



"The powers granted under the Constitution, being derived from the People of the United States, may be resumed by them whenever perverted to their injury or oppression."—Madison

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TERMS.

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July 19 305

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J. W. HAMPTON,
Catawba County, June 26, 1846.

Caution.

CAUTION the public against trading for a note I had given by me to Mrs. MARY J. ROSSICK. This note is for Ten Dollars, six months after date, dated July 26, 1846. I have received no value for said note, and will never pay it unless compelled by law.

MIDDLETON LAWING.

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October 21, 1845, 32-11

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ADDRESS
OF THE
HON. WILLIAM H. HAYWOOD, JR.,
TO
THE PEOPLE OF NORTH CAROLINA.

[CONCLUDED]

And coming down to more recent events, let me say, that McKoy's bill of 1844 was a tariff of incidental protection, which you and I, and all the democrats in Congress from North Carolina, approved and sustained, and the people of our party in North Carolina, nowhere opposed last year, and the press of the party defended up to the inauguration and afterwards, and even down to the day of the report from the present Secretary of the Treasury. Careful study, longer experience, and close examination, have confirmed me in the faith of those men, fortified as it was by the authority of the administrations of Washington and Jefferson, and Madison and Monroe, and Jackson, all southern republicans and southern Presidents. Is consistent treason? It may be a misfortune to me that I was unable to change with the times, but it would be a crime to deny my faith. To avoid misrepresentation, I give you the words of those wise and eminent patriotic men—Hear Washington:

Extract of a speech of George Washington, President of the United States, to Congress, January 8, 1793.

"A free people ought not to be armed, but disciplined, to which end a uniform and well digested plan is requisite, and their safety and interest require that they should promote such manufactures as tend to render them independent of others for essential, particularly military, supplies."

"The advancement of agriculture, commerce, and manufactures, by all proper means, will, in my judgment, be the best recommendation of our country to the world."

In accordance with this general recommendation the House of Representatives passed a resolution directing the Secretary of the Treasury (Mr. Hamilton) to report to them upon the subject of manufactures, and particularly as to the means of promoting such as would tend to render the United States independent of foreign nations for military and other essential supplies; and his report was submitted in December, 1791, wherein he said:

"The expediency of manufactures in the United States, which was not long since deemed very questionable, appears at this time to be pretty generally admitted"—P. 123.

And again he said:
"A question has been made concerning the constitutional right of the government of the United States to apply this species of protection to wool manufactures, and such a question is not a good foundation for such a question"—P. 136.

And again he said:
"It is not uncommon to meet with an opinion, that, though the promoting of manufactures may be of any other part of the Union, it is contrary to that of any other part. The northern and southern regions are sometimes represented as having adverse interests in this respect. Those are called manufacturing, these agricultural States; and a species of opposition is imagined to subsist between the manufacturing and agricultural interests."
"Ideas of a contrary interest of the Union are, in the main, unfounded as they are mischievous. The diversity of circumstances on which such contrary views usually predicated, authorizes a distinct one of the strongest links of national connexion; and the extent of these bears a natural proportion to the diversity in the means of mutual supply. Suggestions of an opposite complexion are ever to be detected, as unfriendly to the steady pursuit of one great common cause, and to the perfect harmony of all its parts"—P. 134 (See State Papers, Finance, vol. 1, pages 123, 134, and 136.)

These were the doctrines of Washington, and of Washington's administration. And now hear Washington again!

Extract of a speech of Geo. Washington, President of the United States, to Congress, December 7, 1796.

"Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way which shall appear eligible."

Hear Jefferson!

Extract of a message from Thomas Jefferson, President of the United States, to Congress, November 8, 1808.

"The suspension of our foreign commerce, produced by the injustice of the belligerent powers, (of Europe, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have thus been forced has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting DUTIES and PROHIBITIONS, become permanent."

Hear Madison!

Extract of a message from James Madison, President of the United States, to Congress, November 5, 1811.

"Although other subjects will press more immediately on your deliberations, the just and sound policy of securing to our manufacturers the success they have attained, and are still attaining, in some degree, under the impulse of causes not permanent. Besides the impossibility of saving our manufactures from sacrifices which a change of circumstances might bring on them, the national interest requires that, with respect to such articles at least as belong to our defence and our primary wants, we should not be left in unnecessary dependence on external supplies."

Extract of a message from James Madison, President of the United States, to Congress, December 5, 1815.

"The influence of the tariff on manufactures will necessarily present itself for consideration. However wise the theory may be which leaves to

the sagacity and interest of individuals the application of their industry and resources, there are in this, as in other cases, exceptions to the general rule. Besides the condition, which the theory itself implies, of a reciprocal adoption by other nations, experience teaches that so many circumstances must concur in introducing and maintaining manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, although sufficiently fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry, it has made among us a progress, and exhibited an efficiency, which justify the belief that, with a protection not more than is due to the enterprising citizens whose interests are now at stake, it will become, at an early day, not only safe against occasional competitors from abroad, but a source of domestic wealth, and even of external commerce. In selecting the branches more especially entitled to the public patronage, a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for the public defence, or connected with the primary wants of individuals. I will be an additional recommendation of particular manufactures, where the materials of them are extensively drawn from our agriculture, and consequently impart and insure to that great fund of national prosperity and independence an encouragement which cannot fail to be rewarded."

Hear Monroe!

Extract of a message from James Monroe, President of the United States, to Congress, December 7, 1819.

"It is deemed of great importance to give encouragement to our domestic manufacturers. In what manner the evils which have been adverted to may be remedied, and how far it may be practicable in other respects to afford to them further encouragement, paying due regard to the other great interests of the nation, is submitted to the wisdom of Congress."

Extract of a message from James Monroe, President of the United States, to Congress, December 8, 1822.

"From the best information that I have been able to obtain, it appears that our manufacturers, though depressed immediately after the peace, have considerably increased, and are still increasing, under the encouragement given them by the tariff of 1816, and by subsequent laws. Satisfied I am, whatever may be the abstract doctrine in favor of untrammelled commerce, provided all nations would be equally free to do as we do, and we should be equally free to do as they do, there are strong reasons applicable to our situation and relations with other countries, which impose on us the obligation to cherish and sustain our manufactures. Satisfied however, I likewise am, that the interest of every part of our Union, even of those most benefited by manufactures, requires that this subject should be touched with the greatest caution, and a critical knowledge of the effect to be produced by the slightest change. On full consideration of the subject in all its relations, I am persuaded that a further augmentation may now be made of the duties on certain foreign articles, in favor of our own, and without affecting injuriously any other interest."

Extract of a message from James Monroe, President of the United States, to Congress, December 2, 1823.

"Having communicated my views to Congress at the commencement of the last session, respecting the encouragement which ought to be given to our manufacturers, and the principle on which it should be founded, I have only to add, that these views remain unchanged; and that the present state of those countries with which we have the most immediate political relations and greatest commercial intercourse tends to confirm them. Under this impression I recommend a review of the tariff for the purpose of affording such additional protection to those articles which we are more immediately connected with the defence and independence of the country."

Hear Jackson!

Extract of a message from Andrew Jackson, President of the United States, to Congress, December 8, 1829.

"No very considerable change has occurred, during the recess of Congress, in the condition of either our agriculture, commerce, or manufactures. To regulate its conduct so as to promote equally the prosperity of these three cardinal interests, is one of the most difficult tasks of government; and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations could not, by common consent, be abolished, and commerce allowed to flow in those channels to which individual enterprise—always its sure guide—might direct it. But we must ever expect selfishness in other nations, and are therefore compelled to adapt our own to their regulations, in the manner best calculated to avoid serious injury, and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures. Under these impressions, I invite your attention to the existing tariff, believing that some of its provisions require modification."

"The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture, is that which will place our own in fair competition with those of other countries; and the point are controlling in regard to those articles which are of primary necessity in time of war.—When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation in regard to any branch of industry affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculations and loss."

"In deliberating, therefore, on those interesting subjects, local feelings and prejudices should be merged in the patriotic determination to promote the great interest of the whole. All attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation subjected to such influences can never be just, and will not

long retain the sanction of a people whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance which gave life to our political compact, and still sustains it. Discarding all calculations of political expediency, the north, the south, the east, and the west, should unite in diminishing any burden of which either may justly complain."

"The agricultural interest of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite to your particular attention—It is principally as manufactures and commerce tend to increase the value of agricultural productions and to extend their application to the wants and comforts of society that they deserve the fostering care of government."

"Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which cannot come in competition with our own production are the first that should engage the attention of Congress in the modification of the tariff. Of these, tea and coffee are the most prominent; they enter largely into the consumption of the country, and have become articles of necessity to all classes."

Extract of a message from Andrew Jackson, President of the United States, to Congress, December 7, 1830.

"Among the numerous causes of congratulation, the condition of our impost revenue deserves special mention, inasmuch as it promises the means anticipated, and furnishes a strong illustration of the practical effects of the present tariff upon our commercial interests."

"The object of the tariff is objected to by some as unconstitutional; and it is considered by almost all as defective in many of its parts."

"The power to impose duties on imports originally belonged to the several States. The right to adjust those duties, with a view to the encouragement of the domestic branches of industry, is so completely incidental to that power that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the general government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them; and consequently it is not possessed by the general government, it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry, and to counteract the most selfish and unjust policy which might be adopted by foreign nations. This surely cannot be the case. This indisputable power, thus surrendered by the States, must be within the scope of the authority on the subject expressly delegated to Congress."

"In the conclusion I am confirmed, as well by the opinions of President Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the constitution, as by the continued acquiescence of the States, and the general understanding of the people."

"That our deliberations on this interesting subject should be unclouded by those partisan conflicts that are incident to free institutions, is the fervent wish of my heart. To make this great question, which unhappily so much divides and excites the public mind, subservient to the short-sighted views of faction must destroy all hope of settling it satisfactorily to the great body of the people, and for the general interest. I cannot, therefore, in taking leave of the subject, too earnestly, for my own feelings and for the common good, warn you against the blighting consequences of such a course."

Extract of a message from Andrew Jackson, President of the United States, to Congress, Dec. 6, 1831.

"The course with which the extinguishment of the public debt may be anticipated presents an opportunity for carrying into effect more fully the policy in relation to import duties, which has been recommended in my former messages. A modification of the tariff, which shall produce a reduction of our revenue to the wants of the government, and an adjustment of the duties on imports, with a view to equal justice in relation to all our national interests, and to the counteraction of foreign policy, so far as it may be injurious to those interests, is deemed to be one of the principal objects which demand the consideration of the present Congress. In the exercise of that spirit of concession and conciliation which has distinguished the friends of our Union in all great emergencies, it is believed that this object may be effected without injury to any national interest."

"Now, the experimental tariff, as I interpret it, fundamentally violates this doctrine. It discriminates, but it does so against our domestic labor; and in that way, and to that extent, it made war upon the vital interests of the north. And pray, what inducements were offered to North Carolina by this experiment, that her senators should help to carry on the unnatural conflict? What, but the naked desire for an apparent party unity where there was really no party concord. For North Carolina had no local or State interest which would be served or elevated by it. None whatever."

"The limits of this address will not allow of illustrations by a tedious detail of enumerated articles. I reserve that for a more suitable occasion, only remarking, for the present, that should any be distinguished enough to deny this characteristic of the new tariff, no one, who regards his reputation, will venture to contradict the fact, that the experimental tariff does not discriminate in favor of American manufacturers; and not to discriminate in their favor, moderately and reasonably, by a 'live and let live' law of love amongst brethren of a common country, is the same thing in principle, though not in degree, as to discriminate against them. Verily, it appeared to me that its passage would be substituting the experience of fifty years of our own government, and the practice of all civilized nations, for the sake of perpetrating an experiment upon the people of the United States."

that this new *ad valorem* article in the democratic creed was supported by the doctrine of no discriminated name but Henry Clay's! and Mr. Clay's friends say, that even he has been misrepresented, to furnish the authority.

Another not unimportant instance is, that the people of my State have been commanded to dishonor me, as one untrue to the doctrine of a party tariff of *ad valorem* duties; and, therefore, treacherous to them; when I publish your consciences, that there are thousands and tens of thousands of good North Carolina Democrats who, so far from having adopted it in their political creed, did never so much as near it until long since my election to the Senate! Let each one answer for himself—Did you ever understand it before? In sincerity, I declare, that until after my election to the Senate, I did not, and I presume you did not. But I think I understand it now, my countrymen, and I venture to guess, that the more you know of it, and the longer it shall be tried, the less you will like it.

But let me tell you what it is: It is to lay duties on *ad valorem* goods imported from foreign countries, according to the value of the goods at the market from whence they come—the law fixing the per cent, and the collector of it ascertaining the foreign value of whatever is taxed—viz: the sum of the tax—for which he is not responsible to you, but the Treasury Department. And a specific duty is the same tax imposed upon the same article—the law itself, however, distinguishing the values, by establishing the particular sum of taxation, and leaving nothing for the collector to do but to weigh or measure the quantity; whereas, if he is guilty of fraud, he may probably be detected, or if he is unable to appraise the merchant, he can be prevented. In short, where the tax is *specific*, the collector only weighs or measures the quantity; where it is *ad valorem* he not only measures or weighs the quantity, but likewise determines, upon his own judgment, the foreign value of the things imported. The uniform rule, as approved by your government, has been heretofore, that of making all the duties *specific* which can be made so, and let others be *ad valorem*; but to reduce the list of *ad valorem* duties, from time to time, by adding to the list of *specific*. The experimental tariff condenses and repudiates this policy altogether, and prescribes a new one, of having all the duties *ad valorem*, and none of them *specific*. With this explanation, you can have no difficulty in comprehending my objection to the new principle of the experimental tariff.

It was a maxim of the revolution, that "representation and taxation should go together." Now, this is a great principle of liberty never to be despised; and the abrogation of it cannot be necessary, unless it creates the duty of laying taxes by the law, and not by the officers who collect it; so that the citizen who reads the law may, as far as practicable, see in it what it taxes him; of others, too, whom the people have no agency in appointing, and cannot remove—officers who, in assessing values, exercise their own discretion, and whose individual judgment in this country, as to the value of property in all foreign lands, cannot be successfully impeached, because the witnesses to it live abroad, and cannot be got here; and if they could, it would still be almost impossible to convict an officer of intentional falsehood. It must be proved that he was wrong, and knew it too. Is not this new doctrine, then, more than a slight departure from this maxim of the republic? Shall it be approved, upon the notion that this great principle of a representative democracy has become impracticable? Shall we sanction the pretence, that the *specific* representatives will cheat them in adopting the *specific* duties, and assume at the same time that our house officers will be more scrupulous and more just to you, in fixing the values under a system of *ad valorem* duties? Ought such a departure from a great and fundamental doctrine of representative government to be tolerated, less less engaged permanently into the laws of a free people, without unavoidably necessary, and notified as a part of our democratic faith, without notice to the people? A step or two farther, and we shall be carried to a point where Congress can do nothing but declare the appropriate revenues which may be levied by the government, and leave the Treasury Department to collect them as may seem best to its officers, and according to its rules.

I come now to show that what the experimental tariff makes the rule of taxation be fathers of the republic made the *exception*. What they declared was a fruitful mother of frauds, it was adopted as the only parent of our revenues!

In 1795, when Washington was President, Alexander Hamilton, his Secretary of the Treasury in a report to the House of Representatives, used the following words, viz:

"According to the present laws imposing duties on articles imported to the United States, not much short of one third of the whole amount of the duties is derived from articles rated *ad valorem*."

"In other nations, where this branch of revenue, as with us, is of principal, or very considerable consequence, and where no peculiarity of situation has tended to keep the rates of duty low, experience has led to contract rates and more the number of articles rated *ad valorem*, and of course to extend the number of those rated *specific*; that is according to weight, measure, or other rules of quantity."

"The reason of this is obvious: it is to guard against evasions, which infallibly happen in a greater or less degree when duties are high. It is impossible for the merchants of any country to have manifested more probity than the people of the United States on this subject; and it is not believed that there never was one in which illicit purchases so little as heretofore in this. Yet you sit by a delusive expectation, that with duties so considerable as those which now exist, a disposition will not be experienced in some individuals, who carry on our import trade, to evade the payment of them; and this to an extent sufficient to make it prudent to guard with circumspection, and by every reasonable precaution against the success of such attempts. It is needless to repeat that this will contribute as much to the interest of the fair trader as to that of the revenue."

"It is believed that in our own method of rating *ad valorem* could with convenience be brought within a much narrower compass, and it is evident that to do so will contribute materially to the security