

kind, that there can be no inquiry into the motives of those who pass laws for the purpose of determining on their validity. If the law be within the fair meaning of the words in the grant of the power, its authority must be admitted until it is repealed. This rule, every where acknowledged, every where admitted, is so universal, and so completely without exception, as that even an allegation of fraud, in the majority of a Legislature, is not allowed as a ground to set aside a law.

But, sir, is it true, that the motive for these laws is such as is stated? I think not. The great object of all these laws is, unquestionably, REVENUE. If there were no occasion for revenue, the laws would not have been passed; and it is notorious that almost the entire revenue of the country is derived from them. And, as yet, we have collected none too much revenue. The treasury has not been more exhausted for many years than at the present moment. All that South-Carolina can say is, that, in passing the laws which she now undertakes to nullify, particular articles were taxed on a regard to the protection of domestic articles, higher than they would have been had no such regard been entertained. And she insists that, according to the constitution, no such discrimination can be allowed; that duties should be laid for revenue, and revenue only; and that it is unlawful to have reference, in any case, to protection. In other words, she denies the power of DISCRIMINATION. She does not, and cannot, complain of excessive taxation; on the contrary, she professes to be willing to pay any amount for revenue, merely as revenue; and up to the present moment there is no surplus of revenue. Her grievance, then, that plain and palpable violation of the constitution which she insists has taken place, is simply the exercise of the power of DISCRIMINATION. Now, sir, is the exercise of this power of discrimination plain and palpably unconstitutional?

I have already said, the power to lay duties is given by the constitution in broad and general terms. There is also conferred on Congress the whole power of regulating commerce, in another distinct provision. Is it clear and palpable, sir, can any man say, it is a case, beyond doubt, that, under these two powers, Congress may not justly discriminate, in laying duties for the purpose of countervailing the policy of foreign nations, or of favoring our own home productions? Sir, what ought to conclude this question forever, as it would seem to me, is, that the regulation of commerce, and the imposition of duties, are, in all commercial nations, powers avowedly and constantly exercised for this very end. That undeniable truth ought to settle the question; because the constitution ought to be considered, when it uses well known language, as using it in its well known sense. But it is equally undeniable, that it has been, from the very first, fully believed that this power of discrimination was conferred on Congress; and the constitution was itself recommended, urged upon the people, and enthusiastically insisted on, in some of the States, for that very reason. Not that, at that time, the country was extensively engaged in manufactures, especially of those kinds now existing. But the trades and crafts of the seaport towns, the business of the artisans, and manual laborers, those employments, the work in which supplies so great a portion of the daily wants of all classes, all these looked to the new constitution as a source of relief from the severe distress which followed the war. It would, sir, be unpardonable, at so late an hour, to go into details on this point; but the truth is, as I have stated. The papers of the day, the resolutions of public meetings, the debates in the conventions, all that we open our eyes upon, in the history of the times, prove it.

The honorable gentleman, sir, from South-Carolina, has referred to two incidents connected with the proceedings of the Convention at Philadelphia, which he thinks are evidence to show that the power of protecting manufactures, by laying duties, and by commercial regulations, was not intended to be given to Congress. The first is, as he says, that a power to protect manufactures was expressly proposed, but not granted. I think, sir, the gentleman is quite mistaken in relation to this part of the proceedings of the Convention. The whole history of the occurrence to which he alludes is simply this: Towards the conclusion of the Convention, after the provisions of the constitution had been mainly agreed upon, after the power to lay duties and the power to regulate commerce had both been granted, a long list of propositions was made, and referred to the committee, containing various miscellaneous powers, some or all of which it was thought might be properly vested in Congress. Among these, was a power to establish a university; to grant charters of incorporation; to regulate stage coaches on the post roads; and also the power to which the gentleman refers, and which is expressed in these words: "To establish public institutions, rewards, and immunities, for the promotion of agriculture, commerce, trades, and manufactures." The committee made no report on this or various other propositions in the same list. But the only inference from this omission is, that neither the committee nor the Convention thought it proper to authorize Congress "to establish public institutions, rewards, and immunities" for the promotion of manufactures, and other interests. The Convention supposed it had done enough, at any rate it had done all it intended, when it had given to Congress, in general terms, the power to lay imposts and the power to regulate trade. It is not to be argued, from its omission to give more, that it meant to take back what it had already given. It had given the impost power; it had given the regulation of trade; and it did not deem it necessary to give the further and distinct powers of establishing public institutions.

The other fact, sir, on which the gentleman relies, is the declaration of Mr. Martin to the Legislature of Maryland. The gentleman supposes Mr. Martin to have urged, against the constitution, that it did not contain the power of protection. But, if the gentleman will look again at what Mr. Martin said, he will find, I think, that what Mr. Martin complained of was, that the constitution, by its prohibitions on the States, had taken away from the States themselves the power of protecting their own manufactures by duties on imports. This is undoubtedly true; but I find no expression of Mr. Martin intimating that the constitution had not conferred on Congress the same power which it had thus taken from the States.

But, sir, let us go to the first Congress; let us look upon this and the other House, at the first session of their organization.

We see in both Houses, men, distinguished among the framers, friends, and advocates of the constitution. We see in both those who had drawn, discussed, and matured the instrument in the Convention, explained and defended it before the people, and were now elected members of Congress to put the new Government into motion, and to carry the powers of the constitution into beneficial execution.

At the head of the Government was WASHINGTON himself, who had been President of the Convention, and in his cabinet were others most thoroughly acquainted with the history of the constitution, and distinguished for the part taken in its discussion.

If these persons were not acquainted with the meaning of the constitution; if they did not un-

derstand the work of their own hands, who can understand it, or who shall now interpret it to us?

Sir, the volume which records the proceedings and debates of the first session of the House of Representatives, lies before me. I open it, and I find that, having provided for the administration of the necessary oaths, the very first measure proposed for consideration is, the laying of imposts; and in the very first Committee of the Whole into which the House of Representatives ever resolved itself, on this its earliest subject, and in this its very first debate, the duty of so laying the imposts, as to encourage manufactures, was advanced, and enlarged upon, by almost every speaker, and doubted or denied by none. The first gentleman who suggests this as the clear duty of Congress, and as an object necessary to be attended to, is Mr. Fitzsimons, of Pennsylvania; the second, Mr. White of Virginia; the third Mr. Tucker of South-Carolina.

But the great leader, sir, on this occasion, was Mr. Madison. Was he likely to know the intentions of the Convention and the people? Was he likely to understand the constitution?

At the second sitting of the committee, Mr. Madison explained his own opinions of the duty of Congress, fully and explicitly. I must not detain you, sir, with more than a few short extracts from these opinions, but they are such as are clear, intelligible, and decisive.

"The States," says he, "that are most advanced in population, and ripe for manufactures, ought to have their particular interest attended to, in some degree. Whilst these States retained the power of making regulations of trade, they had the power to cherish such institutions. By adopting the present constitution, they have thrown the exercise of this power into other hands; they must have done this with an expectation that those interests would not be neglected here."

In another report of the same speech, Mr. Madison is represented as using still stronger language; as saying, that the constitution, having taken this power away from the States, and conferred it on Congress, it would be a fraud on the States and on the people were Congress to refuse to exercise it.

Mr. Madison argues, sir, on this early and interesting occasion, very justly and liberally in favor of the general principles of unrestricted commerce. But he argues also, with equal force and clearness, for certain important exceptions to these general principles.

The first, sir, respects those manufactures which had been brought forward under encouragement by the State Governments. "It would be cruel," says Mr. Madison, "to neglect them, and to divert their industry into other channels, for it is not possible for the hand of man to shift from one employment to another without being injured by the change." Again: "There may be some manufactures which, being once formed, can advance towards perfection without any adventitious aid; while others, for want of the fostering hand of Government, will be unable to go on at all. Legislative provision, therefore, will be necessary to collect the proper objects for this purpose; and this will form another exception to my general principle." And again: "The next exception that occurs is one on which great stress is laid by some well informed men, and this with great plausibility: that each nation should have, within itself, the means of defence, independent of foreign supplies; that in whatever relates to the operations of war, no State ought to depend upon a precarious supply from any part of the world.—There may be some truth in this remark, and therefore it is proper for legislative attention."

In the same debate, sir, Mr. Birk from South-Carolina, supported a duty on hemp, for the express purpose of encouraging its growth on the strong lands of South-Carolina. "Cotton," he said, "was also in contemplation among them, and, if good seed could be procured, he hoped might succeed." Afterwards, sir, the cotton seed was obtained, its culture was protected, and it did succeed. Mr. Smith, a very distinguished member from the same State, observed: "It has been said, and justly, that the States which adopted this constitution expected its administration would be conducted with a favorable hand. The manufacturing States wished the encouragement of manufactures; the maritime States the encouragement of ship-building; and the agricultural States the encouragement of agriculture."

Sir, I will detain the Senate by reading no more extracts from these debates. I have already shown a majority of the members of S. Carolina, in this very first session, acknowledging this power of protection, voting for its exercise, and proposing its extension to their own products. Similar propositions came from Virginia; and, indeed, sir, in the whole debate, at whatever page you open the volume, you find the power admitted, and you find it applied to the protection of particular articles, or not applied, according to the discretion of Congress. No man denied the power—no man doubted it; the only questions were, in regard to the several articles proposed to be taxed, whether they were fit subjects for protection, and what the amount of that protection ought to be. Will gentlemen, sir, now answer the argument drawn from these proceedings of the first Congress? Will they undertake to deny that Congress did act on the avowed principle of protection? Or, if they admit it, will they tell us how those who framed the constitution fell, thus early, into this great mistake about its meaning? Will they tell us how it should happen that they had so soon forgotten their own sentiments, and their own purposes? I confess I have seen no answer to this argument, nor any respectable attempt to answer it. And, sir, how did this debate terminate? What law was passed? There it stands, sir, among the statutes, the second in the law book. It has a preamble, and that preamble expressly recites, that the duties which it imposes are laid "for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures." Until, sir, this early legislation, thus couched with the constitution itself, thus full and explicit, can be explained away, no man can doubt of the meaning of that instrument.

Mr. President, this power of discrimination, thus admitted, avowed, and practised upon, in the first revenue act, has never been denied or doubted, until within a few years past. It was not at all doubted, in 1816, when it became necessary to adjust the revenue to a state of peace. On the contrary, the power was then exercised, not without opposition as to its expediency, but, as far as I remember, or have understood, without the slightest opposition founded on any supposed want of constitutional authority. Certainly, S. Carolina did not doubt it. The tariff of 1816 was introduced, carried through, and established, under the lead of South-Carolina. Even the minimum policy is of South-Carolina origin. The honorable gentleman himself supported, and ably supported, the tariff of 1816. He has informed us, sir, that his speech on that occasion was sudden and off-hand, he being called up by the request of a friend. I am sure the gentleman so remembers it, and that it was so; but there is, nevertheless, much method, arrangement, and clear exposition, in that extempore speech. It is very able, very, very much to the point, and very decisive. And in another speech, delivered two months earlier, on the proposition to repeal the internal taxes, the honorable

gentleman had touched the same subject, and had declared, "that a certain encouragement ought to be extended, at least to our woolen and cotton manufactures." I do not quote these speeches, sir, for the purpose of showing that the honorable gentleman has changed his opinion: my object is other, and higher. I do it for the sake of saying, that that cannot be so plainly and palpably unconstitutional, as to warrant resistance to law, nullification, and revolution, which the honorable gentleman and his friends have heretofore agreed to, and acted upon, without doubt, and without hesitation. Sir, it is no answer to say, that the tariff of 1816 was a revenue bill. So are they all revenue bills. The point is, and the truth is, that the tariff of 1816, like the rest, did discriminate; it did distinguish one article from another; it did lay duties for protection. Look to the case of coarse cottons, under the minimum calculation: the duty on these was sixty to eighty per cent. Something beside revenue, certainly, was intended in this; and, in fact, the law cut up our whole commerce with India in that article.

It is, sir, only within a few years that Carolina has denied the constitutionality of these protective laws. The gentleman himself has narrated to us the true history of her proceedings on this point. He says that, after the passing of the law of 1828, despairing then of being able to abolish the system of protection, political men went forth among the people, and set up the doctrine that the system was unconstitutional. "And the people," says the honorable gentleman, "received the doctrine." This, I believe, is true, sir. The people did then receive the doctrine: they had never entertained it before. Down to that period, the constitutionality of these laws had been no more doubted in South-Carolina, than elsewhere. And I suspect it is true, sir, and I deem it a great misfortune, that, to the present moment, a great portion of the people of the State have never yet seen more than one side of the argument. I believe that thousands of honest men are involved in scenes now passing, led away by one-sided views of the question, and following their leaders by the impulses of an unlimited confidence. Depend upon it, sir, if we can avoid the shock of arms, a day for reconsideration and reflection will come; truth and reason will act with their accustomed force, and the public opinion of South-Carolina will be restored to its usual constitutional and patriotic tone.

But, sir, I hold South-Carolina to her ancient, her cool, her uninfluenced, her deliberate opinions. I hold her to her own admissions, nay, to her own claims and pretensions, in 1789, in the first Congress, and to her acknowledgments and avowed sentiments through a long series of succeeding years. I hold her to the principles on which she led Congress to act in 1816; or, if she have changed her own opinions, I claim some respect for those who still retain the same opinions. I say she is precluded from asserting that doctrines, which she has herself so long and so ably sustained, are plain, palpable, and dangerous violations of the constitution.

Mr. President, if the friends of nullification should be able to propagate their opinions, and give them practical effect, they would, in my judgment, prove themselves the most skillful "architects of ruin," the most effectual extinguishers of high raised expectation, the greatest blasters of human hopes, which any age has produced. They would stand up to proclaim, in tones which would pierce the ears of half the human race, that the last great experiment of representative government had failed. They would send forth sounds, at the hearing of which the doctrine of the divine right of Kings would feel, even in its grave, a returning sensation of vitality and resuscitation. Millions of eyes, of those who now feed their inherent love of liberty on the success of the American example, would turn away from beholding our dismemberment, and find no place on earth whereon to rest their gratified sight. Amidst the incantations and orgies of nullification, secession, disunion, and revolution, would be celebrated the funeral rites of constitutional and republican liberty.

But, sir, if the Government do its duty, if it act with firmness and with moderation, these opinions cannot prevail. Be assured, sir, be assured, that, among the political sentiments of this people, the love of union is still uppermost. They will stand fast by the constitution, and by those who defend it. I rely on no temporary expedients, on no political combination; but I rely on the true American feeling, the genuine patriotism of the people, and the imperative decision of the public voice. Disorder and confusion, indeed, may arise; scenes of commotion and contest are threatened, and perhaps may come. With my whole heart, I pray for the continuance of the domestic peace and quiet of the country. I desire, most ardently, the restoration of affection and harmony to all its parts. I desire, that every citizen of the whole country may look to this Government, with no other sentiments but those of grateful respect and attachment. But I cannot yield, even to kind feelings, the cause of the constitution, the true glory of the country, and the great trust which we hold in our hands for succeeding ages. If the constitution cannot be maintained without meeting these scenes of commotion and contest, however unwelcome, they must come. We cannot, we must not, we dare not, omit to do that which, in our judgment, the safety of the Union requires. Not regardless of consequences, we must yet meet consequences; seeing the hazards which surround the discharge of public duty, it must yet be discharged. For myself, sir, I shun no responsibility justly devolving on me, here or elsewhere, in attempting to maintain

the cause. I am tied to it by indissoluble bands of affection and duty, and I shall cheerfully partake in its fortunes and its fate. I am ready to perform my own appropriate part whenever and wherever the occasion may call on me, and to take my chance among those upon whom blows may fall first and fall thickest. I shall exert every faculty I possess in aiding to prevent the constitution from being nullified, destroyed, or impaired; and even should I see it fall, I will still, with a voice, feeble, perhaps, but earnest as ever issued from human lips, and with fidelity and zeal, which nothing shall extinguish, call on the PEOPLE to come to its rescue.

LATEST FROM MATANZAS & HAVANA.

NEW YORK, April 12.—The brig Ariel, Capt. Watson, arrived yesterday from Matanzas, having sailed on the 1st of April. For four days previous, the number of deaths by Cholera in Matanzas was about 20 a day. In Havana the disease continued to rage with great violence. During the last two days of which we have accounts, the number of deaths was no less than 950; i. e. in the two days together. We lament to state that among the victims is the American Consul, Wm. SHALER, Esq.

P. S.—Since the above was in type, we have received Havana letters and papers to March 6th, inclusive. A letter of that date states that the number of deaths was about 300 a day, and that the disease did not appear to be abating. The Archbishop of St. Domingo, and acting Bishop of Havana, Dr. D. Pedro Valeray Ximenes, fell a victim on the 19th, aged 74.

From a letter of March 30.

"It is true that the mortality was greater on the 10th than for several succeeding days, but it afterwards increased, and on the 18th the number of deaths was 600. On the 21st, 270 bodies were interred in the principal burying ground; but besides this, there is the burying ground of Carague, and I believe others, the whole number of deaths was probably not less than 400. The Government has opened two Hospitals—one for men in the Arsenal, and the other in a house of the Campo de Marte, for women. On the 19th the artillery of the forts was fired, by order of the Government, as a means of purifying the atmosphere. Many of the physicians have fled or concealed themselves, and it is not strange, therefore, that those who remain are unable to attend upon all the sick—so that many die without being visited by them. Azcarate and Guarro are the physicians who deserve most praise for their humanity and indefatigable zeal. They attend as much upon the poor as the rich."

The population of Havana is perhaps 150,000. We have heard it estimated by intelligent Spanish gentlemen as high as 200,000. Even if this estimate be correct, the mortality has been already greater there, in proportion to the population, than it was in Paris during the whole prevalence of the disease, and nearly as great as it was in Montreal and Quebec. The greatest number of deaths by Cholera reported in this city by the Board of Health in any one day, was 104. Those who were witnesses of that mortality can form some idea of the consternation which must be produced by a six-fold greater mortality among a population considerably less. We are informed that while that portion of Havana situated within the walls is kept comparatively clean, the suburbs are intolerably filthy; and here it is that the mortality has been greatest. The disease, we understand, has spread itself more or less, over the greater part of the island.

Mr. Shaler, whose death is mentioned above, is the same gentleman who, after residing a number of years as the Representative of the American Government in Algiers, wrote the volume which served as a guide to the French expedition against that city in 1830. He was about 55 years old at the date of his decease; and though he has not left a family to mourn his loss, there are many who will feel it to be a public calamity.

Grand Entertainment at St. Petersburg.

—The commencement of the new year was celebrated at St. Petersburg by a masked ball and supper, given by their Majesties at the great Winter Palace. Upwards of 20,000 tickets were issued on the occasion. In the midst of the immense crowd were seen, gliding with difficulty from room to room, the Emperor and Empress—his Majesty in a plain uniform, without orders or jewels; his consort blazing with diamonds and pearls, which certainly never graced a more lovely person. The theatre of the Hermitage was fitted up for supper for the principle guests. Around that structure were laid five hundred covers, principally in gold, with wines and refreshments; the Empress seated at a table in the centre, and the Emperor close to her, did the honors in the most graceful manner imaginable.

The wags of the London journals have made "a dead set" at what they call the peculiar and fervid eloquence of the South Carolina Nullifiers. They observe that "the Tariff, with the heat of the climate, has been the source of much inspiration." Gen. Hamilton's assurance that his fellow-citizens "would go even to the death with him for his sugar," seems to have afforded them special amusement.—Nat. Gaz.

Boston, April 13.—Affecting Occurrence.

—A few days ago, two colored men gave information to some members of the Anti-Slavery Society, that a negro slave from one of the southern States was on board a schooner in the harbor, that he was very desirous of escaping, and that he was watched for fear of his running away. The name of the vessel, as afterwards ascertained, was the Vienna, her master's Lorenzo Dow Morgan, and the slave's Burton Spicer. She is said to be bound to New York. A writ of habeas corpus was, on the petition of one of the members of the Society, immediately obtained from the Supreme Court, and served upon the Captain; and Spicer was shortly after brought up to the Supreme Court Room.

Before the Judges would take cognizance of the case, it became necessary to show that Spicer was detained against his will. He was accordingly interrogated upon the subject by the counsel, and informed that he was free in Massachusetts, and that no doubt the Court would so pronounce him, if the case was permitted to proceed. The poor fellow seemed very much agitated, and his whole frame trembled. He said he should like to be free in his own country, where his relations were. He was urged to make his election, and say whether he wished to be free and remain here, as he would be compelled to do, or to return to his relations as a slave. He concluded, after a strong and visible conflict between his feelings, to go back—and accordingly returned to the vessel. We are informed, and have no doubt of the fact, that the Captain had threatened to put him in irons, if he attempted to escape. The feelings of the slave did him honor. He was sensible of the charms of liberty, but he was unwilling to desert his relations, even to obtain a blessing which he so ardently desired.

The case leads us to mention a principle of law which is not so generally known among us as it ought to be, viz:—that a slave, coming from one of the slave States, by the consent of his master, into a free State, becomes free. The only case in which the authorities of a free State are bound to deliver up a slave to his owner, is the one provided for by the Constitution of the U. States, where the slave has run away from his master. In every other case, every person in the free States, is FREE.

American Nanken.—Those who like a good article, and are a little particular as to color, will do well to call at the store of N. F. WILLIAMS, Esq. Bowly's warf, and examine some samples of American Nanken which Mr. W. has received. The article is manufactured from Georgia cotton, and exhibits the natural color of the material. This Nanken is of fine texture and quality; and unlike the India Nanken, as well as all the imitations, its color is said to improve by wear. Last season a few dozen pieces of this Nanken were sent to Mr. WILLIAMS, which were speedily disposed of, and the effect has been, as we understand, to produce this season, a considerable demand for the article.—Patriot.

We learn that Count Survilliers (Joseph Bonaparte) is to sail from London 14th May, on his return to the United States. One of his chief motives for the voyage to Europe is said to have been, to visit his mother in Italy, who is quite aged, and his wife, who is sick. But passports were denied him, and he is compelled to return, without enjoying this indulgence. Such distinctions belong to great men. An humble individual may visit his mother or his wife without restraint, a gratification which many a good man would not barter for all the trinkets of distinction.—Jour. of Com.

CRIME.—Perhaps no page in the past history of social man is more stained with blood and iniquity, than that which records the events of our own day and generation. Has murder become a fashionable sport? Is suicide contagious? Have robbery, debauchery, and all their nameless ramifications, come so much into vogue, that the whole energies of society are in vain exerted to prevent the organization of a regular system of vice and villainy, under the weight of which, the accumulated improvements and virtues of our race are destined to sink into original barbarity and chaos? The philanthropist must shudder at the prospect daily presented, and hourly enlarging, in the columns of our public journals. None now comes to us, from any quarter of the country, which does not bring some revolting justification of the suspicion, that the meridian of human greatness is passed, and that the downward course to a state of savage ignorance and misery has already commenced. Who can forbear the indulgence of such a gloomy surmise, when he contemplates the hideous and appalling increase of such a gloomy surmise, when he contemplates the hideous and appalling increase which guilt and insanity are rapidly making upon the peace and order of civilized life?—Nantucket Inq.

Cotton Gin for Sea Islands.—We learn by a letter from the Messrs. Whittemore, (the great Land Mechanists of West Cambridge, near Boston) that one of them may soon be expected in this city with a Patent Machine for separating the Seed from the Cotton without injuring the staple. Those who have seen it in operation, speak with the utmost confidence of its complete success.—Charleston Mer.