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Communication of Wm. Harper and Thomas R. Dew

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FREE TRADE CONVENTION.

[To be annexed to Doc. No. 82.]

COMMUNICATION

OF

WM. HARPER AND THOMAS R. DEW,

IN RELATION TO

*The memorial of the Committee of the Free Trade Convention against
the Tariff.*

FEBRUARY 13, 1832.

Referred to a Committee of the Whole House on the state of the Union.

*To the Honorable the Senate and House of Representatives of the United
States in Congress assembled:*

The undersigned, members of a committee appointed to prepare and present to Congress a memorial on the subject of the protecting system, beg leave to present the following views, in addition to those presented by the chairman of that committee. We do not claim to represent the committee, nor do we suppose it to be within our power to add to, or improve, the clear and masterly argument on the general subject, of the able and distinguished statesman who drafted the memorial. But as individual members of the committee, for the avoiding of misconception, and on behalf of the particular sections of the country in which we reside, and which we have in some sort represented, we ask permission to explain our own views on a few particular topics. We most fully approve of the several propositions which form the basis of the memorial, and, with one or two slight exceptions, are rather supplementary than contradictory to those contained in that document.

The memorial assumes that the sum necessary to be raised for the ordinary expenses of Government, will, after the public debt shall have been paid off, and the protecting duties ultimately reduced, amount to about thirteen millions of dollars; that it may be necessary to raise this amount by customs; and the views and calculations of the memorial, are founded on the supposition that duties averaging twenty per cent., and admitting discriminations to the amount of twenty-five per cent., may be necessary for this purpose.

The estimate of thirteen millions for the ordinary expenses of Government is founded on a calculation of the average expenditure for several years past. On this subject, permit us to suggest more distinctly that these have been years of very high expenditure. More than three millions of this amount have

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been applied to fortifications, the gradual increase of the navy, revolutionary pensions, and internal improvements. In the nature of things, most of the sources of expense must gradually diminish; and, with respect to the policy of others, public opinion is divided. It is contemplated that the reduction of protecting duties, and consequently of revenue, shall be gradual. It is fair to calculate that they will be very much diminished before the ultimate reduction of duties. The other current expenses of the Government seem to be provided for on a sufficiently liberal scale.

The memorial does not take into calculation the revenue derived from the public lands, from the bank, and other incidental sources. The undersigned beg leave to say for themselves, that they have not understood it to come within the views of the convention or of the committee, to make any suggestion whatever to your honorable body on the subject of the public lands. Assuming that the revenue from these sources is to continue, it cannot be necessary to raise more than nine, or, at the utmost, ten millions by the customs. By the report of the Secretary of the Treasury, it appears that the income from these sources has amounted, for the two past years, to about three millions, and he estimates it for the present year at three millions six hundred thousand dollars.

If the future average of imported goods, paying duties and consumed in the United States, be estimated at fifty-seven and a half millions, which the memorial supposes to have been the average of the last six years, then an average duty of about seventeen per cent. would be necessary to raise a revenue of ten millions. We beg leave to suggest, however, that the average of future years will certainly be greater than the past. It appears, taking an average of imports from 1821 to 1825 inclusive, and again from 1826 to 1830: that, during the whole period of ten years, there has been a gradual increase of imports for consumption of about one per cent. per annum. We submit, however, as a proposition scarcely disputable, that the rate of increase must have been much retarded by the successive great increase of duties by the acts of 1824 and 1828. Under any permanent system of duties which does not effect an exclusion of foreign commodities, there must be an increase of importation with the increasing population and labor of the country; and if the present rate of duties were to continue, it might be expected that importation would increase more rapidly than during the period referred to. This increase may not be in the ratio of the increase of population, though if the same relative proportion of labor should continue to be applied to the production of commodities for exportation, and those products should be of the same exchangeable value, this would seem to be the natural result. Yet we suppose that, as the country becomes more populous, a larger portion of its labor may be applied to the production of commodities for the home market, and that the value of exports may depreciate. To what extent these causes may retard the increase of exports, and prevent its keeping pace with the increase of population, it is impossible to say. They operate gradually and slowly.

We submit, however, that the rate of increase of imports is likely to increase more rapidly in consequence of a great reduction of duties. This increase it may be impossible to estimate with accuracy, but, on all reason and experience, it must be very great. From 1791 to 1808, a period during which there were very low duties, it appears that imports, estimated according to the amount of duties paid into the Treasury, increased at the annual rate of ten per cent. This result is obtained by taking an average of three

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periods of six years each, from 1791 to 1796, from 1797 to 1801, and from 1801 to 1806; the average income from duties being, for the first period, \$4,792,560; for the second, \$8,922,684; and for the third, \$13,555,206. During this period, however, there was an immense extension of the carrying trade, and of the cultivation of cotton; nor do we suppose that foreign commerce would increase so rapidly under a system of low duties in future. The production of commodities for exportation would, however, be stimulated by the cheapness of foreign commodities; and the profits of commerce, and the amount of freights applicable to the purchase of foreign commodities, would be likewise increased. Imports would thus increase somewhat beyond the rate of exported products. The prevention of smuggling, too, which would be the effect of low duties, is, perhaps, not unworthy of consideration as tending to increase imports.

If the reduction of duties should have the effect of preventing the diversion of capital and labor to other employments in future, it would follow that an increased proportion of the annual accession to the labor of the country, would be employed in producing commodities for foreign exportation, and, consequently, that the production of these commodities would exceed the ratio of the increase of population. It is certain that some temporary causes would occasion a great increase of importation for some years; and this temporary excitement of our commercial intercourse, would tend to the enlargement of our permanent commerce. Considering the increase of imports in the natural course of things, and the accelerated increase which must be the effect of a great reduction of duties, the undersigned submit whether it can be considered doubtful that average duties of twelve and a half, or, at the utmost, fifteen per cent., would produce a revenue amply sufficient for the ordinary expenses of Government.

In addition to what is said in the memorial on the subject of the encouragement given to the productions of agriculture by the protective system, we beg leave to make some remarks as explanatory of our own views in relation to the additional market supposed to be afforded for the great staple, cotton. If there be in reality any extension of the market, caused by the introduction of manufactures, it must be a market sustained at the expense of the planters themselves, and at an expense, too, which is much greater than the additional price which can possibly be procured for cotton.

In this respect, it bears an exact analogy to the merchant who pays his purchasers to purchase his goods more than the profit he should make on them; or may be aptly compared to the institution of a standing army when the nation does not require one, which will be sure to increase the demand for agricultural products, but at a cost to the farmer which will make him look on it as a curse to his country.

If we examine into this increase of market, it will be found so inconsiderable, so inefficient in its operation, especially when set off against the gradual loss of market in Europe, which will, in all probability, ensue, that it is entirely unworthy of the vast efforts which have been made to establish it. For before the American system was carried to the extent to which it is now pushed, our cotton fabrics were imported from Great Britain, and consumed in larger quantities than they would have been if made in the United States, in consequence of greater cheapness. The greater portion of these cotton goods were made with American cotton. Is it not evident, then, that if we produce these fabrics in the United States, England will afford a less market than formerly, to the amount, at least, of that portion of cotton which she

manufactures for us? It is thus certain that if all the cotton goods consumed in the United States had been made of American cotton, the market for cotton goods would, most undoubtedly, have been lessened by the establishment of domestic manufactures. Cotton goods, cheap as they now are, would have been cheaper still if furnished us from abroad, and, consequently, a larger quantity would have been consumed, making the market for the raw material more extensive than now.

So far as cotton fabrics can be manufactured and sold more cheaply in the United States, independently of protecting duties, we do not deny that those manufactures afford an additional and better market for the cotton. But it is of the effect of the protecting system that we now inquire. If all the cotton manufactured in the United States could be manufactured more cheaply abroad, and sold more cheaply here, after paying the costs of transportation and duties for revenue, then it is certain that the market for cotton is injured in consequence of forcing manufactures by means of protecting duties. Certainly all persons whose incomes are independent of manufactures and protecting duties, would be able, in consequence of obtaining them more cheaply, to purchase a greater quantity of cotton fabrics than they now can. If there be a class of persons in the manufacturing districts, or connected with manufactures, who are enabled to purchase cotton fabrics which they would not otherwise be able to purchase, there would be a precisely similar class of persons connected with the European manufacturers which our increased demand would call into existence. Though the aggregate of cotton fabrics consumed in the *United States* should be diminished by a reduction of duty, the consumption of American cotton would be increased. Certainly there would be an increased demand for *American* cotton proportioned to the increased American demand for foreign manufactures. We speak not now of the policy or patriotism of affording employment, and the means of consuming, to foreign labor, rather than to American. The inquiry is as to the market for American cotton, and it seems to us that the protecting system affords no new or additional market, but only substitutes a more limited and inferior, for a more extensive and better one.

If the amount of imports subject to duty should, within a few years, increase to eighty millions, as may very reasonably be expected, then an average duty of twenty per cent. ad valorem, as suggested by the memorial, would produce a revenue of sixteen millions, which, added to the incidental revenue from other sources, would make an income of at least nineteen millions. If imports should increase to one hundred millions, there would be a revenue of at least twenty-three millions. So great a surplus of revenue would seem to be attended with the most serious and alarming evils. Should the Government undertake to expend so large a sum, then what a scramble will we witness among the several sections of our community for their respective portions! What scenes of confusion, intrigue, and dishonesty, will we every year witness at the seat of Government! What total annihilation of State power and influence, and what entire dependence on the General Government! And can we expect, from a Government constituted like ours, a fair and equal disbursement of the revenue? Certainly not. The great principles of human nature must be entirely eradicated, and the character of man undergo a total change, before we can calculate on a result so completely at war with fact and experience.

If large surplus revenues must be spent, let the States raise and disburse them; for their governments understand local interests infinitely better than

the Federal Government. And, besides, there is not the same temptations to those odious combinations and compromises among a few of the great interests for the prostration of the remainder. But surely no argument is required to prove that the money which is not requisite for the public exigencies, ought to be left in the pockets of the people; for they, and *they* alone, have a right to it, when not required for necessary public expenditure; and, besides, each individual understands his true interests, and is disposed to pursue them, better than either the State or Federal Governments.

There is not even any preconcerted plan of distribution which can remedy the fearful evils consequent on the disposal of redundant revenue. There is no plan which can prevent the alarming concentration of power in the Federal Government, and the dependence and prostration of the State Governments, which will be sure to result from a surplus annual accumulation in the Treasury. Not to speak of the evils of raising large masses of money by means whose operation is not understood by the people, and who, consequently, would not be disposed to exercise that watchfulness over the proceedings of the federal functionaries, in relation to the financial concerns, which all history and experience have proved to be so indispensable both to the attainment and preservation of liberty. When the monarch has called upon his subjects for money, they, in turn, have called upon him for more liberty, and he could not resist the call when made under such circumstances. If the monarchs of Europe, by some covert means like a restrictive policy, could have procured, unseen and uncalled for, all the money which was required for their lavish and magnificent expenditures, perhaps not one country in Europe could ever have been revolutionized. Those glorious struggles, which are the theme of praise on every lip, would never have been heard of, and a dark and silent despotism would reign in every country of Europe.

We may be permitted to suggest that the Government can never be embarrassed by an occasional deficit of revenue; less, perhaps, than by even an occasional surplus. The credit of the Government would, at all times, answer the purposes of money. This credit would be fortified by the wise and wholesome parsimony of restricting expenditure to necessary objects, and leaving in the hands of the people, to be improved by them, the resources which the Government could, at any time, command. The deficit of one year might be supplied without disadvantage in the next; but that a surplus should be unemployed in the Treasury, would be a loss to the community.

From what has been said, it will be perceived that we concur very fully in the suggestion of the memorial, that the average duty actually required, would fall far short of twenty per cent. The memorial refers to twenty-five per cent., as the highest duty which should, in any case, be allowed. The undersigned, for avoiding misconceptions, beg leave respectfully to suggest that they do not understand the memorial to admit, that, if a lower average of duty than twenty per cent. should be found sufficient, a discrimination should be still made to the extent of twenty-five per cent., and that this discrimination should be imposed in favor of protected articles.

Thus understood, if an average duty of twelve and a half per cent. should be found sufficient, there would be a double duty in favor of protected articles. Such a construction would be a departure from one of the principles which form the basis of the memorial—that duties shall be ultimately equalized, so that the duty on any article shall not vary materially from the general average rate of all the duties together.

It appears, from the report of the Secretary of the Treasury, that the revenue derived from the articles most highly protected, wool, woollens, cottons, hemp, salt, iron, and sugar, amounted to, during the past year, to about nine millions. Perhaps it may be found that a duty of twenty-five per cent. will be more productive of revenue than the present high duties. Under the tariff of 1816, the duty on woollens, which was fixed at twenty-five per cent., was found to be much more productive than the present high impost has proved. If this should prove to be the fact, with respect to the other protected articles, which there seems no good reason to doubt, then, by a duty of twenty-five per cent. on these articles alone, all, and more than all, the revenue may be raised which is required to be raised from the customs. This would render the duties on wines, teas, coffee, and other articles of luxury unnecessary, and would be a departure from the views of the memorial, which prays that those articles may be subject to about an average rate of taxation.

If such a discrimination should be allowed, although the aggregate burdens of the community might be diminished, that inequality of operation on the different classes of the community and sections of the country, which has excited so much odium and discontent, would be aggravated. And let it be remarked, that, if the necessary freight, charges, and profit, on importing foreign merchandise, amount, as they have been estimated to do by those most competent to judge, to fifteen per cent. on the value, then a duty of fifteen per cent. will afford the manufacturer a protection of thirty per cent. Whether the country can be considered as at all prepared for manufactures, which cannot be successfully prosecuted with a protection of this extent, is submitted to the wisdom and justice of your honorable body. Perhaps the foreign nations among whom restrictive systems are said to obtain, do not afford protection so efficient, as our manufactures would receive from the natural situation of the country, and the wants of the Government for revenue.

The memorial states, "it is well known to your honorable body that the tariff system is believed to be unconstitutional by a numerous and respectable portion of the American people, including, probably, a majority of the people of the southern States." From opportunities of intimate knowledge and full information, which were not enjoyed by the gentleman who drafted the memorial, we are able to state, that, among the people of the six southern States, extending from the Potomac to the Mississippi, (with the exception of a minor portion of one of these States,) there is as near an approach to unanimity of opinion with respect to the unconstitutionality of the protecting system, as can ever be expected to exist on any political subject. We submit, with the deference which becomes us, whether an opinion thus widely diffused and deeply rooted, independently of any supposition of its truth or error, does not deserve the most serious consideration of your honorable body. The strongest governments have found it wise, and sometimes necessary, to concede much, even to the prejudices of a considerable portion of their subjects, especially if those prejudices relate to matters which are supposed to appertain to right and justice. If the people entertaining them are intelligent, if they are otherwise loyal and deeply devoted to the Government, it would seem that they are entitled to still more consideration. A distinguished British statesman and political philosopher remarked, with respect to the people of the then American colonies, that a free government, for practical purposes, is what the people think such. That the people of the southern States are not unintelligent in relation to their political con-

cerns, we believe will be admitted; of their ardent attachment to the Federal Government and Union, we think they have always given proof; and it is in our power to assure your honorable body, that the opinion is deeply and indelibly impressed upon them, that the system in question is unjust, and in violation of their most valuable constitutional rights.

There are many who conscientiously believe that the majority ought rarely, if ever, to change its policy at the instance of the minority; that, by doing so, it sacrifices its rights and privileges, and teaches the minority the dangerous art of thwarting the course of the dominant party, by resisting its measures. We shall not, in this exposition, enter into the theory of Government, and its mode of formation; nor shall we inquire, whether, in an independent nation, the rule of a majority is founded on convention, or the great law of nature; but permit us briefly to advert to the history of our own Federal Government, and endeavor to show, from its very nature, that majorities in our national councils ought well to weigh the interest of minorities, and frequently, in the spirit of compromise, to recede from their measures, when considered by the minorities grievous and unjust.

The Federal Union was formed by States with governments already organized and in full operation; and as, by the great law of nature, one sovereign State is considered equal to another, each State was of equal weight in the formation of our confederacy. So that our General Government was not an emanation from a majority of the people of the United States, but a creature of the States themselves. In the construction of the Government, however, the various interests of the Union seem to have been well understood, and, in the spirit of compromise, each had its due weight assigned to it. Our Federal Government, it will readily be conceded on all hands, was intended as a bond of union, and a supervisor of those great interests, national in their extent and importance, and which the local governments, from their limited spheres, could not so well attend to; while the State Governments were wisely left, except in few instances, to manage the local interests of States. Hence, from the very theory of our Government, so different from all others, the General Government should guard against over action; and beware, as much as possible, of that kind of legislation which tampers, beyond the limits of necessity, with the various interests of the community, sometimes arraying the one against the other.

But, say those who would contend for the perseverance of the majority in its course, the affairs of the nation are administered by officers chosen by the people, and responsible to them, and, consequently, the majority will not be likely to err for any length of time. To this we answer, that a Government constituted like our Federal Government, may always be expected to be vicious in its legislation, when directed to subjects bearing upon the local and conflicting interests of the country. The reason is obvious, on the slightest reflection. Such a Government, when exercised over so great an extent of country as ours, can never be expected to understand the local interests throughout sufficiently well to legislate for them. With the best intentions, therefore, it would ever have a fertile source of blunder and error in the constant and irremediable ignorance of local interests. But the Government would be likely to be vicious in its legislation, even if it understood those interests, in consequence of the high temptation which would ever be held out to some of those interests to combine and make common cause, until a majority is formed, and then to proceed to the oppression of the minority.

In proportion to the extent of country, is, generally speaking, the diversity and collision of interest, and where there is diversity of interests, there will be compromises and combinations among some of them, until the impediments to action are overthrown; and then to doubt, when thus forming a majority, that they will be governed by motives of sectional aggrandizement, would be to doubt the operation of the most universally motive spring to action implanted in the breast of man, which, however uncertain we may suppose it to be when operating on individuals, never fails to exercise its influence on multitudes or communities. Thus it is, that self-interest stimulates the majority to further its welfare, by partial legislation, at the expense of the minority.

Majorities are almost always right, we are very ready to concede, whenever they have no immediate peculiar interests in opposition to those of minorities; but when such conflicting interests do exist, surely he must be ignorant of the principles of human nature who would contend for the infallibility of their measures. And here we wish not to be understood as imputing evil motives to the great masses of people composing those sectional majorities; when they act wrongly, they may be perfectly honest and conscientious in their course; their prejudices may be honestly generated through the influence of self interest. The great mass of mankind is almost always honest, however erroneous its judgments may be, or however wicked the leaders are who contribute to their misguidance. It is by no means necessary that we should impute dishonesty to the people to maintain the argument.

In a Government, then, whose action is felt through so wide a territory as that of the Federal Government, and which may be made to operate on so many conflicting interests, and, consequently, labors under so many and constant temptations to partial legislation, surely it cannot be improper that the majority should be exceedingly cautious in its action, and should sometimes consent to a repeal of its acts, when judged by a large and respectable minority to be subversive of its rights and interests.

Let us look now a moment to our tariff, and see whether it be not obnoxious to some of those objections which we have described. And we believe we may, without fear of contradiction, assert, that there is scarcely one single article in the whole catalogue of protected commodities, which would have received protection singly and unconnectedly with every other; and why is this the case? Because every article protected, is a tax on every section of the community not engaged in its production; and a tax which each section is unwilling to bear, unless it can receive its equivalent.

The sphere of protection has, therefore, been enlarged merely with a view of adding strength to the party; and the internal improvement interest, for the same reason, has been admitted into the coalition—an interest which has no natural alliance for, or affinity to, the tariff—but the two are brought together, and harmonize, only from the circumstance of their common dependence on the Government, and the necessity of their union to secure a majority in the national councils.

Now let us, for a moment, cast a glance on the various portions of the Union, while this compromise is going forward. We behold an extensive district of country stretching along the Atlantic frontier, from the Chesapeake almost to the Gulf of Mexico, wholly excluded from the compromise. Blessed with geniality of climate, fertility of soil, and advantage of position, it asks for no protection. It produces corn, wheat, tobacco, rice, and cotton,

as cheap as any nation of the globe can rear them; and to offer this extensive country protection as an indemnity for losses sustained by the American system, would seem to be adding indignity to injury. Thus it is impossible that this section can escape from the tax imposed by protection; it can take no part of the bounty. It loses on the protection of woollens and cotton, hemp and iron, salt, &c., and gains in not one single item. The lavish expenditures on internal improvement have scarcely reached it.

Again: there are the navigating and commercial interests—interests of which every American may justly feel proud—which have been arrested in their rapid growth by the blighting influence of the tariff.

Can any one wonder, then, when contemplating this state of things, that discontent and murmur should arise? that the minority should be indignant at this treatment of a sectional majority? Can any liberal member of such a majority, with these facts before him, say that the majority should unyieldingly persevere in its course?

But there is another view of this subject which we think may well be presented to the serious consideration of the majority. Two of the most salutary checks which can be exerted on Governments, are the responsibility of the representative to his constituent, and his subjection to all the evil as well as good consequences of his acts. Now, in a Government like that of the United States, when its action operates on the conflicting interests of the community, the first of these checks, instead of operating advantageously to the minority, may be productive of the very evil complained of, and the second may cease to speak. Thus the responsibility of the representative causes him to shield himself under the well known wishes of the constituent. The greater the oppression of the minority, the greater, temporarily at least, the gains of the majority; and consequently, through the infallible medium of self-interest, the greater the temptation to partial and unjust legislation. And thus you have the law passed by the sectional majority, upon whom it operates favorably; in fact, the more favorably the more unjust it may be, and without, yea, directly contrary to the voice of those upon whom it acts unfavorably: and where can you find irresponsible power more completely exercised than here, where those who reap all the advantages of the law, enact it against those who suffer all the evil? Let us look to the passage of the tariff in 1828, and see whether some serious objections may not be urged against it upon this ground.

“On the final question in the House of Representatives, all the members from the southern States, (Virginia, North Carolina, South Carolina, and Georgia,) voted against the bill, except three members from Virginia, and three others from that State who were absent. All the members from the southwestern States, (Tennessee, Alabama, Mississippi, and Louisiana,) voted against the bill. All the members from the western States, (Kentucky, Ohio, Indiana, Illinois, and Missouri,) voted for the bill, except one from Missouri, who voted against it, and one from Ohio, absent from indisposition. Of the delegations of the middle States, (Maryland, Delaware, Pennsylvania, and New York,) fifty-six voted for the bill, and eleven against it. Seven were absent on the final question, and there was one vacancy from death. Of the eleven dissentients, five were from Maryland, and six represented commercial districts in New York. The delegations of Pennsylvania, New Jersey, and Delaware, whether absent or present, were unanimously for the bill. Only one of the delegates from Maryland voted for the bill; but it is believed that three who were absent approved of the principle, and

only objected to the details. Maryland, lying between Virginia and Pennsylvania, is naturally divided on every *sectional* question. The New England delegation stood fifteen for the bill, and twenty-eight against it. They brought forward the measure, and then opposed its adoption, because it did not take exactly the form most conducive to their sectional interests."

Can any thing better prove, than the votes on this important occasion, that this was purely a question of compromise and sectional interests, and that the interests of the minority were wholly disregarded? And what can have a more certain tendency to corrupt and overthrow our institutions, than the exercise of such irresponsible power against the dearest rights and interests of the minority? It was the exercise of irresponsible power which broke into fragments the great nations of the earth. Look to Rome, whose conquering eagles overshadowed the remotest countries of the known world; and what produced the dissolution and consequent downfall of this empire? It was the exercise of irresponsible power. The governors of the provinces were not responsible to the people over which they ruled, and their tyranny was intolerable.

What but the exercise of the same kind of irresponsible power caused the emancipation of the United States? Did not the colonies deny the right of the British Parliament to tax them, unless through the medium of their own responsible representatives? and even if a small representation had been allowed them in the British Parliament, still they would have been entirely unprotected on all subjects relating to conflicting interests between the colonies and the mother country, for their representation would ever have been in a minority.

Are not these circumstances, then, well worthy of the gravest consideration of the majority, and sufficient to make it pause in its career? Do they not open to our view the very exposed condition of minorities in our country, and the absolute necessity for the utmost forbearance and circumspection on the part of majorities? A majority in our country, no matter when and how formed, should ever bear those things in mind, and recollect that there are some features in the absolute rule of a majority, even worse than the power of a monarch or an aristocracy. In the first place, a sectional majority is impervious to the public opinion of the minority; then the majority and minority are permanent, and, consequently, there is no hope of relief for the latter: and, lastly, majorities are peculiarly liable to be governed by narrow and selfish considerations.

We have now, we hope, shown the tendency which there must ever be in a Government constituted like ours, to partial and even vicious Legislation, when meddling with the conflicting and hostile interests of the community. We have shown, upon these grounds, that the repeal of the tariff is loudly called for. Let us now inquire at what time this repeal should commence; and to this we have no hesitation in saying, the next session of Congress will be much the most appropriate time.

We concur in the sentiments of the memorial respecting the duty of acquiescence in the will of the majority, if it be restricted, as we suppose it must be understood to be restricted, to acts within the limits of their constitutional powers. It does not derogate from a majority, or from any earthly power, to suppose them liable to err. It is the condition of humanity. Men err from ignorance and weakness, and are misled by their interests and their passions; and no passion more universally actuates men, than the desire of power, and to free themselves from the restrictions which limit its exertions.

If, when an act supposed by a part of the people to be unconstitutional, has once passed, opposition to it must cease, then usurpation is consecrated by the very fact of having been committed. Divine right is to be attributed neither to kings nor majorities.

The sentiment of passive obedience has been thought to degrade the subjects of a monarch; it is still less becoming an American freeman, and would be ill addressed to an American Congress. We agree that such opposition should be made by the most peaceful and constitutional means, and we hope and believe that the forms of a free and popular constitution will always afford a remedy when there is just cause to complain of abuse or usurpation of power.

We beg the indulgent consideration of your honorable body to the views we have thus submitted.

WM. HARPER, *for himself and*
THOMAS R. DEW.

