

HISTORY OF THE CONSTITUTION.

From the Baltimore Republican.

My Editor: I cannot comply with your general invitation to review Mr. Adams's oration. I have had enough of his orations before, and, if I had not, I acknowledge I am not competent to meet him on the score of rhetoric; but I tender you a few familiar recollections on the formation of the Constitution of the United States. If, as I expect was the fact, the younger Adams was, at the time, schooling for political power in some of the European monarchies, some of the circumstances I shall detail, may command a share of his attention as novelties.

On the return of peace, in 1783, Congress was unable to pay the arrears of the Army, and called ineffectually on the several State Legislatures to provide their just proportions. Various causes prevented some of them from complying with the call, and, without unanimity, nothing could be fairly taken from the others. It is proper to remark, that the States were invited to impose duties on ad valorem articles—that is, manufactures generally—at the rate of 5 per cent, and upon spirits, sugar, coffee, tea, and other specified articles; but that the Legislature of Maryland, in adopting the plan generally, included a small duty on exported articles, for a while, reduced the proposed rate on ad valorem articles, first, to two, then to four per cent, but doubled those on imports by British shipping and ships, and increased the specific duties, and most of the proceeds to be applied as above.

The debts of the Confederacy amounted to something less than sixty millions of dollars, and the necessity of providing for it, first brought before the public the proposition to form a more perfect union, and the creation of a Federal Government, with power to adopt a distinct revenue, and enforce its collection for the payment of the debt, and future expenses of the States, in their general capacity. I believe that I hazard nothing in asserting that, for two or three years after the war, a Federal Government was not thought of for any other purpose—nothing, certainly, was proposed to the public, beyond such a necessary revenue, unless the exactions of other countries upon our commerce, should render a restrictive system an eligible mode of redress—it being already resorted to by this State towards England, as above stated—and the power to regulate commerce generally, was intended further to secure a free and fair intercourse between the members of the Union.

Various causes, besides the debt of the Confederacy, reduced the whole nation to great pecuniary difficulties, the principal of which was thought to be the importation by foreign ships of foreign goods, both or all of which were then produced, or made in some one or more of the States; and, in 1786, the mechanics and manufacturers of this city, first formed themselves into societies, and appointed a Corresponding Committee for devising and procuring relief. That this, and the relief of the public creditors, and those who were the objects of their association, is a fact proved by the individual professions of the members of that Committee—the one a shipwright, the other a blacksmith, and the third a hatter—who, of course, represented, besides persons of their own profession, the masons, carpenters, painters, plasterers, butchers, and bakers; but more particularly those whose manufactures had already been established generally throughout the country, as goldsmiths, cabinet-makers, shoe-makers, and silvers, and were, notwithstanding, rivaled in the home market, by importations. Such intelligent mechanics as Godder, Fonderden, and Gray, who were all known to me personally, and whose respectability is established by their appointment, never contemplated presenting the interest of mechanics or manufacturers not established at home, much less that of individuals to be brought from foreign countries. The petition from the same classes at New York, expressly state the articles, and they asked for protection to those which could be then made. They were petitioning, as it were, to be taxed for the benefit of one another, and not for the benefit of commerce or agriculture, for this section of the country, much less for the benefit of persons who were rivals.

The shipwrights of New York and Charleston petitioned separately, afterwards, to be protected by a Navigation Act like that of England; but it was never granted.

There were, however, a number of articles, the produce of foreign industry—such as cheese, butter, soap, and candles—which were introduced from foreign countries, to the prejudice of the agricultural interest, and this was one of the injuries to be remedied in general revenue laws; but this class, any more than the mechanics, manufacturers, or trading people, did not then contemplate the introduction of new establishments for the creation of a home market, much less that any of the hardy sons of the forest should be suddenly and forcibly converted into mere consumers of their products of any kind.

Finally, in 1787, the State Legislatures sent Delegates to draft Articles of Con-

stitution, more ready of enforcement than those of the Revolution, or a form of Federal Government to effect the same object. By choosing the latter mode, the Convention came very near rendering their labors abortive. Although it was declared that taxes might be levied, among other purposes, for the common defence and general welfare, it never, for one instant, by any body, was contended, until lately, that the doctrine of Consolidation was broached—that any thing the Government might choose to think generally beneficial, was intended; but all considered the Government a Confederacy. The title United States, means it; the name Federal Constitution, means it, or there is no meaning in words. Those who advocated its adoption, were termed Federalists. President Washington selected the first officers of the Government from amongst those so called, and they continued to hold the name with pride, until it included, or was supposed by many to include, anti-republicanism and consolidationism. The very charge made against those friends of the Constitution, by the name, is an evidence that it was to be considered any thing else than a Consolidated Government, or one that, under the name of Federal, was an abridgment of all State power, and an approach to monarchical Government.

With respect to its adoption, however, the merchants, traders, mechanics, and manufacturers, were unanimous. By their strenuous exertions it was carried thro' the Conventions of all the States, and, without them, it would have been rejected by large majorities in almost every State. With few exceptions, it was opposed by all the eminent lawyers of the country—and they carried with them a majority of the agricultural interest. It is true, Mr. Jay associated with Hamilton and Madison in its defence—the elder Adams and Jefferson were away—but it was supported by Washington and Franklin; and, if it had been opposed by any two or more of these seven great men, it is probable it would have been lost forever. For the want of a strict and express limitation of powers, it encountered the mighty weight of opposition of Patrick Henry, and many other distinguished patriots, whose devoted attachment to the rights of the people, and States, were immediately gratified, and their friendship secured, by the 9th and 10th amendments, which prohibit the General Government from the exercise of any power not delegated, and which are declared to be reserved to the States respectively, or the people.

When ratified by Conventions of nine States, the Constitution proposed, was to be binding on them: such as did not, remained free, not only of distant nations, but of the other States, saving, of course, their obligations under the former Confederacy; and, though generally, it met the greatest opposition in the larger States of Virginia, Pennsylvania, New York, and Massachusetts, it was in force some time without North Carolina and Rhode Island, as the Confederacy had been without Maryland and some other States, claiming a session of the Western Territory.

Maryland, as a commercial State, having abandoned the proceeds of the import duties, which, for a long time since, amounted to a million a year, has paid more for the Union than any other, as the propensity to the ocean has caused greater disbursements of the revenue for their protection, comparatively.

However, having just then arrived at an age to enjoy the privilege of voting, I joined the friends of the Constitution with alacrity, and the two Doctors were elected in opposition to the two Lawyers, by the interest of the traders, mechanics, and manufacturers, who, on its ratification, made the first grand Federal procession through the town, in token of their gratification. A handsome barge was ship-rigged for the occasion; and Capt. Barney afterwards navigated her to Mount Vernon, and presented her, on the part of the merchants, to General Washington.

Little did the gallant commander, the merchants, the mechanics, or the manufacturers of that day, foresee that the cause of their triumph would, within a half century, be wielded to their prejudice; that they would be taxed to introduce other trades, or other tradesmen; and that the independent rights of the States and people be jeopardized by implication!

For twelve years, at least, during the remainder of the valued life of our first President, no such construction was tolerated, if it ever was thought of.

The industry of the manufacturers and mechanics, as well as the farmers, was so far protected by moderate duties, that the rivalry of foreigners in all articles made in this country, was annihilated, and all the additional revenue required was then imposed on the general wealth of the country. So far, protecting duties were intended. The first Congresses were faithful to the Constitution, and the trust reposed in them; but, to go further, as others have done, is not to protect, it is to discourage, if not destroy—it is to create inducements to emigrate, and relieve foreigners and foreign nations, at our expense and convert a free and happy Confederacy into an extended and enslaved empire.

To conclude, I did learn to suggest a course of final legislation, which if it will not satisfy those who justly complain of the present Tariff, may reconcile them to their present hardships, with little or no injury to others, and secure the Constitution. It is not a retrograde system in fact though it is in principle. Whenever it can be ascertained, by credible information, that the profit upon making an article, subject to duty on importation, is unreasonable—much greater, for instance, than the profits upon other manufactured articles, or upon capital and labor employed in commerce and agriculture; such as those, which, according to the Register manufactured in Baltimore, had made dividends of twenty per centum, before the increase of duties in 1824—then, and in all such cases of exorbitant profit reduce the duty proportionably, and abstain from all new, or additional imposts, on such articles as are, or may be imported from foreign countries, and not now, or then, actually made within the United States, or any of them, or their Territories—not intending any application of this system to articles made or imported, necessary to national defence—then we shall stand where the people stood while the Federal Constitution was truly respected, and sincerely beloved. O. B.

Cause of the present popular ferment in Switzerland.

The French papers for some time past have almost daily copied articles from the journals of Switzerland, showing the disturbed state of the cantons which compose the Swiss Confederation. The revolutionary shock which overthrew the Bourbon throne last July twelve month, was felt in the Swiss mountains. The establishment of the new principle of popular sovereignty inspired the mass of the population with the idea that the time was arrived for abolishing every vestige of privilege and asserting their equality of rights. Accordingly, by the end of October or the middle of November, eleven or twelve out of the 22 cantons of the federation were in flames. The separate cantons protested against the tyranny of the Diet—the people rose against the councils of the cantons—and the inhabitants of the country took up arms against the privileged citizens of the towns.

It cannot be contested that there was much cause for discontent in the political situation of many of these little republics. In some of them, the Grand Council, in whose hands the supreme powers of the state was lodged, was elected by the chief towns, and represented only the minority of the population. In others a privileged nobility lorded it over the citizens and the peasantry.—In others, again particular families monopolized all the influence and all the emoluments of the general government. Though enjoying the name, and invested with the forms of a republic, many of the cantons saw the basis of their rights and privileges narrowed to a kind of oligarchical despotism. In some cases the liberty of the press was abolished, and in all cases much restricted.

The active and enlightened spirits of the country saw that the events in France were calculated both to rouse the people to a sense of their rights, and to remove that danger of foreign intervention, the fear of which, during the ascendancy of the Holy Alliance, had prevented them from asserting them. Insurrection of the unprivileged classes accordingly took place in almost every canton, accompanied with more or less violence, and followed by greater or smaller concessions or excesses. For the most part those in possession of power agreed, on the mere display of physical force, to remodel their institutions, and to admit the people to an equality of rights. In very few instances was there any blood-shed, though the people of the country invaded the towns, and surrounded the legislative councils of the cantons with armed and undisciplined mobs.

By the end of the year, or before the middle of January, more than half the cantons had agreed to plans of fundamental reform; dividing more equally the burdens, and sharing more equally the privileges, of the state among the citizens of town or country. In this predicament were Fribourg, Lucerne, Lausanne, Zurich, Schaffhausen, and even the aristocratic and oligarchical canton of Berne.

But though new constitutions were in many cases voted in haste, and under the influence of terror, they were not immediately put in force, and consequently room was still left for intrigue and reaction. The meeting of the Diet showed the partisans of change and the supporters of ancient abuses their relative strength, and the differences between them are not likely to be soon arranged. Some of them insist on a revision of the federal compact, and others contend for its continuance on its present footing. The reformers of the Federal Government have petitioned for a freedom of trade in the interior of the federation—for the right of every Swiss to establish himself in any canton that he may choose—and for a representation in the Diet conformable to the extent or population of each canton. These claims are resisted by the majority of the Diet; and in addition to contests and insurrections in the separate cantons,

great dissatisfaction is felt at the conduct of the Federal Directory. It is hoped, however, that the cause of reform will be decided without a farther recourse to arms.

FROM THE BOSTON COMMERCIAL GAZETTE.

Where trade is free, and business is left to the choice of every one, as ought to be done, such is the variety of talents, of capacity, and of industry, that there will be some rich and some poor in society. And all are equally entitled to the protection of law, and should be liable to equal burdens of law, or taxes in proportion to their property, or to their rich and poor in society. But when those already rich and prosperous demand of government particular favors, or protection, or benefits, the claim is unjust, and cannot be granted without injury and injustice to the poorer classes. In other words, that Government is both unwise and unjust which favors the rich and the few, to the neglect and injury of the many—and that undertakes, by importunity, to legislate for the special profit and advantage of any one class of citizens.

It cannot be denied, that the Tariff of 1828, was adopted by means of the urgent request of the manufacturers of woollens, and for their peculiar benefit, to the detriment or disservice of other classes of business; inasmuch as a heavy tax is laid on all purchasers of coarse woollens, and so of iron and hemp.

And what is the argument to justify this unequal system, expressly designed to favor a few, by burdening the many? It is, that England does so, and has long done so. This is the great argument. And who would have supposed, that the unequal, oppressive and odious laws of Great Britain, of which our fathers long and loudly complained, would be imitated in this free country; or referred to as an apology for a similar system?

One great complaint in 1766—1773 was that the British parliament (and we were then a part of the British Kingdom, and professed to be the loyal subjects of the king of England) made laws restricting our trade; and forbidding trade to Spain and Portugal; and other heavy duties were laid on some importations, not for our benefit. We were required to trade with some but British merchants, and to give them their own price. Let the politicians of the present day take warning. The people of the United States never will endure an unequal, restrictive, monopolizing system. They will readily bear burdens and pay taxes for the sake of liberty, and for the welfare of the country; but they never will submit to an unequal system of taxation, however it is disguised, or whatever it may be called.

In this state of the public mind, there is a loud call for the wise and moderate and patriotic among us, to step forth and exert their influence, and by conciliatory counsels and measures, to check the voice of discontent, to remove the causes of complaint, and to propose a system at once reasonable, just, and equal.

SOUTH SHORE.

FROM THE BANNER OF THE CONSTITUTION.

The following article is copied from the Washington Globe;

"THE TREASURY AND THE PUBLIC DEBT. A leading feature in General Jackson's policy, is the speedy extinction of the Public Debt. By the official notices which have just appeared, it will be seen that the new Secretary of the Treasury, Mr. McLane, is co-operating heartily in the accomplishment of the President's views. He has already given notice for the payment of six millions of dollars on the 1st of January next; and we understand he has purchased of the Bank of the United States, on favorable terms, the whole of the Public Debt held by that institution, amounting to several millions; so that the Public Debt, which will have been paid off during the first six months of his Administration of the Treasury, will considerably exceed nine millions of dollars."

In addition to the foregoing information, we understand that on the first of January next, (1832) the whole Public Debt of the United States will not exceed twenty-five millions of dollars; and that, on that day, the Government will be in possession of stock in the Bank of the United States, and of merchant's bills, all of which could be converted into cash, equal in amount to the debt; so that, in two months from this day, the Government may be considered as virtually FREE FROM DEBT and every patriot is now solemnly called upon to assist in keeping it so.

We conclude to-day the Journal of the Federal Convention, and shall commence the ratifications of the various States in our next. By reference to the proceedings of the 14th September, on our first page; it will be seen that a proposition to confer power upon the Federal Government, "to establish a University," was expressly negatived, notwithstanding which, every one knows that attempts to violate the Constitution in this particular, have been made, of late, by very prominent men. Another proposition to authorize the granting of "letters of incorporation for canals," was also negatived, which shows that the Convention was so desirous of avoiding all interference with the reg-

ulations appropriate to the States, that they would not even consent that Congress should incorporate companies for the purpose of making internal improvements, much less take the public money for that purpose. Had the framers of the Constitution intended that the Federal Government should be, in any degree, instrumental in making roads and canals, they would most unequivocally have conferred the power which, of necessity, was the most certain to accomplish that end, that is, the power of incorporating companies whose territories of the several States—a power which no individual State could, of itself, exercise. It will hardly be pretended, that the Convention designed to confer upon Congress the power to tax one portion of the people, to make roads and canals for the benefit of another, and, at the same time, to prevent the construction of the same roads and canals, by the voluntary contribution of the individuals most to be benefited by them.

Riotous Proceedings in Hudson.—

We learn that a most unaccountable excitement, leading to acts of violence and the disturbance of public worship, has existed in Hudson, in this State, for some days past. The facts as far as we have heard of them are these: The Rev. John N. Maffit, of the New-England Conference of the Methodist Episcopal Church, has been preaching for a few weeks in that city; an awakening has followed his labors, and the number of hopeful conversions, week before last, were estimated at about thirty. Matters proceeded on quietly until Wednesday evening of last week, when a large mob surrounded the church with intentions evidently hostile to the Rev. Mr. Maffit. His friends, we understand, saved him from violence with much personal hazard.

The next day the city was in much commotion, and the authorities expressed their fears that they should not be able to protect the Rev. gentleman from harm. He however persevered and preached in the evening; but the house was surrounded by thousands, the meeting interrupted and he was attended to his losses by a strong guard of gentlemen who volunteered to protect him from the exasperated and passion tressed multitude.

We learn, however, that the tumult has subsided. It is a fact highly honorable to that city, that the Mayor, the Recorder and other distinguished individuals, exerted themselves to the extent of their power in restoring order.—Badger's N. York Weekly Messenger.

AN ACKNOWLEDGEMENT.—

In reply to a Mr. FRANKS, who proposed to the Tariff Convention of New York, that Congress should be petitioned to appropriate the surplus fund to the purchase of slaves for emancipation, Mr. Ingersoll denounced the proposal as one of great injustice to the people of the South—and said that it would be a flagrant breach of the Constitution "to offer to purchase slaves from our fellow citizens of the South WITH THEIR OWN MONEY." It is with this an admission by a leading champion that the South pays the tax by which the monopolists are enriched; it is less unconstitutional and unjust to take the money of the South for the benefit of Northern Manufacturers than to take it for the benefit of Southern Negroes. The only difference is, that the Tariffist thinks that the South may submit to the former—but they know that the South will not submit to the latter.

Even

From the Richmond Enquirer.

AN ANECDOTE.—The Anti-Tariff Convention was quite the Lion of the day in Philadelphia. The northern prints have spoken of an interview between Mr. Carey, the modern "Hamilton," the great champion of the nick-named "American System"—and P. P. Barbour, the President of the Convention. Such an interview did take place at one of the celebrated Wilstar Parties, in the presence of several Virginians, other delegates, and citizens of the town. These two gentlemen got upon the great hobby, the Tariff—but "the catarrh of colloquy" as a newspaper scribbler called Mr. Barbour was too much for the writer of Hamilton—whose facts and argument were controverted with so much power and dexterity, that Mr. Carey fairly drew his sword, and with a great deal of good temper declared, that he could not cope with Judge in that way; but he could cope with him as long as he pleased. He said that Mr. James M. Carnett, a well known Virginian, had a long paper some years since, in which he attacked the Tariff, and introduced on the evening of him (Carey) with the name of a friend, that perhaps he might see Mr. C. on the present occasion. He is said to have replied with the good temper, that if he helped him more at this time than he did some time ago, he was afraid he would prove a little assistance to him.

VIVE LA RAISON!  
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