompted by a sensibility which has received its last increase from the peculiar ungency of the crisis, no such feeling pervades the representatives of the people in this ball. So indifferent have members been to this discussion, that speakers have been compelled to address empty seats. Five times duriag this debute have you been obliged to descend from your chair, and report to the Speaker that there was not a quorum in the House. What a fact to communicate to the American people! And Sir, those who have generally remained, have either been franking documents or dezing over newspapers. [Here Mr. C. was] called to order by a member, as improperly reflecting upon the members of the House. Lir. C, observed that the gentleman ought to remember that the present company is always excepted. He hoped they would take nothing of his remarks to themselves: if they did, he would barely say they were made with; a view to get their attention, and having succeeded in what most had failed to obtain, he would proceed to the subject] Mr. Chairman, the question before us is an important one, and if appreciated in the degree of its profound interest, and the still more absorbing character of its probable results, it involves a responsibility too big for utterance. To my mind, admonished by facts, and warned by the feelings of the country, I am almost tempted to predict that, unless an auspicious issue attends the present deliberations, they are the last that will ever again engage the attention of this body within these walls. It is not now a question of dollars and cents, but of LIBERTY and EQUAL. ITY. Every thing done on this occasion will soon be delivered over to history, and he who now stands by the cause of freedom, posterity will stand by him. A fame of enduring honor awaits the firm, and a name of as lasting infamy shall follow the faithless. Before I proceed further, it is proper that J

mention the great disadvantage under which those who oppose this system are compelled to labors but it is precis ly such as all minorities in all governments are doomed to encounter. They cannot be credited in the statement of their suffering. Their complaints are treated as the offspring of delucion. They are either reproached with the suspicion of misrepresentation, or, what is worse, insulted by the insinuation of ignorance. Either is an insolence not to be borne by ordinary tempers, but, when united, presen's an aggravation beyond the most subdued forbearance. While the memorials of petty meetings of the manufacturers, and their anthinking dependants, gotton up from motives of sheer personal considerations, unconnected with objects of State, or uninflaenced by principles of patriotism, are poured in upon this House, and demanding its implicit faith to all their suggestions, the remonstrances of whole States aggreeved by these operations are pronounced delusions! The south has held town meetings, and petitioned, but it is all a delusion! The south has held county meetings, and memorialised, but this too is a delusion! The south, by its legislatures, has remonstrated; this also is a delusion! It has exportulated by its representation on this floor, eccusted by not only a common interest with their constituents, but the higher incentive of their approving voice and continued cofidence, but this is all delusion! It has protested, and had that solemn warning entered upon the archives of the Sencte, the place where States speak their sovereign will, and yet all this is delusion? Even the honorable gentlemen who opened this de bate, and who has recently given to some gentlemene such proof of a higher quality than even ability, cannot be believed on this 'ques-' tion, though his statements are made under the colemn canctions of testimony, and are doubtless made in the utmost sincerity. No! the truth is that virtue of his " which is comething better than talent," receives its proper regard when it suits a purpose, but is no better than other people's honesty when it ceases to be

In the name of every thing that is sacred, how are grievances to be redressed that are denied all credit, against which every arenue of conviction is closed? Of what avail is reasoning! with that individual whose eye is blind to the truth, whose car is shut to the evidence, whose mind is imbued with prejudice, whose heart is focked aganist justice, and whose verdict is cought against himself! I confess, Mr. Chair. man, it is a hopelers undertaking, and thus far all argument has proved as useless as it is hopeless, but, Bir, we have arrived at a crisis when debate must cease, and this matter will, per. haps, have to be referred to some other arbitriment. It is extremely desirable, therefore, that we lay our manifesto before the world, and there is no better place from which it shall iscae than the Ualls of Congress, the great' cont and source of our injury. To speak to the people of the couth, through the high privilege of the freedom of debate, is now all that is lest to us, and it is my intention on the present accession to use that right to the utmost of my

I propose to consider this great question under a two-lold aspect: first, as to its constitutionality; and, second, its expediency.

First: I have many reasons for troubling the committee with my views on the constitutional point. The people of the south have always opposed this objection to the tariff system; and though it has been ably argued and most triemphantly maintained by our writers at home, yet our speakers in Congress have never seriously and fully discussed the subject on this ground. Contenting themselves with the mere assertion of the fact by way of protestation, our opponents have nearly taken it for granted that the point was yielded. If ever the people are driven to the necessity of redressing their own wrongs, as I verily believe they will shortly have it to do, it must be upon constitutional principles, to be well fortified in the matter, I is, therefore, all important. There is another!

ground which will justify the interposition of have dated to tax, the people directly for the p self-redress. Nations, as well as individuals, purpose of encouraging manufactures, they cannot admit of oppression. This always im- could not do it indirectly. But, Lie. Chairman, plies the violation of matural law, which cannot I will show that this very thing was attempted, be restrained by human regulation so as to pre- and positively refused; and surely when the .vent the repulsion of crucker unnecessary suf- reasoning and the fact concur to reject this fering. I shall maintain that both of these power, it must be matter of great and just comgrounds exist in the present condition of the plaint to exercise such right. people, as resulting from the tariff system, and I do not pretend to the refinement necessary that, under either one or the other, or both to- to interpret Constitutions, but I refer every

resist its intolerable exactions. Though I am aware that all constitutional I would ask any once without regarding the objections are, of late days, treated with con- | character of his intellects, or even exceptions tempt in this House, that they furnish materials to the violence of his prejudices, if, in delibefor ridicule, food for the wit of punsters, and rating upon certain propositions made with an merriment for still lower jesters; yet there are express view to complete a particular agreeplaces cut of this chamber, of searching ecu-| ment, one of those propo-itions should be clearmen and penetrating wisdom, where they will ly rejected, no matter from what cause, whereceive a more sedate consideration.

dependence of the colonies, they were as in-| become a part of the contract, and stand in full | dependent of each other as they were of the force and dignity with the other acknowledged world. There was an individual moment of stipulations? How stand the facts in reference time, and perhaps the brightest of their exist- to the Federal Constitution? On the 18th day ence, when they were left to their own ex- of August, '87, the following additional powers clusive self-government. Their confederation were proposed to be vested in Congress, viz: was altogether voluntary. If, at the termina- "To establish a university. tion of the revolution, their debt, produced by | . "To encourage, by proper premiums and that struggle, had been discharged, and if all provisions, the advancement of useful knowwars could have ceased from that eventful pe- ledge and discoveries. riod, every one perceives there would not have | "To establish seminaries for the promotion been any earthly reason for the Union. The of literature, and the arts and reletices." States individually could have regulated all the Here, then, are three distinct propositions The honest discharge of their debt, and the ture, disconnier, and the arts and eciences. dread of intestine and foreign wars, were there- wish the committee to mark well these partifore the sole motive to the confederation, any cular subjects, as I will presently show the other inducement is idle and ridiculous. It use I intend to make of them. On the same day was physical and not moral force, it was strength this other as distinct proposition was made, size] and not intelligence, needed and sought by the | . To establish public institutions, rewards,

of each other's councils. stitution was adopted, informed his State that it | quivocal propositions to grant the power to the was intended "as a shield against foreign hosti- Federal Government of protecting manufaclity, and a firm resort against domestic commo- tures. And what is it? The question is adtion." Refusing, however, to sign it, he gave I dressed to candid men. Why, simply to proas a reason that he "feared more from inaccu- mote science and the useful arts. Under the racies in a Constitution, than from gross errors [first, no one will contend that the power results.] in any other composition, because our dearest It must then be under the last. The term useinterests are to be regulated by it; and power, ful arts, as distinguished from the fine arts, is a if loosely given, especially where it will be in- | broad and comprehensive expression, and no | terpreted with great latitude, may bring corrow one doubts that it would fully include agriculin its execution." (Gov. Randolph.) Since ture and manufactures. All persons will readithe Government has gone into operation, the ly agree that no arts can be more useful than Federal Court has pronounced the following these. At the very first glance, every one will interpretation of its constitutional powers: "It admit that if the clause had have stopped at the is the genius and character of the whole Go- word "useful arts," the power to promote mavernment, that its action is to be applied to all nufactures would have been full and complete the externul concerns, which affect the States beyond all cavil. But does it stop there? Is it generally, but not to those which are complete- a general or limited power? And if a limited | ly within a particular State, which do not af power, how is it limited? Let.common honesfect other States, and with which it is not ne- ty answer the question; not by protecting ducessary to interfere for the purpose of executing ties; not by imposts on foreign exports; not some of the general powers of the Government." by premiums and bounties. How then? "By

Intention is every thing in all human com- ventors, the exclusive right to their respective pacts; and here we have it indicated as clear as writings [in screwer] and discoveries," [in usethe sun at noon day. Before I proceed fur- [rul Ants.] "Now," says an able advocate of ther, I lay down the following propositions, State right, whose profound reflections I am which, however they may be received in this proud to acknowledge the benefit of on the Hall, dare not be denied at home, and especi- present occasion, "if a power to promote a ally at the ballot boxes: That every perver- specific object, by a prescribed mode, does not ! sion of law is a violation of law; in other words, exclude the power to promote it by a different, taxation must be exclusively for the objects of exclusion of another." brings them nearer to it; it makes them watch so had the sciences; and all that could be to make the people feel and know this new Go- | fore the Federal Convention. vernment, that we clothe it with but the single | But, Mr. Chairman, how does it happen that | power of direct taxation—to levy a tax on per- the right to promote manufactures is drawn cons and property-es that they may know within the control of Congress, and not the right what they give, and of course how it is spent." to promote science and literature? No one by-Well, now suppose for a single moment, you lieves that Congress can erect universities, discover another member rising from his seat, academies, and free schools, patronize learnand by the time lie is erect he says, " Mr. Pre-ling and knowledge, any other way than that sident, I entirely accord with that proposition, especially prescribed in the Constitution, to but I would offer an amendment: I propose to wit, "by securing to authors, for a limited time, confer upon the new Government the addition- the exclusive right to their writings," and yet al power to lay a tak upon persons and preper science and the useful arts stand connected in ty to protect manufactures, that is, (do not mis- the constitution, and subject to the same limitaunderstand me, (to compel the people to con- tion. How does it happen, then, I repeat, seetribute, not only to the support of Government, ing that both these subjects were presented at but to moneyed men, for the purpose of mak- the same time, and rejected in the same man-

would, for an instant, have been tolerated? what will he say, what can he say, when he Does any man believe that such a proposition comes to learn all the facts connected with the would have succeeded? Then, where is the ladeption of the 10th section of the first extidifference between direct and indirect taxation? cle of the constitution, which I have made the The latter is not variant in its purposes from basis of my proposed amendment to encourage the other, and has precisely the same object in manufactures? It is in the following words: view. Being levied upon the consumptions of ino State shall, without the consent of Conthe country, it is intended to permit the citi- gress, lay any imposts or duties on imports or zen to tax himself just as he pleases, and to experts, except what may be absolutely neceswhatever extent he thinks proper. This being | Eary for executing its inspection laws; and the one of the only two modes of taxation for the Incit produce of all duties and imposts laid by support of Government, it cannot be used for lany State on imposts or exports, shall be for the any other purpose, any sooner than the other use of the Treasury of the United States, and mode, to wit, direct taxation; and if, as I have all such laws shall be subject to the revision chown, no moment of the Convention would and control of the Congress."

gether, they will have the undoubted right to candid and honest mind to the plain common ther it would be just or reasonable that this self When Great Britain acknowledged the in-tame discarded proposition should afterwards

concerns necessary to municipal Government. | looking to the promotion of knowledge, litera-States. Even under their connection with the and immunities, for the promotion of agriculparent country, they were always competent ture, commerce, trades, and manufactures." to their own self-government, without the aid On the next day but one, it was surticer proposed that there should be a "Secretary of Notwithstanding the se Articles of Confede- domestic affairs. It shall be his duty to attend tation" carried us successfully through the to matters of general police, the state of agriwar, doubtless by vissue of the great cause culture and manufactures, the opening of roads which it was serving, and the common dangers and navigations, and the facilitating communi. and sufferings of the people, yet they were cations through the United States, and he found too weak for a state of peace, and Gener- shall, from time to time, recommend such MRAal Washington procured the Congress of that summs and ESTABLISHBERES as may tend to day to propose to the States the adoption of a PROMOTE those objects." (Jour. of Con.) system, the avowed object of which was "To from p. 259 to 266.) Here, then, is the sub-OBTAIN FROM THE STATES EUPSTANTIAL FUNDS ject of manufactures, by name, brought to the won running the whole deat or the United | consideration of the convention. We have now STATES." This was the same that was cast up- | the two great objects of SCIENCE and MAon the bosom of the States, and from which NUFACTURES distinctly submitted to the has sprung that tremendous growth witnessed framers of the Constitution. These several in the present power of the Union. Bo jea- propositions were referred to what was called lous, however, were the States that some mis- the Committee of Detail; and afterwards, on chief would ensue if the articles of confedera- the 31st of August, was referred, together with tion were disturbed, that for a long time they some other reports which this same committee refused this and other similar propositions. At had partially made, to a grand committee comlength they yielded to constant and urgent im- posed of one member from each State! On the por unity, and a Convention met in May, '87, 3th of September this committee reported, not to frame a constitution, for they had no among other things, the following proposition, such powers, but, once assembled, they took which is now found standing in the Constituupon themselves to produce that giant that is tion, to wit: "To promote the progress of now striding over the States, and crushing, at science and the userur aura, by securing, for every step, some of their most invaluable rights. limited times, to authors and inventors, the ex They avowed, however, at the time, to have clusive right to their respective writings and breathed into that instrument nothing more discoveries." After having the whole subject than the spirit and capacity "to protect and se- before them; af er discussing it as thoroughly ! cure the States from vonction panana, and giv; as they did every thing else; after submitting them Prace and naumour at kome." (Luther it to two committees, behold, the above clause) Martin.) And another member, after the Con- was all that could be produced from the une-

securing, for limited times, to authors and in-

to violate its intention, is to violate its letter. or other mode, then there is no truth in a uni-That taxation is the main spring of Govern- versal maxim, (alike applicable to law and loment, without which it cannot proceed; that all [gic,) that the expression of one thing is the Government, and being, in the language of The restrictive words upon the power to Mr. Jesserson, a part of the honest labor of the promote the useful arts, must have meant some people, just so much, and no more, as is ho-thing; and is any one so uncandid as not to own nestly necessary for that purpose, should be that it was merely to secure to ingenious men exacted. They yield a part of their property patents for their inventions, and exclusive privito protect the balance, any thing required be- leges for their writings? Writings and invenyond this is a fraud upon their rights. Does tions would alike benefit all the States , being any one dispute this doctrine? I suppose not. | general, they would have an equal and impar-Then let us apply it to our Government. In tisl operation over the whole Union. Not so order, Mr. Chairman, that the members of the by encouraging the fabrics that resulted from committee may fully comprehend what I am these inventions; for some States might posabout in laying down these premises, I would sess greater means, both moral and physical, to beg them to go with me, in their imaginations, produce them. The inventor of the plough

right to the hall of the Convention, and look might be rewarded, but no one will contend upon those worthies as they are framing and that it should entitle the ploughman to an exputting together that noble structure. Let clusive privilege over the weaver. Nor would them imagine, for a moment, that they see a patent for the steam loom authorize a peculiar them cautiously proceeding, trying its propor indulgence to its cloth over the hard-earned tions here, and equating its dimensions there, bread of the planter. These being all local and until they get to that exact and critical point partial operations, would subject the States, if when it becomes necessary to invest the new submitted to the legislation of the Federal Go-Government with the taxing power, the main vernment, to the most unequal effects, and spring of this great machine. Suppose, for a wholly subversive of that principle already moment, you see a grave and venerable mem- mentioned-"that the action of the General ber rise in his place, and soberly inform the Government is to be applied to all the external President that they have arrived at that part of and internal concerns which affect the States their work where the utmost skill is required. | generally and equally, but not those which are Listen to him for a moment. He says, "Mr. completely within a particular State." Manu-President, the taxing power is that which factures had been urged more than once, and makes a people seel their Government; it in different shapes, in the Convention, and

its operations; it enlists their affections, and possibly obtained for either was the proviwhen improperly used, excises their resent sion we have just explained. Every one must ments; it binds them to its movements; in fine, believe that if more had been intended, more it is that great preservative and animating prin- could have been given; for never was a sub ciple which uph ilds and sustains all its useful ject so entirely before a deliberative body, functions. I propose, therefore, Sir, in order than was that of manufactures and science be-

ing a profitable investment of what is called | ner, that Congress can encourage the one, and | not the other, by taxation? If, however, there Does any man believe that such a principle lis any one who yet doubts on this question,

to this clause of the constitution, and will they | rel Government has any right to concern with suffer me to ask them what is the object of it? | these local matters; for if the minerity of Mas-Let me cak them, and they can ask the ques- eachusetts could be unlied to the great majority tion to their own minds, what does it mean? of Georgia, they could put down the system in The States may lay duties for executing their | Massachusetts; but such is the structure of the inspection laws, but for any other purpose they Pederal Government, that the minority of one must obtain the conserve of Congress; and this | State can net _: mist the majority of another in is not all—if the consent is not granted, the du- | redressing a grievance: the consequence o ties must be paid into the Federal Treasury? which is, a minimity rules, and as clearly Again- the constitution declares that Congress | shows that the action of the Government is by shall lay "no tax or duty on articles experted | States, and not by the people in a miss, as i from the States," and yet gives Congress the | now contended for by the federal court. The right to permit the States to do it! What does I result of which is, there is great probability that all this mean? Take the whole clause together, I the whole tariff system, by reason of this exerand let us repeat the inquiry, for what purpose cise of federal power, is fixed upon the Union is it designed? What possible advantage are by a miscrify of the people, though by a the States to derive, or do they promise including of sectors represents wes. themselves from this, at present, inexplicable | The view I have just taken is confirmed by provision? What is it doing in the constitution? I that celebrated work called the Federalist, of As it stands, it has no meaning; it seems to be I high authority, as a cotemporaneous exposition perfectly insulated, idle, and useless. It has of the Constitution, even in the Supreme never been acted upon, and never will, unless | Court Speaking of the very clause of the Con the present Congress adopts my amendment. stitution I have been discussing, it says, "t But it must mean something. That it had an | State may impose duties on imports or exports, object when placed there, every body must be. I with the consent of Congress." (No. 32, p. 169;) lieve. Such wise men as those who framed | and then, adverting to the chief sources of exthe constitution, must have had some rational | pense in each State, these remarkable exmotive for this wonderful clause. Cui bono? It | premions are found; "the expenses arising from is certainly intended for the benefit of the States. I those institutions which relate to the mere and for their benefit beyond a mere provision | domestic peace of a State, to the support of its for the execution of their inspection laws: for legislative, executive, and judiciary departthis they are permitted to do without the con- | ments, and the encouragement of agriculture and sent of Congress; and that benefit is clearly not I manufactures, which will comprehend almost revenue, for that is to go to the Federal Treasu. | all the objects of Slale expenditure, are insigry. Then what is it? Has the mind of the I nificant in comparison with those which relate committee yet settled upon any object! No! to the national defence." (No. 34, p. 179.) Nor never will, until some clue is given to Here we see, evidently, that the encouragean explanation. Where is that to be found? I ment of agriculture and manufactures was to be Of course in the Journal of Debates in the Con. | a matter of "State expenditure," as distinguishvention. And what do we find there? Lisen ed from national defence. Again: as every to Luther Martin. "By this same section, construction of the Constitution at the beginning. (says he in a letter to his own Legislature,) eye. | of the Government, is much relied upon, and ry State is also prohibited from laying any im. particularly what occurred at the passage of posts or duties on imports and exports, without the first revenue law, where something is said: the permission of the General Government. It shout the encouragement of manufactures, let was urged by us that there might be cases in Justee what was cald in Congress on that occawhich it would be proper, for the purpose of sion. BECOUDING MANUFACTURES, to lay duties to prohibit the exportation of row materials, and the Federal Government, was under discussion, even in addition to the duties laid by Congress | Marshall, in his Life of Washington, states that FOR THE SAKE OF BAVENUE, to lay a duty to 1 it produced warm debate in consequence of the discourage the importation of particular articles | very unequal effect which the duties were into a STATE, or to enable the manufacturer | likely to create in the different sections of the here to supply us on as good terms as they Union. He says, "in proceeding to fill up the could be received from a foreign market. But | blanks with the sum taxable on each article, it the most we could obtain was that the power | was soon perceived that gentlemen had viewed might be exercised by the STATES with, and only | the subject in very different lights. The tax with, the consent of Congress; and so anxious on many articles was believed to press more were they to seize on every shilling of our mo. heavily on some States than on others; and ney for the General Government, that they in- | apprehensions were expressed, that, in the form | sisted even the little revenue thence arising of protecting duties, the industry of one part of should be paid into the Treasury of the United | the Union, would be encouraged by premiums

(Secret Debates, page 71.) The difficulty is now all explained, and the committee will perceive the reason for this Congress had the right to lay duties to enduty on exports; but instead of that, it only couragement, in the name of sense, what would permits Congress to give its consent to the it not do when resolved into an open and States to do it, evidently showing that to the direct system? States, and to the States alone, the right to i can be applied to all alike, the result of which of that term, and bespeak the presence of have other interests which better suit their peor I strong convictions of injustice, and the still and operations, involving millions of money, that would condemn such an effort at self merely to pleasure the new designs of a sister | redress? foolishly yield such a principle. Take an illus- and collect taxes, duties, imports, and excises; tration. Suppose there were but two States to pay the debts, and provide for the common confederated, and the principle is precisely the | defence and general welfare of the United came as to twenty-four, viz: Massachusetts and States;" and, accord, "to regulate commerce." people of both? Does any one believe that common desence and general welfare; to prolabor for her exclusive benefit? Impossible.

head that she will change her commercial into | direct taxes to do the same. There is no getting make cotton. Now, how is this change to be opinion, it would wind up the system in short brought about? Ought Massachuseits to do it Lorder... herself, or ought s'ie to compel Georgia to do But, Sir, I thought this doctrine had long it, or even to assist in doing it, at the sacrifice | since been exploded. I have been taught to of her great planting interest? I put the ques- | believe it was a thrice refuted fallacy, and that tion fairly to every candid mind. And, in | no federalist ever deserted from his own party, order to feel the full force of it, just let us and broke into the republican ranks, who was reverse the matter for one moment, and sup- | not obliged to repeat his CREDO, and therein pose Georgia was seeking by legislative re- this heresy was openly disclaimed. I find. strictions to compel Massachusetts to give up however, I am mistaken: I shall therefore proher commercial pursuits, and turn into cotton | ceed to adduce the argument which I trust will planting, how would such a procedure by once more put it to rest. The first step in the relished. Does not every one believe that process is an authority from one of the framers Massachusetts should have no greateredvantage of the Constitution; and I am greatly confirmed from the Union than Georgia? Ought she in the belief of its weight as well as the hope of not to be content, if she enjoys as great privial its acceptance, from the fact that it comes from leges IN the Union as she would OUT of it? do other than the distinguished pen of Mr. Ought the to desire more? If not, then what Medican-a name that must arrest attention, if would the have done if the had never sent I not from its own intrinsic worth, at least from into the Union, or what would she now do, if the late popular doctrines on constitutional separated to herself? Would she not, if the points, which it has been made triumphantly to wished to encourage manufacture, lay such subserve. Mr. Madison says: "Whether the duties on the sweign articles, such as she phrases in question be construed to authorize wished to manufacture, as would exclude them every measure relating to the common desence from her State? Then what hinders her from or general welfere, as contended by some, or doing it now? The very provision of the Con- every measure only in which there might be an sitution, contained in my amendment, is open application of meney, as suggested by others, to her; it was intended for that identical par- the effect must be embetantially the tame in depose. And, Sir, if she now refuses it, it will stroying the import and force of the phrases in prove to the world, and I know it will to the the Constitutions for it is evident that there is south, that they are not honest in this matter; not a single power whatever which may not that they want to carry on their business at our have some reference to the common defence expense:-yes, they will manufacture, but we and Ceneral welfare, nor a power of any magchall pay for it. People of the south, how long nitude which, in its exercise, does not invoke will you bear this? But, Bir, there is even a or admit an application of money. The Govern. large portion of her own people opposed to this ment, therefore, which possesses power, in system; and carely if they complain of its op- either one or the eiher of these extents, is a pression, how much more ought we to detest | Government without the limitations for ned by a such robbery! There, they have a right to rule particular enumeration of powers, and, contheir minority, but have they a right to rule requestly, the meaning and effect of this per-

Will the committee give their serious attention, the complete fatility of the idea that the Gene-

When the first revenue bill ever passed by States, and accordingly it is so determined. charged on the labor of another part. (2 vol. n. ed. 157.)

Now, every one must perceive, that if the otherwise mystericus provizion. They will courage manufactures, they certainly knew it now see why it is that Congress itself cannot | must produce an inequality in the burthens of by duties on exports, and yet have the power | the country, and they therefore would express to permit the States to do it. Exports, con- | no apprehensions about it; but in attempting, on sisting generally of "raw materials," are all im. | that occasion, to aid that object incidentally, as portant to be kept within the country, as our | no one has denied they have a right to do, they present tariff system will incontestibly show, if soon found, if carried to any extent, taxes, in manufactures are to be encouraged. But sure- | the form of protecting duties," would be to ly if the constitution intended that the Federal | encourage the industry of one part of the Government should protect manufactures, it | Union at the expense of another; and if this would have conferred directly power to lay a effect would result from mere incidental en-

What are the simple and sober inferences to protect manufactures should belong. It is in. | be drawn from these stubborn facts? Imagine, conceivable how the Convention, if it intended | for a moment, that the Constitution, instead of to invest the General Government with the | being a compact between thirleen independent power to encourage manufactures, should re- | States, is a contract between two individuals of strain Congress from imposing duties on ex- | equal rights, but, unfortunately, not of equal ports, and yet allow that privilege to the States. strength, and the strongest should assert, and The States were very wisely left to the encour. | actually proceed to exercise all those powers agement of manufactures. It is a local interest | previously discussed, well understood between and cannot be made common to all the States. I the parties, and finally rejected: does not every They have not the same or similar facilities for I one believe that such an act would constitute that business, and, consequently, no system the very essence of power in the naked sense must be the most ruinous inequality. They | tyranny in its worst shape? If, then, under the ple, their soil, and their climate, and, in the | more distressing sense of oppression, the voice name of every thing that is just, why may they I of complaint should be raised, who is there can not be permitted to pursue their own business | deny to the sufferer this miserable privilege? in their own way? If any one State wants to But exhausting the sucing efficacy of supplicaprotect manufactures in preference to any other | tion and remonstrance, and rising away from interest in that State, let her collect the sense | these weaker feelings, if the virtue of forbearof her own people on that subject, and avail ance should be sunk into the stronger passion herself of the provision in the constitution con- of resentment, with all its ungovernable agitatained in my amendment; but, for Heaven's Lions, such as have sometimes fanned the cake, do not let ber promote her wild projects | flames of the most bitter discard, and should at the expense of the vital interests of her neigh- occasion a struggle to throw off at once the bors, without their consent, and who may not wrong and the appressor, where is the spirit wish to break up a long train of cettled plans that could denounce, or even the prudence

State. No unprejudiced or disinterested man | I proceed now, Bir, to consider the constitucan for a moment believe the Convention ever | tional powers upon which it is said this system intended that Congress should regulate the la- is founded, and by which it can be justified. bor of the country, or that the States would so | They are two: first, under the power "to lay

Georgia; and suppose instead of the land which | The first ground is taken by the Committee now separates them, the space was occupied by on Manufactures in their report lately submitted an ocean; does any one believe the same cyc. to this House. The long and short of the argutem of internal regulations would suit alike the ment is this: Congress can lay duties for the Georgia would have consented at the time of tect manufactures is to defend them against conferation, that Massachusetts, knowing the foreign manufactures. Now, Mr. Chairman, had a majority, should regulate and control her mark what will be the consequence of this logic, first calling your attention to the fact, Massachusetts, we will suppose, is a highly that, to lay and collect "taxes and duties," are, commercial State, (which was the fact at the in the identical same section, lying side by side time of the confederation,) and Georgia is a | in the came grant of power. Whatever, then, very important planting one; both have millions I you can lay duties to do, you can lay taxes to of capital vested in their respective pursuits. | do the came thing; consequently, if you can lay All at once Massachusetts takes it into her duties to protect manufactures, you can lay manufacturing capital. Georgia wishes to re- round this conclusion. If to protect manufacmain at her old business; indeed, we will sup- I tures is for the common desence, which the pose, (for it is the case with some of the States | laying of duties may be made to subserve, then being greatly deficient in water power,) it that same common defence may be promoted would be almost as impossible for her to manu- by a direct tax; and, Sir, I confess I should like facture, as it would be for Massachusetts to to see this experiment tried. In my humble

their minority and our majority both together? lieuter enumeration is destroyed by the exposi-This shows the ediousness of the creters, and tion given to these general phrases. The true

and fair construction of this expression, both h the original and existing sederal compacts appears too obvious to be mistaken. In both the Congress is authorized to provide money for the common defence and general welfare. In both, is subjoined to this authority an enumeration of the cases to which their power should extend. Money cannot be applied to the general welfare otherwise than by an application of it to some particular measure conducive to the general welfare. Whenever therefore, money has been applied to a particular measure, a question arises, whether the particular measure be within the enumerated culturities verted in Congress? If it be, the money requisite for it may be applied to it. it be not no such application can be made. This fair and obvious interpretation coincides with, and is enforced by, the clause in the Constitution which declares that no money shall be drawn from the Treasury but in conproquence of appropriations by law. An anpropriation of money to the general welfore, would be deemed rather a muckery than an observance of this constitutional injunction" What rezeroing can be more convine ng? And as to the testimony, how can it he rejected? The gentleman from Pennsylvania (Mr. CRAW. rond) has, in this very debate, quoted the authority of Mr. Madison. Will the friends of liberal construction use this same witness, on account of the part he took in the formation of the Constitution, from his acknowledged talents and integrity, and from a long life of faithful services to the country, to support constitu. tional principles, when it cerves their purpose. and then discredit his evidence when it operates differently? Foibil it candor, sorbid it every

Congress never has, not ever will, passally with no other title than an "act to collect or appropriate money for the common defence and general wellere." Buch a law would arouse the jeniousy of the people, and they would naturally demand the objects of common de. fence and general welfare contemplated by the ect. And surely when those objects come to be made known, this same people would in. mediately refer to the list of powers as enume. exted in the Constitution, to excertain whether the law ranged within those granted and limited objects, beyond which, if defined powers be nothing more than a name, it dare not wander. If the expressions in the Constitution, that the enumeration of certain rights shall not be construed to dispurage others retained by the people," and the "powers not delegated are reserved," are not idle and unmeaning say. ings, intended more to full suspicion than to protect the States, then it must be obvious to every mind that the general welfare principle was intended to be res rained and circumscrib. ed within the "enumerated" and "delegated"

If to cuch an act, whose caption should be like the one just mentioned, the people should be told the money was to be applied to the building of churches all over the Union, to the cuppression of duelling, gambling, drinking, fracted vice and immorality of all kinds; to the crection of colleges and universities in each of the Clates, the promotion of religious societies for christianizing the Indians within the limits of States, and colonizing the negroes on the coast of Africa, the establishment of poorhouses and hospitals, and, finally, the manumission of claves; there is scarcely any man, in the excreise of the most limited reflection, who would for one moment contend that such an appropriation is within the letter or even the spirit of the Constitution. And yet they surely belong, in as high a degree, to the general welfare, a the protection of manufactures. If, then, these great and public interests, so interwoven with the frame of society, and identified with its vital prosperity, cannot be promoted by an application of money from the General Government, who is so bold as to urge that, nevertheless, the other object can be drawn within the principle? Can any one believe that the framers of the Constitution, with all their accuracy in the use of language, with all their precision in the definition of terms, and all their caution in giv. ing and guarding powers, should have left so fluctuating a feature in that instrument, as that Congress might appropriate money for the general welfare, but that all objects of the general welfare were not alike subject to its care and control, and still have furnished no criterion by which a selection could be made, or upon which the power might or might not operate? No! the truth is, such uncertainty was never designed; the idea is wholly incompatible with the wisdom and integrity of the convention. They fixed the proper limits for the exercise of this right, and they were none ether than the echedule of caumerated powers Council to the Constitution. This was a certain and uncertaing guide; the other is all uncertainty, is totally without bounds, and sweeps from the Constitution every thing like limited power. (To be continued.)

FEMALE ACADEMY.

IMBS. HENDERSON'S Female Academy AVII will be opened as usual on the first Monday in September. The arrangements for the ensulag year for instruction are more ample than heretofore, and the most faithful, untiring devotion will be given, to do justice to the confidence repessed in the School. This is the fourth year of its existence, and

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Dr. William Jones.

Pishey Thompson, Esq.

August 9-d2awt10ct&cpt15Dec.

Col. Gardner, Ass't P. M. Gen.

B. G. LANPHIER, Jr., ENGRAVER IN GENERAL, Lenox's Row, opposite Gunton's, Penn. Avenue. TRATEFUL for past favors, hopes that by unremitted attention, and punctuality in the line of his profession, to merit a continuance of the patronage of his friends and the public-Visiting Cards, Diplomatic Scals of Office, Die work, Armorial Bearings, Cres's, Cyphers, &c. on steel, silver, or brass, Gold Cyphers for mourning Jewelry. Chasing, Embossing un gold and allver, ornamental cyphering on silver plate, spoons, forks, &c. &c. done to order, in the most approved and fashionable style, and

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^{*} Mr. Adams in a late speech highly complimented the talents of Mr. McDuffie, and added! he had, on a late occasion, witnessed in him! "comething better than talent"-evidently alluding to the bank investigation.