

**STATE DOCUMENTS ON FEDERAL
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UNITED STATES, NUMBER IV, THE
TARIFF AND NULLIFICATION,
1820-1833, PP. [133-192]. [1902]**

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1820-1833.



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Tariff and Internal Improvements.

A reaction against the broad construction and nationalizing tendencies, which had characterized the policy of the dominant portion of the Democratic-Republican party in the period immediately following the close of the War of 1812-15, gradually began to show itself. First in the opposition to the United States Bank (see *ante*, pp. 89-103), and then to federal legislation relative to internal improvement and a protective tariff. The change in the attitude of the South from one of advocacy to that of opposition was very marked and significant. In Congress this change first became evident in connection with the internal improvement discussions, but after 1820 the hostility of the South to a protective tariff increasingly developed.

Opposition to the doctrine of broad construction led those who objected to a protective tariff on constitutional grounds to oppose also the other important feature of the so-called "American System," namely, national aid to internal improvement. This was necessary on ground of consistency, if for no other. It is not surprising therefore to find generally in the series of resolutions passed by the Southern States, during the period 1825-1832, condemnation of both the protective tariff and internal improvement acts. This was especially true to 1827. In fact, contemporary evidence indicates that more emphasis was placed upon the opposition to federal internal improvement measures than to the protective tariff bills prior to that date. In support of this statement may

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be cited the message of Governor Wilson of South Carolina in 1824, and that of Governor Tyler of Virginia in 1826, as also the correspondence of Jefferson and Madison for 1824-26, in all of which the subject of internal improvement measures is alone considered. After 1827 the tariff question came to the front and remained of chief importance during the remainder of the period. The close connection between the two subjects was pointed out at the time of Jackson's veto of the Maysville Road Bill, in 1830, by the Southern press and political leaders (*Niles*, XXXVIII, 319-321, 379; *post* p. 164), but the chief opposition continued to be directed against the protective tariff measures.

References: For monographic accounts of the tariff controversy see O. L. Elliott, *The Tariff Controversy in the United States*, Palo Alto, Cal., 1892; C. W. Harris, *The Sectional Struggle*, Phila., 1902 (full synopsis of the debates in Congress). F. W. Taussig, *Tariff History of the United States*, 17-24, 68-108. General References; The Tariff: Burgess, *Middle Period*, 10-12, 108-116, 157-163, 170-178; McMaster, IV, 490-494, 510-521; V, 229-267; Schouler, III, 173, 296-298, 382-385, 420-426, 468; Sumner, *Jackson*, 194-206; Von Holst, I, 396-400; Lalor, III, 859-864; Ballagh in *Amer. Hist. Assoc. Reports*, 1898, esp. 221-241. Internal Improvement: Burgess, 14-18, 116-122, 155, 157, 166-170; McMaster, IV, 410-415, 422-426; V, 147-150, 252, 263; Schouler, III, 247-254; 295, 296, 382-385, 480; Sumner, *Jackson*, 191-194; Von Holst, I, 389-396; Lalor, II, 568-571.

62. Report Adopted by the House of Representatives of South Carolina.

December, 1820.

The gradualness of the change in the attitude of the South on these questions is well illustrated by the growth of the opposition in the South Carolina Legislature, which was the first to officially denounce the constitutionality of the internal improvement and protective tariff acts. This is revealed in the documents for the years 1820-25, which follow. The first of these shows that in 1820, while a majority of the House of Representatives was opposed to the restrictive system on grounds of policy, they apparently conceded its constitutionality, and deprecated the memorializing of Congress. As the Journals of the General Assembly of South Carolina were not published until 1830, the text of this report is taken from *Niles*, XIX, 345, 346, and *Ibid.*, XLIII, 128. It is also given in the *Statutes at Large of South Carolina* (Thomas Cooper, editor), I, 226, 227 (Columbia, S. C., 1836), with acknowledgments to *Niles*. It does not appear to have passed the Senate, as Dr. Cooper states that it is not given in the Manuscript Journals or the published Pamphlet Laws.

The committee to whom was referred the preamble and resolutions submitted by the honorable member from Chesterfield,

(Pleasant May, esq.) on the subject of the Tariff proposed at the last session of congress. Respectfully Report :

That although your committee do, in common, they believe, with the great majority of their fellow-citizens, and particularly those in the Southern and Eastern States, entirely concur with the honorable member, so far as the general principles of political economy involved in the resolutions, are concerned : Although they most earnestly deprecate the restrictive system attempted to be forced upon the nation, as premature and pernicious—as a wretched expedient to repair the losses incurred in some commercial districts, by improvident and misdirected speculation : or as a still more unwarrantable project to make the most important interests of the country subservient to the most inconsiderable, and to compel those parts of the union which are *still* prosperous and flourishing, to contribute even by their utter ruin, to fill the coffers of a few monopolists in the others—

Yet when they reflect that the necessity at that time, universally felt, of regulating the commerce of the country by more enlarged and uniform principles was the first motive that induced the calling of a convention in '87 : When they consider that among the powers expressly given up by the states and vested in congress by the constitution, is this very one of enacting all laws relating to commerce :

Above all, when they advert to the consequences likely to result from the practice, unfortunately become too common, of arraying upon the questions of national policy, the states as *distinct and independent sovereignties* in opposition to, or, (what is much the same thing) with a view to exercise a control *over* the general government—Your committee feel it to be their indispensable duty to protest against a measure, of which they conceive the tendency to be so mischievous, and to recommend to the house, that, upon this, as on every other occasion, on which the general welfare of the republic is in question, they adhere to those wise, liberal and magnanimous principles by which this state has been hitherto so proudly distinguished.

In consideration of the above reasons, your Committee are of opinion that the preamble and resolutions referred to them be rejected.

South Carolina on the Powers of the Federal Government.

1824-1825.

Subsequent to the adoption of the preceding report, the question of the constitutionality of a protective tariff law had been clearly raised in Congress during the discussions preliminary to the passage of the act of 1824. In this some of the South Carolina delegation led the way. (Mitchell, *Annals*, 17 *Cong.*, 2 *sess.*, 1002; Hamilton, *Annals*, 18 *Cong.*, 1 *sess.*, II, 2207, 2208; Hayne, *Ibid.*, I, 648, 649, also Barbour of Va., *Ibid.*, II, 1918-1920.) In sympathy with this strict construction attitude, Governor Wilson called attention of the Legislature to the drift toward a "consolidated government," in the subjoined passage taken from his annual message of December, 1824. It is noteworthy that in proof of this he expressly refers to the internal improvement legislation of Congress, but fails to mention the tariff act of 1824. (Act May 22, U. S. Stat. at L., IV, 25-30.) This would seem to indicate that up to this time the internal improvement question was considered a more vital issue than that of protection. Acting upon the Governor's suggestion the Senate, Dec. 13, 1824, passed a series of resolves, which had been drawn by Judge William Smith, denouncing as unconstitutional both the internal improvement and the protective tariff measures of the federal government, by a vote of 30 to 13. (*Niles*, XXVII, 272, 338; *Ibid.*, XLIII, 128; *National Intelligencer*, Dec. 24, 1824.) These were tabled in the House of Representatives, and a Report and Resolutions from the Select Committee were adopted instead. The third, fourth and fifth resolves are notable, as they take issue with the Senate, denying the right of the Legislature to question the acts of the Federal Government. (*National Intelligencer*, Jan. 1, 1825; *Niles*, XLIII, 128.) Extracts from this report and the resolutions follow. By the next year the change in public opinion had so affected the House of Representatives that the same series of resolves which had received the approval of the Senate the previous year were now introduced and passed by the House, December 15, 1825, by a vote of 73 to 38. They were agreed to by the Senate on the following day, and were the first official condemnation by any State Legislature of the internal improvement and protective tariff acts. (*Acts and Resolutions of South Carolina*, 1825, 88, 89; *Statutes at Large* (Cooper ed.), I, 228, 229; *Niles*, XXIX, 293; *Amer. Annual Register*, 1825-26, 342, 343.) Contemporary works: Dr. Thomas Cooper published a pamphlet entitled *A Tract on the Proposed Alteration of the Tariff submitted to the consideration of the members from South Carolina in the ensuing Congress of 1823-4*. Charleston, 1823. Reprinted Phila., 1824. 27 pages. Hayne's speech was issued in pamphlet form. *Speech of Mr. Hayne against the Tariff Bill, April, 1824*. Charleston, 1824. 48 pages. For a recent study of South Carolina's change of attitude cf. Houston, *Nullification in South Carolina*, esp. ch. IV.

63. Extract from Governor Wilson's Message to the Legislature, December, 1824.

There is one subject of deep and vital importance to the stability of the General and State Governments, to which I beg leave to invite your attention. Every friend of our present constitution, in its original purity, cannot but have witnessed the alarming extent to which the Federal Judiciary and Congress have gone toward establishing a great and consolidated government, subversive of the rights of the States and contravening the letter and spirit of the Constitution of the Union. The act of the last session of Congress appropriating money to make surveys,¹ is but an entering wedge which will be followed, no doubt by the expenditure of millions, unless the People apply the proper corrective, the day, I fear, is not far distant, when South Carolina shall be grievously assessed, to pay for the cutting of a canal across Cape Cod. None of the friends to the assumed powers of the General Government pretend to derive them from any specific grant of power in the Constitution, but claim them as implied, resulting or necessary to the common defence and general welfare. The construction contended for by them is an open violation of that which has heretofore universally been admitted the true rule for expounding all grants. It never for a moment entered into the imagination of the members of the convention that formed the union that they were surrendering the sovereignty and independence of the states. On the contrary, there was a universal sensitiveness on that point, which produced the section which declared all power not expressly granted to be reserved to the people or the states. Whenever we become a great consolidated nation, the day will soon arrive when we shall crumble into as many parts as there are cardinal points of the compass. It is our duty as public sentinels to give the alarm, in order that those who are friendly to the present constitution may preserve it in its original purity. The opinions of men in high office on this point should be known, that they may be properly appreciated by the people, who alone possess the corrective in their elective franchise.

[*National Intelligencer*, Dec. 13, 1824.]

¹ Act of April 30, 1824, *U. S. Stat. at L.*, IV, 22.