

MAINE STATE LEGISLATURE

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1833.

STATE OF MAINE.

IN SENATE, *February 1, 1833.*

THE Joint Select Committee to which was referred so much of the Governor's Message as relates to the difficulties existing between South Carolina and the General Government, and the documents from South Carolina, and several other States, upon the same subject, have had the same under consideration, and

REPORT :

That they have given their anxious and serious attention to the several documents referred to their consideration, all of which have grown out of the unhappy controversy now subsisting between South Carolina and the General Government. Most, if not all of them contain speculative views of the nature and objects of our political system. In the several communications there is observable a wide diversity of sentiment; and in some, especially those from South Carolina, the conclusions adopted are made the subjects of a very extended and elaborate argument. To review and compare with each other the several opinions and doctrines set forth in these several communications, to examine fully the various arguments and objections which they oppose to each other, and to investigate what, if any, errors of fact, of principle, or of reasoning, may be contained in any or all of them, would seem to be a task of great labor, and one not likely, perhaps, to result in any correspondent benefit.

This State, on two occasions, has heretofore expressed her opinion upon the subject of Federal Relations. It is believed that the Report and Resolutions of 1827, relative to Internal Improvements, and the Report and Resolutions

of 1831 upon the same subject, contain a general outline of the sentiments of Maine, as regards the origin and purpose of our political system, the powers conferred upon the General Government by the Constitution, and the rights reserved to the People and the States. As a declaration of our principles and opinions as to the relative powers and duties of the General Government, and the several State Governments, we deem it unnecessary, therefore, at the present time, to do more than simply refer to the several Reports and Resolutions above alluded to.

Without entering into the discussion of political theories, we have chosen rather to take a practical view of the unhappy difficulties which agitate the public tranquillity and alarm the public mind. Viewing with the deepest feelings of regret the excitement which pervades our sister State, and the rash and presumptuous measures to which it has led, and deprecating those measures as utterly inconsistent with the spirit of forbearance and compromise in which our Union had its origin, and by a perseverance in which it can alone be maintained, we cannot, at the same time, forget that this excitement, this disturbance of the public tranquillity, and all the dangers which this unnatural controversy threatens to bring upon the country, have for their origin and moving cause the policy of the protective system. Under this aspect of public affairs it has seemed to your committee the more useful course to respectfully interpose the voice of this State, for conciliation and forbearance. There are none among us who would justify the untimely and ruinous resistance which South Carolina threatens against the existing laws of the United States of whose injustice she complains. On the other hand, a large majority of the citizens of Maine ever have entertained, they still entertain the most undoubting convictions of the impolicy and oppression of high protecting duties.

Under these circumstances, and with these views, the Committee submit the following Resolves.

J. WILLIAMSON, *Chairman.*

RESOLVES.

Resolved, That we are not insensible to the wrongs and sufferings of our brethren of South Carolina, under the unjust and oppressive burdens imposed upon them by the Tariffs of high protective duties. But while we deplore their grievances, and are ready to unite with them in any, and every peaceful, and lawful, mode of redress, we cannot, nor will we give our countenance or support to their projected scheme for relief. We regard nullification as neither a safe, peaceable, or constitutional remedy, but as unsound and dangerous in theory, and in practice tending directly to civil commotion, disunion, and anarchy. We implore them to pause in their precipitate career, to suspend their rash and revolutionary measures, and trust to that redeeming spirit of justice which is a ruling characteristic of the American people.

Resolved, That the Acts of Congress usually denominated Tariff laws, so far as they were passed palpably and solely for the purpose of protecting and fostering particular branches of industry, are unequal in their operation, and contrary to the spirit, true intent, and meaning of the Federal Compact.

Resolved, That it is due to a spirit of mutual conciliation, to the demands of justice, to a decent

respect for the opinions and interests of large portions of the community, and absolutely necessary to the preservation of the Union, that the **T**ariff laws should be gradually, but speedily, abated to the imposition of such duties, only, as are required for the purpose of a revenue sufficient to defray the ordinary expenses of the **G**eneral **G**overnment, confined to its appropriate objects, and economically administered.

Resolved, That we heartily approve the policy and measures of **P**resident **J**ackson's administration, and in the present difficult and threatening aspect of public affairs, we look with confidence to the patriotism, vigilance and firmness of our **C**hief **M**agistrate, as sure pledges that all his efforts will be directed to preserve unimpaired the union, happiness, and glory of our **R**epublic.

Resolved, That the **S**ecretary of **S**tate be, and hereby is, directed to transmit a copy of these **R**esolves, with the **P**reamble, to each of the **R**epresentatives in **C**ongress from this **S**tate.

Resolved, That the **G**overnor be, and hereby is, requested to transmit a copy of these **R**esolves, with the **P**reamble, to the **E**xecutive of each of the other **S**tates of this **U**nion, and the **P**resident of the **S**enate of the **U**nited **S**tates.

STATE OF MAINE.

IN SENATE, *February 1, 1832.*

The undersigned, being a minority of the Joint Select Committee to whom was referred so much of the Governor's Message as relates to South Carolina, and sundry documents accompanying the same, dissenting from the views of the majority expressed in their Report and Resolves, ask leave to submit the views of the minority in the following

REPORT:

The undersigned cannot but regard the Ordinance of South Carolina, and the subsequent proceedings of the Legislature of that State, pursuant thereto, with deep solicitude and great concern. The crisis is an awful one, and calls for the united patriotism of all the States to preserve the integrity of the Union, and the government from unjust reproach.

Without going into a minute examination of all the recent extraordinary proceedings in the State of South Carolina, it may be well to consider the ostensible grounds of complaint, as put forth by that deluded and unhappy State, viz: the unconstitutionality and unequal operation of the Tariff laws, as hitherto sanctioned by Congress. They are denominated "gross and palpable violations of the Constitution."—That sacred instrument which has sustained the Government, in high reputation, in peace and in war, and under which the American people have enjoyed unnumbered blessings and unexampled prosperity, is not to be nullified by the breath of discontent or insatiate ambition. It has been well said that "the history of man does not present a more illustrious monument of human invention, sound political principles and judicious combinations, than the Constitution of the United States." Different opinions may have prevailed as to the true construction of some parts of it; but in cases of doubtful construction, the

opinions of the framers of that Constitution, who were the pride and honor of our country, and who were intimately acquainted with all its provisions, are certainly entitled to the highest respect. Many of those worthies, from different States in the Union, were members of the first Congress assembled under the Constitution; and it is a remarkable fact, that the first section of the second act, passed by that Congress, contained the following preamble, viz: "Whereas it is necessary for the support of Government, for the discharge of the debts of the United States and the encouragement and protection of manufactures, that duties be laid on goods, wares and merchandize imported." This act received the sanction and approbation of the great Father of his Country, the immortal Washington. Can it be that such men, and so soon too, were guilty of a "gross and palpable violation of the Constitution!"

Similar acts have been passed by Congress at different periods, varying in the kind and amount of protection according to the situation and wants of the country, and have received the approbation of all those distinguished citizens who have been honored, by the confidence of a free people, with the first office in the gift of the nation. To the ingenuity of the nullifiers of the present day, we are indebted for the discovery that a protecting Tariff is unconstitutional.

Having formed "a more perfect union," by the adoption of the Constitution of the United States, this government enjoyed, for many years, a degree of prosperity unexampled in the history of the world. In fact, the government of Great Britain, during the administration of President Jefferson, being alarmed at the rapid increase of our population, the growing wealth, enterprise and intelligence of the American people, occasioned by the uninterrupted enjoyment of foreign commerce, and numerous other national blessings, commenced the work of imposing shackles upon commercial enterprise, incompatible with the dignity and honor of the United States, infringing upon the just rights and liberties of our citizens. However much the nation had been enriched by foreign trade, such was the patriotism of the country in those days, that it was deemed better,

infinitely better, to annihilate commerce, than to enjoy it upon dishonorable and humiliating terms. Their oppressive and unjust Orders in Council, together with the pretended right of robbing our merchant vessels of their crews, and depriving our enterprising seamen of their liberty, were evils which could not be endured. Embargo, non-intercourse, and war, as is well known, became a choice of evils. By events resulting from those measures, the nation was taught a lesson, which produced, at the close of the war, a material change in the policy of the government. The difficulty in obtaining munitions of war, and comfortable clothing for the army and navy of the United States, demonstrated the necessity of giving further encouragement and protection to the growth and manufacture of all articles, with which the nation had been supplied by foreign importation. It may be true, that the Southern States felt more sensibly the loss of foreign supplies than many other States in the Union, because they could not with the same facility supply themselves. Hence we find their eminent statesmen, at an early period, taking the lead in planning and maturing a system of protecting policy, in itself calculated to render the nation independent, under any emergency; and since that period, the United States government has pursued the same judicious policy of extending its protection to American industry, and by repeatedly manifesting a fixed determination to foster and encourage American manufactures, has invited investments in this description of property to an immense amount: and while she has thus extended to the manufacturer her paternal aid, and enabled him to prosecute a successful business, it is gratifying to know that the consumer has been supplied with domestic products, of almost every description, cheaper, and of a better quality, than when our country was flooded with the superfluities and gleanings of foreign work-shops. It is also gratifying to learn, that the apprehensions which were entertained, as to the effects of the protecting policy upon our commercial interests, have never been realized; for the amount of American tonnage at this moment, as will appear from the report of the Secretary of the Treasury, is greater than at any former period of our history.

The tariff policy of 1816 with its enlarged views was literally forced upon New England, as authentic public records will attest, by the efforts and eloquence of distinguished men from the South, among whom is recognized as conspicuous the late patriotic and lamented Lowndes and the late Vice President of the United States, who had at that time a commanding and controlling influence in the councils of the nation. The people of New England being extensively engaged in navigation and commerce had fearful apprehensions that this policy might and probably would prove prejudicial to those great and cardinal interests, but to their honor be it said they cheerfully conformed themselves to the circumstances of the country and the policy of the Government, and confiding in the faith of the nation, invested a large amount of capital in domestic manufactures. And now one great question which presents itself to the mind, at this alarming crisis in our national affairs, when we are so imperiously called upon to abandon this policy, is, what has been and now are its effects upon the prosperity of the country?

The Farmer, the Merchant, the Mechanic and Manufacturer are all deeply interested in the settlement of this momentous question. It is one that comes home to the bosom of every American citizen, and upon a just appreciation of its merits must rest the future prosperity and happiness of our beloved country. It would be interesting to go back to the origin of this Government and note its annual progress, for it is fearlessly asserted that the world has never witnessed such a rapid advancement in national wealth, political power and distinction, domestic comfort and happiness, as has been and is now realized by all classes of citizens in this highly favored land.—The cheering sounds of industry are heard in our villages, our yeomanry are independent and prosperous, our commerce whitens every sea, the voice of health and happiness echoes from more than twelve millions of people. The nation great and powerful, at peace with all the world, and free from debt.

Where then do we find evidence of the withering effects of the Tariff?

The President of the United States in one of his recent messages communicated to both branches of Congress gives an animating description of the situation of our country, in the following words—"That it presents on every side marks of prosperity and happiness unequalled, perhaps, in any other portion of the world." And he adds, "If we fully appreciate our comparative condition, existing causes of discontent will appear unworthy of attention, and with hearts of thankfulness to that Divine Being, who has filled our cup of prosperity, we shall feel our resolutions strengthened to preserve and hand down to posterity that liberty and that union, which we have received from our fathers and which constitute the sources and shield of all our blessings." He also assures us that "the national finances are in a prosperous state," and the Secretary of the Treasury affirms, "That the capital and resources of the country have augmented in a ratio, beyond the expectations and hopes of the most sanguine."

We object then, to an abandonment of the American System, because under its operation, the country has attained to such proud and enviable distinction. We object to it, because we believe that such an extraordinary change in the policy of the Government would carry ruin and distress to thousands of our citizens, who are now prosperous and happy. We object to it, because it would throw us back into a state of humiliating dependance upon foreign nations.—We object to it, because at this crisis, it would involve a sacrifice of national dignity and honor, by yielding to menace and threats, that which could not be granted in the spirit of compromise; for once establish the precedent or doctrine, that a State, by the exercise of its own sovereign will and pleasure, can nullify a law of Congress by reason of imaginary or real grievances and this Union can have neither permanency nor stability. But while we protest against an abandonment of this policy, we are not the advocates for higher duties than are necessary to meet the wants of the Government, "to defray its ordinary expenses, confined to appropriate objects, economically administered," and we confidently hope that the late modification of the tariff will be conducive to that end. We anx-

iously desire that strict and impartial justice should be rendered to our Brethren of South Carolina, that all causes of complaint, so far as it can be done, consistently with the general good, be removed. But their complaints and grievances, we firmly believe are rather imaginary than real. And in this belief we respond to the views of the President in his Proclamation, showing that their grievances have been artfully attributed to false causes. "First a diminution of the value of their staple commodity, lowered by over production in other quarters and the consequent diminution of the value of their lands, were the sole effect of the tariff laws; that its burthens were in proportion to their exports, not to their consumption of imported articles."

We concur with the Governor of our own State in the following sentiments advanced in his late Message to this Legislature—That "it is important that those who at present constitute a majority of the people of South Carolina should be correctly informed how far they may calculate in their measures of nullification and disunion, upon the sympathy and support of the other sections of the Union. Attached as the people of this State are, to the Constitution and union of the States, which were formed by the exertion and patriotism of our fathers and under which this favored country has attained to such unparalleled happiness and prosperity, we cannot but view with the deepest sorrow and regret any approach towards a violation of the Constitution, or a dissolution of the bonds which have hitherto so happily connected the different members of our extensive republic. Should the citizens of South Carolina feel aggrieved by the operation of laws, which they believe to be unconstitutional and oppressive, there are many modes of redress to which legally and without a violation of the Constitution, they may have recourse. They can appeal to the Supreme Judiciary of the United States, which, by the express consent of South Carolina, as well as the other States, is constituted a tribunal for the decision of questions arising under the Constitution; or if the Constitution is found to be imperfect and not to promote the objects intended by its adoption, it contains within itself provisions of amendment, which by means of a Convention of the

States may peaceably remedy the evils complained of; or if neither of these means of redress should afford relief, they might with confidence have relied upon the justice of their country, and the progress of enlightened sentiment, which will never suffer any portion or individual of this free community to be unduly burthened or deprived of privileges essential to their happiness and prosperity."

We regard nullification and secession as directly opposed to the genius of our Government and the plainest provisions of our Constitution. In the language of the President in his late message, we believe that both are "to be regarded as revolutionary in their character and tendency, and subversive of the supremacy of the laws and of the integrity of the Union: The result of each is the same, since a State in which by a usurpation of power, the Constitutional authority of the Federal Government is openly defied and set aside, wants only the form, to be independent of the Union. The right of the people of a single State to absolve themselves at will and without the consent of the States, from their most solemn obligations, and hazard the liberty and happiness of millions, composing the Union, cannot be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the General Government is constituted and to the objects which it is expressly formed to attain. Against all acts which may be alleged to transcend the constitutional power of the Government or which may be inconvenient or oppressive in their operation, the Constitution itself has prescribed the modes of redress. It is the acknowledged attribute of free institutions, that, under them, the empire of reason and law is substituted for the power of the sword. To no other source can appeals for supposed wrongs be made consistently with the obligations of South Carolina; to no other can such appeals be made with safety at any time; and to their decisions when constitutionally pronounced, it becomes the duty no less of the public authorities than of the people, in every case, to yield a patriotic submission." The Constitution of the United States guarantees a Republican form of Government and protection against invasion to every State in the Union. Provision is made for

the admission of new States, but none for their separation. The framers of the Constitution were deeply impressed with the necessity of giving strength and efficiency to the Union, and yielded points of inferior magnitude to effect that great object.

Upon the most mature consideration, the undersigned cannot perceive in the evils complained of by our brethren of South Carolina, any justification for the violent and revolutionary measures by them adopted. There is no language too strong to express our abhorrence of the doctrines of nullification and secession and their legitimate consequences upon the peace and prosperity of our beloved country. The time has come when little differences of opinion should be sacrificed upon the altar of patriotism, when a love of party should be swallowed up in a love of country, when all the friends of the Union should unite under the banner of the legitimate Chief Magistrate of the nation, "to maintain the supremacy of the laws." His exposition of constitutional law contained in his recent Proclamation and Message have our entire approbation, and in his determination "to execute the laws, to preserve the Union by all constitutional means, and to arrest if possible, by moderate but firm measures, the necessity of a recourse to force," we will give him our cordial support.

J. G. HUNTON,
 REUEL WASHBURN,
 EBENEZER S. PHELPS,
 JOHN T. P. DUMONT.

STATE OF MAINE.

IN SENATE, February 1, 1833.

ORDERED, That three hundred copies be printed for the use of the Legislature.

[Extract from the Journal.]

Attest,

T. J. CARTER, *Secretary.*