

Give them "aid and comfort" by distracting his counsels, at his utmost need! Has magnanimity fled our abodes? He has shown himself Lion-hearted, and I do believe, that under the convictions of his judgment, he would ground firmly in his present course under a sense of his duty. But, on our part, let us not weaken a leader, leaning on us for support. The glory of Jackson—"Guarde Lion" in the field—sore, sagacious and firm at the council board, is identified with that of his native state. We are to do this for what? To nullify a law—which we hold to be in itself null. As if a convention could make that more void, which we declare to be void of itself. What an impotent and bootless act is this, to spend \$40,000 to bring together some 150 men to cry aloud, that a law is void, which a majority of the states say is unconstitutional, and already void; will truth be more than true, because men, with united voices proclaim it loud and long? The convention *must* be for some further object. Do we not, therefore perceive, that the end will be more sound, and nothing else—unless it be to sound the din of war, and to summon us to the field.

The remedy by convention is therefore, steel diet, or it is errant parricide. But is our case so desperate as to require the one, and are we not too much of men to brook the other?

For my country and its integrity, I will hope, while my pulse beats, and while I regard the Union as the bulwark of our national sovereignty, and the safeguard of individual liberty and our security against foreign dependency.

The dawn of the republic rose with auspicious birth. The ill omened vapours that gathered for a moment could not settle on her brow. These were dispersed by the influence of the parental man whose virtues and whose wisdom ruled a happy land. He bade his country frown indignantly on the first dawn of disunion; and dying, bequeathed in his example an assemblage of his practical virtues, unknown to other history from remotest annals to the latest page.

The father of his country was succeeded in the administration of the commonwealth, by men who culled from the same great epoch with himself.

Anarchy and misrule had spread over the land of our forefathers. Europe was convulsed for thirty years, but the foresight of those great statesmen, by the noble richness of mind and patriotism, transmitted the disorder of the old world, into wealth, power and stability for the new. Under their guidance, prosperity chose us for her own; and liberty and independence took for their abode the land of Columbus. The enterprise and sagacity of the mighty Genoese become the characteristics of a grateful people.

But the encroachments of Europe fastened upon us a second war. It seemed, like a light, to depress our rising fortunes. But a compeer of Washington still directed the helm of State; and the soldiers of the second generation of disenthralled America, breasted the shock, and dispelled the storm. First, in the field upon the deep, the very first. These now, succeeded their sires, in the labors, and the honors of governing the Union. The world was again at peace, and commerce restored, when European nations became again our equal competitors, for the wealth they had lost, and we had gained.

In this situation, and thrown back upon our resources; but unused for thirty years, to meet with impediment or stop, we look with natural astonishment, when foreign nations reclaim the commerce and navigation, much of which had come to us, through their anarchy. America seems depressed, because they recoil from their deep depression. Hence arises disappointment and unavoidable discontent, at what we might have foreseen, from the very restoration of Europe to peace, commerce and wealth, and the consequent subtraction from our accumulated means, arising from their emulous reclamation of their share which we had, for a time, made our own. But shall the restless discontent of man work itself into fixed disease, to infect the nation, palsify our Union, and sap at its very base, the world's best hopes that a great Republic may endure and flourish for ages? Men of America! forbid the foul apprehension. The anxious looks of three and twenty states are bent single eyed upon South Carolina, to see if that eminent state will take a step to verify the day dream of Edmund Burke, that the Republic contains within itself, the seeds of its own dissolution. The eyes of future ages rest upon our decision: and shall not they of after time, proclaim, that their fathers withstood the shock, and handed down the heritage of Union founded on State Sovereignty, unshackled, unimpaired, and glorious to the last. If there be an occasion, in National concerns, which can command the attention of the hidden patriot, and rouse the histress: tis full before us now: If there be one, in which the lips of the citizen should unlock the portals of his breast, and open wide his heart to honest inspection, we have it here. But the people unshackled, our statesmen are divided, and too many of them committed on the subject, regard not their nor me. But keenly inspect the doctrine, and weigh the reasons given.

I have given my opinion caudally, as called for by the invitation to the whole district: and up on every point, without the smallest bias from the possible use that may be made of the plainest expression of any sound doctrine, for or against nullification.

To persuade or delight, by the highest species of rhetoric, ought not to be an object. To inflame by an appeal to popular feelings would be unfaithful; and to lead by personal influence unjust to the people. Honest conviction should be the only allowable eloquence—honest instruction the only aim, and the proper argument: just strictures on truth, and the probable consequences of the act proposed.

Weigh the grounds taken, on both sides with dispassionate judgment; and let the lighter scale kick the beam.

"If in the right, still in the right I stay."

"If wrong, oh! teach my heart a better way."

One word more and I shall have done. If, after all, a stolid shall take other counsels, and place us as went or live, upon the uncertain die of nullification, my fortunes are staked, as well as yours; and shall stand the cast, though the die were loaded die.

TO THE PEOPLE.

AN ADDRESS

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TOGETHER WITH

HIS SPEECH

DELIVERED AT THE STATESBURGH DINNER, IN OPPOSITION TO

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CHARLESTON:

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TO THE PEOPLE.--NO I.

Under the Government of the United States, two political parties have arisen—each claiming to be faithful to the Constitution. One of these parties, whenever the Constitution is of doubtful construction, upon a legislative act; which is deemed expedient, assumes the power; and leaves the error of the assumption, if any, to be corrected by the rules provided for the amendment of the Constitution. By adopting the power, it follows, that, it must be negated, altered, or explained, by the votes of two-thirds of the confederate members of the Union; or the assumed power prevails. They argue that, as two-thirds of the States may, under the Constitution, take away the assumed power, there is a remedy for the usurpation, if any. The other party consider the assumption of power unconstitutional—and more regardful of the rights of the individual States, require, that the questionable power shall be given, by an amendment of the Constitution, before it can be exercised by the Federal Legislature. Under the power, to “lay taxes,” &c.—“to pay the debts and provide for the common defence, and general welfare;” the former party, assumed the power to do any act, deemed wise, in order to promote these ends. The other party hold, that the right is only to raise the money by taxes, to be applied to the common defence and general welfare; *which are merely the purposes* for which the revenue is to be appropriated. We might, for instance, lend money to an unfortunate State, but not create the emergency in order to lend the money. We may meet and remedy it.

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evil; but not by a Legislative Act occasion the substantive cause that calls for the appropriation of money; unless such a power be plainly given. The distinction is between right and power; and the consequences of such a difference of construction, are manifest. The former party exercise a power evidently within their practical control, without a strict regard to the right. The other party consider the right to the power, as previous and essential to its exercise; otherwise, any thing might be done. A Dictator might be created under the power to raise money for the general welfare; and would, very naturally want money. In practice, the former principle, as a Constitutional rule of construction, has obtained the ascendancy in the Federal Government. It had its origin, after some hesitation, in the incorporation of the first National Bank, it was greatly enforced by the purchase of Louisiana. Patriotic men could not but lean towards a full exercise of the Federal Powers, during the difficulties of the late war. And since that epoch, the same rule of construction has been extended and matured, with a view to two immediate objects; viz. Internal Improvements, by the means of National Roads, Canals, &c. &c. and the rapid advancement of Domestic Manufactures. The first of these objects requires great revenue; and the other, high duties upon imported merchandize.

The increased penalty, by impost on foreign Commerce, while it stands, in the place of a bonus to the manufacturer, furnishes a grand reservoir for Internal Improvement, from the majestic streams, that fertilize so many States, to the little rill, that runs latent, in the parched soil of South Carolina. But as we intend to act fairly by what is called the "American System," let the implied reproach be suppressed, and let candor, here, acknowledge, that many of the leading Southern Statesmen, of 1816, did not oppose, either the first prohibitory Tariff of that year, or the Twin-born scheme of Internal Improvement which accompanied it—"Supporting and supported." Their liberality for the moment, obscured their foresight; and they forgot, that prudence is the great safeguard of the weak; and how

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much better it is to prevent, than to remedy evil. Let us then, come more closely to our proper subject, and inquire:

1st. What were the causes that gave rise to the system of prohibitory Imposts, and
2dly. (As most immediately interesting at this moment.) What is the exclusive burthen upon the Southern States, that actual experience has rendered manifest. We will do this, in order to arrive at the proper conclusion, and rule of conduct, upon which our welfare and character depend so much. For, finally, the question must be.—Shall we call a convention, in order to suspend the operation of the Tariff Laws in South Carolina? The question is grave and new, complex and vitally interesting. But the temper of the times and our best interests present the subject; and the people, faithful to themselves, will decide at their next General Election. Before proceeding, however, to the direct consideration of the Tariff, or its consequences to the Southern States, permit us to make some preliminary observations, upon three topics, (deemed of some importance,) in order to introduce correct views of the interesting subject before us. Too much courage may swell into a fault; but, fear, either of the animated cry on the one hand; or of the Federal Power on the other, is Treason. The difficulty is before us. If we send Delegates, to call a Convention, the Convention must fulfil its agency; and our safety will rest in an exact concert with the course we shall have adopted by our first vote. We have then, to rely upon our own judgment, and to act with rational confidence in our own integrity and intelligence; after a full and just consideration of the question: The argument which might arise in the Convention, is, I repeat it, now before the People, who, by calling a Convention, through their immediate Representatives, will have decided truly, and finally, *what that Convention is to do*. There is but one act to be done. We are to bear the tariff, or nullify it, according as we express our opinion by the choice of candidates. Do not be deceived; there will be no appeal from your first decision. There will be no Executive to reprieve or pardon, after your verdict.

But this consideration should do no more than rouse the understanding, and introduce circumspection.

The first object is, for every voter to collect all possible information relative to the tariff system. All just conclusions must be drawn from facts. The inductive Philosophy is the rule of common sense and general experience. It is from truth alone that true inferences can be deduced. Let us, therefore, regard no man's opinion, farther than we can perceive its foundation. Suspect the one now about to be offered, 'till you acknowledge the weight of its reasons.

But a knowledge of the facts is not the only pre-requisite to a right judgment. For, although the people, in the case before them, will form the Inquest of the State; and must, like the jury of the country, deduce their conclusions, and give a true verdict, upon which so much depends: from the best information actually obtained, yet, to decide correctly in a case of so much feeling, and such self-interest, even with all possible evidence before us, requires a temper of mind not easily obtained. It is no common difficulty for men, agitated by any greatly exciting cause, to think, maturely, and to resolve wisely. The sense of injustice; and the incitement of party spirit, of self-interest, or of wrong sustained, especially when it comes from superior power, bias our understanding, and induce error in our resolutions.

But, if able, still to think circumspectly; and so adopt a wise course of action; then, the very inciting cause which might have led to unfortunate resolutions, ensures consistency and firmness in their after conduct, consequent to prudent and sagacious determinations. Passion, the foe to consistent and safe resolution, is yet the unyielding friend of action. The implacable enemy of the former is the natural ally, and faithful auxiliary of the latter. If smarting under the inherent impolicy of the tariff of protection, and the encroachments arising out of the construction, that revenue may be raised for any purpose, general or local, immediate or remote, which is deemed, by a majority, conducive to the "general welfare," South Caroli-

na should still act constitutionally, temperately, and firmly, with a wise forecast of consequences; her conduct will form a brilliant epoch in history. To arrive at so elevated a standard in human conduct, men must judge of their own acts with the feelings, and understanding, of a disinterested observer; or, as we would of the conduct of others. But to do this fairly, self-partiality, and habitual suspicion of the intention of others, require that we should be as inexorable to our own faults as if we never forgave an aberration in a neighbor; and as liberal towards his supposed errors as if we had to ask forgiveness for our own faults every hour. This rule is of vital and direct importance in forming our judgment on the present occasion, because the proposition is to arraign, through a convention, the justice, necessity, and sanction of a law, enacted by a Constitutional majority of our people, who are supposed to have acted from their own self-interest. It is the very case of wrong done by a superior power, under color of law, which unhinges the understanding, by the exciting force of passion, wrought up by supposed injustice, proceeding from the guardians of our common rights. But, further, let me ask, if intelligence upon the facts, together with a proper temper of mind, are all the requisites for judging correctly upon a case of such complicated interest? These are indispensable, else the world would say in the Spartan brevity of the injured woman to her Royal Judge—"I appeal from Philip drunk to Philip sober." But to a sound and sober morality, the only safeguard of an American statesman, and a knowledge of the facts, there must be added an understanding of the principles; we must feel the obligations of the great compact, by which these states are united as one, and indivisible, for the common safety of all; mutually assuring to each other sovereignty and independence.

The Federal Constitution is a most sacred conventional law of the United States; to violate which, would be treachery to the union, and ruin to ourselves. A political creed arises out of this compact, founded in its original principles, without which, no uniform course of politics can

be pursued; nor reliance placed upon any Statesman. These principles, and the political creed drawn from them, constitute the general intelligence necessary, for a right decision; and form the law of the question before us.— Upon this topic Republicans may differ in degree, but scarcely in principle.

1st. Individual Liberty is the first benefit to be secured by Government and the most indispensable of its obligations.

2ndly. The National Independence, guaranteed by the Federal Constitution, has for its final objects, the security of individual liberty and property.

3rdly. The Union is the means, by which both National Independence and individual liberty are to be secured, against all aggression.

4thly. While National Independence is protected by the Federal Government; and individual liberty inviolably protected, the Union is hallowed. But without these two human prerogatives, derived, as well from nature as the Constitution, the Union would become an empty name—used by the strong and deceitful, to impose upon the weak and credulous.

5thly. The State Governments have within their immediate and indispensable jurisdiction, the protection of liberty and property.

If these principles which are holden to be primary, and cardinal, are correct, it follows,

That it is constitutional for a state to resist any law, if *liberty and property cannot be otherwise saved*. And it may be fairly admitted, (as applicable to the subject of our general complaint;) that, great innovations in the laws of revenue, which destroy commerce; and do plain injustice, by the violation of the rights of property, may be resisted by the individual states; *if the laws be partial, oppressive and permanent*. And, of such injustice and oppression, the states are, necessarily, the judges. In what manner, resistance is to be made, and whether it would amount to a secession from the Federal Union; and leave the seceding state, to its own national resources, I do not moot at this

moment; but the right to secede, in the last resort, as well as the right to resist injustice, are alike unquestionable in a sovereign state, the proper guardian of liberty and of property.

Some observation is perhaps now due, lest the plain expression of these principles, should lead to a mistaken apprehension of their spirit and tendency. Forbearance towards each other's errors, has been already inculcated.— For my own part, I hold it an attribute of our complex government and various nation. It enters into our system, and must become the usage of the U. States. We may be assured that the lasting cement of the American Union, will be found in the perfect sovereignty of the States; and in the full measure of their confidence in the General Government of their adoption; and that any restriction here, would leave the union loosely held together; and trembling with secret discontent in its very base. But, while the love of Union should enter into our education, and so mix with the discipline of our thoughts as to become characteristic of the American people—the prudent maxim on the part of the National Government, in order to ensure the same end, should be that the Union will last, in the inverse ratio, in which the Government is felt. Justice, due to all, forbids that either should encroach upon the rights of the other, but justice expands into liberality with a friend; and a liberal moderation requires that we should, reciprocally, forbear to practice any power, that would introduce danger to the other, or engender discontent.

JEFFERSON.

TO THE PEOPLE--NO. II.

My last paper placed your patience, under Tariff Law, and so highly taxed your time, that I am very naturally reminded, that an honest tale speeds best being briefly told. We proceed, then, directly to the argument. Victory in debate, cannot be the final object; the higher species of Rhetoric to persuade by exciting the affections, or enlisting the passions, ought to have no footing here. The end in view, is a right judgment upon facts, under constitutional law; and the argument must depend for its strength upon fidelity in the narration. Honest instruction therefore, leading to just conclusions, can be the only aim, and the only legitimate argument, a moral essay upon truth. The vast commerce of the United States received its spring, from the troubles of Europe; which rendered our merchants, the carriers of half the world, and the United States its granary.

In this situation the embargo, and the restrictive system of Mr. Jefferson found us, and these, together with the war of 1812, arrested the growth of commerce. Still mercantile capital remained but little impaired, when the peace of 1815, again set commerce free. In the mean time, Europe had been restored to tranquillity. The nations there, had resumed their respective commerce;—England prohibited our bread stuffs, and the rest of Europe did not want our provisions.

What, then, was to be done with our commercial capital, and the productive labor of more than one half of the States, thus shut out from their accustomed markets? Two projects presented themselves to the statesmen of 1816; either to leave the commercial capital uninfluenced, in which event, it would, doubtless have been divided between the cultivation of the still valuable staples of the Southern States, the attendant upon increased exporta-

tions, and the renewed commerce that would have grown out of their great value. The second project, was to exchange commercial capital for domestic manufactures and render the United States less dependent on Europe for her supply of manufactures. Unluckily for us at this time, manufactories had been established during the war, and had been forced into success by the exclusion of foreign supplies. In this situation to abandon the enterprising manufacturer appeared like depriving him of a right by possession, and many commercial capitalists, at a loss what direction to take in the new state of their affairs, rallied around the nucleus already formed by the manufacturers, and determined to support and extend this order, in the U. States. The project of the "American System" was then carried into practice at a time, when for a century to come, agriculture ought to have been our primary national pursuit; with commerce for its hand-maid. Manufactures too would have followed in their train slowly, but naturally protected by a select application of impost duties, laid for necessary revenue.

But the system of restrictions prevailed; and manufactures, forced like an exotic, have been made to take the lead. Here they may remain, for a brief time, under the influence of the stimulants applied, but they will recoil from their strained precedence, and fall again into the rear of both agriculture and commerce. Domestic manufactures will, doubtless, still be valued, but only according to their intrinsic worth. Farther independence of European supplies will be given to the nation, a small additional market for our staples will be added to those of Europe, and the competition between the American and foreign manufacture, in the sale of cotton and woollen goods, will render them comparatively cheaper than they would have been, under the same circumstances, without that competition. But these advantages will afford but a poor substitute for the prosperity, that would have attended the Free Trade System. Had the commercial capital been left to itself, its great supplies would have been naturally applied to the growth of our great staples. These would

have been so increased, that the consequent exportation would have restored our commerce, given necessarily a greatly enlarged carrying trade, and secured the permanency and efficiency of our Navy.

The Eastern and Northern States vigorous in their own element, would have become our carriers, merchants, factors and manufacturers on a sure and natural foundation. The Western States, the Egypt of the New World, would have had rich markets in the Atlantic States, for their vast stores of provision and live stock. Let those States judge how much better then, such internal trade would have been, than its vile substitute, found in the *VAGRANT SCRAMBLE* for appropriations. How much more the harmony of our great interests would have been preserved, and the Union strengthened by so truly an "American System."

This historical epitome of the Tariff of protection, and the contrast between it and what once was, and ought to be the free principle of American commerce, bring conviction home to a rational mind, that at least this branch of the mis-named "American System," is founded in radical impolicy. They leave little doubt also, that it is partial in its benefits, if not injurious in its operation. That the system bears, too distinctly, the "ear mark" of the interested proprietors for us to doubt its permanent duration, is equally unquestionable. But still, the final question for our consideration is, whether it is so partial and unjust as to have become *oppressive enough* to justify South Carolina in recurring to the *last resort of a sovereign state*, by resisting the oppression and nullifying the tariff laws within her territorial jurisdiction. Neither its unwise policy, its partial benefits, nor its apparent permanency, would justify such an unexampled and hazardous act on our part, unless the oppression be manifest, and otherwise without adequate remedy. With this proposition simply placed before you, the argument is postponed to my next paper.

In the meanwhile, though, permit me to ask you to look into the truth of the following statement of facts, easily known, and upon which the argument will be bottomed. The whole revenue for 1829 was \$24,219,000; and the

revenue from *imposts* was 22,000,000 which last sum amounts to less than 30 per cent. upon 74,500,000 the imports for 1828. The revenue from imposts for 1828 was less than 22,000,000, which is much less 30 per cent. upon 88,509,834; the imports of 1828. The revenue, from imposts for 1827, was 19,712,283, much less again than 30 per cent. upon 79,484,068, the imports of that year. From such truths, come to a conclusion whether I shall be correct in stating that the average amount of duties upon goods imported or exported (where the exports are truly valued,) does not exceed and never has exceeded 30 per cent. in any year, since the war. This is an important fact in order to come at the truth, because it is commonly understood that the average duties, for a series of years, amount to 30 or 35 per cent upon exports and the difference between such error, and the truth, supposes the burthen from impost, not less than 33 1-3 or 50 per cent, greater than it really is. Again, the whole individual income of the United States is supposed to be 360,000,000 and the income of the eight cotton, rice and tobacco growing States may be estimated at 120,000,000, or one third of the whole income.—The revenue, by imposts being 22,000,000, amounts to less than 7 per cent upon the whole income, and our part ought to be nearly 7 per cents, upon 120,000,000. If we pay no more, we have no injustice to complain of; but if we pay more, towards the revenue, we complain justly; and, if our part of the burthen be greatly beyond our just proportion, the law is oppressive, and the State may resist it *according to our political creed*. The inquiry will, therefore be, whether income is the true measure of the consumption of foreign importations; whether the eight Southern States pay more towards the revenue than their income warrants, from fair principles of equality; and whether the growers and exporters of cotton, rice and tobacco, pay more than other capitalists, and how much more. Such dull facts have, no doubt, fatigued you; but I could not lay down the necessary premises of the argument without them, nor bring them within a smaller compass. And at the hazard

of tiring you still farther, permit me to explain why the burthen of the tariff is more properly measured by the amount of imports, than of exports. It is a truism of political economy, that the *value of every thing is just so much as it will sell for.* (Cooper's Pol. Ec. p. 69.) The true value then, of exports, is known by the amount of imports which they have brought, and for which they have been exchanged. Any other measure of the value of exports is deceptive. They may be of *greater value*, than the amount of imposts, but not less, taking a series of years. If for instance, there have been the last year, goods smuggled into the United States, to the amount of 10,000,000 the true importation is 84,500,000; and the exports must have amounted in value, to the same.

And if \$10,000,000 in foreign goods, received in exchange for our exports have been shipped to foreign countries, then the value of exports has amounted to \$84,500,000. The burthen of the tariff would in that case amount to less than 22 per cent. upon the true value of exports, measured by the price actually obtained in goods. If rightly informed, in the single article of gold, there probably was exported from North Carolina alone, the last year, \$300,000—which can only be known at the Custom House, by the value of goods imported. It would be folly, therefore, to measure the value of exports by the return made to the Custom House, and by the valuation there, when we have the true exchangeable value in the goods imported. But after hearing the whole truth, let every man judge for himself whether he will take the valuation of exports at the Custom House (without knowing too with certainty, what part may not have been returned there) for the true value of exports; or, take the price of the goods imported in exchange, as the true measure of value. The former appears altogether conjectural; the latter proved to reasonable certainty.

It is then obvious that the burthen of the impost system, amounts to something less than 30 per cent. upon the value of our exports. By whom this burthen is borne, will be considered in the next number of

JEFFERSON.

TO THE PEOPLE.--NO III.

In the last number, you were left to determine whether the burthen of the present high duties, amounted to more than 30 per cent. upon the value of exports, when measured by their returns in imported goods. If the principle be correct, (and it was believed to be reduced to certainty) that the price of imposts, constitutes the only safe indication of the value of exports, the position is offered, without apprehending any successful contradiction, that the average amount of impost duties, since 1820, is less than 27 per cent. upon our true exports. Plain arithmetic demonstrates the fact, our whole imports since 1820, amount to \$714,422,845; our revenue by imposts, in the same time, amounts to \$191,136,849; and 27 per cent. upon the former sum, gives nearly \$193,000,000, so that instead of 30 per cent. the average impost duty has been less than 27 per cent. for the last nine years. Let us, now, take the exports as they appear from the custom house reports, and see what is the average amount of imposts paid. The exports for 1829, amounted to 72,358,671; 31 per cent. gives 22,451,000; which is more than the imposts of that year. The exports of 1828 were 72,264,686; 31 per cent. gives 21,992,000, which is more than the imposts of 1828. How then, has it been so often reported, that the average of imposts amounted to 40 per cent. upon our exports? It has been assumed upon the following erroneous principle; 58,000,000 have been taken as the average amount of exports for a series of years; and, inasmuch as the whole revenue by imposts and all other sources, amounted the last year to 24,000,000, which is about 40 per cent. upon 58,000,000; 40 per cent. is taken as the average duty upon exports—whereas the amount of exports, for *each year*, should have been taken; and the imposts, for the *particular year*, can alone indicate the rate of duty paid, as set

forth in the two last instances for 1828 and 1829. Here then we have to correct an error of 9 per cent; and the true average duty is less than 31 per cent upon *any principle whatever*. But as the aim is truth, and you are to act, only, upon *entire conviction*, I bid you again, *suspect both my facts and arithmetic; until, with pen in hand, and proper documents, you shall have proved their truth; or seen how near they approach that standard, by which alone, opinion is to be governed in this solemn crisis in our character and State concerns, towards which the eyes of the U. States are intensely turned, and upon which, the interests of future ages rest, in trembling equilibrium*. Was it not believed that the crisis is big with our fate, and that *important errors* had crept into circulation, you never would have been troubled with these statements. But it is high time that the truth, the whole truth, and nothing but the truth, should direct our opinions. Let us now proceed to the most important argument, by asking (whatever may be the true average duty by imposts or exports) *who bears the burthen of paying the revenue by imposts?* Upon the answer, depends the whole charge that we are oppressed by the Federal Government, to an extent that would justify the extraordinary act of sovereignty, which is proposed from so many quarters. Is the chief burthen borne by the planter, who grows and exports cotton, rice and tobacco? Is it borne by the staple growing states in an unjust proportion? Or, is it borne as it should be, by the consumers of imports, according to individual income? The last distribution only, would do equal justice to all. The argument, upon which opinion and feeling are, at this moment predicated, consists in this position:—That the eight States, which exported the last year, in cotton, rice and tobacco, to the amount of 37,000,000, pay the impost duties upon the same amount of imported merchandise, at the rate of 40 per cent. (the supposed average duty) and to the extent of 14,800,000, being two-thirds of the Federal revenue from imposts; while the other 16 states pay the remaining third. If this position be correct, it follows that the exporting states pay the whole duty, according to

their exportations respectively. If so, hard is our lot and great is the oppression, we endure from the government. And our burthen is not the less oppressive, when we consider, that, whether the impost be high or low, we must continue to pay in the same relative proportion to our exports. Moreover, it is evident that ever since the adoption of the Constitution in 1788, we have been paying impost upon the same principle of unequal taxation. And that of course, the whole debt of the revolutionary war, the purchase of Louisiana, and the hundred millions of debt arising out of the late war, have been, and all debts to come, will be saddled upon the exporting states exclusively. For the same inequality in the principle of taxation, if true now, was, and will be true, throughout; and it is most true that all the Federal taxes, with little exception, have been raised by imposts, in the very same way that they are now. If *such enormity* has been borne, *nullify* the tariff laws by all means, in some way. It ought to have been done under the administration of Washington, and Jefferson ought to have been put to "the Ban of the Empire," for not following Adams in the scheme of direct taxes. Further forbearance would be pusillanimity; and notwithstanding the fact, that our ancestors, warm from the Revolution, all bore the self-same principle of disproportionate taxation; yet the slavery is no less galling on that account; and 'tis time, indeed, that the young lions, reposing in the bosoms of their confiding offspring, should bristle into action, and "redde[n] with uncommon wrath." If nothing else will do to arrest the course of systematic oppression, let us have blood first; blood to the knees! But before we get waist deep, might it not be better to inquire, is it true? rather than alter "the great victory," to have our children puzzling their fathers with the simple question of "little Wilhelmie" to "old Casper," on the battle field of Blenheim; "what was it for?" We must then, before we accede to the position assumed, enquire into the truth. All taxes, direct or indirect, in order to be just, ought to be paid according to the estate, or amount of income protected by the government. In this rule we all concur. The reason

Why a tax upon income in principle the most just, is generally avoided, is because the necessary inquisition is hateful. Income, too, shifts every moment. And it is so difficult to discover the exact income of individuals, that such a tax becomes impracticable. Accordingly, taxes by imposts have been substituted; because, as a general rule, men will purchase their supplies, domestic or imported, in proportion to their several incomes. And when they purchase imported necessities or luxuries, they take the goods, with the duty added to the prime cost, &c. and of course the purchasers pay the duty according to the quantity consumed. Hence is derived the maxim in legislation, that the consumer pays the impost which has been advanced by the importer. In this too, we find the popularity of this mode of taxing; because it falls finally upon the actual consumer. There is no difference between a high and low tariff of duties in the relative and proportionate burthen to be borne by the exporter. And the most satisfactory characteristic of such a tax is, that it is of no consequence to the consumption of the imported goods, whether all the States export alike, or the whole exportation be from one State; provided all the States consume according to their incomes or productive capital. What folly would it be in the cotton, rice and tobacco planters, to cry out that their overseers and other poorer neighbors did not pay any part of the imposts, because they exported nothing to Europe! South Carolina, probably has an income four times greater than Rhode Island, Virginia six times greater, and New York ten times greater. If so, South Carolina consumes and pays four times, Virginia six times, and New York ten times the amount of Rhode Island; all according to income; and neither state has the least cause of complaint. Massachusetts and South Carolina have the same population; ours though consists one half of negroes, and who can suppose for an instant, that their half million of whites do not consume imported goods to an amount equal to the consumption of our whites and blacks? Does not a gentleman of Boston, or Philadelphia, with an income of \$10,000 a year, wear as much clothing, and

spend as much for imported necessities and luxuries, as a gentleman of the same income at Charleston or Savannah? Does the drayman in the former, consume less than the negro here? Does an officer here, with a salary of \$3000, a Lawyer, or Doctor, with the same professional income, spend less than a Planter with the same revenue from cotton or rice? Yet the last alone exports. Still, they all expend the same amount in imported goods; and pay the duty, equally. The usual illustration of the position, that the planter being the real exporter, also pays the duty, is as follows: The Planter exports, say 508 bales of cotton, and brings from Europe the value in goods, and pays at the Custom House the whole duty, under the tariff act. Now, assuredly if we stop here, the assumed position is proved, and indignation rises in the imagination.— But, is this a case exhibiting the whole truth, as found in practice? Far from it. The Planter if he takes the character of an importing merchant, must act his part; and having imported the goods, he sells them with the duty and insurance, freight and customary profit in addition to the prime costs; and is repaid his advancement of the duty by the purchasers, who pay the whole of the extra expense in the retail price of the goods purchased. To judge of the truth fairly, let us imagine our lots reversed. Let us suppose that not bread stuffs, but cotton, rice and tobacco, were prohibited in Europe or England; and bread stuffs only in demand there; and the same tariff enacted by our Government. In that case, the present tariff states would furnish nearly all the materials of commerce, as we do now, and we would furnish very little. The Patron or Patron of Albany, would then probably export 10,000 barrels of flour, and receive in return \$80,000 in goods, as farmer and merchant. In the latter character, he would import his goods into New York, and pay the high duty. If we stop here, he would have paid the duty amounting to \$32,000 out of his own pocket, and might cry out oppression! But what would be the whole truth? He would sell the goods at New York by wholesale, to Boston, Philadelphia, Charleston, and New Orleans' merchants who

would repay him his 30 or 40 per cent duty, and finally be themselves remunerated by the ultimate consumers of the goods in Massachusetts, Pennsylvania, Carolina, and Louisiana. We would then all see, that it would be mockery, for the Patroon to cry out, "I am oppressed to the enormous amount of \$32,000 by this vile tariff of the Southern Nabobs, who spend my money in raising up domestic manufactories in order to procure markets for their cotton; and improve the whole country, at the expense of the northern farmers, who furnish four-fifths of the materials of exchange for foreign goods, and therefore pay four-fifths of these enormous duties." Is it not then evident, that the position, that the growers of the primary materials of commerce pay the duty on the imported goods, is contradicted by the opinion, the doctrine, and the practice of the United States, from 1788 up to this moment; and that it is in itself so groundless, that I could not be pardoned for undertaking to refute it, if the great names that have of late vouched for its truth, had not called for, and challenged inquiry into the position relied on. The conclusion then, that we must come to, is, that the consumption of goods imported, depends upon income, or productive capital; no matter where it is found in the United States, or whether it arises from Domestic Commerce, Rents, Interests, Professions, Stock, Flour, Corn, Rice, Cotton, Tobacco, or bodily labor. They all afford the self-same source of consumption, according to the income of the individual consumer.

Be not so unjust to me, as to suppose for a moment that I do not see and feel the full extent of the well-grounded arguments against the high tariff. But it does not follow, because we have the vantage ground in argument, our antagonist is therefore at our feet, or that, because we have just grounds of complaint, we are suffering enormities. We can readily pardon an advocate who, in order to achieve a victory, uses an ingenious sophism in his forensic exhibition; but nothing can excuse a Judge for doing the same, to uphold his final judgment. And let it be remembered, that we are to act as Judges, not advocates. But, return:

ing to the position opposed, that the exporter pays the duty; there is but one possible state of our foreign trade, that could sustain the position. It is when the duties become so high, that the imported goods cannot be sold to the consumer with the duty, freight, insurance, and merchant's profits, added to the prime cost. In that case the importer must pay the duty, and sustain the loss; and the supposed enormity would actually arise out of the tariff. But there are facts that shew plainly, this is not our situation at present. Our cotton, rice and tobacco, are purchased by merchants or their agents; who pay the European prices, deducting the insurance, freight and usual profit. The Liverpool market governs the price of cotton here, upon that principle now, and at all times. No merchant would buy, unless he could sell again at Liverpool, so as to bring out goods in return, which would sell here for the same price he paid for the cotton, with the duty, and all expenses and reasonable profit added. While then the merchant continues to buy cotton, governed by the Liverpool prices, we may be well satisfied, that the value here, of the goods imported, will cover the duty, and all expenses, and the accustomed profit too. We have in the fact, that they do purchase, an infallible proof.

JEFFERSON.

TO THE PEOPLE.--NO IV.

There can be little pleasure in antagonizing any argument with which we have been favored in Congress; but I must be permitted, in a case so serious, to notice that in the most imposing speech against the tariff,* one, which we have all deeply felt, and which has enforced the very proposition here combatted, it is stated, (and it ought not to escape observation as forming a *fact* predicate of the popular argument, which has gone so far to train us to the opinion that we pay two-thirds of the whole duty,) that the whole income of the United States amounts to \$350,000,000, and that of the staple growing States is only 70,000,000. Now, if this be the true division of the income of the United States, it follows, *irresistibly*, that the sixteen Tariff States pay four fifths of the impost duty, by the natural consumption of the imports according to income. But, not to lay too much stress upon the uniform rule, for more than forty years, that income is the true measure of consumption, who could believe, as the orator would have us do, that the income of 280,000,000, allowed to the other sixteen States, can consume *less* of the imports than the 70,000,000 allowed to the eight staple growing States? Does our neighbor, with an income from a salary or stock of 2000 dollars, spend less than another with an income of 500 from cotton? Eloquence cannot reconcile things opposite to nature, and all experience, our common sense, with all appliance from partiality to great talents, and preconceived wilfulness too, which would come in like lady Macbeth, "to screw up courage to the sticking place," revolts outright, turns back upon allegiance, and cries aloud "lay on Macduff!" The wonder is, how the exigencies of an income of \$280,000,000, can be answered by only

* M'Duffie's Speech.

two-thirds of our imposts—the whole of which amount to about \$7 per head, of our present population (12,000,000.) In another great argument on the Pension Bill, which we have greatly admired, the speaker says—"I believe it to be susceptible of the clearest proof, that the PLANTATION OR ANTI TARIFF STATES, containing in round numbers four millions of inhabitants (only 1-3 of the whole population of the United States,) contribute directly or indirectly, about TWO-THIRDS of the revenue; while the Tariff States (containing eight millions of inhabitants) pay about ONE THIRD of the taxes. This opinion is founded chiefly upon the fact, that the Southern States furnish two-thirds of the whole amount of the domestic exports of the United States; thereby furnishing the articles of exchange for two thirds of all the importations from foreign countries. Nearly the whole revenue of the country, equal in round numbers to 24,000,000 per annum, is levied *in duties* on these foreign goods. Now, *if we consume the goods received in exchange for our cotton, rice and tobacco, no one could deny that we must pay two-thirds of the taxes;* and if we do not consume them, then I would ask how does it happen that our Northern brethren are enabled to consume the fruits of our labor and capital? Two-thirds of these foreign goods of right, belong to us; and if we get as is alleged, but one third, and our northern brethren obtain the remainder, surely we must be entitled to some remuneration."* Now here, by the words in italics the writer assumes as a truism, 1st. That the CONSUMER pays the tax—for he cannot mean that when we consume, we pay it, but when THEY consume they do not! 2dly. He asks, what remuneration we get, if they consume two-thirds of our imports? The answer is plain—we want no other remuneration than the bare consumption of two-thirds. For if our consumption of two-thirds of the imports, would burthen us with two-thirds of the taxes;—then, THEIR consumption of two-thirds gives them the same burthen; and

* Hayne's Speech on the Pension Bill.

their income being at least twice ours, there is no rational doubt that they do consume accordingly: It is immaterial too, how we are remunerated; whether by money or money's worth. Where are the men, women and children, that spend less than \$6 per annum of our foreign imports? The truth is, that but for homespuns, domestic fabrics and additional goods smuggled into the country, we could not be decently clad by our imports. No householder can be at a loss to know that we all may, and do spend ordinarily one-fifth of our incomes in imported necessities and luxuries. May it not be, respected General, that the very heat engendered, if not in victory, yet "in many a well fought field," "hath put thy judgment off its poise in *this*?"

The quotation from the speech on the Pension Bill, exhibits from proper authority, the true ground of the position we have been all along combating: viz. because we export two-thirds of the primary materials of foreign commerce, we therefore, pay two-thirds of the imposts. The argument has been answered already, by shewing that it is of no consequence by what State the exports are raised, provided we consume the imports according to our incomes. But there is an error in giving credit to a State for its apparent exports, that ought, in justice to our obvious policy, to be corrected. The truth goes far to interest the Tariff States in the general policy of free trade. The error is in assuming, that the amount of the exports in cotton, rice and tobacco of the staple growing states, is to be credited to those states alone, whereas, in fact, although our Foreign Commerce depends, for its primary materials of exchange, to the amount of more than one half, upon cotton, rice and tobacco; and for the rest, upon all the other articles that the United States export, yet the amount of all those materials depend, not only upon the labor of the States that export them; but upon the labor of all those States whose annual supplies stand in the place of labor to the exporting states. North Carolina affords a striking instance. According to the custom house books, she exports \$500,000, yet in fact, she sends out of the state, in gold alone, more than that sum annually; and in corn,

flour, peas, cotton, rice and tobacco, more than ten times that amount. All these must swell the amount of our exportation somewhere. The truly rich state of Ohio, if we consult the Treasury books only, exports nothing. On the other hand, South Carolina, a poorer State than Ohio, exports in cotton and rice, \$8,000,000. How comes the amount so great? Cotton and rice are nearly all the produce that we raise for a market out of the state. That amount it is true, is made up chiefly from our own capital and labor; but we receive large contributions in provisions, from the neighboring states, to enable us to raise so much in cotton and rice. North Carolina, Virginia and Pennsylvania, supply us largely with corn, peas, oats and flour.

Kentucky and Tennessee furnish us with horses, mules and hogs. All these are the produce of their labor, not ours. But such supplies enable us to grow additional cotton and rice in proportion to what we receive annually, from those States. For instance, a planter on Edisto Island buys his corn in Charleston, (say 10,000 bushels, at \$50-100; the corn comes from North Carolina.) The same planter raised three hundred bags of cotton; 100 of which must go to pay for the corn, and which hundred bales he has raised by the reason of the corn supplied him. North Carolina must then be credited for one-third of his cotton crop. There are but few rice and cotton planters on the sea-board, but must for the same reason, give credit for a third or fourth of the new crop of cotton or rice, to some state that grows corn for sale. And there is scarcely a planter of the middle or upper country that does not owe an addition to his crop of cotton, to the supply of horses, mules and hogs of Kentucky and Tennessee; and those States must have credit for the cotton; the proceeds of which they get in return for the supplies, which enable us to raise that amount of cotton. If we raised all those supplies ourselves, and manufactured all the other articles we get from Philadelphia, New York, &c. our crop, raised for foreign market, would probably be diminished one half; though our income would remain the same.

The staple-growing states must, in turn, have credit with the other states, for furnishing a market for their corn, &c. &c. We therefore have reciprocal claims upon each other; but no particular burthen arises out of the character of the crop, being *exportable or not*. They all equally yield income; and it is income that bears the burthen of government. *Nothing else could justify imposts at any time.* While this view shows the mutual support the states receive from each other, it points out, unanswerably, the great stake which the corn and bread making states have, in keeping our staples at high prices, in order that the sum of current money being greater in those states, the market for the produce of the other states, may be enriched; their labor rendered more valuable, and their resources developed through our increased consumption of their materials of trade. Kentucky and Tennessee feel, at this moment, to their cost, our diminished ability to purchase their live stock. And nothing but the large sums of money distributed in the Western States for internal improvements, afford any thing like an equivalent (a very poor one truly) for their loss from the impoverished market of the staple States.

It would not be too much to say, that had the system of free trade prevailed, they would now sell us annually \$6,000,000, in horses, mules and hogs, instead of \$3,000,000. Charleston, in place of importing about 400,000 bushels of corn, peas and oats, annually, would take double that amount. Those States, in their quest of a little ready money, act the part of the precipitate owner of the goods with the golden eggs. But while those States are so directly interested in the staples being abundant and high, our immediate interest is, that their crop shall be abundant, but low in price; because we receive their produce in kind, not in money, as they receive ours. We being the purchasers, their interest is, that we be rich in the staples, and poor in corn; and our interest that they abound in corn, but no matter how low the price. Let it be incidentally remarked here, that it is in this regard, that the Corn Laws of England, however inimical to the states

that grow bread stuffs, do really operate, beneficially, to the planters of cotton, rice and tobacco; whose direct interest is, to have bread stuffs as low as possible in the southern states. If those prohibitory laws were suspended tomorrow, in five weeks we should see corn, pork and flour rise 25 per cent. We cannot but observe too, that in the general conflict between the interests of the planters and manufacturers, we agree in this only one. 'Tis indeed a streak of azure in a stormy sky! For they are deeply interested (more so than the planters) in keeping down the price of provisions in the United States, as well as to have it kept up in England in order to lessen the price of labor HERE, and keep it up THERE, among their competitors in manufactures. The price of labor depending on the provision market being cheap or dear. A proper understanding then of what may be the true amount of exports to be credited to any state, (a thing difficult to ascertain) whatever be the apparent exportation, does no more than further to assure us that we can depend on nothing else than individual income, for the true measure of the consumption of imported goods; the foreign exports of a state, merely furnishing a fact, from which we are assisted, in measuring the income of the particular states, and its importance in foreign commerce. At a time so eminently calculated to try our firmness, and test our judgment, under a government so dependent upon public opinion there can be no error more dangerous in an American statesman, than the propagation of exaggerated statements of wrongs done by our rulers. Under the pressure of a law, which does of itself, bear hard upon the people, we are naturally, prone to listen to every supposed evil, and to take for granted, whatever concurs with our unavoidable prejudice, until, at length, misconceptions are confirmed, and become settled opinions. We then proceed to act, with all the pure motives, 'tis true, of those who originally propagated the errors, which have been assumed, by us, upon trust and confidence, and yet under fundamental mistakes, fatal to the dearest interests of the country. Read, then, once more; the argument offered to the public; and if the erroneous

conceptions of the subject, here pointed out, do not strike your understandings, opinions will only be confirmed, and no harm done. But if a single mistake should have been corrected, by these numbers, our time will not have been thrown away; and the errors now disseminated, may be eradicated by proper reflection; to produce which reflection is the end in view and which is proposed, as the great means of correct conclusions upon the all absorbing question of Nullification.

Returning for a moment to the operation of the tariff system, the whole plain truth consists in the following brief recapitulation. We consume both foreign and domestic goods, and pay the duties according to our incomes. Both these species of goods are, by reason of the high duties, increased in price, which is a great but equal burthen to us all. A small number of manufacturing capitalists are enabled, through the increased price of foreign goods, to vend their own domestic fabrics, at this increased-price. This advantage is a bonus to the Manufacturer: but the bonus is as much paid for, by their nearest neighbors who consume the goods as by any other consumers. The tariff is, therefore, very partial in its benefits. It is unjust in putting so great a burthen upon the many, for the advantage of a few manufacturers. But it cannot be denied, that this burthen is divided between the citizens of the twenty-four United States, according to their incomes and consequent consumption.

If to these evils of the restrictive system, we add, that it necessarily stints the wholesome aliment of foreign commerce; and by the very act, diminishes the market for southern staples, and cramps our gallant navy, human eloquence can prove no more. One step forward and it strikes upon the adamant of truth, and must recoil. Before concluding, the writer owes it to his entire conviction for twelve years past, to remark, that after a fair allowance for the confined benefits, and possibly remote good, arising out of the "American System"—how any statesman can recommend it, as wise in itself, or beneficial to the country, he knows not: How wide the door to ignoble favoritism is opened by its Confederate Internal Improve-

ments by Congress, none can be blind. But, to justify the last resort of a state to its constitutional veto, requires far greater objections than the impolicy of a law; and silence at such a crisis, would be infidelity to your great and endearing interest. Opinion must be changed by arguments addressed to reason: or by the experience of the evils growing out of the system itself. In 1798 the Southern States appealed to justice, and Constitutional right; to magnanimity, patriotism, and sense of the general interest against the Alien and Sedition Laws. Conviction followed reason; and those laws were overthrown. In 1808 the Eastern States did the same, against the General Embargo, and the restrictions on commerce; and success again attended argument, and sound sense and remonstrance. These are truly the characteristic weapons of our era, in which moral influence is paramount to force; and are we, with such experience before us, hopeless from the use of such weapons now? Or shall we, after three thousand years of the world's experience have proved the wise moral of the fable of the father and bundle of rods—shall we turn wayward children, and separate them, to be broken by any rude hand? Or have we so little to hazard in the wreck, as to be heedless of the storm we may foment? True courage does not anticipate the crisis of danger; and the energy of character, which would be equal to the emergency of the nullification of a law of Congress, will wait for the call of a more momentous oppression to justify a measure which, though it might not ring the knell of the departed Union, might yet introduce a contagion, so infectious, as to be fatal to its duration.

Upon this last contemplation of what might follow (our judgment already convinced, that the cry transcends the measures of the evil,) let us take our stand and watch, as parents do for their first offspring, periled by disease.—Resting upon the ground taken, let us guard our Union with fixed resolution; and receive all assaults as the towering rock of the Table mountain receives the storm that beats upon its Granite-head, but to turn the flood, the hail and lightning of the tempest, harmless to its firm and deeply rooted base.

JEFFERSON.

TO THE PEOPLE.--NO V.

It is believed that the following propositions have been rationally established:

1. That under any view whatever, the average duties by imposts upon exports, since 1820, are less than 31 per cent.
2. That under the only proper measure of the value of exports, (the return in imports) the only true average duty is less than 27 per cent. in the same time.
3. It is inferred that, under probable allowance of additional imports, by smuggled goods, and goods carried abroad, the duty is less than 25 per cent upon the real value of American exports.
4. The position assumed, that the average duty is 40 per cent. is destitute of foundation, by about 50 per cent. upon the actual duty paid upon exports.
5. That the duty, whatever it may be, is paid according to individual income, every where in the U. States; now, as heretofore, ever since the adoption of the Federal Constitution.
6. It is inferred that the position assuming the income from foreign exports (about one fifth of the whole income) to be burthened with the whole, or greater part of the duty, is utterly untenable; and if it had any foundation in truth, that the whole system of the Federal Revenue has been unjust and oppressive, from the first revenue law under Washington, up to the present day.
7. That it is wholly immaterial to our established principle of taxation, by imposts, whether one or all of the states export.
8. That it is impossible to measure the true amount of exports of any one state by its *apparent* exports being made up, not only from the labor of that individual state, but

from the labor of every state, whose supplies stand in the place of labor to the exporting state.

If these positions be correct, it will naturally be asked how it happened that the direct converse of them have been so deeply impressed upon us by our best orators in Congress? The answer is, read their arguments once more, with the positions here proved, as an antidote to their extravagance, and then, if you continue to believe, adopt them as confirmed, and act accordingly. I shall, at least, have done my duty to a people to whom I owe much, and to my own sense of independence, by urging my opinion of the extravagance to which they have been carried. No man admires or esteems our great men in Congress more than I do. They have done their part actively, zealously, and greatly in their vocation; and doubtless, with honest intentions. But, we have only to read the extravagant positions taken in opposition to our orators, and we cease to wonder at any position assumed. Mr. Burgess or Mr. Mallery for instance, whose speeches are read, as ours are, *chiefly at home*, would instruct their constituents that the American System is a factitious blessing, wisely substituted in the place of lost commerce; the best stay of National Independence; that foreign goods are actually made cheap, by the high duties. They have set before our eyes that similar prohibitory imposts, have rendered Great Britain transcendant in commerce, and her navy the wonder, terror and delight of distant nations. The first position has this deceitful semblance of truth only. Domestic manufactures, from their rivalry, do render foreign goods somewhat cheaper than they would be, under the same imposts without our manufactures to compete with.

The second position is abstractedly true; because in a nation like Great Britain, naturally un-agricultural, commerce, must have some substitute for the unavoidable destitution of agricultural products, to support trade abroad; and manufactures have been wisely applied there for that purpose. But to apply the same remedy to a country essentially agricultural, is as unnatural, as to force down the throat of a sound man, specific medicine, because it has

been found restorative, when taken by a confirmed dispeptic!

As applicable to the United States, both the positions are extravagant; one set of orators tell the other that they are maniacs to assume such grounds; and these reply that nothing but a sordid self interest or stupidity can uphold their opposite extravagance. They both have fought with "lusty sinew," and "with hearts of controversy," like Caesar and Cassius, "buffetting the angry Tiber, chafing with its tides." The arena on which they have disputed has been little less than gladiatorial. In the keen encounter, where the northern steel struck hard on the Southern flint, what bosom could have failed to take fire? The meekest disposition showed its spark; and the ardent heart crimsoned with hot blood, the palest cheek.

But shall men who are to judge dispassionately, and when their great interest depends upon their sound decision and vote; shall we be governed by their warm inferences, or by any thing farther than the proper facts of the discussion? The people are the Judges in the last resort; and although we may receive great illumination from animated comments, and admire the intellectual skill of our orators, we will depend, for our final conclusion, upon nothing but the fact predicates of either argument. Look into them all, closely, for the facts set forth. Those orations are like our newly discovered gold mines, sought after with avidity; and where a careless or lazy hand will most readily weigh himself down with broken rocks, pebbles and trash, a skilful operator may find many pennyweights of pure metal; and at the end of his week's work find golden wages in hand. None of us are so low as not to look down on groveling error assumed for truth; none so high as not to look upon the mighty truth; whether from McDuffie or Mallary, Hayne or Webster. Her radiant finger alone, can point us to our constitutional highway. The waters where she dwells are the wholesome beverage we seek; and we will shun the exciting school, so inviting from the hands that would commend it to our lips, but which would introduce intemperance into our re-

solutions, tarnish our reputation and jeopardize the state. Do but search out truth in the inmost recesses of her dwelling place; or wherever to be found, and either the uplifted arguments which have come upon us and led so many astray, will be dissipated by the natural recoil of common sense, or else this feeble attempt to present facts as they are; and to raise up sound doctrines, will feel its impotency. In the worst event, my consolation will be, that the august shade whose name is assumed, if his inspiration could not reach a mind so poor, will, still, never refuse the little meed due to good intent.

As to the call of a Convention to redress our wrongs, be not deceived by supposing that, if once convened, it can, or dare do any other act than the one prescribed by the confidence implied in the call itself. Let no one deceive you in the vital distinction between your prerogative, and the unquestionable duty of the convention to obey your mandate. If a convention should be called by the Legislature, it can never be to *legislate* or to *weigh the arguments* for nullification. They must meet for the single purpose of declaring the sovereign voice of the state, as prescribed and directed by the previous vote of the people, who can alone dictate the act of nullification, to be enrolled by the convention, as the ultimate decision and sovereign resort of the state. The convention dare not rebel. Lasting dishonor and contempt must attend any backing-out or retreat from the purpose of the call. Are you then ready, by your personal votes, on the second Monday and Tuesday in October, to nullify the Revenue act of Congress, within the territorial limits of South Carolina? Every thing is *at this time* FOR ARGUMENT; but, *after the call of the convention, all must be action*, or dishonorable submission after unmanly brava do.

Upon the question, whether nullification amounts to secession from the Union, no writer has been satisfactory or convincing. All is left in uncertainty; and it must not escape your observation, that amidst the discussion of this great, but still new and speculative subject, *not one of our great statesmen has fairly staked his reputation and responsibility* upon the position that a state has the right to nullify an act of Congress, without, at the same time, withdraw-

ing from the Union? Several orators in Congress, in the course of argument, upon quite different topics to the one before us; and generally "in terrorem" to the Tariff States, have deduced such an opinion from the Virginia and Kentucky resolutions of 1798, and some few, going entirely beyond the expressed opinions of Jefferson and Madison, have argued without reference to any authority but their own, that the nullification will be effectual, unless resisted by three-fourths of the Legislatures of the States. This is called a reserved right:—that is to say, a right reserved by the states, when they adopted the Federal Constitution; and which of course still remains inherent in the state sovereignties. So far, the thing is intelligible: It is like the right to secede from the Union, or the right to resist a manifest violation of liberty and property. But the difficulty is yet to come. How are we to nullify the law, and still remain under the protection of the Federal Union, until three-fourths of the States declare our nullification void; and thereby destroy our reserved sovereign right? The advocates of this refined doctrine seem to forget; that if the nullification can be itself nullified by any foreign power or powers whatever, that the sovereign right of the state is subject to control from abroad; which destroys every attribute and characteristic attached to the meaning of sovereign power. Sovereign power means a power supreme, belonging to the people, and *subject to no control whatever*. My understanding cannot get over this stumbling block in the way. It seems to follow, from the allowed control of the supreme power, that if three-fourths of the states enact that the remaining fourth shall be slaves; or our slaves made masters, our sovereign power cannot help us. If we yield the sovereign right of the state to human power, out of the state, we *progress towards consolidation*. Make such a precedent, and we establish a principle which may lead to worse consequences than when our statesmen of 1816 sanctioned the first tariff of prohibitory duties. This modification too, appears plainly to sanction in and out of Congress, the great error against which we inveigh, that doubtful constitutional power may be assumed and practised upon, unless three-fourths of the states forbid the assumption. But, to return to the

examination of authoritative opinions, before proposed. If I understand aright, not one of our great statesmen has said that the constitutional right to nullify a federal law is clear; and that this is the time for the people to practice it. Whatever obscure rumor there may be on the subject, we cannot trace the principle up to any direct sanction of our esteemed Vice President. Mr. Cheves distinctly declares, that nullification must not be attempted, unless upon the concert of all the states, interested equally with South Carolina; and no concert whatever appears. Of the Congressional members, Gen. Hayne does not recommend it for practical adoption at this time. I know not, that Mr. Barnwell's opinion goes farther. Judge Smith, and Messrs. Martin, Nuckols, Davis and Campbell are profoundly silent on the subject; and Messrs. Drayton, Blair and Tucker lift up their voices against it. Neither Jefferson nor Madison recommended its practical enforcement in 1798. And in both the Virginia and Kentucky Legislatures, we can make no more of their recommendations, than a means of embodying public opinion, and a useful weapon in the great political contention of that period, between Republican and Federal principles. Did the temporary success of Mr. Prioleau's resolutions a few years back, or the ephemeral favors shown to Internal Improvements, about the same period, prove the settled opinions of South Carolina? Are we then to be precipitated into a final vote, decisive of our fate, upon such varying authority, and without clear and convincing arguments in this new and still speculative doctrine of nullification; to which we are turned at a time of strong excitement, and galling disappointment? Are we blind too, to the consideration that there are states, that would be gratified at our opposition, and who would cheerfully argue, that those whom Heaven devoted, it had permitted first to go mad, in order to bring down punishment upon themselves? If there be sufficient cause for secession from the Union, which is a clear constitutional right, let us do so, (though I trust there is no party who would go thus far,) but if there is not sufficient cause, let us not be blind to the consequences of an act, which might lead to disunion or disgraceful submission on our part.

The uncertainty upon the question of right, forbids us to stir at all. To trust to chance in such a case is folly. To myself it appears obvious, that even admitting the right, we cannot nullify the act of Congress, under present circumstances, and I verily believe, that few men would act otherwise, while still we are goaded on step by step, without a single clear view, or distinct opinion, to elect representatives who must of course proceed, under our implied instructions, and as a matter of course, do the very act, *which we would not ourselves do*; as if we could, by their election, shift the responsibility and the danger from our own shoulders. "Call a convention to deliberate." Some writers say—no convention could meet unfettered and deliberate. The call decides their votes, as surely as the nomination of electors of President and Vice President decide whom they are to elect. Against these difficulties, which common sense presents to every considerate mind, the cry is, listen not to pusillanimous councils! tremble not at disunion! Congress dare not assail us! Imbecility in Congress is assumed. But is this an argument to independent reason, or an address to human weakness, when the judgment is disturbed? It is the very manner of inconsiderate, or of assumed courage; if not that of men, who would themselves prove recreant, when the battle waxed hot. Such hearts pant less for the combat than to see others in it. Our own conscious courage forbids the suspicion of pusillanimity in our brethren; and we may be assured, that the approved conduct of Gen. Washington, in the whiskey insurrection of Pennsylvania, would govern Gen. Jackson, in any similar case; we may judge too, of the sympathy that would be extended to us, by our sympathy with the Hartford Convention, had their scheme ripened into active opposition against the Federal Government. It is the sum of human prowess, to temporize, when the judgment dictates, that to temporize is wisdom. It requires a Fabius and a Washington to be able to do it. They conquered by their wise delay, and manly resistance to hasty opinions that would have goaded them on to headlong action. No. The firmness of men that would be equal to the trying emergency that must arise from the nullification of an act Congress, will wait for hardships,

far more intolerable than those we endure, to exhibit the energy of their heroism, or expose to chance the Union of their country. But should S. Carolina finally take other counsels, and put all to the hazard of the uncertain Die, my fortunes, as well as yours, are staked; and shall stand the cast.

"Thine, and of all thy sons,
The weal or woe, in thee is placed—beware!"

JEFFERSON.

SPEECH OF THE HON. J. S. RICHARDSON,

AT THE MEETING OF CITIZENS AT STATEBURG, ON 19TH AUG. 1830.

Called together expressly for the purpose of interchanging opinion freely, upon an emergency that calls for the maturest consideration, and tries our firmness, my own opinion shall be given with candor and the deep regard for the great and enduring interests of the state, that the occasion demands of every citizen of South Carolina. To be inexplicit, either upon the question of Nullification, or upon the time of enforcing, by that measure, our former remonstrances, would be infinitely a crisis in our vital concerns. But brevity becomes a duty, when so many are to express their opinions as well as myself.

The great question involved, naturally introduces the topics preliminary to that of the convention. First, then, *as to the Union of the States*. I believe, that its vital strength and lasting duration are inseparable from the perfect sovereignty of the individual states. But that its practical usefulness at home, and its essential weight in the scale of nations abroad, depend upon the known confidence of the States in the General Government of their adoption. State Rights form the sure foundation of the Federal Constitution, and the full measure of our confidence constitutes the lasting cement of the American Union.

Secondly, *as to the Tariff of Protecting Duties*. After the best exertion of my understanding, my opinion is, that it imposes laid by Congress not for any exigency of Government—not to regulate commerce, and not for retaliation—but merely to encourage Manufacturers, and to be in lieu of a direct pecuniary to bonus them, is a perversion and abuse of the constitutional right of the General Government, to raise revenue. Such a law is not affording a shelter to the useful arts, as we have the posture of commerce. It is money paid in hand for their encouragement, without any constitutional exigency to call for such a tax. But when the question is, whether we are to predicate *acts and operative conduct* upon an opinion, I cannot be blind to the equiter consideration, that a majority of constitutional lawyers, and among them, the best, have thought otherwise. I cannot retaliate, with one of pecuniary reward, I must respect it.

Upon the merits and policy of a high Tariff, my opinion is, that it is extravagant taxation to secure a monopoly unjust and injurious to the majority; and to furnish a fund for an unwise and too often unconstitutional appropriation. But I equally owe it to justice to say, that the whole plain truth consists in this summary. We consume both foreign and domestic goods, and pay the duties according to our incomes. Both these species of goods are, by reason of the high duties, increased in price; which is a great but equal burthen to us all. A small number of manufacturing capitalists are enabled, through the increased price of foreign goods, to vend their own domestic fabrics, at the increased price. This advantage is a bonus to the manufacturer, but this bonus is as much paid for by their nearest neighbors who consume the goods, as by any other consumer. The Tariff is therefore, very partial in its benefits. It is unjust, in putting so great a burthen upon the many for the advantage of a few manufacturers. But it cannot be denied, that this burthen is divided between the citizens of the twenty-four United States, according to their incomes and consequent consumption. If to these evils of the restrictive system we add, that it necessarily slants the whole some ailment of foreign commerce; and by the very act, diminishes the market for Southern States, and cramps our gallant navy, rhetoric can prove no more; another advanced, and eloquence would strike against mighty truth, and must recoil. It is due to my own settled opinion to add, how any statesman could advocate the system in this country in preference to free trade, I know not. Thirdly, *as to the Internal Improvements of the country by Congress*. My opinion is, that it is the very rock on which the Tariff of protecting duties feeds, lives and maintains its colossal stature. That without the extravagance of Internal Improvement, the Tariff would be without sensible support and must find its proper level; that Domestic Manufactures would, naturally and unavoidably, shrink away from their strained precedence; and would be confined to their appropriate sphere, in the rear of both commerce and agriculture, where they ought still to hold their proper rank in the third instead of the first order of national pecuniary concerns, to be cherished by the voluntary custom of the people; and by a selection of the subjects for national imposts, to be laid, for necessary revenue, to answer the exigencies of the Government, and the payment of our debts

