

EXPOSITION

AND PROTEST,

REPORTED

BY THE SPECIAL COMMITTEE

OF THE

HOUSE OF REPRESENTATIVES,

ON

THE TARIFF;

READ AND ORDERED TO BE PRINTED,

*Dec. 19th, 1828.*

---

COLUMBIA, S. C.

D. W. SIMS, STATE PRINTER.

.....

1829.

Solar

377

Solar 21e

## PROTEST.

---

*The Senate and House of Representatives of South Carolina, now met and sitting in general assembly, through the Honorable Wm. Smith and the Hon. Robert Y. Hayne, their Representatives in the Senate of the United States, do in the name and on behalf of the good people of the said Commonwealth, solemnly protest against the system of protecting duties, lately adopted by the Federal Government, for the following reasons:*

1st. Because the good people of this Commonwealth believe, that the powers of Congress were delegated to it, in trust for the accomplishment of certain specified objects which limit and control them, and that every exercise of them, for any other purposes, is a violation of the Constitution as unwarrantable as the undisguised assumption of substantive, independent powers not granted or expressly withheld.

2nd. Because the power to lay duties on imports is and in its very nature can be only a means of effecting objects specified by the Constitution; since no free government and least of all a government of enumerated powers, can of right impose any tax, any more than a penalty which is not at once justified by public necessity and clearly within the scope and purview of the social compact, and since the right of confining appropriations of the public money, to such legitimate and constitutional objects, as is essential to the liberties of the people, as their unquestionable privilege to be taxed only by their own consent.

3rd. Because they believe that the Tariff Law passed by Congress at its last session, and all other acts of which the principal object is the protection of manufactures, or any other branch of domestic industry, if they be considered as the exercise of a supposed power in Congress to tax the people at its own good will and pleasure, and to apply the money raised to objects not specified in the Constitution, is a violation of these fundamental principles, a breach of a well defined trust and a perversion of the high powers vested in the Federal Government for federal purposes only.

4th. Because such acts considered in the light of a regulation of commerce, are equally liable to objection, since although the power to regulate commerce, may like other powers be ex-

exercised so as to protect domestic manufactures, yet it is clearly distinguishable from a power to do so *eo nomine* both in the nature of the thing and in the common acceptance of the terms; and because the confounding of them would lead to the most extravagant results, since the encouragement of domestic industry implies an absolute controul over all the interests, resources and pursuits of a people, and is inconsistent with the idea of any other than a simple, consolidated government.

5th. Because from the contemporaneous exposition of the Constitution in the numbers of the *Federalist*, (which is cited only because the Supreme Court has recognized its authority,) it is clear that the power to regulate commerce was considered by the Convention as only incidentally connected with the encouragement of agriculture and manufactures; and because the power of laying imposts and duties on imports, was not understood to justify in any case a prohibition of foreign commodities, except as a means of extending commerce, by coercing foreign nations to a fair reciprocity in their intercourse with us, or for some other bona fide commercial purpose.

6th. Because whilst the powers to protect manufactures, is no where expressly granted to Congress, nor can be considered as necessary and proper to carry into effect any specified power, it seems to be expressly reserved to the states, by the tenth section of the first article of the Constitution.

7th. Because even admitting Congress to have a constitutional right to protect manufactures by the imposition of duties or by regulations of commerce, designed principally for that purpose, yet a Tariff of which the operation is grossly unequal and oppressive is such an abuse of power, as is incompatible with the principles of a free government and the great ends of civil society, justice, and equality of rights and protection.

8th. Finally, because South Carolina from her climate, situation, and peculiar institutions, is, and must ever continue to be, wholly dependent upon agriculture and commerce, not only for her prosperity, but for her very existence as a state—because the valuable products of her soil—the blessings by which Divine Providence seems to have designed to compensate for the great disadvantages under which she suffers in other respects—are among the very few that can be cultivated with any profit by slave labor—and if by the loss of her foreign commerce, these products should be confined to an inadequate market, the fate of this fertile state would be poverty, and utter desolation; her citizens in despair would emigrate to more fortunate regions, and the whole frame and constitution of her civil polity, be impaired and deranged if not dissolved entirely.

Deeply impressed with these considerations, the Representatives of the good people of this Commonwealth, anxiously desiring to live in peace with their fellow citizens, and to do all that in them lies to preserve and perpetuate the Union of the States and the liberties of which it is the surest pledge, but feeling it to be their bounden duty to expose and resist all encroachments upon the true spirit of the Constitution, lest an apparent acquiescence in the system of protecting duties should be drawn into precedent, do in the name of the Commonwealth of South Carolina, claim to enter upon the Journals of the Senate, their protest against it as unconstitutional, oppressive, and unjust.

*Which Exposition and Protest are respectfully submitted.*

J. GREGG, *Chairman.*