

NILES' WEEKLY REGISTER.

FOURTH SERIES.] No. 5—VOL. VIII. BALTIMORE, MARCH 30, 1833. [VOL. XLIV. WHOLE No. 1,123

THE PAST—THE PRESENT—FOR THE FUTURE.

EDITED, PRINTED AND PUBLISHED BY H. NILES, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

Mr. Clay's corrected speech in favor of his tariff bill, and the brief one of Mr. Davis (of Massachusetts), against it, will be found in the present sheet. The high and honorable character of these gentlemen will insure, for both, an attentive perusal. There is another of Mr. Davis' speeches that we desire to make room for—and several others: but the "stock" is large, and current things must not be neglected.

It appears by the "National Intelligencer" of Thursday last, that a corrected speech of Mr. Webster, (and which, in its order, should have preceded that of Mr. Clay), may be expected. We shall insert it, of course.

We publish sundry instructions from the treasury department with relation to the tariff laws—and are apprehensive that these laws, unless speedily amended, will rest more upon the interpretations or instructions of the department, than on the statutes themselves; for it seems impossible that the meaning of the statutes should be generally understood and uniformly applied, without the exertion of an extraordinary power in the secretary concerning the revenue, generally, and as to the amount of duties payable on particular articles.* This should not be so. It is the business of the department to execute—not make the law; but things are so conditioned, perhaps, that the law, to be executed, must be settled—by construction! The general tariff law of the last session, with the act explaining the 18th section of the act of 1832, and the law suspending the operation of the provisions of the 10th and 12th clauses of the act of 1832, (in which latter the principle of Mr. Clay's "compromise bill" was awfully violated), taken together, present a tangled web, or "Gordian knot," easier "cut" than unravelled or untied.

As to the act concerning the 18th section, we have the following from the "New York Journal of Commerce," "It is well ascertained, we think, that there will not be much "surplus revenue" in the present year—unless the importations should be excessive.

Government deposits.—We understand the much talked of measure of withdrawing the government deposits from the United States bank has at length been accomplished. What is more remarkable, this has been done, not by the order of the president or secretary of the treasury, but by an order of congress adopted by a very large majority of both houses. And this notwithstanding the house of representatives voted at just about the same time by an equally large majority, that the deposits might safely remain in the bank. If any thing can add to the remarkable character of this remarkable transaction, it is that no other place of deposit has been fixed upon, or is likely to be, and that in fact the very balances have disappeared altogether, having been paid to the merchants as return duties under the 18th section.

And another New York paper, the Commercial Advertiser, says—"We are told that the reduction of the duty upon iron, has already been followed by a rise in the market of 10 per cent. and also that some staple articles of hardware have risen 20.

* Some think that the minimum on cotton yarn, and cloths, will remain even after 1842, to protect their manufacture; and others contend that specific duties will be untouched till then! As an instance, the intelligent editor of the "Nantucket Inquirer" says—"The operation of Mr. Clay's bill upon the article of olive oil is to retain the duty unchanged for ten years!" The present duty is 20 cents per gallon. If this opinion be correct, iron, coal, spirits, sugar, &c. &c. will remain as they are, "for ten years!" But we now believe that we are to have a new tariff every two years until 1842, in respect to all articles on which the present rate of duty exceeds 20 per cent. on the foreign cost of them. Is the secretary of the treasury to have entire command over the revenue and the tariff, and determine, from time to time, and at all times, what duties shall be collected on this or that article? This power is not confined, and surely it never will be; but how else are the collectors to know what they shall charge upon cottons subject to the minimum; on glass, which pays both a specific and an ad valorem duty; and on sugar subject to a specific duty only—the kinds of each having different values in foreign places?

We have not yet met with any person who pretended to an ability to answer this question, except in referring the whole matter to the secretary of the treasury.

These arguments to the merchants have been since suspended—and claims must be made on the treasury.

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The market has also advanced in Europe—partly from an increase of consumption there—but chiefly by the belief that the demand for the foreign article is to be greatly increased in the United States.

It should be recollected, that the duty on "hardware" was much reduced by the suspension of the proviso above alluded to. We wish that some friend in New York would make particular inquiries into the matters just stated, and give us the result of them. That most of the leading articles will rise in price as the duties on them shall be reduced, and the wages of laboring persons diminished—we surely believe, because of the want of an excited and steadily increasing competition. But of this more hereafter. We have carefully obtained and laid aside about thirty specimens of American cotton and woollen goods, with the present fair wholesale cash prices, &c. marked upon them, by one of the oldest and most respectable dealers in them—to be compared with goods of like quality at a future day, that the nullifiers may find out how much they shall have saved by reduced duties!

The words "to be continued" are so offensive, in numerous cases, that we have sometimes incurred the expense of a supplement, that we might avoid the use of them; and, when an extra number of pages cannot be given, various exertions are made to supply the articles from injury by divisions of them. An instance of the latter is now present. We give the reports, resolutions and proceedings of the South Carolina convention, complete, we believe; but an account of the proceedings of that body, with sketches of some of the speeches, are postponed. The parts are separated, but each may be considered sufficiently full in itself.

This convention adjourned on the 18th inst. Among other things, the act further to provide for the collection of duties on imports, is "nullified"—so nullification is not dead, though nearly every state, in the United States, has declared itself against that hereby.

A collection of the proceedings had in the several states, on this subject, would be interesting. Perhaps, we shall make one.

We have given more than usual attention to foreign articles and news—for a general record of events should be kept. It will be seen that the affairs of Ireland have reached a crisis. They cannot remain as they are—much longer. The British ministry has resolved to preserve the peace of the country, by the operation of laws which are justified only on the "plea of necessity," and nothing is left to the Irish people but a quiet submission to arbitrary edicts, or open organized resistance in arms.

U. S. BANK STOCK, at New York, March 23—110.

PRICES CURRENT—BALTIMORE, MARCH 29.

Flour, best white wheat, 86 7/8; 25; Howard street, 5 50—city mills 5 50. Wheat 115a116. Corn 60a62. Clover seed 8 00. Cotton 10a13. Whiskey, 1st proof, 28a29 1/2. Wool—best 45a50; common 25a28, washed; and from 16 to 20, if unwashed. Prime beef on the hoof 5 00a6 25. Oak wood 3 00, hickory 4 20. [Farmer.]

THE CHOLERA has broken out at Havana, with great violence. The deaths were already from 100 to 150 per day, principally among the blacks. Many had fled from the city—business was completely at a stand, and goods were left at the custom house day after day—the merchants not wishing to take them out. Not many deaths had occurred on board of the vessels in port. Some very respectable white persons, of correct habits and robust frames, had died.

This terrible disease has also appeared at Oporto, and was committing considerable ravages. Several of don Pedro's staff officers had died.

* A late Boston paper says—"The tariff of 1832, which is now in operation, greatly reduces the duties on some protected articles. It is hoped some competent persons will prepare and publish an exact statement of the reduction on each article, that the nullifiers may know what they save, for they will never find out by the prices!"

But we have the cholera nearer home. It continues at Nashville, and in the neighborhood of Gallatin, Tennessee.

AWFUL CATASTROPHE.—The New York Redactor of Saturday contains an article from the Constitutional del Caoca, stating that in the month of July last, while mass was being celebrated in the church of Sigchos, near Teguana, in the republic of Ecuador, South America, on the day of the solemn festival *del corpus*, fire was communicated to the building by means of a rocket, and that in the rush of the audience to the door, it became shut, and the whole congregation perished in the flames except the curate, who escaped through a window! The number of lives lost was estimated at more than five hundred, besides children.

ANOTHER. The ship *Martha*, arrived at N. Y. on Sunday, fell to with the wreck of a vessel that had been burnt, and 14 dead bodies floating round her.—Picked up some spar, trussel tree of the mizen mast, on which was written, M. H. Taylor, mate of ship, [the rest obliterated].

FOREIGN NEWS.

From London papers to the evening of February 5.

GRREAT BRITAIN AND IRELAND.

London, Feb. 5. This being a day for the delivery of the king's speech, his majesty arrived at the house of lords shortly before two o'clock; and on alighting from his carriage was received by the cabinet ministers and great officers of state.

His majesty immediately proceeded to the robing room, and from thence to the interior of the house of lords. On his way to the throne, the usher of the black rod summoned the house of commons to hear the royal speech. Shortly afterwards, the speaker, attended by a great number of members, appeared at the bar, when his majesty delivered the following most gracious speech:

"My lords and gentlemen:

"The period being now arrived at which the business of parliament is usually resumed, I have called you together for the discharge of the important duties with which you are entrusted. Never at any time did subjects of greater interest and magnitude call for your attention.

"I have still to lament the continuance of the civil war in Portugal, which for some months has existed between the princes of the house of Braganza. From the commencement of this contest, I have abstained from all interference, except such as was required for the protection of British subjects resident in Portugal; but you may be assured that I shall not fail to avail myself of an opportunity that may be afforded me to assist in restoring peace to a country with which the interests of my dominions are so intimately connected.

"I have also to regret that my earnest endeavors to effect a definitive arrangement between Holland and Belgium, have hitherto been unsuccessful. I found myself at length compelled, in conjunction with the king of the French, to take measures for the execution of the treaty of the 15th November, 1831. The capture of the citadel of Antwerp has in part accomplished that object, but the Dutch government still refusing to evacuate the territories assigned to Belgium by that treaty, the embargo which I had directed to be imposed on the Dutch commerce has been continued. Negotiations are again suspended; and you may rely on their being conducted on my part, as they have uniformly been, with the single view of ensuring to Holland and Belgium a separate existence, on principles of mutual security and independence.

"The good faith and honor with which the French government has acted in these transactions, and the assurances which I continue to receive from the chief powers of Europe of their friendly disposition, give me confidence in the success of my endeavors to preserve the general peace. I have given directions that the various papers which are necessary for your information on the affairs of Holland and Belgium should be laid before you.

"The approaching termination of the charter of the bank of England and of the East India company, will require a revision of these establishments, and I rely on your wisdom for making such provisions for the important interests connected with them, as may appear, from experience and full consideration, to be best calculated to secure public credit, to improve and extend our commerce, and to promote the general prosperity and power of the British empire.

"Your attention will also be directed to the state of the church, more particularly as regards its temporalities and the maintenance of the clergy. The complaints which have risen from the collection of tithes appear to require a change of system, which, without diminishing the means of maintaining the established clergy in respectability and usefulness, may prevent the collision of interests, and the consequent derangement and dissatisfaction which have too frequently prevailed between the ministers of the church and their parishioners. It may be necessary for you to consider what remedies may be applied for the correction of acknowledged abuses, and whether the revenues of the church may not admit of a more equitable and judicious distribution.

"In your deliberations on these important subjects, it cannot be necessary for me to impress upon you the duty of carefully attending to the security of the church established by law in these realms, and to the true interests of religion.

"In relation to Ireland, with a view of removing the causes of complaint which had been so generally felt, and which had been

attended with such unfortunate consequences, an act was passed during the last session of parliament for carrying into effect a general composition for tithes. To complete that salutary work, I recommend to you, in conjunction with such other amendments of the law as may be found applicable to that part of my dominions, the adoption of a measure by which, upon the principle of a just commutation, the possessors of land, may be enabled to free themselves from the burthen of an annual payment.

"To the further reforms that may be necessary, you will probably find that, although the established church of England is by law permanently united with that of England, the peculiarities of their respective circumstances will require a separate consideration. There are other subjects hardly less important to the general peace and welfare of Ireland, affecting the administration of justice, and the local taxation of the country, to which your attention will also be required.

"Gentlemen of the house of commons:

"I have directed the estimates for the service of the year to be laid before you. They will be framed with the most anxious attention to all useful economy. Notwithstanding the large reduction in the estimates of the last year, I am happy to inform you that all the extraordinary services which the exigencies of the times required, have been amply provided for. The state of the revenue as compared with the public expenditure, has hitherto fully realised the expectations that were formed at the close of the last session.

"My lords and gentlemen:

"In this part of the United Kingdom, with very few exceptions, the public peace has been preserved; and it will be your endeavor to promote the same by all possible means, by the habits of industry and good order among the laboring classes of the community.

"On my part, I shall be ready to co-operate to the utmost of my power in obviating all just cause of complaint, and in producing all well considered measures of improvement. But, it is my painful duty to observe, that the disturbances in Ireland to which I adverted at the close of the last session, have greatly increased.

"A spirit of insubordination and violence has risen to the most fearful height, rendering life and property insecure, and threatening the most fatal consequences, if not promptly and effectually repressed.

"I feel confident that to your loyalty and patriotism, I shall not resort in vain for assistance in these afflicting circumstances, and that you will be ready to adopt such measures of salutary precaution, and to entrust to me such additional powers as may be found necessary for controlling and punishing the disturbers of the public peace, and strengthening the legislative union between the two countries, which, with your support, and under the blessing of Divine Providence, I am determined to maintain by all the means in my power, as indispensably connected with the peace, security and welfare of my dominions."

In reading the speech, (says a London paper), the king laid particular emphasis on the passage relating to the disturbed state of Ireland, and was particularly emphatic when he expressed his determination to uphold the union of England and Ireland. The troubles in that kingdom evidently caused much uneasiness. A London paper remarks:—"We have reason to believe that the government have decided upon strong measures being used for the tranquillization of that country; and also that the marquis of Anglesey will return to Dublin."

It does not appear from the speech that any measures of direct interference, in the affairs of Portugal, are contemplated.

Six hundred unmarried females, (not convicts), have lately been imported into New Holland, from England.

TURKEY AND EGYPT.

It is reported that Ibrahim had assented to a cessation of hostilities with a view to a definite arrangement with the sultan, who seems to have accepted the offer of assistance made by Russia.

Commercial letters from Smyrna, to the 6th January, assert that a treaty had been concluded between Russia and the sultan, in which the emperor Nicholas agrees to succor the sultan with a fleet, and with an army of 60,000 men.

FRANCE.

The accounts from Paris are to February 4th. The naval preparations at Brest continued to be prosecuted with undiminished energy, and some of the ships of war were already in a condition to put to sea.

The army of the north, the head quarters of which were at Compiègne, had been restored to the same footing as that upon which it was placed before its recent entry into Belgium.

Several of the knights templars, have been seen walking the streets of Paris, with their white mantles, ornamented with a red cross.

The Journal du Commerce de Lyons, of the 27th January, says:—"Two days ago a mercantile house was opening some bales of cotton, when to the astonishment of those engaged in the operation, there was found in one of them the body of a negro, bent double and carefully packed in the middle of it."

SPAIN.

It is said that some partial disturbances in that kingdom had been effectually put down, and that don Carlos, (the king's brother), was under arrest in his own apartments.

SANDWICH ISLANDS.

We learn with regret that news had been recently received by the way of England, from the South Sea Islands, of a man-

choly character. A bloody war has broken out between Tahaia and Raietua, and many lives had been lost. The missionaries had not been able to allay the troubles, and it was feared their "influence was on the decline."

BENOART.

The family estates of the prince Esterhazy, who are at the head of the Hungarian nobility, yield an annual revenue of more than two hundred thousand pounds sterling.

LATER NEWS.

London papers of the 14th and Paris of the 19th Feb.

From Great Britain and Ireland the most interesting intelligence is that which relates to the people of Ireland, in whose favor there has been a sudden and strong manifestation to the house of commons of England. In that body on the 11th, the chancellor of the exchequer having moved the adoption of the answer to the king's speech, Mr. Lalor, and other Catholic members protested against a declaration volunteered in a preceding sitting, that they were prevented by their oaths from legislating on affairs of the church. Mr. O'Connell declared that he had an equal right with any other member to legislate on church affairs, and, if it were not so, he might as well be at once expelled from the house. The reading of the address to the king was interrupted by a motion from Mr. Cobbett, proposing a substitute. The substitute was lost 23 to 223. On the 12th, the address was presented at Windsor, the house having adjourned until 6 o'clock.

On the return of the speaker, ministers, and many members, who had proceeded to Windsor, to the address, the speaker communicated the king's answer in substance as follows: "I thank the commons for their loyal and respectful address, and for the assurance which they give me of their disposition to aid my efforts for the preservation inviolate of the union between Ireland and England, and from the repression of violence; in short, the house may be assured that I shall continue my efforts for the removal of all just grounds of complaint throughout my kingdom." The answer was received with great applause.

The London papers are almost exclusively occupied with the discussion in parliament on the king's speech. Mr. Cobbett has been very eloquent, and has not failed to attempt strengthening his arguments by facts and assertions relative to this country, and has made some egregious errors; for instance, he declared that Washington signed the Declaration of Independence.

Mr. O'Connell denominated the king's speech a "brutal and a bloody speech." The debates are of the most piquant kind, if indeed a broader and blunter word would not be more expressive.

The London Morning Chronicle of the 8th says:

In the house of lords last night, lord King, in moving for an account of the sums paid out of the livings held by ecclesiastical corporations to the clergy, took occasion to deal out some very hard blows to the dignity of the church. After specifying a number of cases in which, notwithstanding the enormous increase in the value of the tithes, the allowances to the officiating ministers by the deans and chapters [the friars and monks of Protestantism], were not more now than they were two hundred years ago—his lordship contended that this was a most scandalous abuse, and ought to have been remedied long ago. But "experience has proved [said his lordship] that the reformations down to the present time, the protests of the church had shown themselves more disposed to protect the many abuses of the church, than that a reformation should take place; and they had used all their influence and power, and the first estate of the realm holding seat in that house, to prevent reform. It was their duty to see that there were no abuses, and if there were—and they had not the means to correct them—they ought to apply to parliament. The king's speech recommended an equitable distribution of the revenues. He hoped that this equalization would take place; he hoped that pluralities would be done away with; and he wished in addition, in order that ecclesiastical persons might not neglect their duties, that they might be confined to their spiritual functions."

The bishop of London made a very naive defence of the church. When [said the right reverend father in God] the noble lord said that not much had been done, and referred to experience, he seemed to forget that it was only of late years that the equalization had been formed [hear]. The imperfection of the church had only been discovered within a few years; before that time, attention had not been directed to the subject, and it scarcely within a few years that an impetus had been given to the clergy."

The same paper says:

We have been led, rather prematurely, we own, to anticipate the relation in which the two houses will soon stand towards each other, in order to explain the distrust naturally entertained by many, of the ability of ministers to carry such a bill, regarding the church of Ireland, as may really satisfy the Catholic population of Ireland.

The London Courier of the 6th says:

It is with great regret that we feel it to be our duty to state to our readers that the king's speech which we published yesterday, is generally considered to be very unsatisfactory, not on account of that which is said, but on account of that which is left unsaid.

A large number of notices of motions have already been given regarding the ballot, triennial parliaments, the abolition

of slavery, the regulation of infant labor, the abolition of vestry rates in Ireland, the amendment of the Irish jury system, &c. Work is, therefore, carved out in abundance for the house.

At the same time, some important changes in the mode of conducting the house were announced.

On the 12th Feb. the communication from the ministers was made relative to the reductions and changes in the Irish church establishment. The following are the principal alterations proposed by the chancellor. Ten bishoprics to be abolished (after the death of the present incumbents) out of the twenty two which at present exist. Those to be reduced being—Dromore, Clogher, Kildare, Cork, Waterford, Ossory, Kilmac, Tuam, and two other sees, the names of which did not reach the gallery. This diminution would produce a direct saving of £60,000 per annum, besides what would accrue from the renewal of leases, &c. The entire income of the bishops in Ireland might be calculated at £150,000 a year, that of the deans and chapters at £23,000; as to the benefices, his lordship said that as yet he had no accurate returns, but he would set them down at £500,000; making the entire ecclesiastical income in Ireland about £908,000 per annum. He proposed to abolish the system of first fruits, now applied to the augmentation of poor livings, and to replace it by an annual per centage upon all preferments of £500 a year, at the rate of 5 per cent. £700 to be made to pay 7 per cent. and beyond, 10 per cent. Bishoprics were to be regulated by a different scale; those above £10,000 paying 15 per cent. those below that income 10 per cent. The proceeds of the per centage to be given to augment the incomes of the poorer clergy. Church rates government propose to abolish altogether; deans and chapters likewise to be abolished, or to have the care of souls attached to them. His lordship then stated various other changes, both present and prospective, in connection with the establishment. The statement was received with much cheering, and was even applauded by Sir O'Connell.

The chancellor of the exchequer, in bringing forward the measures proposed in Irish affairs, on the 12th, stated that the ministry had, in this undertaking, done their utmost to provide a remedy for all the abuses pertaining to the ecclesiastical laws. They had appointed magistrates, without any distinction of sect, and among the sheriffs and lord lieutenants of counties, there were quite as many catholics as protestants. They sought, in reference to the tithes, he said, to relieve the tenant, without despoiling the landlord; they proposed to distribute the burdens more equitably, and to regulate the contracts between the tenant and proprietor.

As to the taxes for the support of the church, he said the new plan differed entirely from that of the tithes, and was far less onerous to the catholics; the tithes, he said, they were disposed to abolish entirely. (Hurst of applause.) The change would afford relief to the people of about £70,000 per annum. The denaries are abolished, and the number of bishops is reduced from 22 to 12, and thus a farther retrenchment of £60,000 would be effected. He concluded by expressing the hope that these measures would vindicate the good intentions of the government, and be approved by the house. (Prolonged applause.)

Two other Dutch vessels from the East Indies had been detained and sent into England.

France. Paris is in commotion in consequence of duels fought by the friends of the duchess Berri and the republicans. Eleven of these duels took place within two or three days.

It is expected that ministers will require of the chamber of deputies the credit of a million for the dowry of the queen of the Belgians.

Turkey and Egypt. The Augsburg Gazette of the 1st Feb. brings the following important intelligence, of the 25th ult. from Vienna:—"According to accounts from Constantinople, which have been received by express, an armistice for 40 days has just been concluded between the Egyptians and the Turks. The negotiations for the final settlement of the differences, are carried on with the utmost ardor by the representatives of the European powers. They have, it is asserted, solemnly protested against any further advance on the part of Ibrahim. Perfect tranquillity prevailed at Constantinople, and the people anxiously wished for the peace. The exchange of consuls between Paris and Constantinople, is exceedingly active."

Letters from Bucharest to the 29th January, announce the approaching arrival of a Russian corps d'armée of 25,000 men, in the principalities. Its object is no doubt provisional, and intended to give weight to the offered mediation of Russia.

Portugal. Portsmouth, (England), Feb. 6. This day arrived the Dupuy cutter, Abinnet, master, with wounded and passengers from Oporto. I learn by one of them, that a severe affair took place on the 24th ult. by a part of the army embarking in boats to attack St. John's, and two forts on the Douro. The troops engaged were 1,400 English, 700 French, and three regiments of Cadorese, under colonel La Place. They were completely successful, driving the Miguelites by the bayonet. One of the forts mounted eight guns. They retained possession; took some pipes of wine. Pedro's loss is very great—850 killed and wounded—15 officers. Colonel Bacon commanded the cavalry. I am glad to learn that the severely wounded—in fact those who cannot help themselves—are left to perish; such is the miserable state of the hospital staff.

Pedro's army suffers for want of provisions and clothing. The surf is so great, that two ships are now off with provisions,

and have been for the last week: Captain Davis who went to join, is arrived by the Osprey.

My informant saw a French ship, with 400 quarters of wheat, sink off St. Johns.

Spain. News has been received at Paris of the very unsettled state of affairs in Spain. The Carlists, it is said, are to make a stand against the government so soon as they shall have obtained a sufficient quantity of arms, ammunition, &c. Should Ferdinand resort to the more liberal system of government, which, it is said, he has already evinced a strong desire to carry into effect, the revolutionists will stand but little chance.

The Indicateur, of Bordeaux, gives the following extract of a letter of the 21st Jan. from Madrid. "M. Zen Bernudez has just concluded a treaty with Sir Stratford Canning, in virtue of which Donna Maria da Gloria is to be acknowledged absolute queen of Portugal. Her husband is to be chosen from the house of Naples. By the same treaty, the cabinets of Paris and London have engaged to acknowledge the young princess of Spain, whose right to the crown is to be established by the cortes, which will assemble on April 1."

Holland and Belgium. There is much talk about projects and counter projects, for settling the minority in dispute between these kingdoms—but there is no appearance of an adjustment of them.

YET LATER NEWS.

London papers to the 19th Feb. inclusive.

Great Britain and Ireland. (In the 14th Feb. incl.) Grey introduced a bill for the effectual suppression of the disturbances and dangerous associations in Ireland. "The 'N. Y. Commercial Advertiser' gives a synopsis of this bill, and says—'It will be perceived that all power is committed to the lord lieutenant, and that the bill is framed with such precaution as to leave very little chance of evading it. That it is a violation of the British constitution is evident; and indeed it is admitted so to be by lord Grey; but the public safety is held to be of paramount authority. Courts martial are established in the disturbed districts—their proceedings and punishments are summary and without appeal—the habeas corpus act suspended—and all persons required to remain within their houses between sunset and sunrise, on pain of being sentenced to transportation. This brings us back to the days of William the conqueror, when the 'curfew we toll'd the knell of parting day'—but perhaps the present condition of Ireland may render such severe measures as necessary now, as that of England did in the days of the Normans."

Earl Grey's speech in favor of this bill is also inserted. The condition of Ireland as described by him, (and we fear, too truly), is awful; and he justified the bill on the principle *salus populi suprema lex*. The duke of Wellington warmly supported the general provisions of the bill—he considered them "imperatively necessary." So did lord Brougham—he said, that "the crown was a usurper instead of a governor, if it claimed allegiance without granting protection." On the 18th, the bill was upon the alternative of subject submission or open rebellion; and, at the cost of the people, may find that it was much easier to raise an excitement than to direct it. The murders and robberies, and all sorts of outrages which so generally prevail, must be checked. "He had however threatened that, if the bill passed, he would use his influence to cause a demand for gold on all the banks—which created some alarm].

Mr. Cobden seems to be making out or more speeches every day—and braves all attempts to stop him.

The ministers persist in carrying out their projects relative to slavery in the West Indies—[concerning which we intend to publish a considerable collection of articles.]

Holland and Belgium. Much excitement prevailed in the latter, because of the regulations established by the king of Holland for the navigation of the Scheldt. It was believed that England and France would order the navigation by force, unless these regulations were speedily withdrawn. Holland exacts a transit duty on the cargoes of all vessels passing her forts. [Other accounts say that no tolls are demanded.]

Turkey and Egypt. Ibrahim had gained another victory over the Turks and made himself master of the magazines of ammunition and provisions which had been collected at Askhir. Resistance of his arms seems at an end—in Asia, at least.

Portugal. The government has given satisfaction for firing upon a French brig of war, at the mouth of the Tagus. The French consul forced his way into the chamber of the duke of Cadaval, after midnight, and compelled him to sign a paper which was presented, in his bed, being an invalid—refusing to depart without it!

*To exemplify the condition of Ireland, Mr. Stanley, (in the house of commons), noticed the two counties in which the system of agitation commenced, thus—

"The two counties are Kilkenny and the Queen's county. In Kilkenny alone, within the last twelve months, there have been 32 murders and attempts to murder, 34 burnings, 512 burglaries, 36 acts of houghing of cattle; and the number of illegal notices and writs and seizures, usually, by which such assaults are added with damage to life and limb, has been 170. In Queen's county the number has been even more. There have been sixty murders or attempts to murder; 106 larcens, 65; malicious injuries to property, 115; and serious assaults upon individuals, 209."

LATEST NEWS.

London papers to the evening of the 23d Feb. inclusive. Great Britain and Ireland. The money market had assumed more activity, and prices had advanced. Consols £7; to 87½. Belgian stocks had risen 2 per cent.

Earl Grey's bill relative to disturbances in Ireland, was agreed to in the house of lords on the 21st Feb.

The house of commons had resolved to meet at twelve at noon, for the reception of petitions and the transaction of private business, and adjourn at 3 o'clock. The regular sessions will commence in the evening, as heretofore.

Great agitation was manifested at Dublin on the 20th, in consequence of the suppression bill. The trades and the volunteers had suspended their political operations to deliberate on their personal security. A great general meeting was to take place the next day. A run had been made upon the bank of Ireland for gold, but not to a great extent.

A letter from Mr. O'Connell had been published in Dublin—speaking in the most severe terms of earl Grey's bill—exhorting the people to respect the laws, but to present respectful petitions against the measures proposed.

Spain. The king and queen appear to be successful in their measures—and the Carlists seem to be down.

France. Nothing important is mentioned as having happened in this kingdom. A large reduction of the army is still spoken of.

Holland and Belgium. Some new negotiations are mentioned concerning the affairs of these countries: The reports are not worth repeating.

Turkey and Egypt. Letters from Alexandria of the 10th Jan. say that the pacha was fitting out a fleet to take possession of Smyrna—he had not then heard of the armistice which his son had granted to the sultan. He was apprehensive that the English and French might interfere, and prevent his occupation of that rich and important city.

A Russian vessel had arrived at Constantinople with a cargo of seventy beautiful slaves!

Russia. Private letters from Petersburg say the influenza was raging there. It is affirmed that above 100,000 persons were suffering under it at the same time, and a still greater number in Moscow, where the theatres are closed.

China. The late rebellion seems nearly subdued. The governor of the Canton province, had been degraded and sent to Peking, because of this rebellion.

The Falkland Islands. Accounts from Monte Video, of Jan. 18, say—The schr. Sun, of New London, has arrived here from the Falkland Islands, having been ordered off by the Buenos Ayres schr. Sarandi. The captain says seals were scarce. The Sarandi has, in her turn, been ordered off by the British sloop of war Clito, and has arrived at Buenos Ayres. So there is no longer any danger of war between the United States and Buenos Ayres.

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LIVE OAK.

Report of the secretary of the navy upon live oak.

Every thing which goes to throw light upon our permanent national resources, must at all times engage the attention of our intelligent citizens. For some time past, we have intended to present to our readers a synopsis of the extremely valuable report communicated to the house of representatives by the secretary of the navy relative to the live oak timber material which forms the basis of our naval strength—but have hitherto been prevented by the pressure of other matters growing out of the proceedings of congress.

This report, drawn up in compliance with a call from the house, contains a mass of important information as to the construction of vessels of war, which required a profound knowledge of the subject as well as great pains to concentrate and present in a form so striking and available.

The commencement of this report embodies all the information which has been obtained as to the extent of the supply of live oak both upon public and private lands. The amount of this supply is stated by the secretary to be about 8,000,000 cubic feet at a medium calculation of 50 feet per tree. The elements of this computation are given in the appendix in a tabular form.

One of the objects of this call was to obtain the views of the secretary upon the best mode of securing the live oak timber growing upon public lands from being plundered. The remedy proposed by him is both simple and effectual. He recommends that provision be made by law that all masters of vessels having live oak on board on private account, before they are admitted to clearance at the custom houses, shall prove that the timber was taken from private lands. This plain expedient strikes us to be worth more in effecting the object, than thousands upon thousands of dollars expended in "preventive services," and has been adopted by congress in the act for the gradual improvement of the navy.

Preliminary to the settlement of the question of the adequate supply of this material for the future wants of the navy, the secretary has presented a succinct view of the past consumption—the amount now in depot at the various yards—on the stocks—float, &c. which of itself forms the most satisfactory history of the past and progress of the naval power of the United States that we have before seen. All who feel an interest in this subject will find the leading facts relative to the construction of these ships, whose career of glory has shed so much lustre upon the name of our gallant seamen, stated in a condensed but clear manner.

An recourse will undoubtedly be had to the report itself, the extent of which excludes it from our columns, by all those who are inclined to examine this subject of supply, we must content ourselves with hastily glancing at some of its results, and recommending the report as a document of great merit, which throws strong light upon this subject, heretofore regarded as extremely obscure and difficult of satisfactory explanation.

The whole amount of live oak timber employed in the construction of public vessels since 1797, is stated at 974,363 cubic feet. Of this quantity, the vessels now in commission contain 165,480 feet; vessels in ordinary, 729,633 feet; ships on the stocks, 354,000 feet; leaving a deficit of 132,250 feet, which is thus accounted for: 8,000 feet were sold by order of congress in 1801; 66,375 feet were captured by the enemy during the late war; 44,500 feet were burned at the navy yard in this city in 1814; 3,575 feet have been lost by shipwreck; and 8,000 feet by natural decay.

The stock of live oak now in depot at the several yards, purchased for building ships under the acts for the gradual improvement of the navy, is 431,845 cubic feet. The aggregate purchases of live oak, under the annual appropriations for repairs, have amounted to 166,000 cubic feet.

The quantity of live oak timber required for the frame of a ship of the line, is estimated at 34,000 cubic feet; for that of a frigate of the first class, 35,000 feet; for that of a frigate of the second class, 15,000 feet; for that of a sloop, 6,000 feet; and for that of a schooner at 1,000 feet.

Of the amount of live oak timber estimated as growing upon public and private lands, one-fourth is estimated as suitable for ships of the line; one-fourth for frigates, and one-half for sloops and schooners.

For the ordinary repairs of the live oak frames of vessels in commission, less than one per cent. of timber originally employed is required. For the extraordinary losses by fire, by shipwreck and decay, 5 per cent. is estimated—so that 6 per cent. of the live oak timber of which the frames of our vessels are constructed is necessary to keep our naval force entire. This will require annually 1,700 cubic feet for ordinary repairs, and 8,500 feet to replace extraordinary losses upon the force in commission. The ordinary repairs which may be required to keep up all our vessels both in ordinary and in commission, it is estimated that about 37,000 feet per annum will be sufficient. The annual purchases under the appropriations for the gradual improvement of the navy for the last ten years have been 33,000 feet, which is to be exclusively applied to building new vessels. The present system will, therefore, require about 60,000 cubic feet per year, which may be furnished at a medium calculation by about 1,200 trees per annum.

There have been already reserved from sale 67,417 acres of live oak timber lands. The secretary recommends a further reservation of 100,000 acres, which would secure an ample supply for the demands of the naval service, both for repairing old and building new vessels upon the present system, forever.

The calculations upon this subject are elaborate, and apparently conclusive. No American citizen can go through this document without feeling the highest gratification at the survey of our naval resources, which it so ably develops.

[Washington Globe.]

TREASURY INSTRUCTIONS.

CIRCULAR TO COLLECTORS, NAVAL OFFICERS AND SURVEYORS.

Treasury department, comptroller's office, March 7, 1833.

Sir—You will receive, herewith, for your government, the following acts passed at the last session of congress, viz:

1. "An act to explain an act entitled 'an act to reduce the duties on coffee, tea and cocoa,' passed the 20th May, one thousand eight hundred and thirty."
2. "An act to explain and amend the 18th section of 'an act to alter and amend the several acts imposing duties on imports,' approved the 14th July, 1832."
3. "An act establishing a port of entry and delivery at the village of Fall River, in Massachusetts, and discontinuing the office at Dighton."
4. "An act to explain and amend the act to alter and amend the several acts imposing duties on imports, passed the 14th July, 1832, so far as relating to hardware and certain other manufactures of copper and brass, and other materials."
5. "An act to modify the act of the 14th July, 1832, and all other acts imposing duties on imports."

The third section of act No. 2 contains the following provisions, viz:

"If a sum equal to the amount of duties levied by the said act of the 14th July, shall not have been collected, and the bond or bonds given shall amount to more than the duties imposed by said act, the secretary of the treasury shall direct that a debenture certificate or certificates, the form of which shall be prescribed by him, for such excess of duty, shall be issued to the persons placing the same in the custody of the customs, payable out of the bond or bonds given for duties on the same. The collectors to give the debtors credit on the bonds for the difference between the high and low duties, and to cancel the bonds on payment of the balance."

To carry these different provisions into effect, you are, when the importer deposits the goods, to credit his bonds with the difference between the high and low duties, and if any excess shall then appear to have been paid, such excess is to be refunded to him at the treasury; but if, upon giving such credit, the full amount of duties according to the existing laws will not

have been paid, the bonds are to be cancelled only on the payment of the balance thus remaining to be paid.

But in case of goods being deposited by a person other than the importer thereof, and a sum equal to the amount of duties levied by the said act of the 14th July, shall not have been collected, and the bond or bonds given shall amount to more than the duties, imposed by said act, instead of giving a credit on the duty bonds of the importer, for the difference between the high and low duties, a debenture certificate is to be issued to the person depositing such goods for such difference, the form of which, marked B, approved by the secretary of the treasury, is herewith transmitted.

From this form you will perceive that the debentures will be payable only in case the duty bonds on which they may be predicated, shall be paid.

The same principle is to govern in the case of goods heretofore liable to duty, but which, under the act of the 14th July, 1832, will be free.

If such goods be deposited by the importer, any duties which may have been paid thereon, are to be refunded to him at the treasury, and the bonds for the balance of the duties (if any) are to be cancelled; and if such goods be deposited by a person other than the importer, and no duties thereon have been paid, he is to receive debenture certificates for the whole, payable at the same times respectively at which the bonds given for the duties will be payable; but if a part of the duties were paid, then such part is to be refunded to the person who may have deposited the goods, and debenture certificates for the balance of the duties are to be granted to him, payable as before mentioned.

The 3d section of act No. 2, also contains a provision according to which goods deposited and remaining in the custom house stores until the 1st of April next, will be entitled to the benefit of the other duties of the act of the 14th July, 1832. If any duty shall have been paid thereon that would have been levied under the last mentioned act, such excess is to be refunded out of any money in the treasury not otherwise appropriated, to the person who may have placed the same in the custody of the customs.

The applications for a return of such excess of duties, as well as for other duties to be refunded, are, of course, to be made to the treasury, and to substantiate the claims, a certificate of the custom house officers is to be produced, agreeably to the enclosed form, marked B.

When goods which have been or which shall be deposited for the benefit of the 18th section of the act of the 14th July, 1832, by persons other than the original importers thereof as authorized by the accompanying act No. 3, the identity is to be established by satisfactory evidence of the transfer or transfers for your government, in relation to which the secretary of the treasury directs that the regulations prescribed by law, when goods are exported for the benefit of drawback by persons other than the original importers thereof, be observed.

Information having been received from sources entitled to entire confidence, that impositions have been practised, and will continue to be practised, on the revenue, by invoicing and entering in the general knowledge of the public, as quantities of "merchandise," under the name of "worsted stuff goods," when, according to the materials of which they are both composed, (say worsted or combed wool and cotton) they are not entitled to that classification, but are liable to the goolfness duty, it becomes necessary that measures be adopted at the custom houses, in the examination and inspection of such goods, to detect and prevent impositions of the kind in future.

In compliance with instructions from the secretary of the treasury, you are requested to refund the discriminating duties of tonnage which have been levied by you on Mexican vessels since the 5th April, 1832, the date of the president's proclamation, directing the treaty between the United States of America and the United Mexican States, to be fulfilled.

It is deemed proper to take this opportunity to communicate to you the following decisions of this office, viz:

1. That in estimating the value of wool unmanufactured, at the place of exportation—to the actual cost, if the same shall have been actually purchased, or the actual value, if the same shall have been procured otherwise than by purchase, at the time and place, when and where purchased, or otherwise procured, or to the appraised value, if appraised, are to be added all charges, except insurance, and the weight is to be regulated with reference to the pound weight as known and established in the United States. If it shall be proved to your satisfaction, that there is any difference between the pound weight in the United States and that of the foreign country of exportation, such difference is to be taken into view in the computation of the value of the wool. If the value of unmanufactured wool, estimated in the manner thus prescribed, shall exceed eight cents per pound, it will be liable to duty, and *vice versa*, if it does not exceed that sum, per pound. An actual weighing at the time of arrival, is considered necessary in all cases, in order to ascertain whether the wool will or will not be liable to duty.

2. That an article called "fancy coral," in thin uneven pieces, about a quarter of an inch in length, with a hole midway between the two ends, is not considered as coming under the denomination of "beads," in contemplation of law, and if not entitled to such exemption from duty of "wax," is entitled to such exemption as an article not enumerated in any law, and heretofore liable as such, to an ad valorem duty of 35 per cent. The circumstance of such coral being strung, is not considered as placing it upon a different footing.

3. That coral beads are liable to an ad valorem duty of 15 per cent. as "all other beads, not otherwise enumerated."

4. That window blinds, made of split rattans, are liable to an ad valorem duty of 15 [25] per cent. as manufactures of wood.

5. That all articles composed entirely of silk and linen, are entitled to an entry as "manufactures of silk, or of which silk shall be a component part."

6. That all iron chains, which from the form and thickness of the links, are suitable for, and are generally used for cables, whether of large or small vessels, are to be subjected to the specific duty of 3 cents per pound.

7. That goods and wares called *casimets*, are entitled to an entry at 15 per cent. being considered as coming under the general classification of "cashmere or thibet," in contradistinction to the classification of "merino shawls made of wool, and all other manufactures of wool, or of which wool shall be a component part."

8. That shawls, the body composed of silk and worsted, with the figures on the border formed with carded wool, are considered to be entitled to be placed under the classification of "shawls and other manufactures of silk and worsted at an ad valorem duty of 10 per cent."

9. That shawls of worsted or combed wool and cottons, are liable to the woolen's duty.

10. That the articles called *brwon rolls*, or hecdens, dowlas, plattilas, eras and bretagnes, are entitled to an entry at an ad valorem duty of 15 per cent."

11. That the following articles are liable to an ad valorem duty of 25 per cent. viz. black linen, Russia sheetings, linen diapers and damasks, danmak table cloths and napkins, lincn sheeting, linen drillings for pantalouns, lincn iawns, called long shawls, lincn thirtings, Irish linen shirtings and cottonines.

12. That sail needles, sack and yarn needles, darnin needles, bent *padding needles*, *shaw needles*, *plow's* and *saddler's* netting and *embroidering needles*, and *black needles*, are enumerated by the general expression of "needles." Bodkins not included.

13. That so much of the act of 30th April, 1818, as requires wines and distilled spirits to be deposited in the public stores, to be entitled to drawback, is considered to be still in force; but that the terms of credit therein allowed are virtually repealed by the 5th section of the act of the 11th July, 1832, entitled "an act to alter and amend the several acts imposing duties on imports," the provisions in this respect, in the last mentioned act, being so repugnant to those in the former, that both cannot stand well together, and have a concurrent efficacy.

It may be proper to observe, however, that this decision is applicable only to the importations of wines and distilled spirits, which have been made since the 3d instant, and which may hereafter be made.

It is understood that large importations were made of the articles known by the name of plains, kersseys and Kendal cottons, and deposited in the custom house stores for the benefit of the reduction of duties which was to have taken effect after the 3d day of the present month, as authorised by the act of the 14th July, 1832, already referred to; and that orders for a large quantity of said goods have been given upon the faith that after the 3d instant they would be admitted to enter at an ad valorem duty of 5 per cent. but that under the act entitled "an act to modify the act of July, 1832, and all other acts imposing duties on imports," which, so far as relates to these particular kind of goods, having taken effect on the 3d of the month, and raised the duty thereon to 50 per cent. the importers will be compelled to advance duties, (say the difference between the higher and the lower rates), for which, upon every principle of justice and good faith, they conceive, congress will pass a law to have refunded to them, and that such advance can be prevented only in case the treasury department can extend the time for the payment of the duties on the goods in question.

It is regretted that such will be the operation of the two acts mentioned; but it is not competent for the treasury, in any case, to extend the time of payment beyond that, at which, according to law duties on goods become due and payable.

With a view, however, to facilitate any application which may be made to the next congress for relief, it would be advisable to keep a particular account of these goods, the names of the importers, the dates of payment of the duties, and the difference between the higher and lower amount of duties.

It will naturally suggest itself to you, that you are not to include in such account any goods which you are not perfectly satisfied are of the description and qualities as to have entitled them to an entry at five per cent. in case the act, in relation to them, of 1833, had not repealed that of 1832.

Such plains, kersseys and Kendal cottons as were imported prior to the 2d instant, will be liable to the payment of the rates of duties in force at the time of importation; but if such rates be greater than the rates fixed by the act of 2d instant, and the plains, kersseys and Kendal cottons, are deposited in the custom house stores as prescribed by law, they will be entitled to the benefit of the 18th section of the act of 14th July, 1832.

Respectfully,
J. ANDERSON, *comptroller*.

Treasury department, comptroller's office, March 19, 1833.

Sir—It is deemed proper to inform you, that so much of the 27th section of the supplemental collection law of 1st March, 1833, as is not repugnant to, and consequently is not repealed by the 5th section of the tariff act of 14th July, 1832, is considered to be still in force.

Accordingly, if the duties on other goods than "manufactures of wool, or of which wool is a component part," imposed into the U.

States in any ship or vessel, on account of one person only or of several persons jointly interested, exceed two hundred dollars, and are paid in cash, a discount at the rate of four per centum per annum is to be allowed, for the respective periods of three and six months, from the dates of importation, to which the tariff act of 1832 restricts the terms of credit for the duties on goods other than manufactures of wool, &c.

Although the duties on manufactures of wool, or of which wool is a component part, may be paid in cash, still no discount thereon can be allowed, the 6th section of the tariff act of 1832, expressly denying the right in such case.

Instead of paying the duties, however, on such goods in cash, it is optional with the importer to deposit the goods in the public stores on the terms and conditions specified in the 6th section referred to. Respectfully,

JOSEPH ANDERSON, *comptroller*.
To Jas. N. Barker, *esq.*

Treasury department, March 21st, 1833.

Sir—The department has instructed the comptroller upon both the points arising under the late tariff act, and upon which information is desired in your letter of the 18th instant, who will forthwith communicate the same to you and the other collectors. I am very respectfully, your obedient servant,

LOUIS McLANE, *secretary of treasury*.
James N. Barker, *esq. collector of the customs, Philadelphia.*

Treasury department, comptroller's office, March 21, 1833.

Sir—The conflicting provisions in the 21st and 24th articles of the second section of the tariff act of 14th July, 1832, the former subjecting "all manufactures of hemp or flax, except yarn and cordage, tarred and untarred, tuckersburg, oansburg and burials, not otherwise specified," to an ad valorem duty of 25 per cent. and the latter authorising the admission to entry of "bleached and unbleached linens," at an ad valorem of 15 per cent. have rendered the meaning of the act somewhat obscure, and given rise to different opinions as to the correct construction of it.

The subject, however, having recently been brought to the consideration of the secretary of the treasury, he has decided that the provisions in the 21st article are to be construed in such manner as that the other provisions of the act may be effectual, and therefore not to embrace "bleached and unbleached linens."

All articles therefore, which in the known commercial sense, and in the usage of trade, have acquired the distinct appellation of linens, bleached or unbleached, are to be admitted at a duty of 15 per cent. Irish linens are believed to be of this character, and are to be charged with duty accordingly.

The secretary of the treasury has also decided that the last proviso in the 1st section of the act of 3d instant, entitled "an act to explain and amend the eighteenth section of 'an act to alter and amend the several acts imposing duties on imports,' approved the 14th July, 1832," is to be considered as having reference to the time of importation, and not to the amount of duties—consequently, goods on which the duties do not amount to \$50, are to be considered to be entitled to the benefit of the 18th section of the tariff act of 14th July, 1832, provided three years from the date of their importation have not elapsed, and the other conditions, entitling them to drawback, be complied with.

On the occasion to state, that palm leaves used in the manufacture of palm leaf hats, &c. copper ore, and fishing line, made of Manila grass, are considered to be free of duty;—that shawls of silk and thibet are to pay duty as "manufactures of silk, or of which silk is a component part"—and that bodkins composed wholly or chiefly of silver, are to pay 12½ per cent. but if made of iron, steel, brass, &c. or of which either of these metals is a component material, they are to pay 25 per cent.

Respectfully,
JOSEPH ANDERSON, *comptroller*.

Treasury department, comptroller's office, March 25th, 1833.

Sir—In compliance with the request of the secretary of the treasury, the following instruction received from him, is communicated for your government, viz.

"The provision in the 14th section of the act of 14th July, 1832, intended as a substitute for that of the 4th section of the law of the 29th of May, 1830, requiring the same specification in the invoice, as was by the last mentioned act required in the invoice. To carry into effect the provision of that section, the form of the entry should be so framed as to refer specially to the goods enumerated in the invoice, which should be annexed thereto as a part of the entry. This will be considered as a virtual compliance with the requisition of the 5th section of the act of the 29th May 1830, requiring the invoice to be filed. Should the importer, however, prefer inserting the entire invoice in the entry, he will be at liberty so to do; but in such case the invoice must be filed as required by the act last above stated." Respectfully,

JOS. ANDERSON, *comptroller*.
James H. McCulloch, *esq.*

Treasury department, comptroller's office, March 24, 1833.

Sir—I have received your letter of the 21st inst. It appears to me that if at the time of deposition of goods after the 14th July, 1832, they were entitled to drawback, they will by the regulations of law in other respects being complied with, be entitled to the benefit of the 6th section of the tariff act of that date. Respectfully,
JOSEPH ANDERSON, *comptroller*.
James N. Barker, *esq. collector, &c.*

would be expected to inorrow. I have no doubt, that the convention will rescind its ordinance. I have the honor to be with the highest respect, sir, your most obedient servant,

B. W. LEIGH.

To his excellency, John Floyd, governor of Virginia.

The several reports, resolutions and ordinances inserted below were all adopted by very large majorities. Particulars hereafter.

Report of the committee on the mediation of Virginia.

The committee to whom was referred the resolutions of the general assembly of Virginia, and the communication of Mr. Leigh to the governor of the state of South Carolina, beg leave to

REPORT:

That although circumstances have supervened since the institution of this commission on the part of the highly respected commonwealth from which it proceeds, which have enabled this convention to accomplish the object which her assembly so anxiously and patriotically had in view, we are nevertheless sensible of the friendly dispositions of her good officers at a moment when S. Carolina, denounced by the executive of the federal government, and threatened with an extremity of its vengeance, stood absolutely alone in the contest she was waging for the rights of the states and the constitutional liberties of the country.

To this interference and these friendly dispositions, S. C. desires to respond in a sister sovereignty, and independent commonwealth, in a tone of candor, confidence and affection. Appreciating truly sensibly, both the motives and objects which influenced the general assembly of Virginia, to dispatch, at a moment so interesting to her commissioners to this state, whose mission, even if the recent modification of the tariff had not been adopted, would have challenged her high respect and profound consideration, she cannot permit the occasion thus offered to pass without making a few declarations which she regards as due to herself and the public liberty of the country.

In the first place, S. C. desires to stand acquitted, and believes in a calm and dispassionate reflection by her co-states, she must stand acquitted of the charge of having acted with any undue precipitation in the controversy hitherto pending with the federal government. For ten years, she petitioned, protested, and remonstrated against that system of unjust and unconstitutional legislation which had equally received the approbation of Virginia before she resorted to her veto to forbid its enforcement within her limits. In exercising this faculty of her sovereignty, she believed she rested on those doctrines which in 1798 and 1799 had conferred on Virginia and her distinguished statesmen, a renown so unflinching. She now refers to this subject in no invidious spirit of controversy, but when Virginia asserted in those memorable resolutions of her general assembly, "that she viewed the power of the federal government as resulting from the compact to which the states are parties as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorised by the grants enumerated in that compact, and that in case of a deliberate, palpable and dangerous exercise of other powers, not granted by the said compact, the states who are parties thereto have the right, and are in duty bound to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them," we conceived she has done nothing more or less than announce the remedy which S. C. has resorted to, through her state interposition. It is non-over asserted in the report explanatory of those resolutions, that this right is a constitutional, and not a revolutionary right, and by the whole context of the powerful argument embraced in that report, the right itself stands forth as separate and independent of the ordinary remedies of procuring a redress for the ordinary abuses of the federative government.

When therefore the general assembly of Virginia, in the recent resolutions, borne by her commissioner, which your committee are now considering, declares "that she does not regard the resolutions of 1798 and 99 as sanctioning the proceeding of S. C. as indicated in the ordinance of her convention," with all the proper deference S. C. must nevertheless adhere with an honest and abiding confidence to her own constitution. It is within the Providence of God that great truths should be independent of the human agents that promulgate them. Once announced, they become the subjects and property of reason, to all men and in all time to come. Nor will S. C. feel less confidence in the conservative character of her remedy, which she believes to be in perfect harmony with a true exposition of the doctrine of the resolutions of 1798, by the recent testimony afforded of its efficacy in a pacific accommodation of the late controversy with the federal government, although that government has attempted to destroy the authority and efficacy of this remedy, by the contemporary passage of an act perpetrating a worse and more aggravated outrage on the constitution which has again demanded the interposition of this convention.

With this brief justification of the principles of South Carolina, your committee take leave of the subject, assuring the ancient and distinguished commonwealth, whose mission has been borne by her commissioner, with an ability, temper and affection entirely corresponding with her own dispositions, that in the struggles for liberty and right which we approach from the antagonistic principles now fearfully at work, between those who

support a limited and economical system of government, and those who favor a consolidated and extravagant one, which the states in a minority are destined to wage, she will find in S. C. a faithful and devoted ally in re-constituting the great work of freedom and union. If she cannot say, with Virginia, that consolidation and disunion are equivalent evils, because she believes with their own Jefferson, that consolidation is the greatest of all political curses to which our federative form of government can have any possible tendency, she nevertheless affirms, and challenges the production of any event in her history to disprove the declaration, that she is devoted to the union of these states, on the very terms and conditions of that compact out of which the union had its origin, and for these principles she is prepared to peril in all times and under all circumstances the lives and fortunes of her people.

Your committee conclude by recommending the adoption of the following resolutions.

Resolved, That the president of this convention do communicate to the governor of Virginia, with a copy of this report and these resolutions, our distinguished sense of the patriotic and friendly motives which actuated her general assembly in tendering her mediation in the late controversy between the general government and the state of S. Carolina, and with the assurance that her friendly sentiments will at all times command our respectful consideration.

Resolved, That the president of this convention likewise convey to the governor of Virginia, our high appreciation of the able and conciliatory manner in which Mr. Leigh has conducted his mission, during which he has afforded the most gratifying satisfaction to all parties, in sustaining towards us the kind and fraternal relations of his own state.

Mr. Hamilton's resolution.

Resolved, That whilst this convention as an offering to the peace and harmony of this union, in a just regard to the interposition of the highly patriotic commonwealth of Virginia, and with a proper deference to the united vote of the whole southern states in favor of the recent accommodation of the tariff, has made the late modification of the tariff approved by act of congress of the 2d March, 1833, the basis of the repeal of her ordinance of the 24th November, 1832—yet this convention owes it to itself, to the people they represent and the posterity of that people, to declare that they do not, by reason of said repeal, acquiesce in the principle of the substantive power existing on the part of congress to protect domestic manufactures; and hence on the final adjustment, in 1842, of the reductions, under the act of 2d March, 1833, or at any previous period should odious discriminations be instituted for the purpose of continuing in force the protective principle, S. Carolina will feel herself free to resist such a violation of what she conceives to be the good faith of the act of the 2d March, 1833, by the interposition of her sovereignty, or in any other mode she may deem proper.

Mr. Smith's resolution.

Resolved, That it is the opinion of this convention that the military preparations heretofore begun by the state should be continued, and that effectual measures should be adopted and completed, for putting the state in a firm attitude of defence.

Report on the force bill.

The committee to whom was referred the act of the congress of the United States, entitled "an act further to provide for the collection of duties on imports," beg leave to

REPORT:

That they have, so far as time would allow, considered the act with such attention, as the importance of the matters contained in it would seem to require. At the present moment, when a question, which has long divided and perplexed the country, has been adjusted, on terms calculated to quiet agitation and restore harmony, it would have been a matter of peculiar gratification to be able to indulge, without restraint the feelings which such adjustment was calculated to excite. But your committee regret to say, that at the moment of returning peace, the most serious and alarming cause of dissatisfaction has been afforded by the act under consideration. Your committee do most solemnly believe that the principles sought to be established by the act, are calculated, when carried into practice, to destroy our constitutional frame of government, to subvert the public liberty, and to bring about the utter ruin and debasement of the southern states of this confederacy.

The general purpose of the whole act, though not expressed in the terms of it, is perfectly well known to have been to counteract and render inefficacious an act of this state, adopted in the exercise of her reserved rights, for the protection of her reserved rights. Believing, as we most fully do, that the power attempted to be exercised by the act, is among the reserved powers of the states, and that it may be exercised consistently with the constitution of the United States, an opinion formed by the good people of this state, upon the fullest and most careful consideration, and expressed through their delegates in convention, your committee must, on that ground alone, have been convinced like the purpose of counteracting an act reserved by means by which it is sought to be counteracted, are unauthorised by the constitution. We think that this will become more apparent by attending to the leading provisions of the act of congress.

The act gives to the president of the United States, for a limited time, an almost unlimited power of control over the com-

merce of the whole U. States; though certainly the power was only contemplated to be exercised against that of South Carolina.

It exempts property in the hands of the officer of the revenue, alleged to be detained for enforcing the payment of the duties, from liability to the process of the state courts.

It exempts a class of persons residing within the state—officers of the United States, and persons employed by them or acting under their direction, or any other person professing to act in execution of the revenue laws—from all responsibility to the state laws or state tribunals, from any crime or wrong, when it is alleged that the act was done in execution of the revenue laws, or under color thereof.

It gives to the same class of persons the right to seek redress for any alleged injury whatever, either to person or property, however foreign to the proper subjects of the jurisdiction, in the courts of the United States; provided the injury be received in consequence of any act done in execution of the revenue laws.

It directly supposes all the courts of the state to be inferior and subordinate to those of the United States, and provides for rendering them so, by directing to them the writ of *certiorari* superseding their jurisdiction.

It affects to limit and control the jurisdiction of the courts of the state; providing for the removal of causes from their cognizance; declaring their judgments void, and providing for the discharge of persons confined under their process.

It tyrannically provides for rendering persons liable to punishment for acts done by them in execution of the laws of the state and the process of its courts, to which they are bound to yield obedience, and which they are compelled, under the highest sanctions, to enforce.

It not only provides for the punishment of persons thus acting by the civil tribunals, but authorizes the employment of military force, under color of executing the laws of the United States, to resist the execution of the laws of the state; superseding with the quick execution of the sword, the slower process of courts.

The act authorizes the confinement of persons in unusual places; which can only mean on board ships; in which persons from the most remote parts of the state may be confined.

The committee believe that all these positions are distinctly sustained by the act in question. By the constitution of the U. States, the power to regulate commerce, is given to congress. It is an important portion of the legislative power, and as legislative power, is incapable of delegation. Congress has, however, in effect, delegated to the president, the power to abolish, at his discretion, any part of the United States, or interrupt or destroy its commerce. This may easily be effected, under the authority to remove the custom house to any port or harbor within the collection district, by fixing it at inconvenient or inaccessible places. To say nothing of the unusual and tremendous character of this power, which New York or Philadelphia might perhaps apprehend, if there were any expectation of its being exercised with respect to them, and the enormous abuse to which it is liable, does the constitution contemplate or authorize the delegation of this discretion to an individual? If it were exercised, it would be a plain violation of that part of the constitution which directs that in regulations of commerce, no preference shall be given to the ports of one state over those of another. The same inequality is occasioned by directing the payment of cash duties. It is vain to say that this has been rendered necessary by the act of the state, and without it, the collection of the revenue would be impracticable. Whatever latitude may be allowed in the selection of means necessary and proper to carry into effect the granted powers of congress, we believe no one has yet imagined, that a plain provision of the constitution may be violated, as a means of carrying into effect a power granted by another provision. Although we may concede the power of congress for sufficient cause and in good faith, to abolish one port of entry and establish another, yet we of course cannot concede that it may delegate this power, or that the sovereign act of one or more of the states, in reserving rights, constitutes sufficient cause, or that this act has been done in good faith.

The provisions of the act, that all property in the hands of any officer or other person, detained under any revenue law, shall be subject only to the orders and decrees of the courts of the U. States, plainly enacts that it shall not be subject to any process, order or decree of the courts of the state. We have heretofore been accustomed to regard our superior courts as having jurisdiction over all persons and all property within the limits of the state. This jurisdiction is of course superseded, whenever any other court of concurrent jurisdiction has possession or custody of any cause or any property. But that a ministerial, executive officer, or that property in his hands, should be exempted from the jurisdiction and authority of state courts, we believe to be unprecedented in our legislation. We have only a shadow of constitutional authority. One of the most extraordinary and exceptionable provisions of the act, appears to be that authorising the removal, previous to trial, of suits or prosecutions from the state courts, upon affidavit made, and a certificate of the opinion of some counsel or attorney to the same effect, that the suit or prosecution was for or on account of any act done under the revenue laws of the United States, or under color thereof, or for or on account of any right, authority or title, set up or claimed by any officer or other person, under any such law of the United States. If there be any violation of the law of the state, if there be a wrong done to person or property with-

in the limits of the state, have not the courts of the state jurisdiction of that matter? If what authority does the congress of the United States limit that jurisdiction? What shadow of constitutional provision is there to sanction this most flagrant usurpation? True such a violation of the law of the state may sometimes be justified as being done in execution of a constitutional law of the United States; but this is a matter of defence, and to be tried in every other defence is to be tried, and can have no effect in ousting the jurisdiction of the courts of the United States original jurisdiction of offences against the state laws. So any person is authorised to bring suit in the courts of the United States for any injury to person or property, for or on account of any act done in execution of the revenue laws. The constitution gives to the courts of the United States jurisdiction of all cases in law and equity arising under the constitution and laws of the United States. An assault on the person or trespass to property is a violation of the laws of the state. Can it make a difference that a violation of the state law was provoked by an act done under color of executing the law of the United States? The protection of persons and property has heretofore been supposed the province of the states. In assuming to itself this function, the federal government indicates most clearly its tendency to engross all power and control all state authority.

It is plain, likewise, from the various provisions of the act, that such suits are intended to be allowed against persons acting in execution of the process of the state courts. Judgments of those courts are declared to be void, and persons and property exempted from their jurisdiction.

It is not only our law, but part of the law of the civilized world, that the judgment of a court of competent jurisdiction is valid until it is reversed by a competent authority. The judgment of a superior court of general jurisdiction can never be void for want of jurisdiction. When there are courts of concurrent jurisdiction, that which obtains possession of the cause is entitled to retain it; its process must be respected, and all other jurisdiction is excluded. It is true that the judgments of courts of limited jurisdiction, (and such are the courts of the United States, and so they themselves have determined), are void, if the jurisdiction be transferred to another court, so as to seem to determine whether sovereignty is to be attributed to the state or to the federal authority. Hitherto, it has never occurred to any one to doubt that an officer, acting in execution of the process of a court of general jurisdiction, and all persons acting under his direction, are exempted from all responsibility for that act. He is bound, under the highest sanction, to execute that process; and shall he be punished for performing his duty?

If this act were submitted to, the entire administration of the criminal justice of the state might be interrupted, and it is not too much to say, that the state governments would be rendered impracticable. The worst criminal—one stained with the guilt of murder—upon making an affidavit, which no such criminal would hesitate to make, and procuring a certificate, which any criminal might easily procure, would be able to elude the criminal justice of the state. His cause would be removed to a federal court; and when upon his trial it shall appear that his act was not done in execution of the law of the United States, your committee do not perceive what other consequence can follow, than that he must be acquitted and go with impunity.

Having taken this view of the provisions of the act in question, the committee would submit to the solemn consideration and determination of this convention, whether they do not effect an entire change in the character of our constitution, and will not, when carried into practice, abolish every vestige of liberty, and render this an absolute, consolidated government, without limitation of powers. It has been truly said if these things may be done, the most solemn acts of the highest authorities of the state may be regarded as the unauthorized proceedings of individuals; the courts of justice may be shut up; the legislature dispersed, as a lawless mob, and we, ourselves, representing, as we vainly believe, the sovereignty of the state, called to answer for what we have said and done on this floor, at the bar of a circuit court of the United States. Is this an exaggerated picture? Let us examine it a little more closely. If these provisions may be made to enforce the execution of the revenue laws of the United States, they may be made to enforce any other act which congress shall think proper to pass. No matter how oppressive, how clearly unconstitutional, there is no power in the constituted authorities of the state to resist it. If any class of cases may be removed to the jurisdiction of the state courts, any other class, subject to the discretion of congress, may be likewise removed. If the process of the courts be void, and the officer executing it, and those acting under his direction, responsible civilly or punishable criminally, the judge who directed the process must be answerable in like manner. He was equally without authority, and having commanded the act, is a partaker of the guilt. The legislature who commanded the act of the judge, and the convention of the people, in obedience to whose mandate every thing was done, must have the same participation. If the sheriff and his posse, obstructing the execution of the revenue laws, may constitute that unlawful combination and assemblage, on being notified of which the president is authorised to use the military force of the United States to disperse them, then the courts, the legislature or the convention, in obedience to whose authority alone the sheriff acts, and who are the efficient causes of the combination, must have the same character, and may be dispersed by military force. The whole purpose of the act is to confound the acts of the con-

stituted authorities of the state, however solemn and well considered, with the lawless and irregular acts of individuals or mobs. The certain effect of it must be, to restrain the states from the exercise of any other authority than such as congress, or the sectional majority represented in congress, shall think fit to permit them to exercise, and to insure the enforcement of every law which that majority may think proper to enact. It involves the equality and equality of making the community, and the individuals of the community, punishable for their acts in obedience to the laws of their government; an obedience from which they cannot exempt themselves unless they absolve themselves from their allegiance by self banishment.

That the object of many of the politicians who supported this bill—the politicians of that majority in whose hands all power will be—is to establish a consolidated government, is now hardly or at all disguised. The chimera of a government partly consolidated, partly federative, is now scarcely contended for. The same class of politicians have always had in view the same object. It was attempted in the convention which framed the constitution of the United States. The attempt was there foiled. After the formation of the government, those who affected consolidation, assumed the term "federal," and denied that the opinions held by them, led to that result. The possession of power, however, developed their views, and the first marked indication of their disposition in the laws of the states and meddling with their internal concerns, was afforded by the alien and sedition laws. This attempt was so strongly rebuked by public opinion which led to the change of the administration in 1800, that the hopes of consolidation seemed abandoned forever. They remained dormant, until revived by the accusations springing out of our late protecting system. It was perceived that nothing less strong than a consolidated government could sustain that system. The result in our country has been told that the states have parted with a portion of their sovereignty; then, that they were never sovereign; until at length, availing themselves of the excitement of a particular crisis, and passion for power, and the influence of an individual, the act before us has been passed, sweeping away every vestige of state sovereignty and reserved rights, or confining them to be held at the mere mercy of the majority of the state, in their alien and sedition laws sink into measures harmless and insignificant.

And what is it to the southern states, to be subjected to a consolidated government? These states constitute a minority and are likely to do so forever. They differ in institutions and modes of industry, from the states of the majority, and have different and in some degree incompatible interests. It is to be governed, not with reference to their own interests or according to their own habits and feelings, but with reference to the interests and according to the prejudices of their rulers, the majority. It has been truly said that the protecting system constitutes but a small part of our controversy with the federal government. Unless we can obtain the recognition of some effectual constitutional check on the usurpation of power, which can only be derived from the sovereignty of the states, and their right to interpose for the preservation of their reserved powers, we shall experience oppressive measures, cruel and revolting than time.

While there remains within the states any spirit of liberty, prompting them to repel federal usurpations, one of the most obvious means to break that spirit and reduce the state to subjection, will be that which has been attempted by the act before us. It will be to create or to sustain by the patronage of government or other means, a party within the state, devoted to federal power, exempt from responsibility to the state authorities, and having power to harass and degrade the state authorities by means of the tribunals of the United States. Thus will be created a government within a government, with all the consequences which experience informs us are likely to arise from that state of things, and such as did arise from the independent ecclesiastical jurisdictions established within the governments of Europe. The federal governments will interfere with every department of the state governments; it will influence elections; it will raise up and put down parties, as they shall be more servile to its will. Pretext for interference will never be wanting. Already has it been said that ours is no longer a republican government, because the state in vindicating its sovereignty has refused to entrust with any portion of its authority, those who deny or refuse to recognise that sovereignty. Other classes of individuals might be found within the state whom it might suit the majority to suppose disfranchised in derogation of true republican principles, and to require their interference and protection. This interference will be practised at first with moderation, and with some apparent respect for the rights of the state. Gradually, as the power of the government shall be established, and the southern states become weakened and less capable of resistance, the show of moderation will be thrown off. Thus the peace of those states will be embroiled; their property interrupted, their character degraded, until in the natural progress of things, your committee think it not too strong to say, that they will be more miserable than any provinces that have ever been rendered subject by the sword.

In alluding to the oath which the state has heretofore thought proper to exact of its citizens, and to one somewhat similar, which the committee propose to recommend, they think proper to disclaim, as they do most solemnly disclaim, on behalf of themselves and the convention, that this or any other measure which the convention has adopted, has been adopted upon mere party views; to secure party ascendancy, or gratify party resent-

ment. They appeal to God, that their only object has been to vindicate their rights and liberties, and the common liberties of the whole south. This object they have pursued in singleness of purpose; though exposed to much obloquy—threatened with much danger, and discontenanced by those from whom they had a right to expect support. They have never sought to endanger this union; but to perpetuate it by rendering it compatible with, and a security for liberty.

The firmness of the state seems, at length, in some degree, to have triumphed. But let it be recollected that the moment of triumph is commonly one of danger. Let it be kept in mind, that this is not a contest ended, but a contest not more than begun, and not to be determined till this act shall cease to disgrace the statute book. Let this contest be carried on firmly, steadily, without passion and without flinching. If the vigilance of the state should relax, if it should cease to raise up barriers against the head of usurpation, which threatens to overwhelm us—the torrent will break loose, and sweep our liberties along with it. Let every man consider this his own peculiar business. If liberty be saved, every thing is saved; if liberty be lost, every thing is lost.

As the provisions of the act have reference only to certain acts of the people and legislature of this state, which have been suspended by the late modifications of the tariff, it could not have been contemplated that it should have any immediate operation. And should the committee doubt whether, regarding it as merely a menace, they should recommend any action upon it, or only that the sentiments of the convention should be expressed in regard to the principles it contains. But most of its provisions are made permanent, and may be put in practice on some future occasion. The committee cannot doubt that it expresses the true principles of many of those who voted for it, and who on some occasions have refused to vote for it, as a precedent it is most dangerous. The vote on the very act, shows how little is to be expected from a majority. It is incumbent on South Carolina, unsupported as she is, to take care that no federal authority unauthorised by our federal compact, shall be exercised within the limits of the state, until a returning sense of justice, and constitutional obligation in the majority, shall have a hope of a government content to confine its action to its proper object. For the purpose of providing that the act shall never have operation or effect within the limits of the state, the committee beg leave to report the following

ORDINANCE.

We the people of the state of South Carolina, in convention assembled, do declare and ordain that the act of the congress of the United States, entitled "an act further to provide for the collection of duties on imports," approved the 3d day of March, 1853, is unauthorised by the constitution of the United States, subversive of that constitution, and destructive of public liberty, and that the same is and shall be deemed null and void within the limits of this state; and it shall be the duty of the legislature, at such time as they may deem expedient, to adopt such measures and pass such acts as may be necessary to prevent the enforcement thereof, and to inflict proper penalties on any person who shall do any act in execution or enforcement of the same within the limits of this state.

We further ordain, that no person who shall be hereafter elected or appointed, or who has heretofore been elected but has not yet taken the oaths of office required at the time of his election or appointment in any office civil or military within this state, (members of the legislature alone excepted) shall enter on the execution of such office or be in any respect competent to discharge the duties thereof, until he shall have taken in addition to the oaths of office now required, at the same time and in the same manner that such oaths are required to be taken, the following oath of allegiance. "I declare myself a citizen of the free and sovereign state of South Carolina; I declare that my allegiance is due to the said state; and hereby renounce and abjure all other allegiance incompatible therewith; and I will be true and faithful to the said state, so long as I continue a citizen thereof; so help me God."

And it is further ordained that if any officer heretofore elected or hereafter to be elected, shall refuse or neglect to take the aforesaid oath, within the time that other oaths of office are required by law to be taken, such office shall be considered vacant; and the governor of the state shall proceed (except in the instance of judges of the state) to fill such vacancy by appointing an officer, to serve until another officer shall be elected and duly qualified.

AN ORDINANCE.

To nullify an act of the congress of the United States, entitled "an act further to provide for the collection of duties on imports," commonly called the force bill.

We, the people of the state of South Carolina in convention assembled, do declare and ordain that the act of the congress of the United States, entitled "an act further to provide for the collection of duties on imports;" approved the 3d day of March, 1853, is unauthorised by the constitution of the United States, subversive of that constitution, and destructive of public liberty, and that the same is and shall be deemed null and void within the limits of this state; and it shall be the duty of the legislature, at such time as they may deem expedient, to adopt such measures and pass such acts as may be necessary to prevent the enforcement thereof, and to inflict proper penalties of any person who shall do any act in execution or enforcement of the same within the limits of this state.

We do further ordain and declare, that the allegiance of the citizens of this state, while the constitution is due to the said state, and that allegiance only, and not allegiance, is due by them to any other power or authority, to whom a control over them has been, or may be delegated by the state; and the general assembly of the said state is hereby empowered, from time to time, when they may deem it proper, to provide for the administration to the citizens and officers of the state, or such of the said officers as they may think fit, of suitable oaths or affirmations; binding them to the most exact and pure allegiance, and abjuring all other allegiance; and, also, to define what shall amount to a violation of their allegiance, and to provide the proper punishment for such violation.

Done at Columbia, the eighteenth day of March, in the year of our Lord one thousand eight hundred and thirty three, and in the fifty-seventh year of the sovereignty and independence of the United States of America.

ROBERT V. HAYNE, delegate from the } president of
parishes of St. Philip's and St. Michael's, } the convention.
ISAAC W. HAYNE, clerk.

SPEECH OF MR. CLAY,

In the senate of the United States, February 25, 1833, in vindication of his bill, entitled "an act to modify the act of the 14th July, 1822, and all other acts imposing duties on imports."

The bill to modify the tariff being under consideration—

Mr. Clay rose, in reply to Mr. Webster, and said: Being anxious, Mr. President, that this bill should pass, and pass this day, I will bridge as much as I can the observations which I am called upon to make. I have long, with pleasure and pride, co-operated in the public service with the senator from Massachusetts; and I have found him faithful, sagacious, and patriotic. I have not in private said as to the pure and elevated motives which actuate him. Under these circumstances, it gives me deep and lasting regret to find myself compelled to differ from him as to a measure involving vital interests, and perhaps the safety of the union. On the other hand, I derive great consolation from finding myself, on this occasion, in the midst of friends with whom I have long been united, in peace and in war, and especially with the honorable senator from Maine, (Mr. Holmes) with whom I had the happiness to unite in a memorable instance. It was in this very chamber, that senator presiding in the committee of the senate, and I in the committee of twenty-four of the house of representatives, on a Sabbath day, that the terms were adjusted, by which the compromise was effected of the Missouri question. Then the dark clouds that hung over our beloved country were dispersed; and now the thunders from others not less threatening, and which have been long accumulating, will, I hope, roll over us harmless and without injury.

The senator from Massachusetts objects to the bill under consideration on various grounds. He argues that it imposes unjustifiable restraints on the power of future legislation; that it abandons the protective policy; and that the details of the bill are practically defective. He does not object to the gradual, but very inconsiderable, reduction of duties which is made prior to 1842. To that he could not object; because it is a species of ordinary protective provision, as he admits, in conformity with numerous precedents on our statute book. He does not object so much to the state of the proposed law prior to 1842, during a period of nine years; but, throwing himself forward to the termination of that period, he contends that congress will then find itself under inconvenient shackles, imposed by our indiscretion.

In the first place, I would remark, that the bill contains no obligatory pledge; it could make none; none are attempted. The power over the subject is in the constitution; put there by those who formed it, and liable to be taken out only by an amendment of the instrument. The next congress, and every succeeding congress, will undoubtedly have the power to repeal the law whenever they may think proper. Whether they will exercise it or not, will depend upon a sound discretion, applied to the state of the whole country, and estimating fairly the consequences of the repeal, both upon the general harmony and the common interests. Then, the bill is founded in a spirit of compromise. Now, in all compromises there must be mutual concessions. The friends of free trade insist that duties should be laid in reference to revenue alone. The friends of American industry say that neither, if not paramount, object in laying them, should be to diminish the consumption of foreign, and increase that of domestic products. On this point the parties divide, and, between these two contingencies, what has been proposed is to be effected, if it can be accomplished. The bill assumes, as a basis, adequate protection for nine years, and less beyond that term. The friends of protection say to their opponents, we are willing to take a lease of nine years, with the long chapter of incidents beyond that period, including the chance of war, the restoration of concord, and along with it a conviction, common to all, of the utility of protection; and, in consideration of it, if, in 1842, none of these contingencies shall have been realized, we are willing to submit, as long as congress may think proper, to a maximum rate of 20 per cent. with the power of discrimination below it, cash duties, home valuations, and a liberal list of free articles, for the benefit of the manufacturing interest. To these conditions, the opponents of protection are ready to accede. The measure is what it professes to be, a compromise; but it imposes no restriction upon the power of congress, and, if, at the close of a future congress, no doubtless great respect will be paid, as it ought to be paid, to the serious condition of the country that has

prompted the passage of this bill. Any future congress that might disturb this adjustment would act under a high responsibility, but it would be entitled to its competency to repeal, if it thought proper, the whole bill.

It is far from the object of those who support this bill, to abandon or surrender the policy of protecting American industry. Its protection or encouragement may be accomplished in various ways. 1st. By bounties, as far as they are within the constitutional power of congress to offer them. 2d. By prohibitions, totally excluding the foreign rival articles. 3d. By high duties, without regard to the aggregate amount of revenue which they produce. 4th. By discriminating duties, so adjusted as to limit the revenue to the economical wants of government. And 5thly. By the admission of the raw material, and articles essential to manufacturers, free of duty. To which may be added cash duties, home valuations, and the regulation of nations. A perfect system of protection would comprehend most, if not all these modes of affording it. There might be, at this time, a prohibition of certain articles, (ardent spirits and coarse cottons, for example), to public navigation. If there were not inveterate prejudices and conflicting opinions prevailing, (and what statesman can totally disregard impediments of that character?) such a compound system might be established.

Now, Mr. President, before the assertion is made that the bill surrenders the protective policy, gentlemen should understand perfectly what it does not, as well as what it does, propose. It imparts no power of congress over the whole subject; it contains no promise to pledge whatever, expressly implied, as to bounties, prohibitions, or auctions; it does not touch the power of congress in regard to them, and congress is perfectly free to exercise that power at any time; it expressly recognizes discriminating duties within a prescribed limit; it provides for cash duties and home valuations; and it secures a free list, embracing numerous articles, some of high importance to the manufacturing arts. Of all the modes of protection which I have enumerated, it affects only the third; that is to say, the imposition of high duties, producing a revenue beyond the wants of government. The senator from Massachusetts contends that the policy of protection was settled in 1816, and that it has ever since been maintained. Sir, it was settled long before 1816. It is coeval with the present constitution, and it will continue, under some of its various aspects, during the existence of the government. No nation can exist, no nation, perhaps, ever existed, without protection, in some form, and to some extent, being applied to its own industry. The direct and necessary consequence of abandoning the protection of its own industry, would be to subject it to the restrictions and prohibitions of foreign powers; and no nation, for any length of time, can endure an alien legislation, in which it has no will. The discontents which prevail, and the safety of the protection, may require the modification of a specific mode of protection, but it must be preserved in some other more acceptable shape.

All that was settled in 1816, in 1821, and in 1828, was, that protection should be afforded by high duties, without regard to the amount of the revenue which they might yield. During that whole period, we had a public debt which absorbed all the surplus beyond the ordinary wants of government. Between 1816 and 1821, the revenue was liable to the great fluctuations, vibrating between the extremes of about thirteen and thirty-six millions of dollars. If there were more revenue, more debt was paid; if less, a smaller amount was reimbursed. Such was sometimes the deficiency of the revenue, that it became necessary to the ordinary expenses of government, to trench upon the ten millions annually set apart, as a sinking fund, to extinguish the public debt. If the public debt remained undischarged, or we had any other proper and practical mode of appropriating the surplus revenue, the form of protection, by high duties, might be continued without public detriment. It is the payment of the public debt, then, and the arrest of internal improvements by the exercise of the veto, that unsettle that specific form of protection. Nobody supposes, or proposes, that we should continue to levy, by means of high duties, a large annual surplus, of which no practical use can be made, for the sake of the incidental protection which they afford. The secretary of the treasury estimates that surplus on the existing scale of duties, and with the other sources of revenue, at six millions annually. An annual accumulation, at that rate, would, in a few years, bring into the treasury the whole currency of the country, to lie there inactive and dormant.

This view of the condition of the country has impressed every public mind with the necessity of some modification of the principle of protection, so far as it depends upon high duties. The senator from Massachusetts feels it; and hence, in the resolutions which he submitted, he proposes to reduce the duties, so as to limit the amount of the revenue to the wants of the government. With him, revenue is the principal, protection the subordinate object. If protection cannot be enjoyed after such a reduction of duties as he thinks ought to be made, it is not to be extended. He says, "specific duties, and the power of discrimination, are preserved by his resolutions." So they may be under the operation of the bill. The only difference between the two schemes is, that the bill, in the maximum which it provides, suggests a certain limit; whilst his resolutions lay down none. Below that maximum, the principle of discrimination and specific duties may be applied. The senator from Pennsylvania, (Mr. Dallas) says equally with the senator from Massachusetts, "I oppose to this bill; would have been inserted in the bill if it had fixed thirty instead of twenty per centum; and he would have

dispensed with home valuation, and come down to the revenue standard in five or six years. Now, Mr. President, I prefer, and I think the manufacturing interest will prefer, nine years of adequate protection, home valuations, and twenty per cent. to the plan of the senator from Pennsylvania.

Mr. President, I want to be perfectly understood as to the motives which have prompted me to offer this measure. I repeat what I said on the introduction of it, that they are, first, to preserve the manufacturing interest, and, secondly, to quiet the country. I believe the American System to be in the greatest danger; and I believe it can be placed on a better and safer foundation at this session, than at the next. I heard, with surprise, my friend from Massachusetts say that nothing had occurred within the last six months to increase its hazard. I entreat him to review that opinion. Is it correct? Is the issue of numerous elections, including that of the highest officer of the government, nothing? Is the explicit recommendation of that officer, in his message at the opening of the session, sustained, as he is, by a recent triumphant election, nothing? Is his declaration in his proclamation, that the burdens of the south ought to be relieved, nothing? Is the introduction of a bill into the house of representatives during this session, sanctioned by the head of the treasury, and the administration, prostrating the greater part of the manufacturers of the country, nothing? Are the increasing discontents nothing? Is the tendency of recent events to unite the whole south, nothing? What have we not witnessed in this chamber? Friends of the administration bursting all the ties which seemed indissolubly to unite them to its chief, and, with few exceptions south of the Potomac, opposing, and vehemently opposing, a favorite measure of that administration, which they themselves contributed to establish? Let us not deceive ourselves. Now is the time to adjust the question in a manner satisfactory to both parties. Put it off until the next session, and the alternative may, and probably then would be a speedy and ruinous reduction of the tariff, or a civil war with the entire south.

It is well known that the majority of the dominant party is adverse to the tariff. There are many honorable exceptions, the senator from New Jersey, [Mr. Dickerson,] among them. But for the exertions of the other party, the tariff would have been long since sacrificed. Now let us look at the composition of the two branches of congress at the next session. In this body we lose three friends of the protective policy, without being sure of gaining one. Here, judging from present appearances, we shall, at the next session, be in the minority. In the house it is notorious that there is a considerable accession to the number of the dominant party. How, then, I ask, is the system to be sustained against numbers, against the whole weight of the administration, against the united south, and against the increased pending danger of civil war? There is, indeed, one contingency that might save it, but that is too uncertain to rely upon. A certain class of northern politicians, professing friendship to the tariff, have been charged with being secretly inimical to it, for political purposes. They may change their ground, and come out open and undisguised supporters of the system. They may even find in the measure which I have brought forward, a motive for their conversion. Sir, I shall rejoice in it, from whatever cause it may proceed. And if they can give greater strength and durability to the system, and at the same time quiet the discontents of its opponents, I shall rejoice still more. They shall not find me disposed to abandon it, because it has drawn success from an unexpected quarter.

No, Mr. President, it is not destruction but preservation of the system at which we aim. If dangers now assail it, we have not created them. I have sustained it upon the strongest and clearest convictions of its expediency. They are entirely unaltered. Had others, who avow attachment to it, supported it with equal zeal and straightforwardness, it would be now free from embarrassment; but with them it has been a secondary interest. I utter no complaints—I make no reproaches. I wish only to defend myself now, as heretofore, against unjust assaults. I have been represented as the father of this system, and I am charged with an unnatural abandonment of my own offspring. I have never arrogated to myself any such intimate relation to it. I have, indeed, cherished it with parental fondness, and my affection is undiminished. But in what condition do I find this child? It is in the hands of the Federalists, who would strangle it. I fly to its rescue, to snatch it from their custody, and to place it on a bed of security and repose for nine years, where it may grow and strengthen, and become acceptable to the whole people. I behold a torch about being applied to a favorite edifice, and I would save it, if possible, before it is wrapt in flames, or at least preserve the precious furniture which it contains. I wish to see the tariff separated from the politics of the country; that business men may go to work in security, with some prospect of stability in our laws, and without every thing being staked on the issue of elections as it were on the hazards of the die.

And the other leading object which has prompted the introduction of this measure, the tranquilizing of the country, is no less important. All wise human legislation must consult in some degree the passions, and prejudices, and feelings, as well as the interests of the people. It would be vain and foolish to proceed at all times, and under all circumstances, upon the notion of absolute certainty in any system, or infallibility in any design; and to push these, not without regard to any consequences.

With us, who entertain the opinion that congress is constitutionally invested with power to protect domestic industry,

it is a question of mere expediency as to the form, the degree and the time that the protection shall be afforded. In weighing all the considerations which should control and regulate the exercise of that power, we ought not to overlook what is due to those who honestly entertain opposite opinions to large masses of the community, and to deep, long-cherished and growing prejudices. Perceiving, ourselves, no constitutional impediment, we have less difficulty in accommodating ourselves to the sense of the people of the United States upon this interesting subject. I do believe that a majority of them is in favor of this policy; but I am induced to believe this almost against evidence. Two states in New England, which had been in favor of the system, have recently come out against it. Other states of the north and the east have shown a remarkable indifference to its preservation. If, indeed, they have wished to preserve it, they have nevertheless placed the powers of government in hands which ordinary information must have assured them were rather a hazardous depository. With us in the west, although we are not without some direct, and considerable indirect, interest in the system, we have supported it more upon national than sectional grounds.

Meanwhile, the opposition of a large and respectable section of the union, stimulated by political success, has increased, and is increasing. Discontents are multiplying and assuming new and dangerous aspects. They have been cherished by the course and hopes inspired during this administration, which, at the very moment that it threatens and recommends the use of the power of the whole union, proclaims aloud the injustice of the system which it would enforce. These discontents are not limited to those who maintain the extravagant theory of nullification; they are not confined to one state; they are coextensive with the entire south, and extend even to northern states. It has been intimated by the senator from Massachusetts, that, if we legislate at this session on the tariff, we would seem to legislate under the influence of a panic. I believe, Mr. President, I am not more sensible to danger of any kind than my fellow men are generally. It, perhaps, requires as much moral courage to leave the measure to the impetuosity of the masses, from it, lest such an imputation should be made. But he who regards the present question as being limited to South Carolina alone, takes a view of it much too contracted. There is a sympathy of feeling and interest throughout the whole south. Other southern states may differ from that as to the remedy to be now used, but all agree, (just as in my humble judgment is their error); in the substantial justice of the cause. Can there be a doubt that those who think in common will sooner or later act in concert? Events are on the wing, and hastening this co-operation. Since the commencement of this session, the most powerful southern member of the union has taken a measure which cannot fail to lead to important consequences. She has deputed one of her most distinguished citizens to request a suspension of measures of resistance. No attentive observer can doubt that the suspension is the cause. Well, sir, suppose it takes place, and congress should fail at the next session to afford the redress which will be solicited, what course would every principle of honor, and every consideration of the interests of Virginia, as she understands them, exact from her? Would she not make common cause with South Carolina; and, if she did, would not the entire south eventually become parties to the contest? The rest of the union might put down the demand, and reduce it to its subject; but, to any nothing of the uncertainty and hazards of all war, is that a desirable state of things? Ought it not to be avoided if it can be honorably prevented? I am not one of those who think that we must rely exclusively upon moral power, and never resort to physical force. I know too well the frailties and follies of man, in his collective as well as individual character, to reject, in all possible cases, the employment of force; but I do think, that, when resorted to, especially among the members of a confederacy, it should manifestly appear to be the only remaining appeal.

But suppose the present congress terminates without any adjustment of the tariff, let us enquire in what condition its friends will find themselves at the next session. S. Carolina will have postponed the execution of the law passed to carry into effect her ordinance until the end of that session. All will be quiet in the south for the present. The president, in his opening message, will urge that justice, as he terms it, be done to the south, and that the burdens imposed upon it by the tariff be removed. The whole weight of the administration, the united south, and majorities of the dominant party in both branches of congress, will be found in active co-operation. Will the gentleman from Massachusetts tell me how we are to save the tariff against this united and irresistible force? They will accuse us of indifference to the preservation of the union, and of being willing to expose the country to the dangers of civil war. The fact of South Carolina postponing her ordinance, at the instance of Virginia, is one more appealing to the justice of congress, than will be pressed with great emphasis and effect. It does appear to me impossible that we can prevent a most injurious modification of the tariff at the next session; and that this is the favorable moment for an equitable arrangement of it. I have been subjected to animadversion for the admission of the fact, that at the next session, our opponents will be stronger, and the friends of the American System weaker than they are at this congress. But is it not our duty, and is it not the duty of every man who aspires to be a statesman to look at naked facts as they really are? Must he suppress them? Ought he like chil-

oppose one conclusive, and, I hope, satisfactory answer. Congress will be in session one whole month before the commencement of the law; and if, in the mean time, unanimous calling for further legislation shall be discovered, there will be more time than we have now to supply them. Let us, on this occasion of compromise, pursue the example of our fathers, who, under the influence of the same spirit, in the adoption of the constitution of the United States, determined to ratify it, and go for amendments afterwards.

To the argument of the senator from Massachusetts, that this interest, and that and the other cannot be sustained under the protection beyond 1832, I repeat the answer that no one can now tell what may then be necessary. That period will provide for itself. But I was surprised to hear my friend singing out iron as an article that would be most injuriously affected by the operation of this bill. If not so greatly mistaken in my recollection, he opposed and voted against the act of 1824, because of the high duty imposed on iron. But for that duty, (and perhaps the duty on hemp), which he then considered threw an unreasonable burden upon the navigation of the country, he would have supported that act. Of all the articles to which protecting duties are applied, iron, and the manufactures of iron, enjoy the highest protection. During the term of nine years, the duties on iron from the duty are not such as seriously to impair the great interest, unless all my information deceives me; and beyond that period the remedy has been already indicated. Let me suppose that the anticipations which I form upon the restoration of concord and confidence shall be all satisfied; that neither the sense of fraternal affection nor common justice, nor even common interests, will lead to an amicable adjustment of the tariff beyond 1832, and that the period of my recollection, and that the provisions of the bill shall be interpreted as an obligatory pledge upon the congress of that day; and let me suppose also that a greater amount of protection than the bill provides is absolutely necessary to some interests, what is to be done? Regarded as a pledge, it does not bind congress for ever to adhere to the specific rate of duty contained in the bill. The most, in that view, that it is possible to make is, that if, after such an experiment, it should be demonstrated that under such an arrangement of the tariff, the interests of large portions of the union would be sacrificed, and they exposed to ruin, congress will be competent to apply some remedy that will be effectual; and I hope and believe that, in such a contingency, some will be devised that may preserve the harmony and perpetuate the blessings of the union.

It has been stated that there will be an augmentation, instead of a diminution of revenue, under the operation of this bill. I feel quite confident of the reverse; but it is sufficient to say that both contingencies are carefully provided for in the bill, without affecting the protected articles.

The gentleman from Massachusetts dislikes the measure, because it commands the concurrence of those who have been hitherto opposed, in regard to the tariff, and is approved by the gentleman from South Carolina (Mr. Calhoun) as well as by myself. Why, sir, the gentleman has told us that he is not opposed to any compromise. Will he be pleased to say how any compromise can be effected, without a concurrence between those who had been previously divided, and taking some medium between the two extremes? The wider the division may have been, so much the better for the compromise, which ought to be judged of by its nature and by its results, and not solely by those who happen to be in favor of it. It is an instrument to which both the great interests in the country may accede without either being dishonored. The triumph of neither is complete. Each, for the sake of peace, harmony, and union, makes some concessions. The south has contended that every vestige of protection should be eradicated from the statute book, and the revenue standard forthwith adopted. In assenting to this bill, it waves that protection—yields to reasonable protection for nine years; and consents, in consideration of the maximum of twenty per cent. to be subsequently applied, to discriminations below it, cash duties, bonus valuations, and a long list of free articles. The north and west have contended for the practical application of the principle of protection, regulated by no other limit than the necessary wants of the country. If they accede to this adjustment, they agree, in consideration of the stability and certainty which nine years' duration of a favorite system of policy affords, and of the other advantages which have been enumerated, to come down in 1832 to a limit not exceeding twenty per cent. Both parties, animated by a desire to avert the evils which might flow from carrying out into all their consequences the cherished system of either, have met upon common ground, made mutual and friendly concessions, and I trust, and sincerely believe, that neither will have hereafter occasion to regret, as neither can justly reproach the other with what may be now done.

This, or some other measure of conciliation, is now more than ever necessary, in our passage, through the senate, of the enforcing bill. To that bill I had been present, on the final vote, I should have given my assent, although with great reluctance. I believe this government not only possessed of the constitutional power, but to be bound, by every consideration, to maintain the authority of the laws. But I deeply regretted the necessity which seemed to me to require the passage of such a bill. And I was far from being without serious apprehensions as to the consequences to which it would lead. I felt that it would lead to a revival of the present administration, of which I now think as I have always thought. I could not vote against the measure;

I would not speak in its behalf. I thought it most proper in me to leave to the friends of the administration and to others, who might feel themselves particularly called upon, to defend and sustain a strong measure of the administration. With respect to the series of acts to which the executive has resorted, in rebellion to our southern disturbance, this is not a fit occasion to enter upon a full consideration of them; but I will briefly say, that, although the proclamation of a paper of insurrection absurd and eloquence, doing great credit, as a composition, to him who prepared it, and to him who signed it, I think it contains some ultra doctrines, which no party in this country had ventured to assert. With these are mixed up many sound principles and just views of our political systems. If it is to be judged by its effects upon those to whom it was more immediately addressed, it must be admitted to have been ill timed and unfortunate. Instead of allaying the excitement which prevailed, it increased the exasperation in the infected districts, and afforded new and unnecessary causes of discontent and dissatisfaction in the south generally. The message, subsequently transmitted to congress, commencing the proceedings of South Carolina, and calling for countervailing enactments, was characterised with more prudence and moderation. And, if this unhappy contest is to continue, I sincerely hope that the future conduct of the administration may be governed by wisdom, prudence, and a parental forbearance. But when the highest degree of animosity exists; when both parties, however unequal, have arrayed themselves for the contest, who can tell when, by the indirection of subordinates, or other unforeseen causes, the bloody struggle may commence? In the midst of magazines, who knows when the fatal spark may produce a terrible explosion? And the limits of a party's power is not to be circumscribed by a man's will. Who is to command our armies? When and where, and how, is the war to cease? In what condition will the peace leave the American system, the American union, and, what is more than all, American liberty? I cannot profess to have a confidence, which I have not, in this administration; but if I had all confidence in it, I should still wish to punter, and to limit, and to moderate the arbitrary power, which is contained in the extent of which no human wisdom can foresee.

It appears to me then, Mr. President, that we ought not to content ourselves with passing the enforcing bill only. Both that and the bill of peace seem to me to be required for the good of our country. The first will satisfy all who love order and law, and disapprove the inadmissible doctrine of nullification. The last will soothe those who love peace and concord, harmony and union. One demonstrates the power, and the disposition to vindicate the authority and supremacy of the laws of the union; the other offers that which, if it be accepted in the fraternal spirit in which it is tendered, will supersede the necessity of the employment of all force.

There are some who say let the tariff go down; let our manufactures be prostrated, if such be the pleasure, at another session, of those to whose hands the government of this country is confided; let bankruptcy and ruin be spread over the land; and let resistance to the laws, at all hazards, be subdued. Sir, they take counsel from their passions. They anticipate a terrible reaction from the downfall of the tariff, which would ultimately re-establish it upon a firmer basis than ever. But it is these very agitations, these mutual irritations between brethren of the same family, it is the individual distress and general ruin that would necessarily follow the overthrow of the tariff, that ought, if possible, to be prevented. Besides, are we certain of this reaction? Have we not been disappointed in it as to other measures heretofore? But suppose, after a long and embittered struggle, it should come, in what relative condition would it find the parts of this confederacy? In what state our ruined manufactures? When they should be laid low, who, amidst the fragments of the general wreck, scattered over the face of the land, would have courage to engage in fresh enterprises, under a new pledge of the violated faith of the government? If we adjourn, then, without passing this bill, having entrusted the executive with vast powers to maintain the laws, should he be able by the next session to put down all opposition to them, will he not, as a necessary consequence of success, have more power than ever to put down the tariff also? Has he not said that the south is oppressed, and its burdens ought to be relieved? And will he not feel himself bound, after he shall have triumphed, if triumph he may in a civil war, to appease the discontents of the south by a modification of the tariff, in conformity with its wishes and demands? Will he not, sir, let us, let us count on from the most dreadful of all calamities, and let us save its industry, too, from threatened destruction. Statesmen should regulate their conduct and adapt their measures to the exigencies of the times in which they live. They cannot, indeed, transcend the limits of the constitutional rule; but, with respect to those systems of policy which fall within its scope, they should arrange them according to the interests, the wants, and the prejudices of the people. They should guard against all dangers that threaten the public safety. The true patriot will not stop to inquire how they have been brought about, but will fly to the deliverance of his country. The difference between the friends and the foes of the compromise, under consideration, is, that they would, in the enforcing act, send forth alone a flaming sword. We would send out that also, but along with it the olive branch, as a messenger of peace. They cry out, the law's the law; the law is the law; the law is the law! We, too, reverence the law, and how to the supremacy of its obligation; but we are in favor of the law executed in mildness, and of power tempered with mercy. They, as we think,

would hazard a civil commotion, beginning in South Carolina and extending God only knows where. While we would vindicate the authority of the federal government, we are for peace, if possible, union and liberty. We want no war, above all, no civil war, no family strife. We want to see no sacked cities, no desolated fields, no smoking ruins, no streams of American blood shed by American arms!

I have been accused of ambition in presenting this measure. Ambition! inordinate ambition! If I had thought of myself only, I should have never brought it forward. I know well the perils to which I expose myself, the risk of alienating faithful and valued friends, with but little prospect of making new ones, if any new ones could compensate for the loss of those whom we have long tried and loved; and the honest mis-conceptions both of friends and foes. Ambition! If I had listened to its soft and seducing whisper; if I had yielded myself to the dictates of a cold, calculating, and prudential policy, I would have stood still and unmoved. I might even have silently gazed on the raging storm, enjoyed its loudest thunder, and let those who are charged with the care of the vessel of state to conduct it as they could. I have been heretofore often unjustly accused of ambition. Low, grovelling souls, who are utterly incapable of elevating themselves to the higher and nobler duties of pure patriotism—being, who, forever keeping their own selfish aims in view, decide all public measures by their presumed influence on their aggrandizement, judge me by the usual rule which they prescribe to themselves. I have given to the world these false accusations, as I consign that which now impetates my motives. I have an desire for office, not even the highest. The most exalted is but a prison, in which the incarcerated incumbent daily receives his cold heartless visitants, nanks his weary limbs, and is cut off from the practical enjoyment of all the blessings of genuine freedom. I am no candidate for any office in the gift of the people. I have given to the world these false accusations, never, never expect to be. Pass this bill, tranquillize the country, restore confidence and affection in the union, and I am willing to go home to Ashland, and renounce public service forever. I should there find, in its groves, under its shades, on its lawns, amid its flocks and herds, in the bosom of my family, sincerity and truth, attachment and fidelity, and gratitude, which have not always been to be met in the world. Yes, I have a keen ambition, but it is the ambition of being the humble instrument, in the hands of Providence, to reconcile a divided people, once more to revive concord and harmony in a distracted land—the pleasing ambition of contemplating the glorious spectacle of a free, united, prosperous and fraternal people!

Note by the editors of the *National Intelligencer*. This is the only sketch of any thing said by Mr. C. and published by us during the late session, which has undergone his correction. It embraces not only what he said in reply to Mr. Webster, but several observations made by him on other occasions during the progress of the bill.

REMARKS OF MR. DAVIS, OF MASS.

On the amendment proposed by Mr. Leitch to the bill for altering and modifying the tariff. Delivered in the house of representatives, Feb. 25, 1853.

Mr. Speaker, I am greatly surprised at the sudden movement made in this house. One short hour ago, we were collecting our papers, and putting on our outside garments to go home, when the gentleman from Kentucky rose, and proposed to send this bill to a committee of the whole on the state of the union, with instructions to strike it all out, and insert, by way of amendment, an entire new bill, forward upon entirely different principles; yes, to insert, I believe, the bill which the senate now have under consideration. This motion was carried—the business has passed through the hands of the committee—is now in the house, and there is a cry of question, question, around me, upon the engrossment of the bill. Who that was not a party to this arrangement, could one hour ago have credited this? We have, I believe, been laboriously engaged for eight weeks upon this topic, discussing and amending the bill which has been before the house. Such obstacles and difficulties have been met as every man, that I believe, very truly hope has of late been entertained of the passage of any bill. But a gleam of light has suddenly burst upon us—those that groped in the dark seem suddenly to see their course—those that halted, doubted, hesitated, are in a moment made firm—and even some of those that have made an immediate abandonment of the protective system a *rien que non* of their approbation of any legislation, are now about to favor this measure. I am obliged to acknowledge that gentlemen have shown the proposition upon us at a moment when I did not expect it. And as the measure is one of great interest to the people of the United States, I must, even at this late hour, when I know the house is both hungry and impatient, and when I perceive, distinctly, it is their pleasure to vote rather than debate, beg their indulgence for a few minutes, while I state some of the reasons which impose on me the duty of opposing the passage of this act. (Cries from different parts of the house, "go on, go on, we will hear.")

Mr. Speaker, I do not approve of hasty legislation under any circumstances, but it is especially to be deprecated in matters of great importance. That this is a measure of great importance, affecting, more or less, the entire population of the United States, will not be denied, and ought, therefore, to be treated with care, and well understood by every gentleman who votes upon it. And yet, sir, a copy here, for the first time, been laid

upon our tables, since I rose to address you—and this is the first opportunity we have had even to read it. I hope others feel well prepared to act in this precipitate manner, but I am obliged to acknowledge I do not; for I hold even the best of intentions will not, in legislation, excuse the errors of haste.

I am aware that this measure assumes an imposing attitude. It is called a bill of compromise—a measure of harmony—of conciliation—a measure to heal disaffection—and to save the union. Sir, I am aware of the imposing effect of these bland titles—yet let me be equally frank, noble, and magnanimous—but they ought to be equally and justly accounted a reputation of being just. While they are anxious to compass difficulties in one direction, I entreat them not to oppress and wrong the people in another. In their efforts to save the union, I hope their zeal will not go so far as to create stronger and better founded discontents, than those they compose. Peace makers, arbitrators, men who allay excitements and tranquilize public feeling, should above all considerations, study to do it by means not offensive to the contending parties, by means which will not inflict a deeper wound than the one which is healed. Sir, what is demanded by those that threaten the integrity of the union? An abandonment of the American System; a formal renunciation of the right to protect American industry. This is the language of the nullification convention; they declare they regard the abandonment of the principle, as vastly more important than any other matter they could possibly entertain—a statement of duties without it, and the gentleman from South Carolina, (Mr. Davis), with his usual frankness, told us this morning it was not a question of dollars and cents; the money they regarded not, but they required a change of policy. They demand the pound of flesh, with the unyielding obstinacy of Shylock, and they require this union to apply the knife nearest to the heart—let it be cut away. Is it patriotic? Is it harmonizing? public feeling? is it saving the union, or draining the life blood? What is this bill? I will not say it goes at once to such extremities, but it seems to me to contain a principle which works an unqualified abandonment of the protective policy, unless changes greater than we have a right to look for shall take place in our condition.

It proposes to descend, by a reduction once in two years of the duties on the excess duties, over and above twenty per cent, for nearly eight years. It proposes to divide the residue of such excess into two equal parts, and to remove the whole in two years, so that all duties on all imports, will be run down to a level of 20 per cent, ad valorem, in between nine and ten years. The first part of the descent may be termed gradual; but in the last two years, the strides are, I fear, decidedly too long to be met by any preparation for them. Our course, then, is down a hill during this time, wearing out the American System, and when we arrive at the foot, we pass out from under the protection of that paternal benefactor, and place ourselves under the guardianship of the Carolina system—I say from the American to the Carolina system, because duties which are now below 20 per cent, are to be raised to that amount, and all free articles, with the exception of an unimportant list of dye stuffs, are to be subjected to duties. Duties are, therefore, at the end of our declivitous course, to fall on all imported merchandise at an equal rate of twenty per cent. This is the Carolina system.

What will be the effect of this bill? The protection will be diminished from year to year. This will check the operations of capital—it will fear stop investments, if it does not crush that enterprising, valuable class of young men who have entered upon business, relying upon their industry and capacity to carry them forward. They are in debt, and I fear timid creditors may fall upon them. Business men will be brought to a stand at any rate, and if bankruptcies ensue, will be diminished. This is precisely what some interested in manufacturing are selfish enough to desire, for they have money—wages will be cheaper, if a portion of the mills cease to run, and no new ones are erected, and the capitalists will by this means, in the end, gain more by a diminution in the competition in business, and the reduction in wages, than they will lose by the reduction in the value of their property. But, sir, this is a policy founded in such acknowledged selfishness—it is built up so manifestly on the expense of the self-interest of the laborer—it is so hostile to the first principles of protection which invite the free investment of capital from all quarters—that goods may be made cheap by the competition, and the public be thus benefited—that no friend of American labor can give it his approbation on that ground. It may answer for a time the purposes of a few, if it operates as they anticipated, but in the long run, it will say, an unanswerable argument with the public for disapprobation of it, for the causes which will make the measure valuable to some, will make it injurious to the public.

Again, sir, I can vote for no bill which abandons protection. I think this does. It adopts the Carolina system for equalizing duties, by bringing them all to 20 per cent. It abandons the exercise of the right to discriminate, and in that, give me leave to say, abandons common sense, and the system of equalization has never to my knowledge, until now, found an advocate among financiers or political economists. It is, however, a very cunningly devised plan, and worthy of its origin, (Gallatin in the free trade report), for it contains a sweet poison that will destroy the last remnant of protection. Who ever heard of so absurd a system as equalizing duties? What impose the same duties on ardent spirits as upon tea and coffee? But why do the free traders desire an equalization? Why do they insist

that the duty on hats, on shoes and boots, on leather, on seytles, hoes and axes, shall be reduced to 20 per cent. Why do they at the same time insist that there shall be a duty of 30 per cent. on tea and coffee, pepper, spices, fruits, and a thousand other things which we do not, and never shall produce, and which are now free of duty? It is to level all protection with the dust. They start with the proposition that the public debt is paid, that we have too much revenue, and it must be reduced. We have always contended, not that the revenue shall not be reduced, for we are not the advocates of an accumulating surplus, but that it shall be reduced by letting goods in free, or diminishing the amount of duty when the whole cannot be spared, and that this principle shall be applied to merchandise not produced in this country, that our labor may have the benefit of the revenue as a protection. While we contend that the revenue shall be levied in this manner, the free traders insist that nothing shall be free—and that the duty on all shall be alike. The revenue, say they, is too abundant, and must be reduced. The bill before us, as reported by the committee of ways and means, is for that purpose. What a happy mode of reducing the revenue, to diminish the duty on hats, shoes, boots, leather, axes, &c. from 30 per cent. and more, to 20 per cent. when the articles are so entirely produced here, under the present protection, that none are imported, and no revenue is realized. Is not the direct and obvious effect of such a reduction, an experiment, to see if the foreign market will be opened, and the revenue increased instead of diminished? It is a still more singular mode of reducing revenue to restore the duties on articles which are free. Sir, the farmers, the mechanics, the manufacturers cannot be blind to such an insidious scheme. They will not fail to discover that the reductions of duty on a vast variety of articles produced wholly in this country are made under a false pretence of reducing the revenue; and that the restoration of duties to free articles will be made under the pretext of increasing it. It will not escape their observation that this crafty plan of reducing revenue is apparently devised for the purpose of overstocking the treasury, and creating a surplus from year to year, so as to call for further and further reductions, till you come, as the politicians of South Carolina declare you shall, to twelve and a half per cent. Is it not plain that an equalization gives the least protection which the industry can possibly have, unless you make the duties on articles which we do not produce, higher than you rate them on such as we do produce? When you have arrived at twenty per cent. if there is a surplus, you have, I believe, the right to discriminate below that; but of what value is such a right? Twenty per cent. ad valorem upon the foreign cost—what is that? Go to the officers of the custom house in New York, who witness the daily frauds and impositions of importers. Go to the head of that establishment who it is said declared openly in this city, that was a rail road for legalised smuggling, and inquire what a twenty per cent. ad valorem duty, or any other ad valorem duty is? And if they tell you the truth, it will be, that it is whatever the importer chooses to leave it.

This bill, after we have made our descent *factis descendus* *ferens*, carries us into the free trade system, which may be summed up under three heads.

1. All specific duties are abolished, and all duties are to be ad valorem; all free traders, and especially the Yorkshire men and Lancashire men of England, have always earnestly contended for this. For what reason, it is difficult to imagine, unless it is because frauds are perpetrated with greater facility.

2. All duties are to be equal, and to be assessed upon all imports, except a few articles of little importance, and consequently the discriminating principle is abandoned.

3. The gradual reduction which is professedly made to reduce revenue, is applied to all articles; as well those on which no revenue is raised, as those which produce revenue; thus tending by every reduction to bring the American producer into greater peril at every step. If this be not a total, unqualified abandonment of the protective policy, unless 20 per cent. is protective, then I know not what is an abandonment. The bill, it is true, provides that after we come to the 20 per cent. ad valorem, the duty is to be assessed on the valuation in the home market. About the meaning of this, however, there is already a dispute. The south say it means the value of the goods by the duties and charges; that is, it means the foreign cost; and a distinguished gentleman declared in debate distinctly, that he supported the bill upon that exposition of its meaning. If this be a true interpretation, the provision is worth nothing. That valuation is to be regulated by law, according to the terms of the bill, and what that regulation will prove to be, no one can foresee.

Sir, I regret that discontent and dissension are so manifest themselves in this country; but I am not disposed to meet it with a faint heart, or to falter for a moment in support of the union and constitution. I would face these disturbers of the public tranquillity on their own ground, and accede to the general proposition that the revenue shall be reduced to the demands of the government; but the amount of expenditure shall be fixed by congress, and not by South Carolina; and the revenue should be raised in such manner as to give the most efficient protection to American labor. For one, sir, while I would do South Carolina justice, ample justice, I would not destroy the union by attempting to save it. I would not bring the power of congress and the constitution into contempt, by establishing a precedent, that a little knot of unscrupulous, disinterested politicians can, by threatening to dissolve the union, and make the government itself bow down, humble itself in the dust, abandon

its policy, and promise in future to give no offence. If these are the terms on which the union exists, if this government holds and exercises its powers upon such contingencies as these, I was about to say, the sooner the union is at an end the better; for the rude breath of treason will dissolve it at any moment. But, sir, whether South Carolina is well or ill pleased, whether she declares herself in our out of the union, I am not prepared on any compromise, to give up the protective policy; and I do contend, that an equalization of duties as low, or lower than 20 per cent. protection, are incompatible. Yes, you should surrender the right to discriminate, you should do so.

This is a bill to tranquillize feeling—to harmonize jarring opinions—it is oil poured into inflamed wounds—it is to definitively settle the matters of complaint. What assurance have we of that? Have those who threaten the union accepted it? Has any one risen here in his place and announced his satisfaction and his determination to abide by it? Not a word has been uttered, nor any sign or assurance of satisfaction given. Suppose they should vote for this bill, what then? They voted for the bill of July last, and that was a bill passed expressly to save the union; but did they not flout at it? Did they not spurn it with contempt? And did not South Carolina, in derision of that compromise, nullify the law? This is a practical illustration of the exercise of a philanthropic spirit of conciliation to save the union. Your folly and your imbecility was treated as a jest. It has already been said that this law will be no more considered than any other; and may be altered and modified at pleasure by any subsequent legislature. In what sense, then, is it a compromise? Does not a compromise imply an adjustment on terms of agreement? Suppose, then, that South Carolina should abide by the compromise while she supposes it beneficial to the tariff states, and injurious to her, and when that period shall close, the friends of protection shall then propose to re-establish the system of discrimination, what would you say, what would you demand as a measure? Would not South Carolina say, you have no right to change this law—it was founded on compromise—you have had the benefit of your side of the bargain, and now I demand mine. Who could answer such a declaration? If, under such circumstances you were to proceed to abolish the law, would not South Carolina have much more just cause of complaint and dissatisfaction than she now has?

It has been said, we ought to legislate now, because the next congress will be hostile to the tariff. I am aware that such a sentiment has been industriously circulated, and we have been exhorted to escape from the hands of that body as from a lion. But, sir, who knows the sentiments of that body on this question? Do you, or does any one, possess any information which justifies him in asserting that it is more unfriendly than this house? There is, in my opinion, little known about this matter. But suppose the members shall prove as ferocious towards the tariff as those who profess to know their opinions represent, will the passage of this bill stop their action? Can you tie their hands? Give what pledges you please, make what bargains you may, and that body will act its pleasure about respecting them. If you fall short of their wishes in warring upon the tariff, they will not stay their hand; but all attempts to limit their power by abating compromises, will be considered by them as a stimulus to act upon the subject, that they may manifest their disapprobation. It seems to me, therefore, that if the next congress is to be feared, we are pursuing the right course to rouse their jealousy and exert them to action.

Mr. Speaker, I rose to express my views on this very important question, I regret to say, without the slightest preparation, as it is drawn before us at a very unexpected moment. But, as some things in this bill are at variance with the principles of public policy which I have uniformly maintained, I could not suffer it to pass into a law, without stating such objections as have hastily occurred to me.

Let me, however, before sitting down, be understood on one point. I do not object to a reasonable adjustment of the controversies which exist. I have said repeatedly on this floor, that I would go for a gradual reduction on protected articles; but it must be very gradual, so that no violence shall be done to positions; for all reduction is necessarily full of hazard. My objections to this bill are not so much against the first seven years; for I would take the consequences of that experiment; if the provisions beyond that were not of that fatal character which will at once stop all enterprise. But I do object to a compromise which despoils the east for the altar. No victim, in my judgment, is required—none is necessary; and yet you propose to bind us, hand and foot, to pour out our blood upon the altar, and sacrifice us as a burnt offering, to appease the insatiable and unfeeling discontent of the south—a discontent, I fear, having deeper root than the tariff, and will continue when that is forgotten. I am far from meaning to use the language of menace, when I say, such a compromise cannot endure; nor can any adjustment endure which disregards the interests, and sports with the rights of a large portion of the people of the United States. It has been said, that we shall never reach the lowest point of reduction, before the country will become satisfied of the folly of the experiment, and will retrace the protective policy; and it seems to me a large number in this body act under the influence of that opinion. But I cannot vote down my principles, on the ground that some one may come after me who will vote them up.

Mr. Speaker, I have done my duty, in an imperfect manner. I could say, but I perceive it is in vain to discuss the matter, and I will detain the house no longer.