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MISCELLANEOUS.

A Terriu Hero.

The Cincinnati Mercury tells the following
amusing story of which a facetious comedian
named Jim Wills, who lived in that city some
years ago, was the hero. He was, says the
Mercury, a queer compound of human nature
and humor, who could with ease make others
laugh, but seldom ever laughed himself—a
reluctantly man through life, which caused him
to shuffle off his mortal coil, ere half his
race was run.

About the time the Texas excitement ran
so high in the United States, Jim Wills, was
in Pittsburgh, in that situation so common to
play actors, viz: "flat broke." Standing one
day on the wharf, with his serious visage ex-
pressed, he saw how he should get down the
river without money, he heard a drum and
fife. And looking around he saw a company
of reckless looking, half-uniformed soldiers,
embarking for New Orleans, bearing a Texian
banner. A thought struck him. Next day
he sent his trunk on board the first boat
to start, and just as the Captain was tapping
the bell for the last time, Wills stepped on board
and dragged his trunk into an unoccupied
cabin, and took from his theatrical wardrobe
a soldier's coat, with a buff breast and
three rows of buttons, a chaquema with an im-
pious plume, a red sash, a pair of military
trousers, a grizzled black wig, and a pair of
false whiskers. By the time the boat had
got fairly under way, Jim was fully equipped,
with his stage sword gracefully hanging by
his side. Drawing his white gloves, he hesitated
a moment, but relying on his peculiar
powers, he opened the door, gave the usual
military stomp, and walked into the cabin,
which was filled with passengers. In a moment
all eyes were directed towards him, but he
looked up to the bar and drank a glass of
brandy and water. In the mean time all was
bustle and confusion to find out who the officer
was. A general rush was made for the
register, but he had not yet put down his
name—the Captain was consulted, but he
knew nothing. At length, however, feeling a
little curiosity himself, he walked up to Jim,
and bowing politely to him said, "Sir," "Sir
to you," said Wills, touching his chapeau a
la militaire.

"Will you do me the favor to register your
name so that I can provide a state room for you?"
"Oh, with pleasure," said Jim, and walking
up the register he flourished in round text,
"C. P. EDWARDS, Major, Texas Army."
The crowd pressed around the table—they
read the name—universal enthusiasm prevailed,
three tremendous cheers were given for
Texas and Liberty.

Jim took off his chapeau, acknowledged the
compliment with a graceful bow, and a few
patriotic remarks.
It is almost needless to say, that from that
moment the so-called Major was a lion. Every
one sought to make his acquaintance—the
ladies opened the cabin door to get a peep at
him—he was placed at the head of the table—
and at night he was made as drunk as Bac-
chus on champagne.

Next day he was promoting the hurricane
deck, hiked arm in arm with the Captain, and
a warm hearted southerner, who resided at
Vicksburg.
"Major," said the southerner, I know very
well that you have been on a mission to col-
lect arms, ammunition and recruits—but on
that subject you must of course be mum, in
consequence of the treaty between Mexico
and the United States. For my part, I could
see every copper colored rascal hung, like
dogs on trees."

"Whatever my business may have been in
the cause, in fact I fear I shall not be able
to give my message until I get to New Orleans."
"Don't mention it," said the Captain, "I could
not think of taking anything of you."
"I have it," said the southerner, "come with
me."
The trio adjourned to the clerk's office,
where a stirring appeal for aid to Texas was
written. The southern gentleman carried it
among the passengers, and collected 150 dol-
lars which was handed over to Wills. At night
a grand supper was given, and all specu-
lators were made and toasted. The cabin
was decorated with the fringed banner,
emitted with the flag of the lone star, man-
ufactured by the ladies, out of some of their
red and white 'tob, ho, we never mention
'ems.' for the occasion.

About 12 o'clock the company commenced
singing songs, and at length the Major was
called upon to favor the company with a song.
He complied by favoring the company with
his famous sort of Billy Barlow."

"Bravo!" said one.
"Excellent!" said another.
"Powers of God!" said a third.
"I could do it a sight better," said Jim, who
was fast verging into the fourth stage of intox-
ication, "if I had the proper tools."

After giving three faint huzzas for Texas,
the party broke up.
Next morning the clerk went into Wills's
state room to call him to breakfast. Imagine
his surprise when he discovered that the Ma-
jor had turned in all standing—with his cha-
peau and sword on, the feet snugly laid on the
pillow! He was, says the Major, and of course
no fault was found.

Thus things ran on, and Wills reached New
Orleans in triumph. There he doffed his uni-
form, and returned to Vicksburg, where he got
an engagement in the theatre. He became a
great favorite—and when he was at the zenith
of his glory, the old gentleman whom he met
on the boat, went to the theatre. Between
the pieces Wills sang Billy Barlow—the old
fellow was bewildered—the spectators came
on, Wills appeared in the identical suit in
which he had enacted the Texas Major.

After the theatre let out, the old fellow
sought an interview with Jim.
"You rascal, I ought to shoot you, but the
trick was so clever that I forgive you, so let
us say no more about it."

Jim looked at him a moment with serious
expression, then replied, "Man in his time
plays many parts."

SUGAR.

The Locofocos a short time since were
loud in their complaints of the duty on
Sugar—the "tax"—as they called it, on the
poor man's luxuries. Now they well
knew at that time, that the Whig Tariff
law had reduced the duty on sugars gen-
erally full one half. They knew that they
had lied when they asserted that the duty
of 12 cents per pound had raised the
price of sugar, for that was the duty un-

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BY WHOM ALL ORDERS FOR PRINTING
BOOKS,
Pamphlets,
HANDBILLS,
Cards,
Blanks, &c. &c. &c.
Of every description will be neatly and
fashionably executed, at short notice.

der the law of 1832. Previous to the
passage of that law the duty had been 3
cents, as can be easily demonstrated by
reference to the several laws of 1816, '24,
and '28.

But to show the utter hypocrisy of this
party, let us look at the new Locofoco
Tariff Law. The Vandal Tariff which they
have introduced into the House,
provides to be sure for the reduction of
half a cent. They seem to think that
four fifths of the "Whig Tax" was just
and right. Their love for the poor man
is worth a half a cent!

Let it also be remembered that while
this duty, which they stated to be 135
per cent, the protective duties on all arti-
cles, made by American Mechanics are
reduced to 30 per cent, and this is again
to fall in 1845 to 25 per cent!

Why not reduce the duty on sugar al-
so! Was there ever before such a set of
hypocritical knaves?

CASUS M CLAY OF KENTUCKY.—This
gentleman, whose fearless defence of
the abolition of slavery in Kentucky, is at-
tracting the sympathies of every heart that
palpates to the rights of man, he is a gradu-
ate of Yale, and we believe a relation,
though a distant one, of Henry Clay.
He came to New Haven early in 1831,
when the writer knew him well, and al-
though a mere boy at the time, he has a
vivid recollection of him. He had then
about arrived at the age of manhood, and
was one of the noblest, most dignified
looking young men we ever saw. He
was full six feet in stature, of a form de-
noting great personal strength and activity,
and in his general appearance had the
air of a military man. His complexion
was dark and swarthy, and when excited
his black eye flashed with the keenness
of an Indian's. The writer, at the time,
regarded him as a very personification of
a Southern gentleman,—high minded,
frank, generous and brave, but of impetu-
ous and irascible temper.

In the fall of 1831 Mr Clay entered the
junior class in Yale College, and although
comparatively a stranger to his class-mates,
his fine talents soon won their ad-
miration, and in the succeeding February,
on the anniversary of Washington, he
was chosen to deliver a public address be-
fore them in the North Church.

During his collegiate course, he be-
came the subject of a revival, was bap-
tized and joined the First Baptist Church
of our city. On graduating he left for
his native State, and soon after requested
a dismission from the church. About this
time, a challenge to fight a duel with one
of the Wickliffe's, which was passed and
accepted. The cause of the duel was
some affair of the heart; its result, we do
not exactly know between him and the
Wickliffe family, a deadly feud has ex-
isted and several attempts have been made
to assassinate him. [New Haven Courier.]

SABBATH BREAKING.—Mr Clay arrived
at Mobile on the 25th of February, and
left Mobile for the North on the 3d of
March. The Almanac makes both these
dates to fall on the Sabbath! So we have
the electioneering progress of the "bloody
hand"—leaving Louisville on the Sabbath,
he entered New-Orleans on the Sabbath,
Again: he left the latter city so that he
might arrive in Mobile on the Sabbath—
and he turned towards the North on the
Sabbath. Comment is unnecessary.

[Plebian.]
If atrocious, unsparring slander will
defeat a candidate, then there can be no
help for Mr Clay. Of all the above char-
ges against him, it is only true that he
being at Louisville awaiting since the
night before a boat for New-Orleans, did
take passage in one which left on Sunday.
Many will condemn this, yet we doubt
not he had this a better opportunity to
keep the Sabbath than he could do in a
strange city surrounded by friends. True,
the steambot arrived in New-Orleans on
Sunday, but how could a passenger help
that? It was said that the Military were
called out on the occasion—which, if true,
Mr Clay could neither foresee nor prevent
—but it is false. Mr Bullitt of the New-
Orleans Bee affirms that only himself and
a single friend who happened to be on the
dock welcomed Mr Clay and accompan-
ied him to his hotel; some Military were
indeed, as is quite common on Sun-
day in New-Orleans, but they knew nothing
of Mr Clay's arrival till he passed them.
That he left New-Orleans on Satur-
day and arrived in Mobile on Sunday
morning is most true, but he went quietly
to his hotel, without parade of any kind.
It is utterly false that he left Mobile on
Sunday the 3d inst.—he left on Tuesday
the 5th, as we stated at the time. The
Mobile Daily Advertiser, in expressly con-
tradicting this last slander, expresses as-
tonishment, which proves it unacquainted
with the Plebian.

"UNITE!"
One of the most prominent leaders of the
third party yesterday met the editor of the
Watchman, and manifesting any thing but
feelings of displeasure at the Tyler Treaty,
sarcastically called upon us to invoke the
Whigs to unite. Aye, Sir, UNITE! that is
the word; and we invoke not the Whigs only,
but the whole people of the North, to unite
against this measure. Our State Legislature
has time and again, declared our hostility to
annexation.—Whigs and Locos have hitherto
agreed in condemnation of it; and now, if it
is the insane policy of the third party leaders
to attempt to divide the people, when the peace
of the country, the preservation of the Union,
and Liberty itself, all call upon the people
to unite together—if it is their policy, for the
sake of making party capital, to weaken the North
at this critical juncture by dividing it—then
we warn them that the abundance of all patri-
otic men, and the "deep damnation" which
must follow the guilt of unnecessarily abetting
slavery, will fall upon their heads. Unite, one

HON. S. S. PHELPS'S SPEECH, ON THE TARIFF.

MR. PRESIDENT,
I cannot concur with the Hon.
Senator from Maine, in regarding the discus-
sion as idle or useless. So far as its purpose
may be to carry conviction to the mind of any
Senator present, I am aware that the effort is
hopeless. But Sir, there are reasons, cogent
reasons, for probing the subject to the bottom.
Whatever may be our decision upon this great
question of national policy, an appeal lies to
the great body of the American people. That
appeal will assuredly be taken, and the period
is very rapidly approaching when it must be
decided. However inconceivable it may appear
to the Hon. Senator, that we, who are accus-
tomed to receive instructions from our con-
stituents, and of paying to those instructions
the highest deference, should, in our turn, af-
fect to instruct them, yet he will agree with
me that those, whose representatives we are,
and to whom we are accountable, have a right
to know the reasons which influence our con-
duct here, and to be possessed of all the mat-
erial which we regard as important to our cor-
rect judgment.

There are other reasons why we should not
be silent. The question in this debate is of
vital and paramount interest to the American
people. It lies at the root of your national
economy and your national policy. It is the
cardinal principle upon which your legisla-
tion must turn, and upon which your national
prosperity depends. However we may dis-
agree as to the merits or the results of the pro-
tective policy, there is but one sentiment as
to the importance of the subject submitted to
your consideration. The Senator from South
Carolina (Mr. McDuffie), regards this policy
as pregnant with the ruin of the country, while
I on the other hand consider it the only means
of that country's salvation. Sir this subject
constitutes the fundamental difference between
the great political parties of the country, and
will form the principal, if not the only issue,
between them in the approaching contest.

Upon the decision of the American people
it depends, not only the result of that con-
test but the character of your future legisla-
tion and policy, and, in my judgment, the
hopes and destiny of the nation.
Having had the honor of a seat here when
the tariff Act of 1842 was passed, and believ-
ing now, as I did then, that the policy exhib-
ited by that Act forms the only true basis
of your national policy and your prosperity, I
feel bound by the obligation of the highest most
sacred and imperative duty, upon all occasions,
and under all circumstances, to maintain and
defend it. The Senator from South Carolina
proposes, not merely a repeal or modification
of that Act, but the utter abandonment of the
protective policy, either in the form of duties
imposed for the encouragement of domestic
industry, or of discrimination for that object,
now and forever. Here then we are at issue;
and I propose to examine the merits of the
policy which you are about to abandon, with
reference to the origin of your government, has
received the approbation and support of your
early statesmen and patriots, and has been
until lately steadily adhered to, and for sub-
stituting a new, untried, and visionary theory
hitherto adopted by no people, and which
stands at this moment at war with the expe-
rience and condemned by the combined judg-
ment of the civilized world.

The Hon. Senator has denounced the Act
of 1842 as a foul and faithless mutilation
of the compromise Act of 1833. Sir when these
words fell upon my ear they struck me as the
mere effluence of passion and excitement
and as indicating, what no one who listened
to the Hon. Senator could doubt, that the sen-
timents expressed by him came warm from
the heart. But although the Senator was not
understood as impeaching the motives of those
who sustained the Act of '42, yet that he in-
tended to characterize the tendency and
legitimate operation of that Act is not to be
doubted.

Sir I voted for the Act of '42, and I did so
knowing that it conflicted with some of the
provisions of the celebrated compromise Act,
and that it was interpreted in a certain quar-
ter. That my course in that particular was
foul or faithless I can not admit. Nay I will
endeavor to demonstrate to the Hon. Senator
that, by no interpretation of that Act which
he or his friends can sustain for a moment,
can its provisions be brought into conflict with
the Act of 1842.

Let us analyze the Act of 1833. It pro-
vides
1st For cash duties and the home valuation.
Both these features are preserved in the Act
of 1842.
Secondly, It provides that "such duties shall
be imposed, for the purpose of raising such
revenue as may be necessary for an economi-
cal administration of the government."

By this I understand that the financial wants
of government are to be the limit of your re-
venue from imports, or in other words that
no duty shall be levied for protection merely
which is not required to meet the calls upon
your treasury, and which shall produce a sur-
plus revenue. Will any Senator insist that
the aggregate amount of duties imposed by
the Act of '42 transcends that limit? Has
your income exceeded your expenditure?
Have you a surplus revenue, or are you at this
moment in debt for the ordinary expenses of
your government in time of peace? The Hon.
Senator insists that the high duties imposed
by that Act diminish the revenue and advan-
ces a reduction of duties with a view to its
increase. If this be his purpose he certainly
will not contend that the limitation of the com-
promise Act has been transcended already.
The great controversy in relation to the
true import of the Act of 1833 has been with
respect to the proceeds of the public lands;
whether they should go into the treasury to
meet your ordinary expenditures, or should
be distributed to the States, and the wants of
your treasury should be supplied exclusively
by imports. It is unnecessary to discuss this
question now. In an evil hour we were com-
pelled to yield the distribution, in order to ob-
tain the only measure calculated to relieve the
distress of the country and to avoid the im-
pending bankruptcy of the government. We
were forced to adopt, practically at least, the
Southern construction of the compromise,
and having done so there is an end of all com-
plaint on that score.
The residue of the compromise Act, which
provides for a gradual reduction of duties to
be complete on the 30th of June 1842, had
already taken effect—it had exhausted itself—

it was *functus officio*—a dead letter.—There
was no longer any thing here to violate. The
only provisions of that Act designed to be per-
manent are the home valuation—the cash man-
agement and the limitation of imports to the
exigencies of the treasury. All the rest is mat-
ter of detail intended to carry out those prin-
ciples. Twenty per cent and a half was assumed
(erroneously as the result has proved) as an
adequate rate, and upon that assumption the
duties were reduced accordingly. This rate
was found too low and was necessarily raised
to conform to the criterion furnished by the
Act itself.—Sir the only aspect in which the
Act of 1842 can be brought into connection
with the compromise Act is to force upon the lat-
ter the construction that it was designed to
limit the imposition of duties forever hereaf-
ter to the rate of twenty per cent. This rate
of duty seems to be a great favorite with some
Senators. It has been denominated the natu-
ral rate of import,—the *nomplu ultra* of natu-
ral operations in the region of customs. When
this notion was derived I am unable to be-
lieve, and I am very sure I shall never be
informed. Sir the natural and proper rate
of duty seems to be that which is graduated
to the necessities of the country. I know of
no principle which requires the imposi-
tion of that rate if the interests of the coun-
try do not demand it, nor of any which would
limit us to it if the wants of the treasury tran-
scend it. But the agreement drawn from this
provision of the Act is based upon a mere tech-
nicality. That rate having been assumed as
affording a sufficient revenue to meet an econo-
mical administration of the government, the
duties were reduced to that rate, and there they
were left. The provision, that from and after
the 30th June 1842 such duties should be im-
posed, was no more than completing the reduc-
tion and leaving the matter to the future ac-
tion of Congress, which was evidently con-
templated by the Act. If the provision be
regarded as imperative upon a future congress,
it abrogates and annuls the prominent feature
of the compromise, which does furnish an in-
eligible rule for the discretion of a future
Congress to wit "that graduation and their im-
ports to their financial wants. If it prohibit
an increase of duties above the rate of 30 per
cent, it leaves no room for the exercise of that
discretion, and the governing principle of the
Act becomes unmeaning and impracticable.

But if this construction is fastened upon the
Act of '33 the provision itself is a nullity. It
becomes an idle, futile attempt, on the part
of the 23rd Congress, to limit and abridge the
constitutional power of their successors—a piece
of legislation, it can be called, which nobody
is bound to regard and nobody will regard.
No Senator will claim this power for the 23rd
Congress, or for any other. Gentlemen may
take their choice of the horns of the dilemma.
If they admit your construction of the Act, and
concede that the provision for the rate of duty
yields to the paramount consideration of the
wants of the government, then there is no de-
porture in the law of 1842 from the principles
of the compromise Act. If, on the other hand,
they insist upon the opposite construction, the
law becomes a dead letter and must be aban-
doned as nugatory.

Sir the change of a foul and faithless viola-
tion of a solemn compact by the 27th Con-
gress has gone forth to the world. I have de-
cided it due that Congress and to myself, as one
who voted for that law, to repeal the charge.
But Sir I cannot leave the subject here. I
have something more to say in reference to
this famous compromise Act, which is so of-
ten pressed upon us as amending our legisla-
tion and controlling us in the exercise of our
conscientious judgment in the discharge of our
high duties here.

Let the construction of that Act be what it
may, I have yet to learn that, as a Senator on
this floor, I am not at liberty to vote for its
modification or repeal, or for any subsequent
Act of legislation which supersedes and annuls
it. Much is said of the sanctity of the com-
promise,—of its imperative and binding charac-
ter. Can Senators tell me whence these quali-
ties are derived?

Sir I regard this law as a mere Act of or-
dinary legislation,—subject like other laws to
be modified or repealed in the discretion of
Congress, whenever in their opinion the pub-
lic weal requires it. Whether it still remain in
force or be blotted from the statute books, is
in my judgment a question of expediency,
only. I conceived it to be no imperative and
binding obligation which shall conflict with
the free exercise of a sound legislative discre-
tion. I do not admit the power, or the right
of the 23d Congress to limit, or abridge, or
trammel the constitutional powers of their
successors. That they might bind us by grant
or charter, or any Act of legislation partaking
of the nature of a contract and bringing into
existence vested private rights, is readily
conceded. But in respect to measures resting
on the consideration of expediency and public
policy, and having for their object the regula-
tion of public affairs alone, I deny that they
could chain down to any course of policy
which they in their judgment might deem ex-
pedient. They exercise their legislative power
in their own discretion, as their best judg-
ment dictated, under their responsibility to
their constituents and their own consciences,
and, when they had done so, they transmitted
to their successors, to us the representatives
exercised in the same manner, as fully as
they possessed it, neither impaired nor abridg-
ed.

The Act is called a compromise. A
compromise of what? Of conflicting opin-
ions, like that which occurs in every im-
portant Act of legislation—a compromise
necessary often to enable us to act at all,
but resting after all upon considerations of
expediency alone.

Sir there can be no compact without the
assent of parties. If this Act is viewed as
such, by whose assent am I braved? I had
not the honor of a seat when this celebra-
ted Act was passed.—My own personal
assent has never been given. My pre-
decessors opposed the passage;—the voice of
the States, which in connection with my
honorable colleague I have the honor to
represent here, as expressed in both these
Halls, protested against it. The Act was
imposed upon us by the will of the major-
ity, by force of legislative authority—as a
legislative Act. This was its origin—and
upon this footing it stands still. There let
it stand, as a monument of mutual conces-
sion and good will—and let it be main-
tained, if it be maintained at all, not upon
the fallacious and mistaken attitude of pecu-
liar sanctity, but upon the more rational and
tenable ground that it was enacted in
wisdom, and in wisdom should be retain-
ed.

Sir I am willing to abide for the present

at least by the principles of that Act as I
understand them. There is in my judg-
ment no necessity for departing from them;
for I believe that under existing circum-
stances they allow sufficient latitude for
such a course of policy as will meet the
wants and secure the prosperity of the
country.

But Sir, it is further objected to the Act
of 1842 that it is unconstitutional, because
it is protective in its character. The Sena-
tor from New Hampshire has labored hard,
but very unnecessarily, to prove that the
duties imposed by it were arranged with a
view to sustain the industry of the country.
Sir it was this feature in the bill which
commended it to my judgment and ensur-
ed my support. Had it not been framed
with a regard to this fundamental and
necessary principle of national economy,
it would not have received my vote. I
go further and say openly and without
qualification that I will vote for no meas-
ure which disregards or is hostile to the
protective policy.

This subject of the tariff has been com-
plicated by the conflicting and inconsis-
tent objections raised by the advocates of
free trade. In one section the act is in-
constitutional because it is protective,—in
another it does not afford protection
enough. I propose to examine these ob-
jections separately.

Sir I assert the constitutional power of
Congress to impose duties for the purpose
of protection and protection alone, irrespec-
tive of the financial exigencies of the
country. And I found this doctrine upon
the power to regulate commerce and the
power to levy a revenue conjointly. When
the Constitution was framed this subject
was well and maturely considered. The
power for which I contend was assented to
the first revenue law enacted under it,
and has never until a very recent period
been denied.

What was the origin of this power to
regulate commerce? Before the adop-
tion of the Constitution the power was
possessed by the several States, as sov-
ereign, independent communities. It was
held by them, full, ample, absolute, and
unlimited; subject to no restriction or
qualification, and falling in no respect
short of the "omnipotence of Parliament."
When that instrument was adopted, the
power was transferred to Congress without
abridgment or limitation, to be held as the
States had held it, and is now vested in
that body as full and perfect as it exists
in the sovereign legislation of any indepen-
dent nation upon earth, to be exercised in
a sound legislative discretion guided by
the pole star of all our deliberations the
public weal. It was a concession of ex-
clusive jurisdiction, leaving no residuum
or remainder in the States. Unless then
the power is possessed by us as fully and
amply as they possessed it, this strange
result is produced, that by the attempt to
frame a more perfect system of govern-
ment, a power inherent in every sovereign
community and essential to its prosper-
ity, if not to its national existence, is ab-
rogated, annihilated, and lost forever. If
we possess it imperfectly only and can
exercise but partially, the power to all
practical utility is essentially lost. The
existence of this power in the several
State sovereignties, giving rise as it neces-
sarily must to selfish and conflicting
regulations, was one of the principal causes
which led to the adoption of the consti-
tution and the establishment of this gov-
ernment. The concentration of it in one
body, when its exercise would be control-
led, not by local and partial considerations,
but by a more catholic comprehensive re-
gard for the interests of all, of a great and
united people, was one of the great pur-
poses of our glorious union. Can it be
conceived that the statesmen of that day,
deeply impressed as they were with the
necessity of a more perfect and efficient
control over commerce, should, at the
very moment when they were endeavor-
ing to give it form and consistency and
energy have sought to cripple the power
or hamper its exercise? Sir, they tell us
in the letter submitting the constitution to
Congress that "the friends of our country
have long seen and desired, that the pow-
er of regulating commerce should be fully
and effectually vested in the general gov-
ernment of the Union." Here is no al-
lusion to a partial or limited exercise of it,
nor does the constitution itself contain a
syllable pointing to its limitation or abridg-
ment. Senators will look in vain there
for the indications of any such purpose.

The power to levy a revenue by duties or
imposts upon imports or exports, being con-
ferred exclusively upon Congress stands up-
on the same footing. It was transferred from
the States as they held it, and the same argu-
ment may be applied to it which I have al-
ready applied to the power to regulate com-
merce. These two powers, being united in
the same body may be exercised conjointly.
The power to regulate trade may be exerted
for the purpose of revenue, and that to levy
a revenue for the regulation of commerce.—
The power to levy imposts was taken from the
States and conferred upon Congress obvious-
ly because it could not be separated from the
other power. Such a separation would im-
pair them both. It has been very boldly as-
serted that Congress has no constitutional
power to levy duties for any purpose except
for revenue alone. It would be most extra-
ordinary if these two powers, so intimately
connected in their nature, and vested in the
same body, can not be brought to bear with
combined influence upon the great objects of
legislation. There is certainly no restriction
of the revenue power in the terms of the con-
stitution. Its language is, Congress shall
have power to levy duties impose &c. "to
pay the debts, and provide for the common
defence and general welfare of the United
States." These are broad terms. The in-
tention of its framers cannot be mistaken.—
"They conferred the power to regulate com-
merce; and how was it to be regulated? By
such means as are usual, appropriate, and ef-

fectual. The imposition of duties is, and
ever has been, the usual, universal mode
among all civilized nations of effecting that
object. Being aware of this fact the con-
vention conferred that power as auxiliary to
the other. How was commerce to be regu-
lated without a resort to the usual means?
—And why was the power to lay duties con-
ferred, exclusively and without restriction, if it
was not to be exercised for the ends to which
it was not to be exercised for the ends to which
it has been made subservient wherever com-
merce and revenue exist?

After all, Mr. President, I readily admit
that this question is, at the present moment,
and in the existing state of things, one rather
of speculation than of practical importance.
The time may come when it will be otherwise.
If so, Senators may rest assured that the power
which I have asserted will not be surren-
dered. In the present condition of the coun-
try, its commerce, and its revenue, I am sat-
isfied that a tariff adequate, in the aggregate,
to the financial wants of the government,
with just and proper discrimination, would
afford to our agricultural and manufacturing
industry all the protection we desire, and all
which in the end would prove beneficial.—
Should we transcend that limit, I have my
fear that an unnatural and artificial state
of things would be produced and our purpose
would be defeated.

Mr. President I was gratified to hear the
Hon. Senator from S. Carolina express his
opinion in favor of discrimination. I congrat-
ulate him and the country upon the abandon-
ment of the absurd and impracticable notion
of a horizontal tariff. Such a system never
has been and never will be adopted. Dis-
crimination is necessary to the purpose
of revenue, as some articles will bear a higher
rate of duty than others. In indiscriminate
duty would in some cases fall short of the
revenue which might be derived from an ar-
ticle of exportation, and in others defeat the
purpose of revenue by operating as a prohibi-
tion. It would be at the same time unjust
in its operation by imposing unequal bur-
dens upon different portions of the country.

But the Hon. Senator, in applying the
principle of discrimination, does not go far
enough. He stops satisfied with consulting
the interests of commerce, leaving other and
more important branches of industrial pur-
suits to shift for themselves. He has put a
case which will illustrate most happily the
difference between us. He supposed that an
article is charged with 40 per cent duty,
that 30 per cent will produce an equal
amount of revenue, because the reduction of
the duty would double the importation. To
the purpose of revenue, then, it is utterly im-
portant which rate of duty you select.—
But the Senator would take the smallest rate.
Why so? With a view to the interests of
commerce. Here then he takes his leave of
the purpose of revenue and consults other in-
terests. He is to be congratulated for his
regard for the protection, by a regard to
the commercial industry of the country, with
a view to foster and encourage it, and in doing
so adopts practically the principle of the pro-
tective policy, to wit, that imposts are to be
levied, not with a view to the greatest amount
of revenue alone, but also to other im-
portant interests affecting the general pros-
perity. The Senator is right thus far; but
he confines his fostering care to the interests
of commerce alone. I would go further, and
take in the great and paramount interests of
agriculture and manufactures. He desires
the greatest extension of commerce; I would
regulate it so as to make it a profitable com-
merce conducing to the prosperity of the
whole community, rather than exhausting the
resources of our productive industry. He
omits the more important branches of that in-
dustry—more important because they are the
basis of our commerce. You can not en-
graft a prosperous commerce upon an idle
and unproductive population, and all expe-
rience has shown, that a people who cherish
only one branch of industry can never be exten-
sively commercial. The principle of protection
has always been extended to commerce. It
has been a favored interest with this govern-
ment from its foundation to this moment.—
We have uniformly legislated for its pros-
perity, and have expended immense sums
for its protection. There has been but a
single exception to this policy, and that was
a resort to the system of reciprocity treaties,
the operation of which has been severely felt
by your navigating interest. So far the prin-
ciple of protection has been abandoned,—a
partial experiment has been made of the free
trade, and the folly of the measure has been
fully illustrated in the consequences. Can
the Hon. Senator find a distinction in prin-
ciple between one branch of industry and
another? Will he extend the fostering care
of legislation to the 100,000 people engaged
in commerce, and will he deny it to the mil-
lions employed in the agricultural and man-
ufacturing pursuits? Is it constitutional to
protect the smaller interest and not to pro-
tect the greater? Will he protect the fruits
of our commerce and deny it to that mass
of labor which gives birth to and sustains
commerce and without which commerce must
wither and die?

Mr. President I will now proceed to con-
sider the merits of the act of 1842 as a
question of expediency. The Senator denounces
the policy of that law, denies its expediency,
and proposes its repeal.

Sir, in judging of the merits of that law we
must look to its origin—the exigency which
called it forth—the origin and nature of the
evil demanding a remedy. We can then
judge whether the remedy be appropriate.
When this act was passed we had just pas-
sed through the most extraordinary political
revolution which this nation had ever experi-
enced. That revolution was produced by
the storm of