

Letter of Mr. Madison.

LETTER II.

Montpelier, Oct. 30, 1828.

DEAR SIR: In my letter of Sept. 18th, I stated, briefly, the grounds on which I rested my opinion, that a power to impose duties and restrictions on imports, with a view to encourage domestic productions, was constitutionally lodged in Congress. In the observations then made was involved the opinion, also, that the power was properly lodged there. As this last opinion necessarily implies that there are cases in which the power may be usefully exercised by Congress, the only body within our political system capable of exercising it with effect, you may think it incumbent on me to point out cases of that description.

I will premise that I concur in the opinion, that as a general rule, individuals ought to be deemed the best Judges of the best application of their industry and resources.

I am ready to admit, also, that there is no country in which the application may, with more safety, be left to the intelligence and enterprise of individuals, than the United States.

Finally, I shall not deny, that, in all doubtful cases, it becomes every government to lean rather to a confidence in the judgment of individuals, than to interpositions controlling the free exercise of it.

With all these concessions, I think it can be satisfactorily shewn that there are exceptions to the general rule, now expressed by the phrase "Let us alone," forming cases which call for interpositions of the competent authority, and which are not inconsistent with the generality of the rule.

1. The theory of "Let us alone," supposes that all nations concur in a perfect freedom of commercial intercourse. Were this the case, they would, in a commercial view, be but one nation, as much as the several districts composing a particular nation, and the theory would be as applicable to the former as to the latter. But this golden age of free trade has not yet arrived: nor is there a single nation that has set the example. No nation can, indeed, safely do so, until a reciprocity, at least, be ensured to it. Take, for a proof, the familiar case of the navigation employed in a foreign commerce. If a nation adhering to the rule of never interposing a countervailing protection of its vessels, admits foreign vessels into its ports free of duty, whilst its own vessels are subject to a duty in foreign ports, the ruinous effect is so obvious, that the warmest advocate for the theory in question must shrink from a universal application of it.

A nation leaving its foreign trade, in all cases, to regulate itself, might soon find it regulated by other nations, into a subservient to a foreign interest. In the interval between the peace of 1783 and the establishment of the present Constitution of the United States, the want of a general authority to regulate trade is known to have had this consequence. And have not the pretensions and policy latterly exhibited by Great-Britain given warning of a like result from a renunciation of all countervailing regulations on the part of the United States? Were she permitted, by conferring on certain portions of her domain the name of Colonies, to open from these a trade for herself, to foreign countries, and to exclude, at the same time, a reciprocal trade to such Colonies, by foreign countries, the use to be made of the monopoly need not be traced. Its character will be placed in a just relief, by supposing that one of the Colonial Islands, instead of its present distance, happened to be in the vicinity of Great-Britain; or that one of these Islands in that vicinity should receive the name, and be regarded in the light of a Colony, with the peculiar privileges claimed for Colonies. Is it not manifest, that in this case, the favored Island might be made the sole medium of the commercial intercourse with foreign nations, and the parent country thence enjoy every essential advantage, as to the terms of it, which flow from an unreciprocal trade from her other ports, with other nations?

Fortunately, the British claims, however speciously colored, or adroitly managed, were repelled at the commencement of our commercial career as an Independent People, and at successive epochs under the existing Constitution, both in legislative discussions, and in diplomatic negotiations. The claims were repelled on the solid ground that the Colonial trade, as a rightful monopoly, was limited to the intercourse between the parent country and its colonies, and between one colony and another; the whole being, strictly, in the nature of a coasting trade from one to another part of the same nation; a trade with which no other nation has a right to interfere. It follows, of necessity, that the parent country, whenever it opens a colonial port for a direct trade to a foreign country, departs, itself, from the principle of colonial monopoly, and entitles the foreign country to the same reciprocity, in every respect, as in its intercourse with any ports of the nation.

This is common sense and common right. It is still more, if more could be required. It is in conformity with the established usage of all nations, other than Great-Britain, which have colonies. Some of those nations are known to adhere to the monopoly of their colonial trade, with all the rigor and constancy which circumstances permit. But it is also known, that whenever, and from whatever cause, it has been found necessary or expedient to open their colonial ports to a foreign trade, the rule of reciprocity in favor of the foreign party was not relaxed, nor, as is believed, a right to refuse if pretended.

It cannot be said that the reciprocity was dictated by a deficiency of the commercial marine. France, at least, could not be, in every instance, governed by that consideration—& Holland, still less: to say nothing of the navigating States of Denmark and Sweden, which have rarely, if ever, enforced a colonial monopoly. The remark is, indeed, obvious, that the shipping liberated from the usual conveyance of supplies from the parent country to the colonies might be employed in the new channels opened for them, in supplies from abroad.

Reciprocity, or an equivalent for it, is the only rule of intercourse among independent communities; and no nation ought to admit a doctrine, or adopt an invariable policy, which would preclude the counteracting measures necessary to enforce the rule.

2. The Theory supposes, moreover, a perpetual peace; a supposition, it is to be feared, not less chimerical than a universal freedom of commerce.

The effect of war among the commercial and manufacturing nations of the world, in raising the wages of labor, and the cost of its products; with a like effect on the charges of freight and insurance, need neither proof nor explanation. In order to determine, therefore, a question of economy, between depending on foreign supplies, and encouraging domestic substitutes, it is necessary to compare the probable periods of war with the probable periods of peace; and the cost of domestic encouragement in times of peace, with the costs added to foreign articles in times of war.

During the last century, the periods of war and peace have been nearly equal. The effect of a state of war in raising the price of imported articles, cannot be estimated with exactness. It is certain, however, that the increased price of particular articles may make it cheaper to manufacture them at home.

Taking, for the sake of illustration, an equality in the two periods, and the cost of an imported yard of cloth in the time of war to be nine and a half dollars, and in time of peace to be seven dollars, whilst the same could at all times be manufactured at home, for eight dollars, it is evident that a tariff of one dollar and a quarter on the imported yard would protect the home manufacture in time of peace, and avoid a tax of one dollar and a half imposed by a state of war.

It cannot be said that the manufactories which could not support themselves against foreign competition in periods of peace, would spring up of themselves at the recurrence of war prices. It must be obvious to every one, that, apart from the difficulty of great and sudden changes of employment, no prudent capitalists would engage in expensive establishments of any sort, at the commencement of a war of an uncertain duration, with a certainty of having them crushed by the return of peace.

The strictest economy therefore suggests, as exceptions to the general rule, an estimate, in every given case, of war & peace periods and prices with inferences therefrom of the amount of a tariff which might be afforded during peace, in order to avoid the tax resulting from war. And it will occur at once, that the inferences will be strengthened by adding to the supposition of wars wholly foreign, that of wars in which our own country might be a party.

3. It is an opinion in which all must agree, that no nation ought to be unnecessarily dependent on others for the munitions of public defence, or for the materials essential to a naval force, where the nation has a maritime frontier or a foreign commerce to protect. To this class of exceptions to the theory may be added the instruments of agriculture, and of the mechanic arts which supply the other primary wants of the community. The time has been, when many of these were derived from a foreign source, and some of them might relapse into that dependence, were the encouragement to the fabrication of them at home withdrawn. But, as all foreign sources must be liable to interruptions, too inconvenient to be hazarded, a provident policy would favor an internal and independent source, as a reasonable exception to the general rule of consulting cheapness alone.

4. There are cases where a nation may be so far advanced in the prerequisites for a particular branch of manufactures, that this, if once brought into existence, would support itself; and yet, unless aided in its nascent and infant state by public encouragement, and a confidence in public protection, might remain, if not altogether, for a long time unattempted, or attempted without success. Is not our cotton manufacture a fair example? However favored by an advantageous command of the raw material, and a machinery which dispenses in so extraordinary a portion with manual labor, it is quite probable, that without the impulse given by a war cutting off foreign supplies, and the patronage of an early tariff, it might not even yet have established itself; and pretty certain, that it would be far short of the prosperous condition which enables it to face, in foreign markets, the fabrics of a nation that defies all other competitors. The number must be small, that would now pronounce this manufacturing boon not to have been cheaply purchased by the tariff which nursed it into its present maturity.

5. Should it happen, as has been suspected, to be an object; though not of a foreign government itself, of its great manufacturing capitalists, to strangle in the cradle the infant manufactures of an extensive customer, or an anticipated rival, it would surely, in such a case, be incumbent on the suffering party, so far as to make an exception to the "let alone" policy, as to parry the evil by opposite regulations of its foreign commerce.

6. It is a common objection to the public encouragement of particular branches of

industry, that it calls on laborers from other branches found to be more profitable, and the objection is in general a weighty one. But it loses that character in proportion to the effect of the encouragement in attracting skilful laborers from abroad.—Something of this sort has already taken place among ourselves, and much more of it in prospect; and, as far as it has taken or may take place, it forms an exception to the general policy in question.

The history of manufactures in Great-Britain, the greatest manufacturing nation in the world, informs us that the woollen branch, till of late her greatest branch, owed both its original and subsequent growth to persecuted exiles from the Netherlands; and that her silk manufacture, now a flourishing and favorite branch, were not less indebted to emigrants flying from the persecuting edicts of France.—[Anderson's History of Commerce.]

It appears, indeed, from the general history of manufacturing industry, that the prompt and successful introduction of it into new situations, has been the result of emigrations from countries in which manufactures had gradually grown up to a prosperous state, as into Italy on the fall of the Greek empire; from Italy into Spain and Flanders, on the loss of liberty in Florence and other cities; and from Flanders and France, into England, as above noticed.—[Franklin's Canada pamphlet.]

In the selection of cases here made, as exceptions to the "let alone" Theory, none have been included which were deemed controvertible. And if I have viewed them, or a part of them only, in their true light, they show, what was to be shown, that the power granted to Congress to encourage domestic products by regulations of foreign trade, was properly granted, inasmuch as the power is, in effect, confined to that body, and may, when exercised with a sound legislative discretion, provide the better for the safety and prosperity of the nation.

With great esteem and regard,  
JAMES MADISON.  
JOSEPH C. CABELL, Esq.

VERY LATE FROM EUROPE.

New-York, Jan. 16.

After an almost unprecedented dearth of European news, at length four Packets have arrived: namely, ships Charles Carroll, Clark, and Montano, Bukup, from Havre, sailed 17th November, and Charlemagne, Robinson, sailed 3d December; also ship Columbia, Delano, from London, sailed 3d December. By these arrivals, we have received our regular files of Havre and Paris papers, from 4th Nov. to 2d Dec. inclusive.

The political news is by no means interesting—nothing has occurred in any quarter of much importance since our last advices. The commercial intelligence is rather gloomy—the following extract of a letter from Liverpool dated 27th Nov. is far from being cheering.

"Cotton.—The market is in a very dull state. The arrival of some vessels of short passage with those detained by the previous prevalence of easterly winds, some failures in Glasgow and one of a Banking house in London, have caused some people to get alarmed, and brought sellers into market at reduced prices.—The daily business may be about 1,500 bags, but it is done in such a manner as to give it the appearance of being altogether in a dead condition. Some large parcels of Uplands have been sold at 6d. which is a full reduction of 3d. and makes in all a decline of 3d. since the beginning of October. Fair Uplands are now worth 6 1/2d.

"Grain dull; 1,500 brls. Flour, per Tuscarora, from Philadelphia, were tried in price and a few lots were sold at 42s. the rest was withdrawn—the quality was very indifferent, coarse, oily and smelling of garlic."

FROM THE SEAT OF WAR.

The Campaign ended.—As we suspected, the story of the great battle at Chumla, and of the slaughter of 30,000 Turks is altogether unfounded. The Russians have gone into winter quarters, satisfied with the laurels they have won at Varna. Dates from Odessa of Oct. 27, state that two corps of the Russian army are resting in the environs of Varna, while the fortifications are repairing. Another corps has marched to reinforce the army besieging Silistria and the rest of the troops are about to take up their winter quarters on the banks of the Danube.

A violent storm is said to have occurred in the Black Sea, in which many vessels were lost. Fears were entertained for Admiral Greig's squadron.

The Grand Vizier, (to whose bad generalship, as well as to the treachery of Jussuff, the fall of Varna is attributed) has been deposed, and Mehemet, the noble defender of that fortress, has been appointed to that high office.

Blockade of the Dardanelles.—Extract of a letter dated Trieste, Nov. 15.—"The Ambassadors of the three Powers are said to have addressed to Count Capo d'Istria a note, declaring that should the Porte persist in refusing to send a Plenipotentiary who may take part in the negotiations relative to the pacification of Greece, the regulation of the limits of that State will forthwith take place without the participation of Turkey, and that the General commanding the French expedition will deliver the fortresses of the Morea to the troops sent by the President. By the Captain of a merchant vessel from Malta, we learn, that, according to all appearance, the blockade of the Dardanelles by the Russians, will soon commence. Ten Russian vessels had already sailed for the Archipelago, and it was supposed the remainder of the fleets of

Admirals Ricord and Heyden would soon follow. However, according to intelligence brought by a Sarlinian Captain from Constantinople, no Russian ship of war had appeared in the Dardanelles up to the 22d ult."

RUSSIA.

The Empress Mother of Russia, died suddenly at St. Petersburg, in the beginning of November. Her influence over the Russian cabinet was said to be very great, and she was, it is also said, in favor of peace. Some of the European Journals hint that she was poisoned.

The Czar arrived at St. Petersburg on the 26th October.

A letter from Frankfort mentions the existence of a treaty of alliance between Russia and Prussia as no longer doubtful, and adds, that according to the stipulations of said treaty, 100,000 Prussians will enter the kingdom of Poland upon the first movement of the Polish army to proceed beyond the frontiers. The German Diet is about to re-commence its ordinary sittings, in consequence of the earnest solicitations of the Hanoverian Government to hasten its decision in the affair referred to it by that Government against the Duke of Brunswick.

Russia and Sweden.—The Czar and Bernadotte have resolved to form a new convention of amity, &c. as soon as the treaty of Frederichsham shall be made.

London, Nov. 20, 1828.

We wish to terminate the unpleasant controversy relative to His Majesty's health. The favorable representations which have recently been published have emanated from a certain quarter—have been sent from a certain office—inserted as advertisements—and intended to deceive—they are all untrue. The Ministers know personally as little of the real state of the King's health as the newspapers that boast of it. They are forbidden to approach Windsor; and a mystery is thrown over the King's illness, which will be the subject of much animadversion as soon as Parliament meets. We say the Ministers are forbidden, and we call upon Mr. Peel to deny what we assert if it be untrue.—Morn. Jour.

Catholic Emancipation.—Mr. O'Connell, at a meeting of the Catholic Association, in Dublin, said, that up to the 6th of Oct. three successive applications had been made by the British Ministry, through the Hanoverian Minister at Rome, for a Concordatum, and that the Pope had declined entering into any treaty on the subject until the Catholics of Ireland were emancipated. Mr. O'Connell said he was authorized to make this statement.

The King held a Court at Windsor, on the 24th Nov. at which Mr. BARBOUR, the Minister from the United States was presented to the King by the Earl of Aberdeen, and delivered his credentials as Minister from the United States. His Excellency was most graciously received.

The Earl of Belmore is appointed Governor of Jamaica.

Affairs of Greece, &c.—The last Castle of the Morea surrendered on the 30th of Oct. when the whole of the Morea was evacuated by the Turks; but nothing is said of the return of the French troops; on the contrary, it was reported that that army was to be increased to 25,000.

Navarino was occupied on the 26th Oct. by the 8th regiment of the line. The General in Chief had chosen Modon for his residence, but had gone for a short period to Patras. Gen. Sebastiani had the command during his absence. The 35th form the garrison at Modon, and the 27th occupies Coron, but that town was to be given up on the 29th to the Greeks, who had sent two French officers, under Gen. Nicetas, to take possession of it.

Land on the Yadkin.

I WILL sell a Plantation of 900 acres of Land on the Yadkin, 300 of which are of the best quality low grounds. 200 in good cultivation, with convenient Houses.

Also, several other small Tracts lying on the Yadkin, of fine quality. Negroes will be taken for one-half the purchase.  
JAMES WELLBORN,  
Wilkes, Jan. 10 1829. 37 3m.

Runaway Negro.

RAN AWAY from Capp's Gold Mine, Mecklenburg County, N. C. on the 18th of August, a Negro man named Nicodemus—about 20 years of age, 5 feet 6 or 7 inches high, dark complexion, with a scar on one of his cheeks, as well as recollection on the left. He took with him a large grey Mare, 16 or 17 hands high, with a switch tail. Said Negro has been traced from Charlotte to Torrence's X Roads on the Statesville Road; thence through Salisbury to Greensborough, passing himself by different names—and was advertised in the Register of 12th Sept. (through an error of the writer,) by the name of Dennis. It is expected he has gone to the neighborhood in which he was raised, which is supposed to be near Tarborough or Halifax. He said he was raised by a Mr. Powell. A person securing him in jail, and giving information so that we may get him again, shall be reasonably rewarded.

JOHN MATHEW,  
NATHL. HOBBS.  
Mount Mourne, Irde l County,  
December 31st, 1828.

N. B. The Mare above advertised has been found at Northampton, and returned to the owner. 37-3f

FOR SALE!

I WISH to sell the place within a mile of Hillsborough, on which I now reside. There are 205 acres, about one half cleared, ten acres of Meadow land and the balance in wood. The improvements are all new, and finished in the best manner—they consist of a Dwelling House, containing eight rooms with fire places, besides passages, closets, &c. a large Barn and Stables, and other necessary Outhouses. There are several never failing Springs of the best water on the tract, and a large and well selected fruit Orchard.

I will sell this property on the most liberal terms—either for money on easy credits—or will exchange it for Negroes or Western lands. Application may be made by letter to the subscriber, at Hillsborough.

W. ANDERSON.  
Nov. 15. 21 cent

State of Tennessee,  
8th Judicial Circuit.

In the District Chancery Court, at Jackson, September Term, 1828.

Between John L. Richardson and Caleb W. Richardson, plaintiffs, by their guardian, George Ferber, and James H. Hunt and Oly, his wife, Complainants. Original Bill.

The President and Trustees of the University of North-Carolina, Defendants.

THE Complainants having filed their original bill of complaint against the Defendants, wherein and whereby, they set forth and complain, that they, the said John L. Calch, and Oly, are the only children and heirs at Law of Jonathan Richardson, late of Camden county, N. C. who died in 1822 or 1823 intestate, who was only son and heir of John Richardson, formerly of said county, (of Camden,) who died between the years 1780 and 1790 intestate; that the said John Richardson served as an Ensign, in the 10th regiment of the North Carolina line, in the War of the Revolution, in such a manner as to entitle him to a military land warrant, according to the laws of said State, passed for the relief & compensation of the Officers and Soldiers of said line, for twenty-five hundred and sixty acres; that the said John Richardson died without ever having drawn or authorized it to be done, or assigned his warrant for said services; that the said Jonathan Richardson also died, without ever having drawn or authorized it to be done, or assigned said warrant; that the Complainants are entitled to said warrant, and that it should have issued to them only, or one of their ancestors; but that on the 16th day of August, 1821, the Defendants, fraudulently combining with certain Commissioners of the State of North-Carolina, appointed for the sole purpose of delivering to the military claimants under that State, and those claiming under them their warrants, caused and procured, under some false and groundless and fraudulent pretence, the warrant which the Complainants were entitled to, to be issued to them, the Defendants, in consequence of the alleged death of the said John Richardson without heirs, by No. 582, which recites upon its face, that it was issued for the services of John Richardson, an Ensign in the line aforesaid, in the Revolutionary War; that said Defendants caused the said warrant to be brought to Tennessee, and located in their names upon a tract of land, situated in what is now Fayette county, and on the 24th day of Jan. 1825, a grant for said land was issued to them, for the same, founded on said warrant, and the title to said land so far as it is vested by said grant, now exists in said Defendants, who claim the same in opposition to Complainants, and keep them out of possession; and prays that the title to said land, may be divested out of the Defendants, and vested in Complainants, and that such other and further decree may be made in the premises, as to Equity shall seem meet, and the nature of the case requires: And it appearing to the satisfaction of the Court, by the return of the Sheriff of Madison county herein, and the affidavit of the Complainants' Solicitor, that the said Defendants, the President and Trustees of the University of North-Carolina, are not inhabitants of this State, but that the said Defendants are a corporation, chartered by the State of North-Carolina, and that the individual members of said corporation, are all citizens and inhabitants of said State of North-Carolina; and they having failed to enter their appearance herein, according to Law and the rules of this Court: It is therefore ordered that they enter their appearance herein at the next Term of this Court, to be held on the 4th Monday in the month of March next, and plead, answer or demur to the Complainants' bill of complaint, otherwise the same will be taken for confessed against them, set for hearing ex parte, and the matters thereof decreed accordingly; and it is further ordered, that a copy of this order be forthwith published for four weeks in succession in the Raleigh Register, a newspaper published in the City of Raleigh, in the State of North-Carolina. A copy.

Test,  
ROBERT HUGHES,  
Clerk and Master.

State of North-Carolina,  
Halifax County.

In Equity—Fall Term, 1828.  
Anthony A. Wyche,—Complainant.

Edwin Whitehead, Wm. T. Williams, Sam'l. W. Tunstall & Jno. D. Aris, Defendants.

IT appearing to the satisfaction of the Court, that Samuel W. Tunstall and Wm. T. Williams, two of the Defendants in this case, are non-residents: It is ordered, that publication be made in the Raleigh Register, for three months, that unless they appear by the second day of next term, and plead, answer or demur to the Complainant's bill, it will be taken pro confesso, and set for hearing ex parte, as to them. Witness, Edmund B. Freeman, Clerk & Master of the Court of Equity, for the county aforesaid, at office, the 4th Monday after the 4th Monday in September, 1828.

EDM. B. FREEMAN, c. l. r. r.  
28 3mo.

State of North-Carolina,  
Burke County.

Superior Court of Law; September Term, 1828.  
Margaret Conway,

vs.  
John Conway. Petition for Divorce.

ORDERED by Court, that publication be made for three months in the Raleigh Register, and Western Carolinian, that the Defendant appear at next Court, and plead, on the 4th Monday of March next.

Given under my hand,  
WM. ERWIN, Clerk.  
By E. A. ERWIN, D. C.

State of Tennessee.

Hardin County Court, Nov. Term, 1828.  
Robert McNairy, et al.

vs.  
Boyd McNairy, et al. heirs of J. Hamilton, &c.

ON motion of the Complainants, and appearing to the satisfaction of the Court, that the Defendants are all citizens of the State of North-Carolina: It is ordered by the Court, that this order, with the substance of the complaint, be published in the Raleigh Register, a newspaper printed in Raleigh, in the State of North-Carolina, four weeks in succession, and that the last publication be made at least 30 days previous to the next term of this Court, and if the Defendants do not answer the complaint, the case be set for hearing ex parte, and heard accordingly at the next term of this Court. A true Copy.

LEWIS H. BOYLE, Clk & Mast.  
The substance of the complaint is, that there is a tract of 1000 acres of land granted to the said John Hamilton, lying in said county of Hardin, which was in the life time of the said grantee, given to the Complainants, to the exclusion of the other heirs, which said gift is prayed to be confirmed, and a legal title to the said land vested in the Complainants in pursuance of the gift.

A Teacher Wanted, to teach at the School House near the residence of Mrs. Charles, nine miles Northwest of Raleigh. He must be competent to teach the Languages, with the common branches of English Education. Apply at Mrs. Charles's.  
Dec. 8th—27