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BY GEORGE HOWARD,

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## DOMESTIC.

### TO THE PEOPLE Of the United States.

A portion of your fellow citizens, resident in different States of the Union, who are numerous, respectable and intelligent, who like yourselves, are attached to the principles of free government, and ardently devoted to the great constitutional charter, which consecrates and upholds them—who ask only an equal participation in the benefits, and are ready to bear an equal share of the burthens of the government—who are willing, moreover, to concede to others a perfect right to the full enjoyment of whatever they ask for themselves; such a portion of your fellow citizens, whose condition, character, motives and views are thus faithfully delineated, have deputed us to represent them on an occasion deeply interesting to their feelings as men, and vitally important to their interests as citizens of this great confederated Republic. They have called upon us to unite our counsels for the redress of the grievances under which they labor; and have enjoined it upon us, as a duty, to omit no means for the accomplishment of this object, which may consist with our obligations as citizens, and with their own faithful and ardent devotion to the bond of our common union. In the performance of a duty like this we cannot be insensible to the propriety of a frank and respectful communication with our fellow citizens at large. We are members of the same great political family. Our interests are common, and so also are our duties; and it cannot be that any portion of our brethren can desire to withhold from us our just share of the benefits, which flow from the government under which we live. We have equal confidence in their justice and intelligence; and assure ourselves that it is only necessary to bring home to their understandings the conviction of the evils under which we suffer, to secure their cordial co-operation in prompt and effectual measures for their removal. We would commune with you, then, in the spirit of these feelings. We must speak with frankness. It may be that our language will borrow strength from the conviction of our wrongs, but we will not forget the just respect which is due to those who differ from us in opinion, and cannot be unmindful of the affection which we bear, and which we earnestly desire to cherish to-

wards our brethren throughout the Union.

The representatives of portions of our fellow citizens, belonging to fifteen different States of this confederacy, have assembled in the city of Philadelphia to consider the grievances which they suffer under the existing tariff of duties, and to devise, if happily they may do so, some constitutional and peaceful mode of redress.—Speaking generally, they have come together as strangers to each other, with all the variety of opinions on most subjects, which springs from different habits and pursuits, and is perhaps inevitably incident to the imperfection of our common nature. On one engrossing question, that which constitutes the subject of this address, looking as well to its principles as its details, they have found a concurrence of opinion, which, as they believe, entitles them to ask for that opinion, and for the reasons on which it is founded, the attentive and dispassionate consideration of the American people.

Among the evils which flow from the tariff system, as at present established by law, the ardent and determined opposition to that system, which exists in various parts of the Union,—the deep and settled discontent which is felt, and has been manifested by a numerous, patriotic and intelligent portion of our fellow citizens,—cannot fail to awaken the liveliest solicitude of every lover of his country. Let it be remembered that this is no transient feeling—the offspring of momentary excitement,—one which may be expected to pass away under the influence of a more calm and dispassionate reflection. No—the system of which we complain is not of recent origin, and the feeling of discontent, which was coeval with its institution, time and experience have only served to strengthen and increase. Let those who sincerely desire to perpetuate the political blessings which we enjoy, look to this consideration with the attention which it demands. This is emphatically a government of opinion. The vigor of the laws is a moral force. The bond which unites us is the sense of our common interest—the conviction of our equal rights—the assurance of our capacity to assert, and the feeling that we actually enjoy them. Take from any considerable portion of the American people the consciousness that they are in the full possession of their rights as freemen; substitute for it the spirit of discontent which springs from the conviction of wrongs inflicted, not inadvertently, but with deliberation, which are not temporary but enduring; and you array against the government a force which is of like character with that which sustains it—you awaken a feeling of resentment which is goaded into activity by a sense of oppression, and embittered by the recollection that it is the hand of a brother which inflicts it. Such is the feeling which pervades a numerous and respectable portion of the American people. It cannot be denied, and may not be disregarded,

without putting to hazard the safety of the confederacy.

Do you doubt its existence, its nature or degree? Look to the character of this assembly—the circumstances under which it is convened. Give your attention to the history of the past, and be admonished of the novel and extraordinary spectacle which is presented to your view. Do not close your eyes to the fact, that this assembly is altogether without parallel since the foundation of the government—that we are freemen and the representatives of freemen, who speak to you of our violated rights—that we have come from different and distant parts of the Union to join in demanding their restoration—that a consciousness of strength is the offspring of united counsels—and that our purpose is not the less firm, because it is announced to you peacefully and in the spirit of conciliation.

A numerous and respectable portion of the American people do not merely complain that this system is unjust, but they question the right to establish it. They do not doubt—they utterly deny—the constitutional power of Congress to enact it. In justice to that body, we invite your candid attention to a brief consideration of their views on this subject. The constitutional validity or invalidity of an act of Congress does not necessarily depend upon the question whether the judicial department of the government would affirm the one or the other of these propositions. It may be that an act will in its operation and effect be subversive of the principles of the Constitution, and yet on its face be superior to all just exception on that ground. Literally and in terms it may be in execution of an expressly granted power—in its operation and effect it may not only transcend that power, but may directly contravene it. Under the pretence of supplying a revenue, Congress may raise money beyond the purposes to which it can be legitimately applied, or may increase the duties to an amount which will be prohibitory of importation, and consequently destructive of all revenue to be derived from that source. Still such an act would purport to be in the execution of the power to lay and collect taxes; and courts of justice judging of it by its terms, and by what is apparent on its face, would not affirm its invalidity. But the Constitution is equally obligatory on every department of the government—on the legislator who enacts, as well as on the judge who interprets a law. If the former shall so veil his unlawful purpose as to defend it from the scrutiny of the latter, is it less a violation of his constitutional obligation? If it be such a violation, can it be constitutionally valid?

If instead of the absence of any express grant of power to protect manufactures, the Constitution had contained an express clause of inhibition, an act of Congress, imposing duties beyond the purposes of revenue, and thereby operating as a bounty to the manufacturer, would, they insist, be admitted

to be in violation of the Constitution, and yet the repugnance would not be manifest upon its face, and would therefore elude the judicial power.

A numerous and intelligent portion of the American people believe that this view is applicable to the tariff of 1828. They admit the power of Congress to lay and collect such duties as they may deem necessary for the purposes of revenue, and within these limits so to arrange those duties as incidentally, and to that extent, to give protection to the manufacturer. They deny the right to convert what they denominate the incidental into the principal power, and transcending the limits of revenue to impose an additional duty substantively and exclusively for the purpose of affording that protection. They admit that Congress may countervail the regulations of a foreign power which may be hostile to our commerce, but they deny their authority permanently to prohibit all importation for the purpose of securing the home market exclusively to the domestic manufacturer, thereby destroying the commerce they were entrusted to regulate, and fostering an interest with which they have no constitutional power to interfere. That portion of our fellow citizens of whom we speak, do not therefore hesitate to affirm, that if the right to enact the tariff law of 1828 be referred to the authority to lay and collect duties, &c. it is a palpable abuse of the taxing power, which was conferred for the purpose of revenue;—if to the authority to regulate commerce, it is as obvious a perversion of that power, since it may be extended to an utter annihilation of the objects which it was intended to protect. Waving however this discussion, we concur in the opinion, that if the aggrieved party is deprived of the protection which the judicial department might otherwise afford, it would strengthen his appeal to the American people to unite with him in correcting the evil by peaceable and constitutional means.

But there is a view of this subject which may claim the concurrence of all those who are prepared to admit that the tariff is unequal in its operation, oppressive and unjust. The Constitution of the United States had its origin in a spirit of compromise. Its object is the security of those rights which are committed to its protection—its principle that of an equal participation in the benefits and in the burthens of the government. A system of taxation which is unequal in its operation, which oppresses the many for the benefit of the few, is therefore unjust, not merely with reference to the great and immutable principles of right which are applicable to human conduct, but is moreover in direct collision with that constitutional equality of right, which this instrument was thus confessedly intended to secure. A distinguished jurist of Massachusetts, who is advantageously known as such to the people of the Union, has said of the system of which we complain, that it is

calculated "to destroy many of the great objects for which the Constitution of the United States was originally framed and adopted." Who will affirm that such a system can consist with the spirit of the Constitution? Its enactments may be so veiled as to elude the judicial power, and may therefore be obligatory upon the other departments of the government—but as between constituent and agent, between the people and their rulers, the charter will in such case have been violated, and it will belong to them to correct the evil. Why should we fear to enunciate this principle? Is it because of the danger of those interests which have grown up under the system? A just consideration of the subject will lead to directly opposite result. If it be conceded that the system is oppressive, unequal and unjust, can those who profit by it deceive themselves with the expectation of its permanency? Is it prudent to close their eyes to the consequences, to which sooner or later this conviction must inevitably lead? Distinguished as this system is by every characteristic which may define a tyranny the most odious, why should we, who are its victims, not stand upon our chartered rights?

As men and brethren we appeal to you then to unite your efforts with ours in the correction of this abuse. A system which is unequal in its operation, and therefore unjust—which is oppressive, because it burthens the many for the benefit of the few—grossly, fatally unwise and impolitic, since it is subversive of the harmony of the Union—which is in violation of the principles of free government, and utterly at variance with the spirit of justice and mutual concession in which the Constitution was conceived and adopted; such a system, if persevered in, must alienate our affections from each other, engender discontents and animosities, and lead inevitably, and with a force which no human power can resist, to the most awful of all calamities. We entreat those who differ from us, seriously to ponder this view of the subject. We entreat them not to misunderstand us. We cannot be deterred from the discharge of our duties to ourselves and our common country by the menace of consequences, and we are equally incapable of using its language to others. It is as men and brothers—in the spirit of an affection which is still warm and undiminished, that we would call their attention to those inevitable results, which neither they nor we will have the power to avert. Examine the subject for a moment in its connexion with the principles of an enlightened political economy, and see if the considerations which are urged to sustain this system are not fallacious and delusive. The view must necessarily be brief—consisting of hints and suggestions rather than of an extended argument; or of minute details; but our object will be attained if these may serve to awaken a spirit of dispassionate inquiry.

(concluded in our next.)