

TARBORO' PRESS.



Whole No. 860.

Tarborough, (Edgecombe County, N. C.) Saturday, August 27, 1842

Vol. XVIII—No 34.

The Tarborough Press,

BY GEORGE HOWARD.

Is published weekly at Two Dollars and Fifty Cents per year, if paid in advance—or Three Dollars at the expiration of the subscription year. For any period less than a year, Twenty-five Cents per month. Subscribers are at liberty to discontinue at any time, on giving notice thereof and paying arrears—those residing at a distance, must invariably pay in advance, or give a responsible reference in this vicinity.

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POLITICAL.



SPEECH OF

Hon. JOHN R. J. DANIEL, of N. C.

On the Tariff Bill, delivered in the H. of Representatives, July 8, 1842.

The House being in Committee of the Whole on the state of the Union, and the tariff bill being under consideration—

Mr. DANIEL addressed the committee as follows:

Mr. CHAIRMAN: That the gag should have been adopted immediately preceding the discussion of this great measure, is matter of regret. Not only does it involve the whole policy of the Government, but the exercise of one of the most important and delicate powers which can be exerted—I mean the taxing power. That a measure so important in its character, and so numerous in its details, should be subjected to the shackles and restraints of the gag, is, I again repeat, matter of regret. The main proposition before the committee is the bill reported by the Committee of Ways and Means. The gentleman from Massachusetts [Mr. SALTONSTALL] has moved, as a substitute, the bill reported from the Committee on Manufactures. Notice has been given of several amendments intended to be offered; and I take this occasion to say that, at a proper time, I shall move to strike out the 25th section of the bill. Under the operation of the gag, these several propositions, as well as the details of the bill, are presented to our consideration at one and the same time, tending to confuse and distract the attention of the committee, and must be discussed in the brief space which the rule allows, or not at all; for when the hour arrives at which the debate is to cease, and the vote to be taken upon amendments, no explanation whatever is allowed, and a scene ensues which violates every idea of a deliberative body, and, to my mind, is supremely ridiculous. We then exhibit to an enlightened world a grand pantomimic farce, inconsistent with the dignity of an American Congress, in conflict with the spirit of our institutions, and truly degrading to our national character.

I have already said that the measure under consideration not only involves the policy of the Government, but the exercise of the taxing power. The caution and tenderness, on the one hand, and the readiness and freedom, on the other, with which this power is exercised, have always to some extent, and hereafter will more distinctly mark the policy of the two great parties of the country. The Democrats, opposed to exclusive privileges and monopolies, and aiming to confer the greatest good upon the greatest number, as a party, are the advocates of the free trade; while their opponents, favoring exclusive privileges and monopolies—the few at the expense of the many—as a party, are for the restrictive or protective policy. Now, when we reflect that it is a proposition which meets with very general approbation among the American people, that no more money should be raised by taxation than what is necessary for the wants of the Government, we may form some general idea of the character of the measures which the policy of the two parties would naturally suggest. The Democrats would not only favor a strict construction of the Constitution, and discountenance the exercise of doubtful powers—thereby limiting the action of the Federal Government to the few and simple but important purposes for which it was formed, and avoiding collisions with the States—but, within the sphere of its action, thus defined, would practice all the economy which the efficiency of the Government would admit as indispensable to the prosecution of their policy. The Whigs, on the other hand, knowing that the popular sentiment is opposed to the levying of taxes beyond the wants of the Government, would naturally adopt a broad construction of the Constitution, and

sanction the exercise of doubtful powers by the Federal Government, even at the hazard of collisions with the States; and without the sphere of its action, thus enlarged, and drawing within its scope subjects never intended to be confided to it, would multiply and increase the wants of the Government, with a view to heavy expenditures; which are as indispensable to their system of policy, as the air we breathe is to our existence.

A brief review of the past will warrant me in what I have said, and show that the great and pressing wants of the Government, which the advocates of protection so eloquently urge, are the result of Whig policy, and may have been intended to insure the adoption of this very measure.

During the last Administration—when, I admit, the aggregate expenditures were large, owing to the Florida war, and other causes; some of which no longer, and others but partially exist—and while denouncing its extravagance before the country, the Whigs, true to the principles of their policy generally, not only voted for the large appropriations which they condemned, but for others, that might be truly characterized as extravagant, and which were defeated mainly by Democratic votes. Having come into power by the hopes which their professions of retrenchment and economy, and promises of better times, had excited, they have illustrated more clearly the character and tendency of their principles. Not content to administer the Government, the first year, (1841) with the means placed at their disposal by the preceding Congress, and which were amply sufficient for its economical administration, an extra session was ordered—even before some of the members had reached their homes, and, in the absence of any indication on the part of Congress that such a measure was necessary; and in open disregard of the solemn professions to which they owed their success, a system of bold and extravagant—I might almost say reckless—measures were originated, and, for the most part, adopted; the object of which was, it would seem, to create a strong and permanent necessity for the free use of the taxing power, as the foundation of the system which it is now apparent they are determined to pursue. Not only were additional appropriations made, amounting to upwards of five millions of dollars, but a loan of twelve millions was authorized; and, inconsistent as it seems to be, the proceeds of the public lands were diverted from an empty treasury, and directed to be distributed among the States and Territories, for works of internal improvements; and other purposes of State policy. And had the bill proposing the establishment of another monster of iniquities been approved by the President, several millions more would have been added to the public debt. At the present session, as if to render the argument to be derived from the great and pressing wants of the Government, and low state of the public credit, more imposing, this great measure has been kept back until a very late period of the session; and, in the mean time, the public debt has been greatly enlarged, by an act for issuing five millions of treasury notes, and another to authorize five millions to be borrowed, in addition to the twelve millions authorized by the act of the last session. Such has been the policy of the party now in power—such the measures—the combined and blighting influence of which is brought to bear upon the bill now under consideration.

Sir, had the unfortunate and much to be regretted extra session been avoided, and at this session the promised retrenchment and economy, so much desired by the people, been carried out;—had the navy establishment been kept at what the purposes of commerce required, collecting at the proper arsenals and naval depots such necessary materials as enter into the construction of ships, to be put together as circumstances might require; and so as to secure the advantages and improvements which the progress of the arts and sciences is continually suggesting;—had the army been reduced to what it was before the Black Hawk and Florida wars rendered its enlargement necessary;—had all the offices been abolished in the Land and Indian bureaus, which might be dispensed with—a vast quantity of the public lands having already been surveyed, and remaining yet unsold; and the Indians having been removed;—and had that spirit of economy and retrenchment, so rife in the land previous to the election of 1840, instead of flagging, (if, indeed, it has not evaporated,) been made to pervade every department of the Government,—I think I hazard nothing in saying now, that the almost unprecedented inflation of the currency, affecting so materially both private and public disbursements, has subsided, the expenditures of the last year might have been kept within the amount of those of the preceding year, with the prospect of reducing them, the present, to something like seventeen or eighteen millions of dollars. Sir, had the Government been made to take the direction which I have indicated, instead of that

which has been given it, how different would have been the considerations growing out of the financial and political condition of the country, and connecting themselves with this great measure, from those by which it is at present surrounded. In that event, not only would no necessity have arisen to transcend the limits of the compromise act, as is now insisted; but the deficiency in the revenue, occasioned by the two last reductions of that act, might have been supplied, to a sufficient extent, by a duty of twenty per cent. upon such articles as, under the act, were left free, or paid a less duty than twenty per cent., that approximated nearest to luxuries; leaving some articles of general and necessary consumption still free. And what is certainly not unworthy of consideration—that irritation and discontent, which the bill under consideration (should it become a law) will not fail to produce; would have been avoided.

Mr. Chairman, the distribution act of the last session contains a proviso, (and without which, it is well known, it never could have become a law,) that the distribution among the States and Territories should cease whenever, and so long as, the duty on any article or articles of import should be raised and continue above 20 per cent. That proviso the 25th section of the bill proposes to repeal, so as to prevent that suspension of the distribution, which the bill, should it pass into a law, will effect.

If it has been the object of the measures which have marked the policy of the party now in power, to create a necessity for high duties, with a view to protect domestic manufactures, and such consideration entered into the motives for the distribution act;—now that the necessity is sufficiently great, without the aid of that measure—when the treasury is empty, and our credit at the lowest ebb; nay, when the whole tenor of the argument submitted by the honorable chairman of the Committee of Ways and Means goes to show that the bill, as high as the duties are, may fail to raise the requisite amount of revenue—a wise and patriotic regard for the honor and character of the Government seems to require that the section in question should be stricken out, in order that the proceeds of the lands may be restored to the treasury, to aid in sustaining its sinking credit, and alleviate the burden of taxation. Should the bill fail to produce the necessary amount of revenue for the wants of Government, recourse to a system of excises and direct taxes, to which the chairman of Ways and Means seems to be so much opposed, must be the consequence of retaining the section in the bill. And here, again, I cannot forbear to remark, what strange and singular inconsistency the policy of those to whom I stand opposed, sometimes exhibits. Under the operation of their measures, the treasury has been emptied and greatly embarrassed; and, while driven to miserable shifts to keep the Government afloat, a revenue bill is introduced, which, it is seemingly admitted, may fail to raise a sufficient amount of revenue, with a section in it which has for its object to exclude from the treasury some three millions annually, which it would otherwise receive. If, Mr. Chairman, excises and direct taxes should be the consequence of such inconsistency, and, as it appears to me, unstatesman-like legislation, let the censure rest, if there be censure, where in truth and justice it ought to rest.

The above considerations address themselves as well to the other side of the House, as to the party with which it is my pride to act. But with me, as I believe with the Democratic party generally, and, as I trust and believe, with a majority, of the American people, there are other reasons against the section of the bill in question, which go to the principles and policy of the distribution act itself.

I do not design, Mr. Chairman, to enter into an extended discussion of the distribution act, and the policy it involves. The subject has, on other occasions, been exhausted. I will state, but briefly, the grounds of my objections.

The claim or right set up, on the part of the States, to the proceeds of the public lands, is founded upon the deeds of cession; and cannot, therefore, extend to the lands acquired by the purchase of Louisiana and Florida. But, in regard to the lands comprehended in the deeds of cession, it is without foundation. Although the deeds of cession vary somewhat in their phraseology, they all, in substance, "cede, transfer, and relinquish" the lands they were intended to embrace; to such of the States as, at the time, were, or might afterwards become, members of the Federal alliance; and were, therefore, ceded to them, not in their several or individual capacity, but in their united, federal capacity, without any limitation over, or resulting trust whatever, as a "common fund," for the use and benefit of such States, the ceding States included, "according to their usual respective proportions in the general charge and expenditure;" and to be "faithfully and bona fide disposed of for that purpose, and for

no other use or purpose whatever." A candid and impartial examination of the deeds of cession will warrant no other inference; and I think I may safely affirm that nothing can be found in conflict with it, in the debates and proceedings either of the convention which formed the Federal Constitution, or of any of the State conventions held for its adoption. And, sir, I was glad to learn from the gentleman from Kentucky, [Mr. MAUSILL,] whose candor and magnanimity lead him to express frankly the opinions he entertains, in his remarks the other day on the veto message that he did not concur in this claim of right on the part of the States, but supported the act on the ground of policy.

The constitutional argument in favor of the act has as little foundation to rest upon. The power given to Congress by the second clause of the third section of the fourth article of the Constitution—"to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States"—generally relied upon, does not justify it. It extends to all the other property—to everything which, by fair intendment, can be included in the term "property"—belonging to the United States, as well as to the territory. It is obvious, then, that, if Congress, under the power in question, can dispose of the public lands, and distribute the proceeds among the States, for works of internal improvement; and other purposes of State policy, (as has been done by the distribution act,) it may, under the same power, dispose of the ships, forts, public buildings, and any other property belonging to the United States, and distribute the proceeds for similar purposes. The power was given to enable Congress "to dispose of, and make all [such] rules and regulations respecting, the territory or other property belonging to the United States," as the purposes and objects of the Union, collected from the Constitution, might require; and not such as the objects and purposes of the States, as distinct communities, might require. Such purposes are foreign from the end and design of the Federal Government. Besides, is it not obvious that, in this view, the distribution act, and the argument which attempts to maintain it, involve the proposition—more especially since the deficiency in the treasury occasioned by the act must be supplied by loan or taxes—that Congress may borrow money, and levy taxes, to distribute among the States, for works of internal improvement; and such other purposes as the policy of the States may seem to require? Can Gentlemen reflect upon the proposition, without perceiving that it virtually and insidiously, as it were, breaks down all the constitutional barriers designed by our forefathers for the protection of the States against the encroachments of the Federal Government, and leaves it without limitation or power? Sir, if I could sanction the distribution act, entertaining the opinion which I do of its principles, I should feel that I had "passed the Rubicon," and was prepared for any proposition which expediency or discretion might suggest.

But, Mr. Chairman, considerations of a constitutional character are not likely to find a favorable reception with the friends of distribution. I beseech them, therefore, to consider the probable operation of the act, on the source of policy.

That the most effectual guaranty which the constituent has against the improper and oppressive use of the taxing power, is the direct and immediate dependence of the representative, with whom the power is intrusted, will not be denied. That the dependence of members of the State Legislatures is generally more immediate and more sensibly felt than that of members of Congress, and their relations with their constituents more intimate, and their knowledge of their wishes and views more extensive and accurate, is equally true. It is likewise true that the people of the States feel a more immediate and peculiar concern in the proceedings of their respective Legislatures, and generally have better means of knowing and understanding them; than the proceedings of Congress. Nor is it unworthy of observation, that the indirect mode of levying taxes, by means of duties on imports, is more readily resorted to than the direct taxation to which the State Legislatures are confined—not because it is less oppressive, but because its effect is less perceptible, and, to some extent, it may be said to be voluntary with those who pay the taxes. These safeguards against the oppressive use of the taxing power, the distribution act either materially weakens or destroys, by shifting the responsibility of its exercise, to a very great extent, from one set of agents—whose dependence, generally, is more sensibly felt, and who are better acquainted with the feelings and views of their constituents—to another set, who are not so well acquainted, and whose dependence is more remote. Such being the case, what, I ask, in process of time, will be the probable effects upon the action as well of the General Government as of the State Legislatures?

Will it not be the apparent, though not the true interest of the large States, (and we know how apt mankind are to be influenced by immediate, rather than remote results,) having in progress, or in contemplation, extensive plans of improvements, to give such direction to their united influence, both in the popular branch of Congress, and in the electoral colleges, as will most likely ensure such a system of heavy taxation as will supply, in addition to what their State Legislatures might venture to raise, means commensurate with their projects? And will not this united influence in the electoral colleges and one branch of Congress, aided, in turn, by the executive department, tend to bring a gradual but sure influence upon the other branch of the National Legislature, until the favored policy is insured—involving, in its oppressive effects, those States whose views of policy and local sit at once incline them to a moderate use of the taxing power? Such must be the natural tendency of the policy of the distribution act. That the large amount of revenue arising from the high duties imposed by our tariff laws, in connexion with the inflation of the currency; together with the distribution of the surplus revenue among the States, are among the chief causes of the large expenditures of the General Government, so much complained of; and of that improvident legislation in regard to banking and internal improvements on the part of many of the States, which has resulted in that deep and extensive indebtedness so much to be deplored,—no person, who will look at things as they have existed, and reflect upon cause and effect, can fail to perceive. But these effects, pernicious as they have been, fall short of those which the operation of the distribution act must ultimately produce. And, sir, when we reflect that our Government is not founded in force, nor to be maintained by it, but in the attachment of our people,—the disaffection which such oppressive effects must engender, gives rise to the most gloomy apprehensions for the perpetuity of our institutions. I am gratified to know; however, that the Democracy of some of the States deeply embarrassed on account of works in which they are engaged, unseduced by apparent benefits, and adhering to the true principles and objects of our Union, have looked to the ultimate but sure effects of the act, and scorned its proffered bribes.

I have said the indirect mode of raising revenue by the General Government, by means of duties on imports, is not less oppressive than direct taxation, to which the State Governments are confined. I will illustrate it, in the operation of the distribution act. Assuming the probable amount of the proceeds of the public lands for distribution to be three millions annually—though the last year, owing to the depressed state of the money-market, and other causes, they yielded but an inconsiderable sum—it is clear that, in the present condition of the treasury, the amount distributed, with the cost of collection, (taken to be 10 per cent. upon the gross amount,) must be raised by impost duties, in addition to what would otherwise be sufficient for the purposes of Government. Now, all impost duties are paid, in the first instance, by the importing merchants, for the privilege of selling their goods in our markets; and enter into, and constitute, a portion of the price at which their imports are purchased by the retail merchants. Twenty-five per cent. upon the cost in the foreign market, upon which our duties are assessed, and the amount of the duties paid by the importers, is supposed not to be too high an estimate for freight, charges, and profits, by the time they reach the retail merchants; and thirty-three and a third per cent., upon an average, is not, I presume, an extravagant estimate for cost, charges, and profits, when the retail merchants sell to the consumers—especially when we reflect that goods frequently, perhaps most usually, pass through several hands, after leaving the importers, before they reach the consumers.

Taking the above premises to be correct, let us see whether my State will be likely to gain or lose by receiving her share of the \$3,000,000, and having a gross amount raised by impost duties; which, deducting 10 per cent., for collection, will return the \$2,000,000 to the treasury. Of the \$3,000,000, her federal population will entitle her to \$123,537. How she will be affected by having the impost duties sufficiently high to raise a gross sum which will replace the \$3,000,000 distributed; may be seen by the following calculation: The gross sum to net the amount distributed, with 10 per cent. for collection \$3,333,333½ Add for importers, on sales to retail merchants, 25 per cent. 833,333 4,166,666½ Add for retail merchants, on sales to consumers, 33½ per cent. 1,388,888½ \$5,555,555½ The amount to be paid by the whole population of the United States, to replace the