

have been so conferred upon a government, which, by universal consent, has the exclusive control of our commercial and other intercourse with foreign nations. How otherwise would it have been possible for Congress to guard and protect the interests of the United States against the varying and infinitely diversified policy of foreign nations? If equality of commerce and navigation on one side, ought to be met by equality on the other, prohibition on the one side ought to be countervailed by prohibition on the other. Between the points of perfect equality and absolute prohibition, there are many intermediate shades of difference, discernible in the commercial codes of foreign nations. There is not, it is believed, with a very few exceptions, a commercial nation in the world, which practically offers to the United States perfect equality; whilst many of them, and especially those with which they have most intercourse, measure out to them prohibition after prohibition, to the entire exclusion of some of the most valuable products of the Union. Would it not have been unwise in the people of the United States, to have tied the hands of their government, as to commercial regulations, whilst those of foreign powers should be free to inflict on the commerce of the United States any injury, prompted by their policy, their jealousy, or their cupidity? Would it have been possible for the framers of the constitution to have foreseen and provided for all the exigencies that might arise out of the commercial policy of foreign powers, by defining the precise manner in which the grant of the power to "regulate commerce" should be exercised? If it be said, that the object of protecting the products of American industry, is not specified as the purpose of the grant of the power to 'regulate commerce,' beside the answer already given, the further answer immediately occurs that no other purpose is specified; and if the want of the specification of the object of protection, prevent the exercise of the power to that end, the want of the specification of every other object, would prevent the exercise of the power in relation to any and every other object. And thus it would happen, that the grant of a power unlimited and unrestrained, would amount to a mere nullity; and the general government would be disarmed of many of the powers necessary to constitute it a safe depository of the rights, of the interests, and of the independence of the Union.