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SPEECH

OF

MR. CLAYTON, OF GEORGIA,

ON THE

BILL PROPOSING A REDUCTION

OF

THE DUTIES ON IMPORTS.

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DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 10, 1832.
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1832.

SPEECH.

Mr. CLAYTON proposed an amendment to the tariff bill to the following effect:

1st. After the first of January, 1835, all duties should be *ad valorem*, and for no other object but *revenue*.

2d. That for the first year all duties above should be reduced to 35 per cent.; for the second, 25; and after that they should be regularly 15 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 business, within its own limits, upon any imports or exports to or from any foreign nation whatever; provided said duties were paid into the federal Treasury. The above amendment was accompanied with the following remarks.

Mr. CHAIRMAN: Almost every gentleman who has addressed the committee, has pronounced this a most grave and serious question. Judging from the extraordinary apathy which seems to prevail in this body, it would not be so considered by me; and I should much sooner 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 anxiety; 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 urgency of the crisis; no such feeling prevades the Representatives of the people assembled in this Hall. So indifferent have members been to this discussion, that speakers have been compelled to address empty seats. Five times during this debate 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 dozing over newspapers. [Here Mr. C. was called to order by a member, as improperly reflecting upon the members of the House. Mr. 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 EQUALITY. 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 I mention the great disadvantage under which those who oppose this system are compelled to labor; but it is precisely 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 delusion. 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, presents an aggravation beyond the most subdued forbearance. While the memorials of petty meetings of the manufacturers, and their unthinking dependants, gotten up from motives of sheer personal considerations, unconnected with objects of State, or uninfluenced by principles of patriotism, are poured in upon this House, and demanding its implicit faith to all their suggestions, the remonstrances of whole States agrieved 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 *memorialized*, but this too is a delusion! The south, by its Legislatures, has remonstrated; this also is a delusion! It has expostulated by its representation on this floor, actuated by not only a common interest with their constituents, but the higher incentive of their approving voice and continued confidence, but this is all delusion! It has *protested*, and had that solemn warning entered upon the archives of the Senate, the place where States speak their sovereign will, and yet all this is delusion! Even the honorable gentleman who opened this debate, and who has recently given to some gentlemen* such proof of a higher quality than even ability, cannot be believed on this question, though his statements are made under the solemn sanctions of testimony, and are doubtless made in the utmost sincerity. No! the truth is that virtue of his "which is something 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 useful.

In the name of every thing that is sacred, how are grievances to be redressed that are denied all credit, against which every avenue of conviction is closed? Of what avail is reasoning with that individual whose eye is blind to the truth, whose ears are shut to the evidence, whose mind is imbued with prejudice, whose heart is locked against justice, and whose verdict is sought against himself? I confess, Mr. Chairman, it is a hopeless undertaking, and thus far all argument has proved as useless as it is hopeless; but, sir, we have arrived at a crisis when debate must cease, and this matter will, perhaps, have to be referred to some other arbitrament. It is extremely desirable, therefore, that we lay our manifesto before the world, and there is no better place from which it shall issue than the Halls of Congress, the great seat and source of our injury. To speak to the people of the south, through the high privilege of the freedom of debate, is now all that is left to us, and it is my intention on the present occasion to use that right to the utmost of my ability.

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

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

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 triumphantly 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, is, therefore, all important. There is another ground which will justify the interposition of self-redress. Nations, as well as individuals, cannot admit of oppression. This always implies the violation of natural law, which cannot be restrained by human regulation so as to prevent the repulsion of cruel or unnecessary suffering. I shall maintain that both of these grounds exist in the present condition of the people, as resulting from the tariff system, and that, under either one or the other, or both together, they will have the undoubted right to resist its intolerable exactions.

Though I am aware that all constitutional objections are, of late days, treated with contempt in this House; that they furnish materials for ridicule, food for the wit of punsters, and merriment for still lower jesters; yet there are places, out of this chamber, of searching acumen and penetrating wisdom, where they will receive a more sedate consideration.

When Great Britain acknowledged the independence of the colonies, they were as independent of each other as they were of the world. There was an individual moment of time, and perhaps the brightest of their existence, when they were left to their own exclusive self-government. Their confederation was altogether voluntary. If, at the termination of the revolution, their *debt*, produced by that struggle, had been discharged, and if all *wars* could have ceased from that eventful period, every one perceives there would not have been any earthly reason for the *Union*. The States individually could have regulated all the concerns necessary to municipal government. The honest discharge of their debt, and the dread of intestine and foreign wars, were therefore the sole motive to the confederation; any other inducement is idle and ridiculous. It was *physical* and not *moral* force, it was strength and not intelligence, needed and sought by the States. Even under their connection with the parent country, they were always competent to their own self-government, without the aid of each other's councils.

Notwithstanding the "Articles of Confederation" carried us successfully through the war, doubtless by virtue of the great cause which it was serving, and the common dangers and sufferings of the people, yet they were found too weak for a state of peace, and General Washington procured the Congress of that day to propose to the States the adoption of a system, the avowed object of which was, "TO OBTAIN FROM THE STATES SUBSTANTIAL FUNDS FOR FUNDING THE WHOLE DEBT OF THE UNITED STATES." This was the SEED that was cast upon the bosom of the States, and from which has sprung that tremendous growth witnessed in the present power of the Union. So jealous, however, were the States that some mischief would ensue if the Articles of Confederation were disturbed, that, for a long time, they refused this and other similar propositions. At length they yielded to constant and urgent importunity, and a Convention met in May, '87, not to frame a con-

stitution, for they had no such powers, but, once assembled, they took upon themselves to produce that giant that is now striding over the States, and crushing, at every step some of their most invaluable rights. They avowed, however, at the time, to have breathed into that instrument nothing more than the spirit and capacity "*to protect and secure the States from FOREIGN DANGER, and give them PEACE and HARMONY at home.*" (Luther Martin.) And another member, after the constitution was adopted, informed his State that it was intended "as a shield against *foreign hostility*, and a firm resort against *domestic commotion.*" Refusing, however, to sign it, he gave as a reason that he "feared more from inaccuracies in a constitution, than from gross errors in any other composition; because our dearest interests are to be regulated by it; and power, if loosely given, especially where it will be interpreted with *great latitude*, may bring *sorrow* in its execution." (Gov. Randolph.) Since the Government has gone into operation, the Federal Court has pronounced the following interpretation of its constitutional powers: "It is the *genius and character* of the whole Government, that its action is to be applied to all the *external* concerns which affect the States *generally*; but not to those which are completely within a particular State, which do not affect other States, and with which *it is not necessary to interfere for the purpose of executing some of the general powers of the Government.*" (Marshall.)

Intention is every thing in all human compacts; and here we have it indicated as clear as the sun at noon day. Before I proceed further, I lay down the following propositions, which, however they may be received in this Hall, dare not be denied at home, and especially at the ballot boxes: That every perversion of law is a violation of law; in other words, to violate its intention, is to violate its letter. That taxation is the main spring of Government, without which it cannot proceed; that all taxation must be exclusively for the objects of government, and being, in the language of Mr. Jefferson, a part of the honest labor of the people, just so much, and no more, as is honestly necessary for that purpose, should be exacted. They yield a part of their property to protect the balance; any thing required beyond this is a fraud upon their rights. Does any one dispute this doctrine? I suppose not. Then let us apply it to our Government. In order, Mr. Chairman, that the members of the committee may fully comprehend what I am about in laying down these premises, I would beg them to go with me, in their imaginations, right to the hall of the Convention, and look upon those worthies as they are framing and putting together that noble structure. Let them imagine, for a moment, that they see them cautiously proceeding, trying its proportions here, and squaring its dimensions there, until they get to that exact and critical point when it becomes necessary to invest the new Government with the taxing power, the main spring of this great machine. Suppose, for a moment, you see a grave and venerable member rise in his place, and soberly inform the President that they have arrived at that part of their work where the utmost skill is required. Listen to him for a moment. He says, "Mr. President, the taxing power is that which makes a people feel their Government; it brings them nearer to it; it makes them watch its operations; it enlists their affections, and when, improperly used, excites their resentments; it binds them to its movements; in fine, it is that great preservative and animating principle which upholds and sustains all its useful functions. I propose, therefore, sir, in order to make the people feel and know this new Government, that we clothe it with but the single

power of *direct taxation*—to levy a tax on *persons* and *property*—so that they may know what they give, and of course how it is spent.” Well, now suppose, for a single moment, you discover another member rising from his seat, and, by the time he is erect, he says; “Mr. President, I entirely accord with that proposition, but I would offer an amendment: I propose to confer upon the new Government the additional power to lay a tax upon *persons* and *property* to *protect manufactures*; that is, (do not misunderstand me,) to compel the people to contribute, not only to the support of Government, but to *moneyed men*, for the purpose of making a profitable investment of what is called capital.”

Does any man believe that such a principle would for an instant have been tolerated? Does any man believe that such a proposition would have succeeded? Then, where is the difference between *direct* and *indirect* taxation? The latter is not variant in its purpose from the other, and has precisely the same object in view. Being levied upon the consumptions of the country, it is intended to permit the citizen to tax himself just as he pleases, and to whatever extent he thinks proper. This being one of the only two modes of taxation for the support of Government, it cannot be used for any other purpose, any sooner than the other mode, to wit, direct taxation, and if, as I have shown, no member of the Convention would have dared to tax the people *directly* for the purpose of encouraging manufactures, they could not do it *indirectly*. But, Mr. Chairman, I will show that this very thing was attempted, and positively refused; and surely when the reasoning and the fact concur to reject this power, it must be matter of great and just complaint to exercise such right.

I do not pretend to the refinement necessary to interpret constitutions, but I refer every candid and honest mind to the plain common sense construction of individual contracts; and I would ask any one, without regarding the character of his intellects, or even excepting to the violence of his prejudices, if, in deliberating upon certain propositions made with an express view to complete a particular agreement, one of those propositions should be clearly rejected, no matter from what cause, whether it would be just or reasonable that this self same discarded proposition should afterwards become a part of the contract, and stand in full force and dignity with the other acknowledged stipulations? How stand the facts in reference to the federal constitution? On the 18th day of August, '87, the following additional powers were proposed to be vested in Congress, viz.

“To establish a *university*.

To encourage, by proper premiums and provisions, the advancement of *useful knowledge and discoveries*.

To establish *seminaries* for the promotion of *literature*, and the *arts and sciences*.”

Here, then, are three distinct propositions looking to the promotion of *knowledge*, *literature*, *discoveries*, and the *arts and sciences*. I wish the committee to mark well these particular subjects, as I will presently show the use I intend to make of them. On the same day this other as distinct proposition was made, viz.

“To establish public *institutions*, rewards, and *immunities* for the promotion of agriculture, commerce, *trades* and *manufactures*.” On the next day but one, it was further proposed that there should be a “Secretary of domestic affairs. It shall be his duty to attend to matters of *general police*, the state of agriculture and *manufactures*, the opening of roads and navi-

gations, and the facilitating communications through the United States; and he shall, from time to time, *recommend such MEASURES and ESTABLISHMENTS as may tend to PROMOTE those objects.*" (Jour. of Con. from p. 259 to 266.) Here then, is the subject of manufactures, *by name*, brought to the consideration of the convention. We have now the two great objects of SCIENCE and MANUFACTURES distinctly submitted to the framers of the constitution. These several propositions were referred to what was called the Committee of Detail; and afterwards, on the 31st of August, was referred, together with some other reports which this same committee had partially made, to a grand committee composed of one member from each State. On the 5th of September this committee reported, among other things, the following proposition, which is now found standing in the constitution, to wit: "To promote the progress of SCIENCE and the USEFUL ARTS, by securing, for limited times, to *authors and inventors*, the exclusive right to their respective writings and discoveries." After having the whole subject before them, after discussing it as thoroughly as they did every thing else, after submitting it to two committees, behold, the above clause was all that could be produced from the unequivocal propositions to grant the power to the Federal Government of protecting manufactures. And what is it? The question is addressed to candid men. Why, simply to promote science and the *useful arts*. Under the first, no one will contend that the power results. It must then be under the last. The term *useful arts*, as distinguished from the *fine arts*, is a broad and comprehensive expression, and no one doubts that it would fully include *agriculture and manufactures*. All persons will readily agree that no *arts* can be more useful than these. At the very first glance every one will admit that if the clause had have stopped at the word "useful arts," the power to promote *manufactures* would have been full and complete beyond all cavil. But does it stop there? Is it a general or limited power? And if a limited power, how is it limited? Let common honesty answer the question—not by protecting duties—not by imposts on foreign exports—not by premiums and bounties—How then? "By securing, for limited times, to authors and inventors, the exclusive right to their respective writings [in SCIENCE] and discoveries," [in the USEFUL ARTS.] "Now," says an able advocate of State rights, whose profound reflections I am proud to acknowledge the benefit of on the present occasion, "if a power to promote a specific object, by a prescribed mode, does not exclude the power to promote it by a different, or other mode, then there is no truth in a universal maxim, (alike applicable to law and logic,) that 'the expression of *one* thing is the exclusion of *another*.'" "

The restrictive words upon the power to promote the useful arts, must have meant something; and is any one so uncandid as not to own that it was merely *to secure to ingenious men patents for their inventions, and exclusive privileges for their writings?* Writings and inventions would alike benefit all the States; being general, they would have an equal and impartial operation over the *whole Union*. Not so by encouraging the fabrics that resulted from these inventions; for some States might possess greater means, both moral and physical, to produce them. The *inventor* of the plough might be rewarded, but no one will contend that it should entitle the *ploughman* to an exclusive privilege over the *weaver*. Nor would a patent for the *steam loom* authorize a peculiar indulgence to its *cloth* over the hard earned *bread* of the planter. These being all local and partial opera-

tions, would subject the States, if submitted to the legislation of the Federal Government, to the most unequal effects, and wholly subversive of that principle already mentioned—"that the action of the General Government is to be applied to all the *external* and *internal* concerns which affect the States *generally* and *equally*, but not those which are completely within a particular State." Manufactures had been urged more than once, and in different shapes, in the Convention, and so had the sciences; and all that could be possibly obtained for either was the provision we have just explained. Every one must believe that if more had been intended, more could have been given; for never was a subject so entirely before a deliberative body, than was that of manufactures and science before the Federal Convention.

But, Mr. Chairman, how does it happen that the right to promote manufactures is drawn within the control of Congress, and not the right to promote science and literature? No one believes that Congress can erect universities, academies, and free schools, patronize learning and knowledge, any other way than that specially prescribed in the constitution, to wit, "by securing to authors, *for a limited time*, the exclusive right to their writings," and yet science and the useful arts stand connected in the constitution, and subject to the same limitation. How does it happen, then, I repeat seeing that both these subjects were presented at the same time, and rejected in the same manner, that Congress can encourage the one, and not the other, by taxation? If, however, there is any one who yet doubts on this question, what will he say, what can he say, when he comes to learn all the facts connected with the adoption of the 10th section of the first article of the constitution, which I have made the basis of my proposed amendment to encourage manufactures? It is in the following words: "no State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress." Will the committee give their serious attention to this clause of the constitution, and will they suffer me to ask them what is the object of it? Let me ask them, and they can answer the question to their own minds, what does it mean? The States may lay duties for executing their inspection laws, but for *any other purpose* they must obtain the consent of Congress; and this is not all—if the consent is not granted, the duties must be paid into the Federal Treasury! Again: the constitution declares that Congress shall lay "no tax or duty on articles *exported* from the States," and yet gives Congress the right to permit the States to do it! What does all this mean? Take the whole clause together, and let us repeat the inquiry, for what purpose is it designed? What possible advantage are the States to derive, or do they promise themselves from this, at present, inexplicable provision? What is it doing in the constitution? As it stands, it has no meaning: it seems to be perfectly insulated, idle, and useless. It has never been acted upon, and never will, unless the present Congress adopts my amendment. But it must mean something. That it had an object when placed there, every body must believe. Such wise men as those who framed the constitution, must have had some rational motive for this wonderful clause. *Cui bono?* It is certainly intended for the benefit of the States; and for their benefit beyond a mere provision for the execution of their *inspection* laws: for this they are

permitted to do without the consent of Congress; and that benefit is clearly not *revenue*, for that is to go to the Federal Treasury. *Then what is it?* Has the mind of the committee yet settled upon any object? No! Nor never will, until some clue is given to an explanation. Where is that to be found? Of course in the Journal of Debates in the Convention. And what do we find there? Listen to Luther Martin. "By this same section, (says he in a letter to his own Legislature) every State is also prohibited from laying any imposts or duties on imports and exports, without the permission of the General Government. It was urged by us that there *might* be cases in which it would be proper, for the purpose of ENCOURAGING MANUFACTURES, to lay duties to prohibit the *exportation of raw materials*; and even in addition to the duties laid by Congress FOR THE SAKE OF REVENUE, to lay a duty to *discourage* the importation of particular articles into a STATE, or to enable the manufacturer here to supply us on as good terms as they could be received from a foreign market. But the most we could obtain, was, that the power *might* be exercised by the STATES with, and only with, the consent of Congress; and so anxious were they to seize on every shilling of our money for the General Government, that they insisted even the *little* revenue thence arising should be paid into the Treasury of the United States, and accordingly it is so determined." (Secret Debates, page 71.)

The difficulty is now all explained, and the committee will perceive the reason for this otherwise mysterious provision. They will now see why it is that Congress itself cannot lay duties on exports, and yet have the power to permit the States to do it. Exports, consisting generally of "raw materials," are all important to be kept within the country, as our present tariff system will incontestably show, if manufactures are to be encouraged. But surely if the constitution intended that the Federal Government should protect manufactures, it would have conferred directly the power to lay a duty on exports; but instead of that, it only permits Congress to give its consent to the States to do it, evidently showing that to the States, and to the States alone, the right to protect manufactures should belong. It is inconceivable how the Convention, if it intended to invest the General Government with the power to encourage manufactures, should restrain Congress from imposing duties on exports, and yet allow that privilege to the States.

The States were very wisely left to the encouragement of manufactures. It is a local interest, and cannot be made common to all the States. They have not the same or similar facilities for that business, and, consequently, no system can be applied to all alike, the result of which must be the most ruinous inequality. They have other interests which better suits their people, their soil, and their climate; and, in the name of every thing that is just, why may they not be permitted to pursue their own business in their own way? If any one State wants to protect manufactures in preference to any other interest in that State, let her collect the sense of her own people on that subject, and avail herself of the provision of the constitution contained in my amendment; but, for Heaven's sake, do not let her promote her wild projects at the expense of the vital interests of her neighbors, without their consent, and who may not wish to break up a long train of settled plans and operations, involving millions of money, merely to pleasure the new designs of a sister State. No unprejudiced or disinterested man can for one moment believe the Convention ever intended that Congress should regulate the labor of the country, or that the States would so foolishly yield such a principle. Take an illustration. Suppose there were but two States con-

federated—and the principle is precisely the same as to twenty-four—viz. Massachusetts and Georgia; and suppose instead of the land that now separates them, the space between was occupied by an ocean; does any one believe the same system of internal regulations would suit alike the people of both? Does any one believe that Georgia would have consented at the time of confederation, that Massachusetts, knowing she had a majority, should regulate and control her labor, and for her exclusive benefit? Impossible! Massachusetts we will suppose is a highly commercial State, (which was the fact at the time of the confederation,) and Georgia is a very important planting one; both have millions of capital vested in their respective pursuits. All at once Massachusetts takes it into her head that she will change her *commercial* into *manufacturing* capital. Georgia wishes to remain at her old business; indeed, we will suppose, (for it is the case with some of the States being greatly deficient in water power,) it would be almost as impossible for her to manufacture, as it would be for Massachusetts to make cotton. Now, how is this change to be brought about? Ought Massachusetts to do it herself, or ought she to compel Georgia to do it, or even to assist in doing it, at the sacrifice of her great planting interest? I put the question fairly to every candid mind. And in order to feel the full force of it, just let us reverse the matter for one moment, and suppose Georgia was seeking by legislative restrictions to compel Massachusetts to give up her commercial pursuits, and turn into cotton planting, how would such a procedure be relished? Does not every one believe that Massachusetts should have no greater advantage from the Union than Georgia? Ought she not to be content, if she enjoys as great privileges IN the Union as she would OUT of it? Ought she to desire more? If not, then what would she have done if she had never gone into the Union, or what would she now do, if separated to herself? Would she not, if she wished to encourage manufactures, lay such duties on the *foreign articles*, such as she wished to manufacture, as would exclude them from her State? Then what hinders her from doing it now? The very provision of the constitution contained in my amendment is open to her; it was intended for that identical purpose. And, sir, if she now refuses it, it will prove to the world, and I know it will to the south, that they are not honest in this matter; that they want to carry on their business at our expense:—yes, they will manufacture, but we shall pay for it. People of the south, how long will you bear this? But, sir, there is even a large portion of her own people opposed to this system; and surely if they complain of its oppression, how much more ought we to detest such robbery? *There* they have a right to rule their minority, but have they a right to rule *their* minority and *our* majority both together? This shows the odiousness of the system, and the complete futility of the idea that the General Government has any right to concern with these local matters; for if the minority of Massachusetts could be united to the great majority of Georgia, they could put down the system in Massachusetts; but such is the structure of the Federal Government, that the minority of one State can never assist the majority of another in redressing a grievance: the consequence of which is, a minority rules; and as clearly shows that the action of the Government is by States, and not by the people in a mass, as is now contended for by the Federal Court. The result of which is, there is great probability that the whole tariff system, by reason of this exercise of federal power, is fixed upon the Union by a *minority* of the *people*, though by a *majority* of *federal* representatives.

The view I have just taken is confirmed by that celebrated work called the *Federalist*, of high authority, as a cotemporaneous exposition of the constitution, even in the Supreme Court. Speaking of the very clause of the constitution I have been discussing, it says, "a State may impose duties on imports or exports, *with the consent of Congress*," (No. 32, p. 169;) and then, adverting to the chief sources of expense in each State, these remarkable expressions are found: "the expenses arising from those institutions which relate to the mere *domestic police of a State*, to the support of its legislative, executive, and judiciary departments, *and the encouragement of agriculture and manufactures*, which will comprehend almost all the objects of *State expenditure*, are insignificant in comparison with those which relate to the national defence." (No. 34, p. 179.)

Here we see, evidently, that the encouragement of agriculture and manufactures was to be a matter of "State expenditure," as distinguished from national defence. Again: as every construction of the constitution at the beginning of the Government is much relied upon, and particularly what occurred at the passage of the first revenue law, where something is said about the encouragement of manufactures, let us see what was said in Congress on that occasion.

When the first revenue bill ever passed by the Federal Government was under discussion, Marshall, in his *Life of Washington*, states that it produced warm debate in consequence of the very unequal effect which the duties were likely to create in the different sections of the Union. He says, "in proceeding to fill up the blanks with the sum taxable on each article, it was soon perceived that gentlemen had viewed the subject in very different lights. The tax on many articles was believed *to press* more heavily on some States than on others; and apprehensions were expressed, that, *in the form of protecting duties*, the industry of one part of the Union would be encouraged *by premiums charged on the labor* of another part." (2 vol. n. ed. 157.)

Now, every one must perceive, that if the Congress had the right to lay duties to encourage manufactures, they certainly knew it must produce an inequality in the burthens of the country, and they therefore would express no apprehensions about it, but, in attempting, on that occasion, to aid that object *incidentally*, as no one has denied they have a right to do, they soon found, if carried to any extent, taxes, "in the form of protecting duties," would be to encourage the industry of one part of the Union at the expense of another; and if this effect would result from mere *incidental* encouragement, in the name of sense, what would it not do when resolved into an open and direct system?

What are the simple and sober inferences to be drawn from these stubborn facts? Imagine for a moment that the constitution, instead of being a *compact* between *thirteen independent States*, is a *contract* between *two* individuals of equal rights, but, unfortunately, not of equal strength; and the strongest should assert, and actually proceed to exercise *all those powers* previously discussed, well understood between the parties, and finally rejected: does not every one believe that such an act would constitute the very essence of power in the naked sense of that term, and bespeak the presence of tyranny in its worst shape? If, then, under the strong convictions of injustice, and the still more distressing sense of oppression, the voice of complaint should be raised, who is there can deny to the sufferer this miserable privilege? But exhausting the suing efficacy of supplication and remon-

strance, and rising away from these weaker feelings, if the virtue of forbearance should be sunk into the stronger passion of resentment, with all its ungovernable agitations, such as have sometimes fanned the flames of the most bitter discord, and should occasion a struggle to throw off at once the wrong and the oppressor, where is the spirit that could denounce, or even the prudence that would condemn such an effort at self-redress?

I proceed now, sir, to consider the constitutional powers upon which it is said this system is founded, and by which it can be justified. They are two: first, under the power "to lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence and general welfare of the United States;" and, second, "to regulate commerce."

The first ground is taken by the Committee on Manufactures in their report lately submitted to this House. The long and short of the argument is this: Congress can lay duties for the common defence and general welfare; to protect manufactures is to *defend* them against foreign manufactures, and this is for the general welfare; *ergo*, Congress can protect manufactures. Now, Mr. Chairman, mark what will be the consequence of this logic, first calling your recollection to the fact, that, to lay and collect "*taxes and duties*," are, in the identical same section, lying side by side in the same grant of power. Whatever, then, you can lay duties to do, you can lay taxes to do that same thing; consequently if you can lay duties to protect manufactures, you can lay *direct taxes* to do the same. There is no getting round this conclusion. If to protect manufactures is for the common defence, which the laying of duties may be made to subserve, then that same common defence may be promoted by a direct tax; and, sir, I confess I should like to see this experiment tried. In my humble opinion, it would wind up the system in short order.

But, sir, I thought this doctrine had long since been exploded. I have been taught to believe it was a thrice refuted fallacy, and that no federalist ever deserted from his own party, and broke into the republican ranks, who was not obliged to repeat his CREDO, and therein this heresy was openly disclaimed. I find, however, I am mistaken: I shall therefore proceed to adduce the argument which I trust will once more put it to rest. The first step in the process is an authority from one of the framers of the constitution; and I am greatly confirmed in the belief of its weight as well as the hope of its acceptance, from the fact that it comes from no other than the distinguished pen of Mr. Madison—a name that must arrest attention, if not from its own intrinsic worth, at least from the late popular doctrines on constitutional points which it has been made triumphantly to subserve. Mr. Madison says: "Whether the phrases in question be construed to authorize every measure relating to the *common defence* or *general welfare*, as contended by some, or every measure only in which there might be an application of *money*, as suggested by others, the *effect* must be *substantially* the same in destroying the import and force of the phrases in the constitution: for it is evident that there is not a single power whatever which may not have some reference to the common defence and general welfare, nor a power of any magnitude which, in its exercise, does not invoke or admit an application of money. The Government, therefore, which possesses power, in either *one* or the *other* of these extents, is a government *without the limitations* formed by a particular *enumeration* of powers, and, consequently the meaning and effect of this *particular enumeration* is destroyed by the exposition given to these general phrases. The true and fair construction of this expression

both in the *original* and *existing* federal 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 authorities* vested in Congress? If it be, the money requisite for it may be applied to it. If 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 consequence of appropriations by law." An appropriation of money to the *general welfare*, would be deemed rather a *mockery* than an *observance* of this constitutional injunction." What reasoning can be more convincing? And, as to the testimony, how can it be rejected? The gentleman from Pennsylvania (Mr. CRAWFORD) 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 constitutional principles, when it serves their purpose, and then discredit his evidence when it operates differently? Forbid it candor; forbid it every thing!

Congress never has, nor ever will pass a law with no other title than an "act to collect or appropriate money for the common defence and general welfare." Such a law would arouse the jealousy of the people, and they would naturally demand the objects of common defence and general welfare contemplated by the act. And surely when those objects come to be made known, this same people would immediately refer to the list of powers as enumerated in the constitution, to ascertain 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 disparage others retained by the people," and the "powers not *delegated* are reserved," are not idle and unmeaning sayings, intended more to lull suspicion than to protect the States; then it must be obvious to every mind that the general welfare principle was intended to be restrained and circumscribed within the "enumerated" and "delegated" powers.

If to such 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 suppression of duelling, gambling, drinking, indeed vice and immorality of all kinds, to the erection of colleges and universities in each of the States, 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 poor houses and hospitals, and, finally, the manumission of slaves; there is scarcely any man, in the exercise 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, as 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 giving 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 other than the schedule of enumerated powers found in the constitution. This was a certain and unerring guide; the other is all uncertainty, is totally without bounds, and sweeps from the constitution every thing like limited power.

When the convention commenced the work of the Constitution, it is well known several plans were proposed upon which to raise the structure. The people never intended that their delegates should do any thing more than amend the old *articles of confederation*, and, with such intention, many of them assembled, and long retained that inclination. But, after an interchange of various views, a new government was resolved upon, and Mr. Randolph's and Pickering's plans were submitted to a committee to report a constitution. Mr. Randolph's proposition contained fifteen resolutions, the sixth of which contained these words, and formed the *foundation* of the enumerated powers found in the present constitution: "*Resolved, That the National Legislature ought to possess the legislative rights vested in Congress by the articles of confederation; and, moreover, to legislate, in all cases, for the GENERAL INTERESTS of the Union; and, also, those to which the States are separately incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation.*"

Now, here is the great corner-stone of the seventeen powers contained in the eighth section of the first article of the federal constitution. "*The general interests of the Union*" is an expression found in the articles of confederation, and is there used synonymously with the phrase *general welfare*; and meant nothing more in that instrument, as all will agree, than the *interests* therein specially enumerated, in which all the States were *equally and directly* concerned—not *general interests* which one section of country might hold in opposition to other interests possessed by another, but such as affected the whole sisterhood precisely alike.

What were these *general interests* which were alike applicable to every part of the confederation? They were those of WAR, PEACE, INDIAN TRADE, and FOREIGN NEGOTIATION. Now, whatever was added to these *general interests*, and the *regulation of commerce*, was the *principal accession*: was placed precisely under the same condition in the new constitution, which they held under the articles of confederation; for no one can believe that the *general interests* of the States, as a confederation, could ever be changed in character, or different in purpose, from being transferred to the new constitution. A mere enlargement of general powers, and not an alteration of the objects of the Government was intended. They remained the *general interests* still, in which all the States were alike and equally concerned, and were to be managed as before. It is true the powers were *in-*

creased in number in the new Government, but not *altered* in purpose: and their regulation was to remain the same; so that whatever meaning the term *general welfare*, or, which was the same thing, *general interests*, received under the old confederation, was exactly the same in the new Government.

Now, it is well known that these phrases, the "general welfare," the "general interests," the "general affairs" of the Union, found promiscuously in the articles of confederation, all meant the same thing, and were not intended to be such uncertain *interests* as a majority of the States, (for that Government voted by States,) might, in their discretion, consider *general* in opposition to the interests of the minority of the States; but they were circumscribed by the specific and defined powers therein mentioned, and *never*, in any instance, were designed to convey unlimited power. In these well described and cautiously expressed powers, both in the articles of confederation and the federal constitution, the minority find their only security. They were intended to be the barriers to the capricious will of the majority. Break down these, and the Government becomes one vast consolidation, destroying the State boundaries, and subjecting the federal rights of the minority to the most arbitrary control of the majority. Why should these phrases assume a different import when transferred to the constitution? If they were confined to the enumerated powers of the articles of confederation, what good reason is there for giving them an unlimited effect in the constitution, when connected with the power to collect or appropriate money? And does not every one perceive, that, if this be its true interpretation, the new constitution could have been despatched to the nation with a solitary article, and in a single hour, viz. there shall be a *general government, with power to lay and collect taxes, duties, imposts, and excises, and to provide for the common defence and general welfare?* Every thing else was perfectly unnecessary; and the Convention, instead of receiving so much credit for their wisdom, deserves the everlasting execration of all posterity for fixing upon them a government of such gigantic and all absorbing powers, under the specious and insidious appearance of safely marked metes and bounds.

But, sir, to return to what shall be considered objects of general welfare. Perhaps I may be told that the reason why Congress cannot appropriate money for the benevolent objects which I have just mentioned, is, because they form the peculiar concern of State legislation! Then, I answer, I am contented with this test, and it reduces the matter to the only reasonable certainty, save that which, as I contend, belongs to the enumerated powers already explained; and by it I am willing to be governed. Let us now reason the point upon this rule. No one as yet denies but that the General Government is entirely one of derivative powers. From whence does it derive them? All must answer from the States. Then, all the power was once in the States: this, I apprehend, is beyond all dispute. A certain portion has been parted with, and to that extent the States are the grantors, and the Federal Government the grantee; the balance of power not granted, certainly resides in the grantors. Can any possible objection be made to the proposition that each of these parties is supreme in the exercise of the powers thus separated and belonging to each? The Federal Court has declared that the General Government, to the extent of its granted powers, is sovereign, and over them it is supreme. Then I assert for the States, from whom these sovereign and supreme powers were originally obtained, that their *re-*

reserved powers are equally sovereign and supreme. A part of the same whole cannot be different from the other part. It must follow, then, that the grantors have as much right to judge of the powers conferred, as the grantee; and to say that the latter has the exclusive right to determine how much the former has granted, leaves no security for the reserved powers, and they are delivered over to a discretion, which, like all other discretion, has no bounds but its interest or inclination. I affirm, then, that if each party is supreme over their respective powers, no act of the legislation of the one can interfere with the other, for the exercise of such a right would inevitably destroy each others purposes, and thereby involve their proceedings in the most inextricable discord and confusion. With the solitary exception of taxation, which is the only concurrent right, as Alexander Hamilton himself declares, possessed equally by the States and the General Government, and obviously different from all other powers, (it being the power or rather the means for carrying all other powers into effect,) there is no other actually conferred upon the General Government, which the States can, in the smallest degree, exercise, and they only claim, for their reserved powers, the same respect from that Government. They contend, in the language of an elegant writer, "that it is a manifest absurdity to maintain that the same people could desire to exist as ONE nation for an especial or designated object, and, at the same time, to exist as TWENTY-FOUR distinct nations for the *self-same* object." Now, let us apply these principles to the case submitted to the consideration of this committee. Where, in the constitution, is any power given to Congress to legislate on the subject of manufactures; or where is it taken away from the States? No one will contend that the States may not protect manufactures, for it is conceded they can grant, towards that object, and have often done it, bounties, premiums, privileges, and exemptions, and this *cannot be done* by the General Government. Now, this plainly shows that the *whole right* is not parted with by the States, and if not, I defy an instance to be shown in the federal constitution where the States have divided any one power between themselves and the General Government; in other words, retaining a part and granting a part. That each Government possesses concurrent jurisdiction over *a part*, only, of a certain power, is an absurdity so glaring, that it cannot, for one moment, be believed. Therefore, if the States have the right, the General Government has not; for I have already shown that, in the nature of things, it is impossible for both Governments to entertain *supreme control* over the *same subjects*, and whatever power is exercised by either party, must be supreme and exclusive over the objects upon which they have a right to act. Any other doctrine, from the most common principles of philosophy, implies a destruction of the power, for equal forces destroy one another, and indeed it is not too much to say, and it is said with great reverence, that even Deity, to remain consistent with himself, cannot enforce two opposite laws without producing a monster. All that could be contended for, by the General Government, is so much of the right, and no more, as the laying of duties on *foreign imports* conveys "*incidentally*," and only incidentally. This has never been denied. But it is not every *incidental* power that confers the right to use that power *directly*. For instance, the General Government has the power to declare war, and, as incidental to that power, it may demolish houses and enclosures to affect an enemy; but no one would be so idle as to contend that they could exercise this right in time of peace, or declare war merely for the sake of destroying pri-

vate property. Therefore, whatever consequence flows from a *direct* power, will not make the incident a substantive power, to be acted upon in like manner with the one of which it is a consequence. The intended object of the *direct* power should alone be honestly consulted, and then all incidental results will be perfectly harmless.

These reflections are intimately connected with, and naturally lead us to, some concluding remarks on the other ground which is said to justify the tariff system, viz. the right to regulate commerce. The expression in the constitution is, "to regulate commerce with foreign nations, and among the several States." It has been urged, in a late popular essay,* that, from the meaning of the term "to regulate commerce," before the adoption of the constitution, and the practice of the colonies in relation to that subject, the right not only to restrain, but even to suspend commerce indefinitely, belongs to that expression. What would be the consequence of such a construction? If Congress can restrain or suspend commerce with foreign nations to protect manufactures, it can certainly do the same thing "among the several States," for they are both in the same grant of power. The right way to test the legality of a power is to carry it out in all its consequences: whatever, therefore, Congress can do in relation to commerce with foreign nations, it can do that same thing among the several States. Now, let us see how an act of this kind would be received among the States, to wit, "An act to restrain or suspend all commerce among the States for the purpose of protecting manufactures in the States of Pennsylvania and Massachusetts." Does any one believe such an act would go down among the people? Now, apply a similar law to the suspension of commerce with foreign nations for a similar object: who is there that will be so uncandid as to say that this is a faithful, honest, and legitimate construction of the clause of the constitution I have just read. Such interpretation would be a departure from the spirit and true intent of that instrument, and a breach in this regard, according to all sound exposition of law, is not less illegal than a violation of its most express provisions. If COMMERCE was one of the prime causes of the UNION, with a view to pay the public debt, and to prevent the wars ever incident to its regulation, and of which it is the most fruitful source; if it was the source to which *each* State looked for its prosperity, it surely was the *intent* and *interest* of the whole to have it so regulated by the General Government as to be productive of the greatest possible advantage to the confederation. That each State would give up this most valuable source of wealth to be destroyed, can hardly be credited by the most infatuated manufacturer. No one can believe it was for any other object than to be encouraged, fostered, and promoted, by all the means which the united energies of all the States could exert. In the power to regulate commerce, no one could possibly conceive there was contained a lurking principle to destroy it; yet every one must admit that the direct tendency of the protection of manufactures is to produce that effect. And, in proof of this assertion, commercial men, commercial cities, raise their hands and voices in the most earnest opposition to this singular method of regulating commerce by promoting manufactures.

The most rational way to consider the expressed powers of the constitution, is to take them separately. The 8th section of that instrument contains seventeen enumerated powers, all general and applicable alike to all the States of the Union. One is not more beneficial than another, and this

* Mr. Verplanck's.

is what is meant by the general interests in the old confederation, and the general welfare in the new constitution. Now suppose the States, instead of confederating for these seventeen objects, had only confederated for one single purpose, and it might just as well have been for one as seventeen; and suppose that that one had been "to regulate commerce;" does any one believe that the agricultural and planting States, for whose especial benefit commerce was to be regulated, because *exports* are as much the peculiar concern of commerce as *imports*, meant to give up their commerce, to have a system of manufactures founded upon it, by which it would be destroyed? And can it be imagined, for a moment, that, upon this single power to regulate commerce, Congress would have dared to build their immense structure commonly called the American system? No one believes it. Now try all the other powers in the constitution, one by one, in the same way, and see whether there is any one of them that will authorize this intolerable system of legislative plunder.

But there is a view of this branch of the question that seems to my mind to be conclusive. It is a universal principle, which no one will controvert, that what is *directly* forbidden cannot be done by *indirection*. Now, the federal constitution, in granting the power to regulate commerce, was so fearful that the regulation might be made to operate partially upon the States, to the benefit of some, and injury of others, that it expressly declared "no tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or REVENUE to the ports of one State over those of another." If, then, no regulation of commerce or revenue could directly be made to act unequally upon the States, how happens it that a regulation concerning manufactures, bottomed upon the power to regulate commerce, can lawfully have that effect? In other words, if a law compelling Georgia to pay duties to Massachusetts for the protection of her commerce would be unconstitutional, how does it happen that a precisely similar law to protect manufactures, derived from the right to regulate commerce, is not equally so?

I have now done with the constitutional point, and I make no apology for the great length of the argument employed on this head, for I readily own if the subject of protecting manufactures depended alone upon the question of expediency, unless it was carried to a state of manifest oppression, of which I shall speak hereafter, I should have nothing to say, for that is a matter legitimately within the power of Congress: and although I should greatly deplore the adoption and continued prosecution of a policy obviously grinding down the resources of one class of the States to build up and advance the prosperity of another of the same confederacy, yet it would be ours to submit under the terms of the compact. All argument is vain against cupidity supported by power; but, if it is unconstitutional, it is our right, nay, it is our duty, to resist, and to use every weapon in our power, from the voice of reason up to the still hoarser tones of rebellion.

I proceed now to examine the question in reference to its expediency; and under two aspects this branch will be considered.

1. The great inequality and injustice of the system.
2. Its dangerous effect upon the peace and harmony of the *Union*.

On the first point, suffer me, Mr. Chairman, to present one serious reflection before I proceed to the argument. It is by close thinking we sometimes get upon the track of truth which leads to the most fortunate results. This system commenced, and is continued, by petitions for RELIEF. Mr. Chair-

man, has any one ever considered where relief comes from? No one will be so credulous as to believe that relief is manufactured in this Hall, and sent out to the supplicating sufferers; if not, where does it come from? Certainly from some other quarter of the country that does not complain. Now, does not every one perceive, that whencesoever the relief is taken, just precisely in proportion to the amount withdrawn must that part suffer? And would they not have a right, and be entitled to respect, too, to turn round, and petition for relief also? What right has Congress to rob one portion of country to hush the mouths of another? If the north suffers, is it right to make the south, against her will, relieve that suffering? No, the truth is, when the south petitions for relief, they are told "you lie," you do not suffer, or, if you do, it is greatly less than you imagine; at all events, you must submit to the will of a majority; and, notwithstanding the Federal Government was framed to take care of the interests of the whole, yet some portions of the country must suffer, and there is no help for it. Is this the kind of reply that a free people ought to submit to? You may think so, but depend upon it, a very short time will find you in a woful mistake. This reflection brings me to the assertion of a principle, which, if any man pretends to controvert, I wish to hear from him before I proceed any further. I confidently lay down this position, that Government cannot make one free man work for another without his consent. It cannot take the property of one and give it to another. That whatever would be wrong in the acts of Government, as between man and man, is equally wrong as between ten or ten millions of men. Does any one deny this? None! Then I proceed. If any casualty should, in the ways of Providence, reduce the four quarters of the Union to but one man apiece, and he of the east should be a ship-builder; of the north a cotton spinner; of the west a hemp weaver; and of the south a cotton planter; in what condition would the tariff system find these four individuals? Mark well, I beseech you, Mr. Chairman, their exact relative situations, for this very picture is a faithful illustration of the bill on your table, and I pronounce there is no getting away from it. Your bill, as plain as a bill can talk in vernacular language, says to the hemp weaver, and pointing at the same time to the cotton planter, you may make him pay you, besides a fair price for your bagging, five cents a yard as a bounty for your labour. It is true he works as hard as you do, but you are a man of capital, and therefore must be protected. He shall wrap his cotton in your bagging, or pay a higher price to some one else for that article. Your bill says also to the shipbuilder, that same cotton planter shall pay you a bounty for carrying his cotton to the spinner. To the spinner, it says he shall sell it to you, and buy your cloths; or, if he dares to carry it to any other market, he shall pay you a tax of eight cents a yard for every yard of cottons he buys elsewhere. Now, I ask you, Mr. Chairman, is this just? Would the Government dare to put its law into this kind of language as between one laborer and another? And, if it would not, how can it do so as between whole communities? Would the principle be changed from the case I have put, if the laborers and their pursuits were multiplied to ten thousand? And if that single cotton planter could not bear the dr-fts of the other three taskmasters, will the whole class of planters be in any better situation from the multiplied classes of manufacturers constantly preying upon his labor? No, sir, they cannot and will not bear it; and, I repeat, they are preparing to signify it to you in a way that cannot be misunderstood.

The remarks I have made naturally conduct me to an examination of the burdens *we think* we bear, though the manufacturers *think* it is all delusion.

When the bill of the gentleman from South Carolina (Mr. McDuffie's) was read, and I found it proposed to lay a duty of 25 per cent. on all foreign articles, I asked myself, is it possible that any thing more could in conscience be demanded? When I reflect that 25 per cent. was a tax of the fourth part of a man's income, for nine men out of ten spend all their income, and when I recollected, also, that most men of money are contented with 25 per cent. interest, I wondered if it were possible that the manufacturers were in the habit of receiving this amount, and were yet anxious to get more. There is hardly one man in a thousand believes that he pays twenty-five cents on every dollar that he lays out; and yet, sir, what will be his astonishment when he comes to learn that he pays the double of it! The rejection of the bill just mentioned proves that the tax is over 25 per cent., or they would have taken it. Then, what is it? The Secretary of the Treasury, in his calculations submitted to this House, places it at $47\frac{1}{2}$ per cent.; other calculations make it a fraction over 50. Now, I demand, if it be less than either of these sums, that some friend of the tariff immediately rise in his place, and state what it is? Finding no opposition to this statement, I set it down as granted, that the duty is somewhere in the neighborhood of 50 per cent. upon an average, on all the usual articles of consumption, such as cottons, woollens, iron, salt, sugar, coffee, and all kinds of tools and farming utensils. I shall, then, for the sake of easy calculation, place it at 50. This point being adjusted, I proceed to state another, which is necessary to my purpose, and in which there can be little or no dispute. It is this: the price of an article is increased the amount of the duty. The establishment of this position will be postponed until I come to answer the argument of the gentleman from Pennsylvania (Mr. STEWART) on that subject. One other point is also admitted, viz. that the consumer pays the duty, and this for the present is enough for my purpose, though I think I shall hereafter be able to sustain the views of the gentleman from South Carolina, that the *producer* pays the tax. These three things being settled, to wit, 1st, that the duty is 50 per cent.; 2d, that articles purchased are increased in price the amount of the duty; and, 3d, that the consumer pays the duty, I proceed to present an illustration of its burdensome effects upon the planters of the south. Suppose, Mr. Chairman, instead of the Atlantic Ocean, a straight, narrow river, running from Maine to Mobile, divided us from the old world; and suppose all the different factories in the United States, instead of being clustered in groups in the northern and middle States, were strung, at suitable intervals, all along on this side of this dividing stream; imagine similar and corresponding factories on the other side, exactly opposite to those on this; and that a convenient bridge leads from one to the other: here, then, we have presented not only two similar places of supplies, but two markets for the produce of the planters. Instead of sending their produce to these markets, as is usual, through the agency of merchants, each planter becomes his own merchant. Now, sir, suppose one presents himself with his cotton at a woollen factory, and desires to purchase a bale of blankets, he is told the price is fifty dollars, but that, on the other side of the stream, a precisely similar bale can be had for twenty-five. Having an easy and convenient bridge, every one perceives he would have no hesitation in selecting this cheaper market. But when he arrives at the foot of the bridge, he is met by a custom-house officer, who informs him that if he buys his blankets on the other side of the river, he will have to pay one-half of them to the Government, so that he might as well lay out his money with the factory man on this side. He inquires, why is it that I have to pay half my produce to

the Government? He is answered, all the owners of factories, strung up and down this river, have united, and made their poor workmen believe they ought to be protected by Government, and they have been artfully put up to clamor for relief, until the Government has compelled you to pay half your blankets to me for her use, or half your money to them, and now you may take your choice. Of course, he puts himself to no further trouble, returns, makes the purchase, and loses twenty-five dollars, which the manufacturer pockets. That this is the precise operation of the tariff system upon every article which a planter purchases, is as certain as death; and I defy any one to detect a fallacy in the statement. And, sir, here is the proper place to exhibit the effect which this system has upon our produce. Admit, for the sake of argument, as stated by the gentleman from South Carolina, (Mr. DRAYTON,) that a repeal of the tariff would not affect the price of cotton, yet is it not obvious that if the price of cotton is eight dollars per hundred, and half of that amount is paid in tax, whenever laid out it cannot be worth but four dollars to the planter. Now, take off this tax, and though the price might not rise, yet no one can doubt the cotton is worth four dollars more to him, in the additional necessaries which it will command.

But it is said the northern people consume as much as the southern, and consequently pay as much tax as they do. Now, sir, this is very fallacious doctrine, and I hope to prove it by a variety of arguments. I lay down this position, that the man, woman, or child, that is without employment, and has to depend upon his or her daily labor for support, as a hireling, is often driven to the necessity which no man laments more than I do, of giving more for articles of consumption than those whose means enable them to make a choice of markets. Those who exchange their immediate labor for the means of clothing and support, are compelled, I own, improperly to give more for their necessaries than those whose money or exchangeable commodities enable them to purchase where they please. The people of the south make immense quantities of produce for exportation; they are the most valuable staples in the world; and, as every one knows, constitute the wealth and exports of this country, and which cannot be consumed at home. The people of the north are divided into two laboring classes, those who till the soil, and those who work at the factories: the first produce, doubtless, valuable agricultural articles, which are intended to supply the last. The manufacturing system was gotten up for the express purpose, first, of enabling capitalists to vest their immense wealth in profitable employment, and to live upon the labor of the poor; and, second, to afford a market for the agricultural productions. It follows, then, that the farmer, who gets a market for his pigs and potatoes, his onions and leeks, and a thousand other things that cannot be carried to Europe, is well able to bear the tax upon consumption on what little he does not make himself, because he has an increased means of supply, by reason of this market, erected immediately at his door. It follows, also, that the laborers at the factories can willingly bear the tax of consumption, because, without this employment, they would be cut off from the means of support. Without this business, they would have to fall back upon the agricultural pursuits; and, having no market for their productions, they would have to experience finally a loss of labor from a glutted country. Indeed, the whole system is an artfully devised plan to find a market for small productions, and employment for paupers. Well may they cry out for more taxes, for more taxes give them more bread. Does any man so abuse his own understanding, or reflect upon the understanding of others, as to

suppose that if the northern people paid as much tax as the southern, by consumption, that they would so repeatedly clamor for an increase of taxes, and so violently oppose a reduction as to say "a million of musket-bearing freemen" will keep up the taxes at the risk of every consequence? Who ever heard of a whole country's crying out for burthens, if they either feel, or were not benefitted by them? As to the manufacturers themselves, and they constitute an immense class of wealthy consumers, no one I presume will doubt that they are willing to bear the taxes for the sake of the benefits derived from the system; and yet, though their profits may be greater, their interest is precisely like that of the other two classes I have just described.

Permit me, sir, to present the difference between a southern and a northern consumer, by an apt illustration drawn from the case I have already supposed. Imagine a southern planter and a northern day laborer entering one of those factories on the stream I have before mentioned, at one and the same time; the first with a bale of cotton, the other with nothing. The first understands he can get goods cheaper on the other side; he carries over his produce, and trades as he pleases; the other, having nothing to export, willingly engages to labor for what he wants, and gives the price demanded on this side. Is not the reason apparent for this out cry for taxes? Does not every one perceive that this day laborer now becomes identified in interest with this factory; and if he can compel the southern planter to trade there, and there alone, his prospect for continuance in business, and an increase of wages, are almost inevitable? This, sir, is the true reason why consumers at the north do not suffer like the southern consumers. While, however, there are certain circles around these factories that are flourishing, and demanding their continuance for the reasons stated, there are intermediate spaces between them that are as withering as famine, and cold as the grave, and will, like the south, one day or other rise to redress their wrongs. The word American *industry* has been repeated upon this floor until I am heartily sick of it. Nothing I shall hereafter dread so much as an *industrious* man, for fear he may be just fresh from a northern manufactory, or from one of the *pumpkin* gardens that surrounds those famous establishments; for those avocations seem to possess the true and only claim to the title of American *industry*, while all the immense planting staples, constituting the great exports of the country, are regarded as matters of no consequence. But, sir, I too am a manufacturer, and have some precious facts to communicate through this House to the nation. What I say, may, perhaps, like all southern testimony, be considered untrustworthy, but the people of the south will believe it, and, in believing it, will act upon it in throwing off the yoke of the manufacturers. Mr. Chairman, finding that the tariff system had completely sapped my planting interest, I resolv'd to transfer the capital there employed into a cotton manufactory, believing and hoping it might be instrumental in putting down the burthens of the south: I did so, and found it to succeed beyond all expectation. I believe I am within bounds of truth, when I say the capital doubled itself in two years. From these facts, permit me to draw a few inferences as to the great imposition which this whole system inflicts upon the planting interest of the country.

1st. It is acknowledged that machinery saves manual labor to a most enormous extent. The gentleman from Pennsylvania says, that the machinery of England, with one million of hands, performs the labor of two hundred and fifty millions. What a fact! I know this to be true, for each of the small hands which was carried into the Georgia factory, had his labor imme-

diately multiplied forty fold; and yet, Mr. Chairman, will you believe it, the tariff system makes my neighbors, who are left in the fields to work in rain and sunshine, with nothing but the muscles which the God of nature has given them, contribute to my labor, increased as it is, forty fold by the aid of machinery. I, who have multiplied my force to so great an amount, cannot get along without aid, and therefore must cry help, more help, or I perish! The people that can bear this, can bear any thing; and if they do not rise in their majesty and put down this system of legalized robbery, they do not deserve the blessings of freedom.

2d. If the capital invested by the company to which I belong, say somewhere about thirty thousand dollars, has doubled itself in two years, what is the consequence? The gentleman from Tennessee, (Mr. BELL,) who so eloquently painted the exactions and influence of wealth, and the miseries which the sudden and rapid accumulations of money must create in any community, spoke truly when he said some one loses when another gains. Now, sir, apply this truth to the fact I have related. Thirty thousand dollars in two years have been soaked up, as with a sponge, within a certain circumference. While we have gained it, our neighbors have lost it; and though they are too generous to complain of us, knowing that neither our motives or feelings so enter into the system, as to desire its continuance at the expense of principle; yet this is its true effect throughout this whole country. And notwithstanding it must be helped from the hard handed-labor of our honest planters, to whose fruits all other trades and professions must look for support.

3d. The moment our factory went into operation, there was a small circle around it which became immediately identified with its interest; those who supplied us with such articles of food as we wanted, such mechanics as were necessary to the establishment in various branches of business, such supplies of materials as were needed for buildings and repairs; and, finally, such laborers as were required to conduct the internal operations of the institution. Now, who does not perceive that all these interested individuals, as well as myself and the rest of the company, were better able to pay the tax of consumption than our surrounding neighbors not within the circle I have just mentioned? It matters not whether the factories are in Georgia or Massachusetts; this is a fair picture of their effect and influence, be them where they may.

4th. Suppose when I changed my planting into a manufacturing interest, I had left three of my neighbors, who had just the same kind of land, and exactly the same amount of capital, and our crops had been precisely the same, still employed in that business. And suppose, which is true, that I make not only what I made before, and, consequently, as much as my aforesaid neighbors, but fifty per cent. more; is there any reason that these same neighbors should contribute to my new and more profitable business? This must, beyond all question, be the case, if the system is kept up, and the south is forced to manufacture. For every man cannot become a manufacturer, and those who are left to till the ground, except that class who furnish the factories with supplies, must become hewers of wood and drawers of water to the monopolizing lordling. Down, down with this system of taxation for the benefit of a favored class, or, depend upon it, down goes your liberties. If all the factories of the United States belonged to one person, and that person was a monarch, (and what is wealth but a monarch, a cruel, tyrannical monarch?) and he was solely deriving all the advantages of

the system at the expense of the sweat and labor of the people, every body would see it in all its horrible odiousness, and it would be demolished by the fury of an indignant people. Yet, because it is in the hands of a few who have contrived to delude their hirelings into the belief that it has been founded purely for their benefit, this abominable scourge is permitted to exist. The day is coming, and I trust, rapidly, when it will have to undergo a reckoning before the tribunal of a long abused and insulted community, whose award will consign it to its merited infamy.

These are the oppressions of which I promised to speak, and which rise superior to all law, and would, of themselves, though they violated no written principle of the constitution, justify a people, "in the pursuit of life, liberty, and happiness," to provide themselves with new forms of Government. I stated in a previous part of this argument, that an admission, on the part of our adversaries, that the consumer pays the tax, would be sufficient for my purpose in establishing the great inequality of the burthens, and that it rested upon the southern people. I think I have made out the case. I will now attempt to show, what is very much disputed, that the producer pays the tax, or that the coincidence between the producer and consumer is so little variant as to make no sensible difference in the two characters.

I shall show it in three relations, first, in that of an individual, secondly, as a family, and, lastly, as a whole country; and I shall select the article of cotton for the illustration. If all the cotton of the south, which is said to be one million of bales, was made by one individual, and he were to carry it to Liverpool, sell it for cash, say \$30,000,000, lay it out in goods, and bring them to this country, he would have to pay one half in duties. This, however, it is said, returns to him when he sells out his goods to the various consumers. But as money, which is the only free trade article in the world, is as much property as goods, and as liable to taxation, suppose instead of bringing back goods, the individual should bring back the proceeds of his cotton *in cash*, and should find a duty upon that as well as goods; does not every one perceive that his fifteen million of taxes would go into the public Treasury without the hope of any future recovery; and consequently, as producer, he will have paid the tax on the whole of that article? Now, that same result would run through the sales of all the planters if they sold their cotton themselves, and paid the tax on their money, instead of paying it on the articles they consume.

2. I contend that the consumption of a family, whose head is a producer, extends to all persons that draw upon his produce for any services rendered him. That is to say, his blacksmith, tailor, carpenter, schoolmaster, shoemaker, physician, and indeed all whose labor he has employed, are as much his family as if they lived in the same house with him, and to the extent of their several demands against him, are with him, not only consumers, but producers, for his production constitutes a part of their production, and with it they purchase their articles of consumption. By reason of this connection, unless the producer has a balance left after defraying the expenses of his family, he is the payer of all the taxes to which his crop has been applied. And who, I would ask, in any part of the south, is able, under such a burthen of duties, to meet all his engagements? I know I am as economical and saving a planter as any of my neighbors, and I declare to this House, if it were not for other resources, which it has been my good fortune to en-

joy, my planting interest would not have supported my family, and this, I can safely say, is the condition of thousand upon thousands.

3. The tariff system proceeds upon the principle that the northern manufacturer cannot labor as cheap as the English manufacturer. And what is thought to be the difference? Surely this is indicated by the average per cent. of duties laid upon the articles which they last fabricates, and that we have seen is fifty per cent. Then we say the difference between manufacturing labor in the north and in England, is fifty per cent. Every body perceives the American manufacturer cannot compete with the European. What is to be done? The former looks away to the south, and there finds a people who make the raw material that supplies the latter, and for which they receive his manufactures. The northern manufacturer immediately sets about a contrivance to cut off the trade between these two parties. What is it? By the artful device of legislation, he imposes a duty of fifty per cent. on the foreign manufactures: this at once raises them to the price of his own. Now, what is the effect, nay, what is the real motive of this measure? Is it not, first, to divert the trade from the European, and, second, to direct the raw material to the American manufacturer? Suppose, then, it should succeed to the extent of the wishes of the friends of the tariff, that the trade with Europe should cease altogether, and every pound of cotton should go to the north, is there any man so blind as not to see that the producers of this article have not only lost their former market, where they were in the habit of getting what they wanted at half price, but have been compelled to exchange it in another market, at a loss, by way of bounty, of half its exchangeable value? By this process, the English manufacturing labor is raised to the price of the American, and actually done at the expense of the southern planter. Then, as producers of the article of cotton, they do most unequivocally throw into the lap of the northern, the fifty per cent. which raises the labor of the English manufacturer. Then I have shown, as an individual, as a family, and as a country, the producer pays the taxes of imports. But I will repeat, it is enough for us, and more than we can bear, to pay it as consumers.

It is needless for me to say that this is the effect produced upon all our valuable staples in the south; and we have now a new article of production which will be subjected to its ravenous appetite,—I allude to the immensely valuable gold mines stretching from Virginia to Alabama. Every dollar that is raised by the gold digger—and surely no one works harder for his money—will be immediately divided with the rapacious manufacturer. Because it is gold, and almost money itself, it will not escape the fate of cotton, rice, and tobacco: for they are taken from the earth by the same hard labor, and quite as convertible into money. Little does the hard-working miner dream, that, while standing in water to his knees, with a scorching sun blistering his back, every stroke which is applied to the unyielding rock, presents a case in which one is for himself, and the other for a northern master.

Before I proceed to consider the other ground of expediency, it is proper that I notice an argument or two advanced from the opposite side. The gentleman from Pennsylvania, (Mr. STEWART,) whose whole speech was cordially approved by the gentleman from Massachusetts, (Mr. ADAMS,) advanced the singular notion that *high duties made cheap prices*. I hope, Mr. Chairman, I may be permitted to answer this chimera—for surely it is nothing else—from the report of the gentleman who has thus approved this

doctrine by approving the speech. I find in that report the following position: "the doctrine that duties of impost *cheapen* the price of articles upon which they are levied, seems to conflict with the first dictates of *common sense*." I am sorry that the particular case in which I am compelled to use this remark, makes it not less severe than true; but, coming from the opposite side of the question, it may rest where it properly belongs. But this same report continues: "the duty upon the article imported from abroad, *enabled* the domestic producer to enter into competition with the importer from abroad. So long as this competition continues, the duty operates as a bounty or premium to the domestic manufacturer. But by whom is it paid? *Certainly by the purchaser of the article*, whether of foreign or of domestic manufacture. The duty constitutes a part of the price of the whole mass of the article in the market. It is substantially paid upon the article of domestic manufacture as well as upon that of foreign production. Upon one it is a bounty; upon the other a burden; and the repeal of the tax must operate as an equivalent reduction of the price of the article, whether foreign or domestic. We say, so long as the importation continues, the duty must be paid by the purchaser of the article." This doctrine is further confirmed by much better authority; it is none other than that of Doctor Franklin. In his examination before a Committee of Parliament previous to the revolution, he stated that "an external tax is a duty laid on commodities imported; that duty is added to the first cost, and other charges, on the commodity, and, when it is offered for sale, makes a part of the price." It is, indeed, amusing to see authority like this attempted to be overturned, at this day, merely to justify, or rather to cover over the villainous frauds of the *American system*. But I feel a disposition to examine this argument of the gentleman. He says, by way of proving his position, "see how low cotton goods are." Now, sir, this is exactly the way the great mass of the people have been deceived. It is true cotton goods have fallen, but the tariff is no more the cause of it than that it is the cause of the fall of coffee; one grain of which is not made in the United States. Has the gentleman forgotten that coffee used to sell at fifty cents a pound, and can now be got for fifteen? Has he forgotten that almonds and raisins once sold for the same, and now sell for twelve cents? Does he not know that every thing which is not produced in this country has had a corresponding fall with those things that are? Why has this secret been kept from the people? No, that would be the truth; and that is an article which enters into no part of the *American system*. *Imposition*, both of duties and falsehoods, belongs entirely to that matter. If its friends had have candidly told the people that goods have fallen, but it is owing to the increase of specie, the still greater increase of food and laboring facilities, the improvement of machinery, and many other causes, now not necessary to be mentioned, instead of ascribing it to the tariff, they would have dealt fairly with them; but they have essayed to filch from them their rights through an ungracious appeal to their avarice.

The gentleman has said such has been the improvement of machinery in England, that one million of hands can perform the labor of 250 millions. Then, sir, just mark the consequence; if labor is multiplied 250 fold, an article must be cheapened almost in the same ratio.

But, sir, if high duties cheapen articles, there must be a point to which, if the duties are raised, the goods will come *at nothing*; if the gentleman will set down, and, with his immense powers of calculation, just demonst

that exact point to my satisfaction, from that moment I am a tariff-man; I give up my opposition, and fall into the ranks. I greatly fear, however, that it will turn out like the case of the stoves. You have all heard of the Yankee, who, in describing the great advantages of his stoves to an Irishman, said, among other things, (not that high taxes cheapened the article,) but that they saved half the firewood; then, said the Irishman, "I will take two of them, and save the whole."

Why is it, Mr. Chairman, if high duties cheapen articles, that so many letters from different manufacturers have been read upon this floor, stating that their business will be utterly ruined if the duties are reduced? That must be a bad rule that don't work both ways. One would suppose that, if you raised a duty from a given point, and the price of the article fell in consequence of it, it would surely rise up to the same price if you took that same duty off. This is a very curious matter, Mr. Chairman. Would you believe it, the country presents this singular aspect—one portion is crying to be relieved of their taxes, without which they must be ruined; while the other part bitterly complains that, if you take off their taxes, *they* will be prostrated! I would rather *guess*, meaning no offensive allusion, that this fact points to the quarter where live the tax paying *consumers*.

This same gentleman made another remark, at which I should have felt, if not contempt, at least indignant, if I had not believed that, just at that moment, he became greatly shortened of ideas; and that he did not know exactly what to say, for every body saw he was evidently *stumped*. I mean his saying that the southern people wanted to make the northern free laborers slaves to their free negroes. For the reason just mentioned, I will pass over this *come-by-chance* piece of wit, and examine his doctrine as to the great difference between free labor and slave labor. Mr. Chairman, this distinction has been mentioned frequently on this floor, and I confess it has excited my supreme disgust every time. What do they mean? Does the offspring of that very ancestry who made not only their livelihood, but the very fortunes which now constitute the capital of the American system, by trading in human flesh—who robbed fathers of their children, children of their fathers—husbands of their wives, and wives of their husbands, and carried them to be sold in the southern States—now dare to reproach me with the sin of slavery? Oh, no sir, it cannot be! They greatly mistake the matter, if they think we feel the slightest emotion at such a censure. The only wonder is, how it can be made without a blush.

But, sir, I have lately been as far as Philadelphia, for the first time in my life—that city of brotherly love; and I wish gentlemen to explain some things which I saw there, first asking them if they make any difference *there* between *free negro labor* and *free white labor*, for these two classes seemed to perform promiscuously all the menial services. If they do, then I would beg to have these difficulties solved? In the tavern where I stayed, a free negro waited on my table, and a white man cleaned my boots; which of these was the free labor? They were both equally polite, and they both made the same *foot scraping* bow when I gave them a quarter of a dollar. I saw in the same city, a free negro mounted on the box of a coach, and a white man behind it; the latter let out the grandee, which it contained, at the door, while the former sat like a lord on his seat. Which was the free labor in this case? This is one class of service. Now, sir, I happen to know something of the *free labor* in cotton factories. When the factory in which I am concerned first started, we had a good old honest gentleman from the

north connected with us, and we commenced chiefly with white hands. He happened to bring with him a printed copy of rules and regulations, such as are used in northern factories, and which he wished adopted in ours. They had a striking analogy to penitentiary regulations. They required that the poor little hands should be at their work by light, should have three-quarters of an hour to eat their breakfast, an hour at dinner, should labor in the winter till seven o'clock at night, should have a portion of their wages remitted for every part of the machinery which they broke or injured, every skein they tangled; every five minutes they were absent; indeed just enough of pains and penalties to take all their wages. Besides, the *strap* was to be used, if necessary. It is scarcely necessary to say, Mr. Chairman, such rules were scouted from our establishment. We soon told our friend the free people of the south would not bear that kind of regimen; indeed it would hardly do for our slaves. Now, sir, where is the difference between this kind of labor and slave labor? I can tell you, sir, it is only in the color of the skin, and the duration of the service. The same capital that buys a slave for life, can hire one for a day; and, during these respective periods, the quality of the service is exactly the same. But, sir, this very distinction serves to show what power will finally do in this matter. If, under the present tariff system, it is boldly claimed for free labor, as it is called, a legislative privilege over slave labor, what will they not do when we begin to manufacture with our slaves? If we should be driven to this business, which I verily believe we can more profitably conduct at the south than it is at the north, will not the same power which sets up the right of preference now, exact it hereafter by some discriminating tax upon slave labor productions over those of free labor? No doubt of it. So that, if this distinction is to last, I boldly affirm we cannot live together; and the sooner we part the better. The gentleman has said, let the south go: they will soon want to get back; and, sir, an idea is thrown out that our slaves will force us to return. Now, Mr. Chairman, once for all, I say gentlemen are grossly mistaken; if they think we labor under any such apprehension, it is a most childish infatuation. As there is a God in heaven, I had rather live, so far as security of person and property is concerned, among the slaves of the south, than to live in the heart of such a manufacturing country as Manchester, in England, or Providence, in Rhode Island. What country has more insurrections than Great Britain? Among whom do they originate? Is not that Government obliged to keep a standing force to overawe the turbulence of the manufacturing operatives? What people display greater fury when aroused? What lives or property are spared when the insurrectionary storm is up? Does the north expect to escape these commotions, when they shall have arrived at the same degree of manufacturing? Have they done it? No: let gentlemen look well to this matter. A slave is a slave; the color of the skin does not relieve oppression; and, depend upon it, white slaves are as dangerous as black ones, and all experience hath shown they are quite as ungovernable. As to the condition of the south, in relation to the common comforts of life, it has no possible dependance upon the north. With its forty-five millions of exports, if that immense sum could be permitted to circulate among themselves, it would, in reference to the conveniences of living, and the facilities of subsistence, become one of the happiest regions of the earth. It would give life to commerce with its thousand connections. It would give a new spring to agriculture, and fresh energy to our various artisans; and, instead of decaying villages and towns,

the whole country would smile with tokens of the most extended prosperity. And, sir, this brings me to the consideration of an idea advanced by the gentleman from Pennsylvania, (Mr. CRAWFORD,) who contrasted the past and present situation of the north, while it was without the aid of southern taxation. Then it was drooping under the wasting malady of poverty—now it is flourishing in all the bloom of invigorated activity—then it presented one wide surface of stagnant employment—now all was a living current of plenty and gladness—then doubt and dejection hung upon every countenance—now confidence and animation beam from every eye. Sir, I could not but say to myself, how selfish is man—that man, too, who should be a brother, and that brother who should feel for a brother's woes. Did it never occur to the gentleman, while glowing with the emotions of joy at the elysian happiness of his immediate home, that, peradventure, some other section of his country was yet groaning under that condition which formed the dark shade of the pleasing picture of prosperity which he has just portrayed? Mr. Chairman, if some stranger to our land, accompanied by a mentor who knew all its varied relations, should enter it in the north, and pervade it from Maine to Mobile, having all its minute parts and characteristics explained by his guide, what would he behold? Through the cold region of the north, amidst its bald and barren hills, and sterile ridges, he will discover cheerful hamlets, glistening villages, flourishing towns springing up as by magic, and crowded cities, displaying, by their marble columns and gilded balustrades, the most gorgeous wealth—throughout all the country, until he reaches the river that flows by this hill, will he perceive full employment for labor, well rewarded; contentment shining on every face; riches, in all their gayest profusion, ministering their luxuries to some, competency distributing her milder comforts to others, and sufficiency dealing out its more moderate supplies to all; but, sir, when he crosses the Potomac, what will he discover? In this land of fertility, of most propitious soil and genial climate, where every valuable production of nature is reared, where the earth teems with a perpetual golden harvest, springing from its fruitful plains or mineral mountains, what, I repeat, will he behold? Farms whose orchards have decayed, whose houses are tumbling into ruins, whose fences have rotted and sunk into the bosom of briars—villages whose grass grown foot ways are choked with weeds, whose habitations on the out-skirts have been left to the slumbers of some strolling flock, whose once smiling gardens, in the beautiful language of the poet, present nothing now

“But matted shrubs, where birds forget to sing,
And silent bats in drowsy clusters cling.”

And, sir, this is the picture that belongs, but with a few exceptions, to all the towns and cities of this once flourishing country. I could give you a most feeling account of a city in my own State, once the pride of the south, the busy mart of one of the greatest staples of the earth, the source of wealth, the seat then and now of hospitality, and every generous virtue—but what is the fate of Savannah? Let her withering commerce and her sinking dwellings tell the story; and, sir, to your American system will she point you for the cause of all her misfortunes. Why is it, this stranger would naturally inquire, that I perceive such a difference between these two great sections of country, especially when such a mysterious contradiction is exhibited as to their natural advantages? On one side, every thing that could make a country prosperous, while, on the other, there seems to be nothing that would prevent the exact reverse. His director would be compelled to

answer, it has all been done by the singular device of legislation. The mere operation of human law, actuated by the selfishness of human nature, has done this foul deed of mischief;—has drawn, secretly and insidiously, all the resources of the south to the north and middle States. We have generally been instructed to believe, that man alone, in his individual character, is disposed to be a despot, but a regulation of a whole community is sometimes as great a tyrant, and we are often deceived and lulled into security under the tame belief that it is intended to protect, and not to destroy, when it often happens that some combination of robbers or usurpers have artfully transferred their power into the form of law, and, in that way, as effectually accomplished the purposes of fraud and ambition as if achieved by the dagger or the fagot. And in all the country of the south, from Virginia to Georgia, it may be truly said—

“Amidst thy bowers the tyrant’s hand is seen,
And desolation saddens all thy green.”

Before I take leave of the arguments of our opponents, I must say to the gentleman from Pennsylvania, (Mr. STEWART,) that his attempt to convict the gentleman from South Carolina (Mr. McDUFFIE,) of inconsistency, and thereby break down the force of his reasoning, was as unsuccessful as it was vain, and seemed, in the operation, to resemble that kind of impuissance which should attempt to storm the rock of Gibraltar with a pocket pistol. The sentiment he read from that gentleman’s speech will never be disavowed by him; I venture to say he is ready again to repeat it, and, if *he* is not, *I am*. I will endorse it, and, as far as my credit extends, will give it fresh currency.

I come now to the second ground of expediency—that the system “is dangerous to the peace and harmony of the Union.” Mr. Chairman, this country was never, perhaps, except in time of war, in a higher degree of excitement. We hear of meetings at the north—indeed very large ones have lately been gotten up to dictate to the House the course it must pursue; we hear of Legislatures pursuing the same course, and saying the protecting system shall not only not be repealed, but it shall not be relaxed;—we hear of the presses saying that even the measures of compromise suggested, with the best intentions, by the administration, for the sake of peace, will be resisted by “a million of musket-bearing people.” Now, sir, when the south acts or talks thus, it is treason! She must suffer, and if she complains in a tone any thing above the strain of supplication, she is rebuked for insolence, and charged with a design to dismember the Union. Mr. Chairman, this people cannot bear every thing, and a portentous sign has lately appeared in the south. Two States have met together, and told to each other the story of their wrongs in a temper that cannot be mistaken. Take care how you trifle with a people struggling for liberty: you live but one generation removed from a case, which I shall presently show you, that affords the lesson of how much an injured people can suffer, and exactly at what point they will avenge their insults. Two thousand people, burning with a just sense of their sufferings, have recently declared of a gallant son of the south, whose chivalry and patriotism deserved the sentiment, in view of a determination to resist oppression, if not relieved, that he was “a patriot without fear, and without reproach. He has generously devoted himself to the defence of southern rights and southern interests, and is qualified for every crisis. And southern people will support him in the great cause in every peril, and at every hazard.” Mark well this feeling! It stirs a spirit that

will never flag, until it warms and swells every bosom from the Potomac to the Mississippi.

Mr. Chairman, history is full of instructive admonitions on the subject of invaded liberty, and how certain the resentments of a free people will be aroused in defence of that most precious of all Heaven's best gifts to man. While the few are insidious the many are patient; while tyranny is secret and crafty, democracy is open, generous, and forbearing: but there is a crisis in every thing, and a point beyond which even slavery will not suffer. We should learn wisdom from experience. Our own annals present the most illustrious case of human persecution resisted by the most consummate courage and daring. We have a lesson, not yet sixty years old, replete with a moral that can never be too often consulted; it is a counsel that can not deceive; it is a monitor that will not betray; it possesses a feeling that touches the heart without anguish, though it is connected with a story that must forever bear upon our regrets. It is this struggle for liberty, this memorable contest for principle, I shall this day invoke in behalf of a people subjected to the same unholy oppression. It is a shining light that cannot be extinguished; and, before Heaven, in favor of my suffering countrymen, WILL I SNATCH THIS TORCH OF THE REVOLUTION, AND SNUFF IT AND FLASH IT IN YOUR FACES.

In speaking of the causes which led to the revolution, a distinguished orator,* just after its happy termination, brilliantly observed: "it was not the *quantity* of the *tax*, it was not the mode of *appropriation*, but it was the *right of the demand*, that was called in question. Upon this the people deliberated; this they discussed in a cool and dispassionate manner; and this they opposed, in every shape that an artful and systematic ministry could devise, for more than ten years before they assumed the sword. This single circumstance, aside from the magnitude of the contest, will stamp a peculiar glory on the American revolution, and mark it as a distinguished era in the history of mankind."

We are not only questioning the "*right of the demand*," but we have the peculiar aggravation of not only an intolerable "*quantity*" of "*tax*," but that tax is transferred from the bosom of our people, and "*appropriated*" in other countries. Before I proceed to the comparison which it is my intention to make, it is necessary distinctly to state the exact principle in both cases, and then show with what remarkable fidelity the facts will sustain the analogy. The colonies were, as the States are now, independent of each other; and Great Britain, the mother country, constituted their FEDERAL HEAD. To them, the mother country *was*, what the General Government *now is* to the States. The latter is our Federal head. Great Britain maintained that she had a right "*to tax the colonies in all cases whatever*." The colonies denied it, and contended that she had only the right to tax them *through the regulation of commerce* as revenue, and for their benefit; that such taxes could not be taken and applied to any other purpose whatever; that *no direct tax at all* could be laid upon them without their consent, and then only for the use of the colonies, and to be granted by their own Legislatures. The General Government maintains that she has a right to "*tax the States in all cases whatever*." The States deny this right, and contend that it can only tax them, *through the regulation of commerce*, as revenue, for the single purpose alone of supporting the Government, and consequently for their benefit generally and equally; and that, as Great Bri-

tain could not tax the colonies for her own benefit at home, or carry their money out of the colonies to be spent on objects unconnected with their colonial condition, so the General Government cannot tax the States for the benefit of manufacturers, a distinct interest from that of the Government; in other words, it cannot take money, by way of taxation, from one portion of the States, to be spent in another, to support an individual interest different from that of the Union where all are alike concerned. The proposition is now fairly made. Let any superficial reader examine the causes which led to the revolution, and he will find that the colonies, though as States they are now greatly more oppressed in some quarters, yet then they flashed like lightning at the slightest invasion of their rights. Great Britain in two hundred years, with all her power and ingenuity, and apparently with tenfold more right, was never able, in the internal regulations of the colonies, to drive the first entering wedge into what they considered unconstitutional taxation; nor in that time did she accomplish what the General Government has done in the short space of eighteen years. Various were the acts, and at various times and under various states of feeling were they urged, to establish the principle that the mother country had the right "*to bind the colonies in all cases whatever.*" The result of such an unnatural and abhorrent experiment must be fresh upon the recollection of every one, save, perhaps, the misguided and infatuated rulers of the General Government. Long and ardent were their opposition against the attempts of the British Parliament to rivet upon them her port laws, navigation acts, admiralty regulations, new modes of trial, of appointing officers, stamp acts, and tariffs for regulating their trade. Opinions, resulting from their oppressions, stimulated them to unmitigated resistance, which spread through America, were intrepidly maintained against the usurpations of the mother country, and finally terminated in their acknowledged independence.

I proceed to present the promised comparison, and I hazard nothing in saying I shall be able to show that the sufferings of the south are not only similar to the colonies, but, in a very great degree, more intolerable. I hold in my hand the first tariff act that was ever passed by Great Britain, intended to operate against the colonies for the double purpose of taxation, and to restrain their trade with all nations except through the mother country.

The act which I have just referred to, and which is here ready to be seen, contains eighteen different subjects upon which duties were laid, and they are upon all such articles as were produced south of Cape Finisterre, because north of that point they were prohibited to trade, except, as before stated, with the mother country. These articles were such as Great Britain did not produce, such as coffee, indigo, wines, East India silks, East India calicoes, French linen, and cambrics imported through the mother country, pimento, sugar, and molasses, and, finally, the celebrated Stamp Act. This memorable act passed on the 10th of March, 1764, and on the 20th of April thereafter, just forty days, the General Assembly of New York raised their remonstrating voice, and immediately approved of a memorial, prepared by the merchants of the city of New York, to be laid before Parliament, at the same time instructing the agent of the colony "*to give all possible opposition to the continuance of said act.*"

The memorial was followed up by other strong remonstrances from nearly all the other colonies, holding a language of the following character: "that an exemption from the burthen of ungranted involuntary taxes, must be the grand principle of every free State. Without such a right vested in them-

selves, exclusive of all others, there can be no liberty, no happiness, no security; it is inseparable from every idea of property; for who can call that his own which may be taken away at the pleasure of another? No history can furnish an instance of a constitution to permit *one part* of a *dominion* to be taxed by *another*, and that, too, in effect, but by a branch of that other part. And if such an absurd and unequal constitution should be adopted, who, that considers the natural reluctance of mankind to burthens, and their inclination to cast them upon the shoulders of others, cannot foresee that, while the people on one side of the Atlantic enjoy an exemption from the load, those on the other must submit to the most insupportable oppression and tyranny." The committee thus far will begin to perceive the temper and spirit of a people suddenly aroused to a sense of legislative oppression, and they may plainly discern a firmness in the assertion of their injury worthy of all praise. The colony of New York resolutely said to Parliament, "what can be more apparent than that the State, which exercises a sovereignty in commerce, can draw all the wealth of its colonies into its own stock? And has not the whole trade of North America, that growing magazine of wealth, been, from the beginning, directed, restrained, and prohibited, at the sole pleasure of the Parliament? And whatever some may pretend, his Majesty's American subjects are far from a desire to invade the just rights of Great Britain in all just commercial regulations. They humbly conceive that a very manifest distinction presents itself, which, while it leaves to the mother country an incontestible power to give laws for the advancement of her own commerce, will, at the same time, do no violence to the rights of the plantations." And then, in the most emphatic language, they assert the right of FREE TRADE, unincumbered with taxes: say they, "the *freedom* to drive *all kinds of traffic*, with an exemption from all duties, is humbly claimed by the colonies as the most essential of all the rights to which they are entitled." Without the exercise of this right, they considered themselves as slaves, that submission to burthens upon their trade would lead to impoverishment, and that nothing would so effectually drain off not only their wealth, but the very means of subsistence:—they declared that "since all impositions, whether they be *internal taxes* or *duties*, paid for what we consume, equally diminish the estates upon which they are charged; what avails it to any people, by which of them they are impoverished? Every thing will be given up to preserve life; and though there is a diversity in the means, yet the whole wealth of a country may be as effectually drawn off by the *exaction of duties*, as by any other tax upon their estates." Can any doctrine be more apposite to our present situation? and are not the southern States subjected to precisely such a course as that which called forth this unanswerable truth? If the maxim be true, that like causes produce like effects, no two events can be more similar than the suffering of the colonies and that of the southern States. The present exactions of the Government have not only aimed a blow at our subsistence, but it has vitally affected the peace and happiness of the country; it has produced hot blood and divisions among our people; it has sundered the strongest ties of interest; alienated the endearments of the longest friendships; overturned the courtesies of society; and even infused its poison into the very affections of kindred. No people were ever more united than the people of South Carolina, and none so signally characterized by those public and private moralities which confer upon a community the most enduring concord. But where has it fled? The much respected gentleman to my left (Col. DRAYTON) can tell you, and tell

you in accents that would arouse your deepest sensibility; for he himself, and many of his former associates and compatriots, are instances of how little the long tried friendships of life can withstand the strifes of political contention. To the most unexampled unanimity of sentiment, sympathy of feeling, and purity of attachment, there has succeeded a want of confidence, distrust of patriotism, suspicion of motive, and jealousy of action, which has uprooted all the charities of that society; and, strange to say, without the least difference of opinion as to the force and reality of their oppressions. This was the case with the colonies. They told the mother country, you are invading our rights—"rights established in the first dawn of our constitution, founded upon the most substantial reasons, confirmed by invariable usage, conducive to the best ends, never abused to bad purposes; and, with the loss of which, liberty, property, and all the benefits of life, tumble into insecurity and ruin. Rights, the privation of which will dispirit the people, abate their industry, *discourage trade*, INTRODUCE DISCORD, poverty, and slavery; or, by depopulating the colonies, turn a vast, fertile, prosperous region, into a dreary wilderness."

We, too, have remonstrated, and time after time told you, that you were departing from our original agreement, and that such departure was working the most ruinous consequences to our peace and prosperity. And how have they been answered? Listen to the answer of the King of Great Britain to his supplicating colonies, and see how much yours and his response has been alike. In addressing his Parliament, he sternly says, "the experience which I have had of your former conduct, makes me rely on your wisdom and firmness, in *promoting that obedience* to the laws, and respect to the legislative authority of this kingdom, which is essentially necessary for the safety of the whole."

This cold and unfeeling answer of the King soon taught the colonies to understand that, as in our case, a deaf ear was turned to their complaints. All quarters of the country sprung from their lethargy, meetings of all descriptions were had, town meetings, county meetings, legislative remonstrances, and, finally, a meeting of the colonies, by delegates, ensued, for the purpose of testifying their discontent, and a determined resolution not to submit to such, as they said, unconstitutional and oppressive measures. We, too, have gone through all this process. Is less expected of us than our forefathers? Is there much calculation placed upon our cowardice? Is there a hope indulged that ours are grievances that can be healed by talk? Take care that you do not fall into a fatal mistake. Your once most gracious King, whom you so ungraciously imitate, found, when it was too late, that he had reckoned 'without his host.' But, perhaps, it would be amusing, if not instructive, to know what our unflinching ancestors, bold as they were brave, said on that occasion.

The State of Massachusetts, whose lead, like that of South Carolina at the present day, can never cease to claim our gratitude, addressed the King and Parliament a second time, in which they affirm "that the colonial assemblies possessed all the powers of legislation not *surrendered by compact*, and were *bound by no laws* to which their *representatives* had not consented: that acts of Parliament possessed only an EXTERNAL OBLIGATION; and they could regulate commerce, but not the INTERIOR AFFAIRS of the colonies." (Marshall.) They further asserted, and this was done at a time too when their temper and judgment were cool and collected, "that this assembly is at all times ready to recognize his Majesty's high court of Parliament as

the supreme legislative power over the whole empire so far as its superintending authority is consistent with the FUNDAMENTAL RULES OF THE CONSTITUTION." And so are we in relation to the Federal Government. Take but the constitution for your honest guide, and we are contented, because we know we are safe; for, in the cautiously expressed provisions of that well meant instrument the minority find their only security. They conclude their address with this invaluable sentiment: "there are *fundamental rules* of the constitution which, it is humbly presumed, neither the Supreme Legislature nor the Supreme Executive *can alter*. In all free States the constitution is fixed. It is from thence the legislature derives its authority; therefore it cannot *change* the constitution without destroying its own foundation." And in a circular from this same magnanimous State to the other colonies, communicating the address, and sounding the alarm of British encroachment, they declare "that it is an essential unalterable right IN NATURE, and ever held sacred and irrevocable, that what a man hath honestly acquired is absolutely his own, which he may *freely give*, but cannot be taken away without *his consent*. That the Americans may, therefore, exclusive of any consideration of *charter rights*, with decent firmness, adapted to the character of freemen, assert this natural and constitutional right." This circular, says Marshall, "was extremely well received in the other colonies;" and in answer to it, Virginia, the old dominion, the pride of the Union, the nursery of republican statesmen, the land of free principles, the mother of the south, and, I trust, the future strong defender of free trade, said, on that occasion, "that his Majesty's most liege people of this, his most ancient colony, have enjoyed the right of being governed by their own Assembly in the article of taxes and INTERNAL POLICE, and that the same has never been forfeited, nor any other way yielded up, but have been constantly recognized by the King and people of Great Britain: And that every attempt to vest such a power in any person or persons whatsoever, other than the General Assembly aforesaid, is illegal, unconstitutional and unjust, and has a manifest tendency to destroy British as well as American freedom." Is any language of the South plainer or stronger than this? And who is there among us will dare pronounce such sentiments treasonable? The town of Providence, in giving instructions to their deputies in the General Assembly of Rhode Island, repeated these identical sentiments of Virginia, and added, "that the inhabitants of this colony are *not bound* to yield *obedience* to any law or ordinance designed to impose any internal taxation whatsoever upon them, other than the laws of the General Assembly." I have been induced to quote this little clause from the little town of Providence, in the little State of Rhode Island, merely to show that it is the first clear and distinct germ of *nullification*, which afterwards as distinctly unfolded itself in that same State, and never ceased its influence and progress until it *nullified* the British Government in the colonies of America. That same Assembly, to which these instructions were sent, concluded its session, by adopting, with many other very strong and unequivocal resolutions, the following: "that the officers in this colony, appointed by the authority thereof, be, and they are hereby directed, to proceed in the execution of their respective offices in the *same manner as usual*; and that this Assembly will INDEMNIFY and save HARMLESS all the said OFFICERS, on account of their conduct, agreeably to this resolution." Here then is nullification without disguise. Turn and twist this as you may, it is a determined resolve not to obey the LAW of its *Federal head*—the no less formidable

power of Great Britain; and it is the more to be admired, because it is the daring of a pigmy against a giant, the very breath of whose nostrils might have blasted it in the noble assertion of a right that utterly contemned all consequences. Let the oppressed of all nations, who think they can no longer bear their injuries, go to the *history* of Rhode Island for the *spirit* to act, and to her *records* for the *form* of proceeding.

What said the State of Pennsylvania on that trying occasion; the State that now says she will have a bank and the protective system, cost what it may, even the Union itself; and that if she is compelled to give up one or the other let the Union go. Then she said, "It is the opinion of this House, that the restraints imposed by several late acts of Parliament on THE TRADE of this province, at a time when the people labor under an enormous load of debt, must of necessity be attended with the most fatal consequences." Does she hold this language now while she is "imposing" "on the *trade*" of her sister States, "restraints" ten times more burthensome? But listen further to the language of this State, whose city of brotherly love has lately sent us a message to continue the screw of the American system hard down upon the south, even if it burst the band that binds it to the Union. Then it said, "That this House think it their duty, thus firmly to assert their inherent rights, that their posterity may learn and know that it was not with their consent and acquiescence that *any taxes should be levied on them by any persons but their own representatives*, and are desirous that these, their resolves, should remain on their minutes as a testimony of the zeal and ardent desire to preserve their *inestimable rights*, and to transmit them to their latest posterity." Such declarations as these, on the part of the south, are held to be treasonable, and are said to betray a restless and seditious spirit, as emanating from a fault-finding temper, whetted by political disappointments, continued by the agency of design, and increased now by the force of delusion. I cannot leave the State of Pennsylvania without one more quotation; for of all the States her conduct is more inexorable, more uncompromising, and less magnanimous, than any of the States in reference to this selfish and destroying system. It was but the other day the citizens of Philadelphia, ten thousand in number it is said, met and resolved that sooner than relinquish their grasp upon the property of the south, they would give up the Union. Now mark what their forefathers said in the year '65: "the merchants and traders of the city of Philadelphia, taking into their consideration the melancholy state of the North American commerce in general, and the distressed situation of the Province of Pennsylvania in particular, do unanimously agree that the many difficulties they now labor under, *as a trading people*, are owing to the RESTRICTIONS, PROHIBITIONS, and ill advised regulations, made in the several acts of the Parliament of Great Britain, lately passed to regulate the colonies which have limited the *exportation* of some of our country produce, increased the cost and expense of many *articles* of our *importation*, and cut off from us all means of supplying ourselves with specie enough even to pay the duties imposed on us, much less to serve as a medium of trade." What language can better express the present condition of the south?

The State of Connecticut declared, in relation to these British tariff acts, "that the consent of the colonies was not given to them personally, or by representation, actual or virtual, in any sense or degree, that at all comports with the true intendment, spirit, or equitable construction of the British constitution. That, in the opinion of this House, an act for raising money

by duties or taxes, differs from other acts of legislation, in that, it is always considered as a free gift of the people, made by their legal and elected representatives, and that we cannot conceive that the people of Great Britain, or their representatives, have the right to dispose of our property." This is precisely the language we hold: take what taxes you please from us to support the Federal Government, but do not take our property to be crammed into the already overstuffed pocket of the *federal* manufacturers.

The present State of New Jersey, now leagued in the sisterhood of filchers, then said, "that all supplies, being free gifts for the people of Great Britain, to grant to his Majesty the property of the people of this colony without their consent, is unreasonable, and renders useless legislation in this colony, in the most essential point. That, as the tranquillity of this colony hath been interrupted through fear of the dreadful consequences of the stamp act, therefore, the officers of the Government, who go on in their offices for the good and peace of the province, *in the accustomed manner*, will, in the opinion of this House, be entitled to the countenance of the Legislature." Nullification, again! Next comes the State of South Carolina, then, and now, the firms and unwavering advocate of liberty; then, and now, the consistent defenders of free trade; then, and now, the bold supporters of the constitution of their country; and may they never cease their manly exertions until they bring back the Government to the true principles of the great charter of our Union. Listen to their memorable declarations from which they have never departed, "that it is inseparably essential to the freedom of the people, and the undoubted right of Englishmen, that no taxes be imposed on them, but with their own consent, given personally, or by their representatives, and then for no other use but that of their own Government."

"That the people of this province are not, and, from their local circumstances, cannot be represented in the House of Commons of Great Britain. And further, the several powers of legislation in the colonies were constituted upon the apprehension of this impracticability.

"That all supplies to the crown, being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British Constitution, for the people of Great Britain to grant to his Majesty the property of the people of this province."

Mr. Chairman, you have only to alter the phraseology of this last resolution, and you have the whole complaint of that gallant State, South Carolina, viz. "That all the supplies to the Federal Government, being free gifts of the people, in their constitution, it is unreasonable and inconsistent with the principles and SPIRIT of that constitution, to grant to their Majesties the manufacturers, the property of the people of South Carolina." If such sentiments produced a revolution in '75, what is to hinder the same feelings from producing a similar event in the year '33? South Carolina concluded her remonstrances to the mother country in the following intelligible language—which may this Government mark and remember! "that the restrictions on the trade of the people of this province, together with the late duties and taxes imposed on them by acts of Parliament, must necessarily greatly lessen the consumption of foreign importations."

"That the increase, prosperity, and happiness of the people of this province, depend on the full and free enjoyment of their rights and liberties, and on an affectionate intercourse with Great Britain." On the enjoyment of their rights and liberties every thing depends; without this, Government

is a curse; but, in an especial manner, is an affectionate intercourse with our sister States all important; without this, who could desire we should live together? It was affection that brought us together. Destroy this, and what inducement remains for the connexion? Shall we live together merely that one part of the Union shall prey upon the other? that the labor and hard earnings of the south shall be annually transferred to the north? was this the motive for the Union? Is this the affection that is to keep us together? Forbid it justice! Forbid it freedom!

It is unnecessary to give further extracts from the resolutions of the General Assemblies of the colonies. Suffice it to say, they all sent forth their complaints, in a language breathing the same spirit of resistance and determined opposition to British oppression, levelled at their peace and prosperity, through the instrumentality of illegal taxation, and the still more odious restriction of their trade. The State of Georgia was, alone, the only State who did not resolve on that eventful occasion, but it was because she could not, for she was under the control of a royal Governor, as unfeeling as a northern manufacturer, who refused to call the Assembly together, notwithstanding they earnestly entreated him to that effect. For they, too, wished to signify, with their sister States, their abhorrence of British usurpation, and so determined were they that their voice of resentment should mingle with that of the other complainants, that they voluntarily assembled themselves together, in the town of Savannah, expressed their decided disapprobation of the late measures of the British Parliament, and assured their sister colonies, by letter, that, at their regular session, "they would take under consideration the grievances so justly complained of, and transmit their sense of the same to Great Britain, in such way, as may seem best calculated to obtain redress, and so as to convince the sister colonies of their inviolable attachment to the common cause."

Besides these remonstrances by the people in town meetings, by their legislative bodies, precisely such as have characterized the proceedings of the south, and, as one would think, furnish matter for solemn warning, the General Assemblies passed non-intercourse laws—the people refused to trade with Great Britain, resolved to make their own clothing; in fine, manifested their horror of British oppression, in every possible shape which human discontent could devise; and, sir, by way of showing you the spirit of the times, and as an instance of patriotism outvying any thing on the records of past events, I must beg leave to make one more quotation. It must forever remain an isolated moral prodigy of the love of country. It is headed "DAUGHTERS OF LIBERTY," and then proceeds: "On the 4th instant, eighteen daughters of liberty, young ladies of good reputation, met at the house of Doctor Ephraim Bowen, (Providence, Rhode Island,) in this town, in consequence of an invitation of that gentleman, who hath discovered a laudable zeal for introducing home manufactures. There they exhibited a fine example of industry, by spinning from sun-rise until dark, and displaying a spirit for saving their sinking country, rarely to be found among persons of more age and experience. The Doctor provided an elegant plain dinner, and other refreshments for the fair company; but they lost but very little time, and cheerfully agreed to omit tea, to render their conduct consistent. Besides this instance of their patriotism, before they separated, they unanimously resolved that the stamp-act was unconstitutional; that they would purchase no more British manufactures unless it be repealed; and that they would not even *admit the addresses* of any gentleman, should they have

an opportunity, without they were determined to oppose its execution, to the last extremity, if occasion required." This is nullification with a vengeance. It strikes at the very root of the evil, and saps not only the foundation of the Government, but even the very existence of society, and manifests a determination, if it could be done no other way, to end the ravage by ending the race. Sir, there is a similar enthusiastic feeling in the south. In Charleston, the females are all alive to the injuries of their country; and, on all occasions, by writings, nay, by word and deed, animate their fathers, husbands, and sons, to rise and assert at every hazard, though the land should be left with none but widows and orphans, the rights which were purchased by the best blood of their fathers, and which they have inherited from that deathless ancestry. Witness the sentiments* of the women, sent in the shape of toasts, to the usual festivities of the country, to cheer and encourage their countrymen in their onward progress to a recovery of that liberty which usurpation, for a moment, seems successfully to have invaded.

Before I close this branch of the subject, I must refer the committee to a part of Doctor Franklin's examination before a committee of Parliament on the subject of the discontents in the colonies: for it is so pertinent to the case of the south, that it were treacherous in me to omit it. Among the vast variety of questions that were asked him, all of which he answered with great wisdom, and the most unusual promptness, were the following, viz.

"Don't you think they would submit to the stamp act, if it was modified, the obnoxious parts taken out, and the duty reduced to some particulars of small moment?—No; they will *never* submit to it.

"Have you not heard of the resolution of this House and of the House of Lords, asserting the right of Parliament relating to America, including a power to tax the people there? [For the manufacturers.]—Yes, I have heard of such resolutions.

"What will be the opinion of the Americans on those resolutions?—They will think them UNCONSTITUTIONAL AND UNJUST.

"But who is to judge of that, Britain or the colony?—THOSE THAT FEEL CAN BEST JUDGE!"

Yes, sir, and we who feel will judge, come what will!

Said this same committee to the American sage—

"If the act is not repealed, what do you think will be the consequences? A total loss of the respect and affection the people of America bear to the mother country, and of all the commerce that depends on that respect and affection." And I, too, will answer for the south, if your tariff act is not repealed, away goes all the respect and affection which can alone make this Union any longer desirable.

What was the issue of all this, Mr. Chairman? Need I tell you? It must be fresh in the recollection of every man present. Indeed if it were not from a knowledge of the history of that day, which some, perhaps, care not to know, and others strive to forget, yet there is an occasion once a year when it is brought to their remembrance by a sacred political observance which is designed for that especial purpose. I hold in my hand the homily that is used on that sabbath of our independence, a part of which it is my in-

* Toast sent by the ladies of Montgomery, Alabama, to a very splendid celebration of the 4th of July, 1831:

"We had rather be the widows of State-rights men, than the wives of men who will not defend their rights."

ention to read on this occasion as containing MY DOCTRINES, and I care not for the name by which it is called, for names are nothing, against tyranny and usurpation; and under these titles I rank every thing that violates the CONSTITUTION of the country. What I am about to read perhaps was never read before but with feelings of delight, except as to those against whose despotism it was levelled, and whose oppressions it was intended to blast. It may now, for aught I know, encounter another exception. "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that amongst these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence indeed will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpation, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, IT IS THEIR RIGHT, it is their DUTY, to throw off such government, and to provide new guards for their future security."

No man can object to this doctrine. If there be such a one, let him step forth before the democracy of America, and I will venture to predict he will stand out confessed an American monopolist. Among the enumeration of grievances published to the world in that memorable instrument, part of which I have just read, the following are to be found:

"For cutting off our trade with all parts of the world.

"For imposing taxes upon us without our consent.

"In every stage of these oppressions, we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury." Now, sir, listen to the catastrophe, and may it sink deep into the hearts of those who are rushing to a similar destiny, not only deaf to all entreaties, but blind to those dire consequences from which the land is not yet relieved, and the blood of which has scarcely ceased smoking to heaven. "A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people."

Enough of quotations! Can principles be plainer, or language more explicit? Who misunderstands this doctrine? Will it be said that ours is a case different from the colonies? That we are represented in Congress, and, consequently, whatever taxes are imposed, are imposed by our Representatives? Sir, this is solemn mockery, it is adding insult to injury! What, sir, break down the clear distinctions in the constitution, prostrate the limits of power in that sacred instrument intended to form boundaries around the will of the majority for the safe protection of the minority, let in the unlimited and uncontrolable discretion of that majority to do what they please, and then say we are represented, and must submit! Oh, insolent and insufferable position. Sir, I pronounce that the southern States could not be more insulted and abused if they were separated from the rest of the States, and the river that runs by this city was widened to the breadth of the At-

lantic Ocean, and the majority which now wields their destiny was to retire to Philadelphia, and there, without a single man of the minority, pass the system that now grinds them to the dust, and attempt to carry it into effect over that then distant people. Does mixing a feeble, powerless hand-bound minority among a reckless majority, who are resolved to overleap the entrenchments thrown around the rights of the former, and to know no bounds but those of their will, so effectually answer the great ends of equal representation, that whatever is done shall be justified under that valuable principle? Sir, this cannot be seriously maintained. The members of the south might as well be at home, for mingling themselves here with this unchained majority, where they have neither weight nor influence, only serves to have them mocked with the pretension that their burthens are imposed upon their people with their own consent.

Does any one believe that the people of the United States meant no more by the revolution than a mere change of masters? That the love of novelty alone has induced them to strike off one set of fetters, merely to impose another precisely similar, because they are of their own forging? Why struggle through every species of suffering, why faint under every hardship, why waste the wealth and sacrifice the youth of an infant country, to maintain and defend the principle of *self-internal government*, and the *unalienable right of property*, if, when the work was accomplished, they should madly turn round, and throw themselves, in new-made manacles, at the feet of another *tyrant*? The thing is too intolerable for the weakest credulity. Motives always determine the character of an action, and the revolution of a nation is guided by as settled an intent, and has as fixed an object, as the smallest movement of an individual; and the just reproach of folly or madness is alike applicable to either. What would have been thought of an individual who should thus have acted? We have here, then, clearly indicated the motive of the revolution. It was not a change of tyrants. It was to secure and preserve unimpaired that separate and exclusive independence which belonged to the States, not in their joint but several capacity. Having triumphed in their perilous undertaking, not, however, without encountering the most unspeakable difficulties, which left in their train jealousies they could never appease, and burthens they could not discharge, which exposed them to dissensions from within, or invasion from without, they were willing to transfer, and nothing more, the *right of protection* which had just been forfeited by the mother country to the more tender and parental care of the Federal Government. It was **PHYSICAL** and not **MORAL** force; it was strength and not intelligence, needed and sought by the States. Any thing more than this never was intended.

One word, sir, on the subject of the Union, and I have done. We have been accused of a want of attachment to the Union. Such a charge I fling back in the teeth of our accusers. What! the south disaffected to the Union! The south, that suffered so much in the revolutionary war from the common enemy, from savages on her frontier, and tories worse, than savages, in her very heart! The south, that so gallantly opened her purse and shed her blood in the last war with the British and Indians, when in another quarter——. But I forbear. It cannot be believed that the south is disloyal. Who were the supporters of Jefferson, and Madison, and Monroe? And who, more than Jefferson, Madison, and Monroe, were the defenders of those republican principles which moved, directed, and consummated the revolution of '76, and were happily laid at the foundation of the Federal

Government? Did the south keep back when the north refused to give up a sacrifice rightfully necessary to support and defend the principles of the constitution? No, sir; it is a slander to whisper the slightest suspicion of disloyalty against the south. We are attached, warmly attached, to the Union; not, it is true, for its money, for we pay all and get nothing, but it is for those free and liberal principles so dear to the rights of man; those principles that form the best security for his life, liberty, and property, without which neither union or any thing else is worth preserving. In the words of a great man, give us union, but give us LIBERTY first. Do not deprive us of all our blessings under the empty sound of union. Do not steal from us our senses, under the bewitching charm of union. Do not, like the Madagascar bat, suck us to death while you are fanning us to sleep by the cooling breezes of your wide spread wings of union. We begin to understand all this delusion, and we are awake to the suffering you have insidiously inflicted upon us by the talisman of union. If you will not withdraw your exactions, if you will not live with us upon the terms of equal rights, I tell you, in the language of plain truth, to which, perhaps, you are unaccustomed, we shall certainly part from you, and part, I hope, in peace. Then you may hug to yourselves your darling American system; then you may tax your people to your heart's content; and then, if you choose, you may take to yourselves other gods; but, as for me and my house, we will serve the Lord of Liberty, and all the people of the south shall cry AMEN.