

gious to themselves, and profitable to the country.

The resolution of the Senator from Kentucky, proposes to abolish the duties entirely on all articles, of a kind not manufactured in the United States, except silks and wines; and to reduce them on those articles. So long as duties are paid on imported articles, for the purpose of raising revenue, I cannot consent to this proposition. The true principle of taxation, is to impose it on those who are best able to bear it. The resolution on your table, proposes a total abandonment of this principle. The articles to be released from taxation are luxuries used almost exclusively by the rich; while the burdens are left with all their weight upon the poorer portion of the community. This would be no alleviation of the evils complained of; and I will not unite in holding out to the poor man the delusive hope, that he is to be able to clothe his family in silks and regale himself on wine every day; while all the articles of dress he purchases, his salt, his sugar, his plough, his axe, and his hoe, and all other utensils with which he earns his daily bread, are so taxed, as to render him unable to raise his family. No, sir, give him his necessities of life untaxed, or taxed lightly; let his labor have its full reward, and he will then increase in his means, and in time be able to indulge in luxuries if he shall please to do so.

The object of the capitalists engaged in manufactures, in consenting to take off the duties on articles they do not make in their establishments, cannot be mistaken. It is, to concentrate the whole taxation of the country, upon those foreign articles, which come in competition with theirs. The operation of such a system will be doubly in favor of the rich capitalists. It will enable them to obtain all foreign luxuries free of taxation; and at the same time, to tax the poor, as well as every other class of citizens, through the necessities of life consumed by them, for the augmentation of their profits.

These men are a privileged order in our country. They have formed, and seek to perpetuate a kind of partnership with the government in taxing the people; and the present struggle is to abolish, or much reduce, every tax in which they have not some share of the proceeds. They conspire to raise the price of all necessities of life, giving part of the increase to the government and taking part to themselves.

After all I have heard, as to the management of these establishments, I am still inclined to the opinion, that they are not calculated to improve the moral or political condition of the country. I am gratified to learn, that great care is taken of the morals of those who are placed in some of the manufactures; and that moral and religious instruction is imparted to them. Notwithstanding this, home is the proper place for the tender female. Advice, admonition, and gentle reproof from a mother's tongue, will sink deeper into the heart of the daughter, than all the lectures that can be delivered by strangers. As to their political effect upon the country, I can entertain no doubt. The men employed in them have abandoned all other pursuits; by continuing in this business they render themselves unfit for all other employments; and they hold their livelihood at the pleasure of their employers, and must vote according to their will; they become mere dependants, and lose that spirit, which should be possessed by every American citizen. We have seen in other countries, riots and disturbances produced by this class of the community, when their wages were reduced so low as to be insufficient for their sustenance. Instead of men cooped up in manufactures, and subject to task masters, what kind of citizens are we able to have? We can make freeholders of them. Reduce the price of the public lands, put it in the power of each laborer to procure his forty, eighty, or one hundred and sixty acres. When seated upon that, he feels his independence, and he knows he is at home. These are the men who constitute a state, and make it prosperous, great and glorious. They feel an attachment to their country, and when its rights are invaded, they will fly to its standard. Sir, I have seen this tried. When our country was invaded during the late war, the men of the mountains descended like torrents, and the men of the valleys came up; and there was no controversy, who should go to the field of danger, but who should be forced to remain at home. In regard to the exercise of the right of suffrage, should any man attempt to influence one of them by affecting a superiority over him, he would certainly find himself insulted, and he would be most fortunate if he escaped at that.

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Are the existing Tariff laws constitutional? It is my opinion that they are. I advance it with some diffidence, because I know there are many learned men, both in and out of this Senate, whose views upon this subject are in direct opposition to mine. I can discover but little practical good that can arise from a discussion of this subject; but it has been introduced and my mind is satisfied upon it, I can have no objection to declaring the opinions I entertain. I shall deliver no philological dissertations upon the subject, as the Senator from Maine has done; but attempt to show to the Senate that this power exists, not only by virtue of the Constitution, but from necessity. The power to regulate commerce and impose duties on imported foreign articles, is given to the Federal Government expressly by the Constitution; and it has at all times been considered as an attribute of sovereignty possessed by every state or nation. All nations have exercised it; and had this confederacy never been formed, each state, as a sovereign, independent government, would have been at liberty to exercise it without any restraint, and for any purpose it might judge proper. The states discovered that this was one of the powers which the states could not exercise separately to advantage; and this was one of the strongest reasons which operated to produce the Federal Government.

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I will here remark that prior to, and at the adoption of the Federal Constitution, this power had been exercised by Great Britain, France, Spain, and all other nations with whom we had intercourse; all which was known to the framers of the Constitution. We are, therefore, as it seems to me, not at liberty to suppose that it was intended by them that less power should be possessed, by that government to which they confided this subject, than was possessed and exercised by those nations with whom we had commercial intercourse. This power is inescapable, and without its existence in the Federal Government, there is no power in this country by which the regulations of

foreign nations injurious to our commerce can be counteracted. From 1789 down to the present moment, it has been exercised, and until a few years past has never been questioned. It seems to me that gentlemen fall into error by mistaking the *abuse* of a constitutional power for evidence of its unconstitutionality. The states have no power to declare war; the war-making power is transferred by the Constitution to the general government;—if congress shall wantonly and unnecessarily declare war, it cannot be said that the act is unconstitutional, or that Congress has transcended its authority. They have abused a power committed to them—Congress has acted upon a subject confined to it by the Constitution; and for the improper exercise of its discretion, the members are responsible to the people who can apply the proper corrective by the exercise of the elective franchise. Further, a law must be constitutional or not when made; the makers of it violate that instrument in the enactment of the law if it be violated at all;—hence the law is inoperative and void from its origin, on account of its repugnance to the Constitution, which is the supreme law of the land. But in regard to the Tariff laws, it is admitted they are constitutional as long as the money is needed to pay the public debt or to supply the exigencies of the government. It is insisted, that they become unconstitutional when the debt is paid, or the revenue arising from them is no longer needed. According to this argument, Congress may not violate the Constitution when a law is passed; but circumstances occurring afterwards make it unconstitutional. This would be an unsafe and dangerous ground on which to place the power of Congress, because they could prevent the law from becoming unconstitutional, by indulging in extravagant expenditures and creating a necessity for all the money arising from imposts. The truth is, the motives of the Legislature have nothing to do with the constitutionality of a law. The true mode to test that question, is to compare its provisions with the Constitution, and if no repugnance to that instrument can be discovered in the law it is constitutional, whatever were the motives of the Legislature, and it must stand until repealed by the same power which enacted it. The motives of men are so various, and the causes which influence their judgment and actions so different, that no safe rule founded upon them can be established, by which to determine upon the constitutionality, or unconstitutionality of laws. One member of Congress may vote for a particular import duty, with a view solely to revenue; another with a view to protection; and if the constitutionality of the duty depends on the motive of the legislature, it is constitutional, and unconstitutional at the same time. Because our constitution is an excellent one, gentlemen appear to think, that no oppression or injustice can be practised without a violation of it. They seem to forget, that no set of men can be clothed with the authority to do good, without possessing the power to do evil. Congress is clothed with powers to render much beneficial service to the people of the U. States; but it also possesses the power to adopt measures highly injurious to the community; and it is to prevent, or correct this, that the responsibility of members to their constituents is provided, and, hence, the frequency of elections. Suppose Congress should, regardless of the public interest, proceed, by the imposition of internal taxes, to raise large sums of money for the purpose of doubling the military fortifications of the country, and to increase the Navy to double its present force in two years. This, would be very indelicate legislation, and the members who voted for it, would certainly not be returned to the next Congress; but still, they would not justly incur the charge of violating the constitution. The true rule to be observed, in declaring upon the authority of Congress to pass a law, is, to enquire, *has Congress the power to act on this subject?* Is it one of those, confided to it by the Constitution? If so, Congress may constitutionally act; but in that action they may greatly abuse their constitutional powers.

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Mr. President, I have submitted to the Senate, the views I entertain upon the great question involved in this debate. My conviction is, that the present Tariff laws, are unjust, unequal, and oppressive; still, I am of opinion, Congress had the power to enact them. I have also stated the principle upon which we ought to meet and adjust a subject, which is now agitating and distracting the whole country. I entreat the Senate to consider, that our government is not only a great political but moral structure; and whatever alienates the affections of any portion of its citizens weakens its strength. Although all feel and acknowledge their attachment to the Union, we cannot tell what may be the effect of injustice and oppression long continued. Should they who complain even be mistaken in a great degree as to the causes of their grievances, they should be indulged in a relaxation of this system; they are asking nothing of the Government, only to be let alone. The very nature of this controversy entitles them to favor. The manufacturers have obtained the interference of Congress in their behalf. In every case of this kind, where there is doubt, whether the action of the Government, when employed in behalf of a portion of its citizens, may be injurious to others, it is the duty of the Government not to act; or should it have acted, to retrace its steps, placing all its citizens upon an equal footing, and letting them rely upon their own industry and enterprise, rather than on governmental aid for their wealth and prosperity. If those who advocate the manufacturing interests on this floor, shall decline to accede to the terms of compromise I have suggested, will it not be apparent to all the world, that a fair and reasonable protection is not all that is desired? but that extravagant profits is their object, and that too, at the expense of justice and right. That spirit, if it exists, will not long be indulged by a high minded, just people. The reaction which always, sooner or later, takes place against injustice, will shake the whole protecting system to its foundation; and they may in vain ask that compromise which they now reject. I ask Senators, if they will not yield something, in order that strife and contentions may cease, and good will and brotherly love prevail throughout this great American family! Sir, imprecations and unfavorable appearances are, I will still indulge the hope that the same spirit of concession, unity and concord, which presided in the councils of our fathers, when they framed and adopted our Constitution, may likewise influence our deliberations, that it may descend and abide with those who are to fill our places, in all future time; so that this Government, and this Union may be perpetual.

Congressional Analysis.

[From the *Globe*.]

MARCH 27. In the *Senate*, yesterday, Mr. CLAY presented the memorial of sundry citizens of New York, engaged in the Silk trade, praying that specific duties be substituted for *ad valorem* duties on imported silk. The Vice-PRESIDENT communicated the memorial of the New York Tariff Convention, and fifteen hundred extra copies of the paper were ordered to be printed. The Apportionment Bill was not taken up, but Mr. WILKINS gave notice that he should call it up this day. Mr. EWING's resolution, respecting removals from office, came up, but was, at the request of the mover, postponed to, and made the order of the day for Monday next. Mr. SPRAGUE's resolution, for the publication of the names of persons owning unclaimed dividends on public stocks, was discussed and laid on the table. Some time was spent in the consideration of Executive business, in which some time was spent.

In the *House of Representatives*, Mr. MERCER, from the committee on Internal Improvements, reported a bill for the improvement of certain harbors and the navigation of certain rivers—also, a bill declaring the assent of Congress to certain acts of the Legislature of the State of North Carolina. A bill to amend an act for the benefit of certain surviving officers and soldiers of the army of the revolution—& a bill for the removal of the Land Office from Mount Sodus to Jackson, in the State of Mississippi, and for the removal of the Land office from Franklin, to Fayette in the State of Missouri—were read a third time and passed.

In the *House of Representatives*, the SPEAKER laid before the House the memorial of the Tariff Convention recently assembled in New York; 3,000 extra copies of which were ordered to be printed. Mr. McCARTY, from the committee on Internal Improvements, reported a bill to improve the mail road from Louisville to St. Louis. A joint resolution respecting the pay of the Marine Corps, was read a third time and passed. Several bills from the Senate were read twice and committed. The bill authorizing the President of the United States to direct transfers of appropriations in the Naval service, under certain circumstances, was passed. The bill from the Senate for the reorganization of the Ordnance Department, was read a third time and passed. Years 101, Nays 66.

MARCH 28. In the *Senate*, yesterday, Mr. WILKINS introduced a bill, on leave, to give effect to the act of the Legislature of Virginia, authorizing the commencement of the Western section of the Chesapeake and Ohio Canal. The bill to exempt merchandise imported under certain circumstances, from the operation of the tariff of 1828, was discussed, and on motion of Mr. WILKINS, recommitted to the Committee of Finance. The apportionment bill was taken up, and the motion to reconsider the vote, by which Mr. WELSTER's amendment, providing for the representation of fractions was rejected, was carried. The bill was then recommitted to a Select Committee, chosen by ballot and consisting of Messrs. WELSTER, CLAYTON, FORSYTH, MANGUM and HAYNE. Mr. FOOT offered a resolution changing the hour of meeting for the remainder of the session, from 12 to 1.

In the *House of Representatives*, the bill in addition to an act for the relief of certain insolvent debtors to the United States was read a third time and passed. The bill from the Senate supplementary to the several acts for the sale of the Public Lands, was read a third time, as amended. Considerable debate arose on the question of its passage, which was eventually arrested by a motion of the previous question, which was sustained. The bill was then passed.—Years 119, Nays 44.

MARCH 29. In the *Senate*, yesterday, Mr. SMITH offered a resolution instructing the Committee on Military Affairs to consider the expediency of establishing a national Foundry, for the making of cannon, &c. Mr. CLAY presented a memorial from sundry citizens of Kentucky asking the interference of the Government in favor of the objects of the Colonization Society, which, after some remarks from Messrs. CLAY, HAYNE and CHAMBERS, was laid on the table. The bill making appropriations for the support of the Government during the year 1832, was taken up, and after some discussion was laid on the table, and the amendments reported from the Committee on Finance, and the communications from the Departments respecting them, were ordered to be printed. A short time was spent in the consideration of Executive business.

In the *House of Representatives*, the bill to authorize the Judges of the United States Courts to take bail of certain amounts of property seized to perform other acts in vacation, and the bill for the sale of the unlocated lots in the fifty

quarter townships in the United States Military District, in the State of Ohio, reserved to satisfy warrants granted to individuals for their Military services, together with numerous private bills, were read a third time and passed. The House resumed in Committee of the Whole, the consideration of the bill in addition to an act entitled an act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war. Mr. ELLSWORTH addressed the Committee, and when he had concluded his remarks, the Committee rose, and the House adjourned.

MARCH 30. In the *Senate*, yesterday, the bill exempting merchandise, imported under certain circumstances, from the operation of the Tariff of 1828, was, after some discussion, ordered to a third reading. The bill supplementary to the several acts for the sale of the public lands, returned with amendments from the House, was taken up. Mr. KING moved that the Senate concur in the amendments of the House. Mr. EWING spoke in opposition to the amendments, and Messrs. MOORE and BUCKNER in their support, after which, on motion of Mr. MOORE, the bill was laid on the table, and the amendments were ordered to be printed. On motion of Mr. WHITE, the Senate then proceeded to the consideration of Executive business, in which some time was spent.

In the *House of Representatives*, Mr. MERCER, from the committee on Internal Improvements, reported a bill for the improvement of certain harbors and the navigation of certain rivers—also, a bill declaring the assent of Congress to certain acts of the Legislature of the State of North Carolina. A bill to amend an act for the benefit of certain surviving officers and soldiers of the army of the revolution—& a bill for the removal of the Land Office from Mount Sodus to Jackson, in the State of Mississippi, and for the removal of the Land office from Franklin, to Fayette in the State of Missouri—were read a third time and passed. The bill in addition to an act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war, was again considered in Committee of the Whole. Various amendments were proposed, discussed, and adopted, and others submitted. At 4 o'clock the Committee rose, and the House adjourned.

APRIL 2. In the *Senate*, on Friday, Mr. FORSYER, from the Committee on Manufactures, to which was referred on the 22d inst. Mr. CLAY's resolution modifying the tariff with certain instructions, made a report thereon, in part accompanied by a bill which provides for the abolition of duties on certain enumerated articles of the unprotected class, to the extent, as is estimated in the report, of \$5,500,000. Mr. FORSYER moved the recommitment of the bill, on which motion a debate arose in which many Senators took part and which was continued till after five o'clock, when, on motion of Mr. DALLAS, the bill was laid on the table, and the Senate adjourned to Monday.

In the *House of Representatives*, Mr. FOOT, from the Committee on the Judiciary reported a bill for the postponement of certain trials, involving claims to land, in the Superior Court of the Territory of Arkansas, and for other purposes. Mr. WASHINGTON, from the Committee on the District of Columbia, reported a bill in relation to the Penitentiary for the District of Columbia. Mr. MERCER, from the Committee on Internal Improvements, reported a bill to authorize a subscription to the stock of the Alexandria Canal Company. The House went into Committee of the Whole on the state of the Union, on the amendments proposed by the Senate to the bill for the support of the army for the year 1832, and also the bill making appropriations in conformity to the stipulations of certain Indian treaties, and the bill making appropriations for the Indian Department for the year 1832. The committee rose and reported the two first named bills to the House. The amendments of the Senate to the first bill were concurred in, and the second was ordered to be engrossed for a third reading.

The *Senate* did not sit on Saturday. In the *House of Representatives*, the bill making appropriations in conformity to the stipulations of certain Indian treaties, was passed. Considerable time was spent in Committee, on the bill making appropriations for the Indian Department for the year 1832. The Committee eventually rose, without laying disposed of the latter bill, and obtained leave to sit again.

APRIL 3. In the *Senate*, yesterday, Mr. PONDexter submitted a resolution for the discharge of the Committee on Manufactures from the further consideration of the several subjects referred to them on the 22d ult., on which that Committee have not reported, and referring these subjects to a Select Committee. Some time was spent in Executive business; after which the bill making appropriations for the support of Government in the year 1832, was taken up, and the amendment allowing \$240,000 for the expenses of the Supreme and District Courts of the United States, held within the District of Columbia, was adopted. The proposed amendments to the clause making appropriations to defray the expenses of diplomatic intercourse, were taken up, but not decided.