

But it may be urged, that the regulation of commerce implies its continued existence, and that whatsoever be the nature of the regulation, it must not be such as to destroy the subject to be regulated. If congress were to attempt to annihilate the commerce of the United States, there might be force in this argument. But no such attempt is made by the laws in question. Commerce embraces a vast variety of subjects. The imposition of protecting duties on some articles, or even the absolute prohibition of them, would not amount to its destruction, nor would the general commerce of the country be thereby ultimately affected. All other articles would remain for commercial operations, and the encouraged industry of the United States would supply additional subjects, counterbalancing those which might be excluded. If the regulation of commerce mean any thing; it must be the prescription of the terms and conditions on which it is admitted and carried on. Congress possessing an unqualified power to prescribe those terms and conditions, is bound in the exercise of it, to guard and protect the prosperity of the United States or in the language of the constitution, "to provide for the general welfare." And if that object require such a regulation of foreign commerce, as will foster our domestic manufactures, Congress is surely authorised to enact the regulation.

The power in question, in conformity with these principles, has been repeatedly exercised since the adoption of the present constitution; and that too, without denial or complaint of the constitutional power of Congress. A large majority of the States and of the people of the Union including, it is confidently believed, the states of South-Carolina, Virginia and Georgia, sanctioned the exercise of it, in the instance of the Embargo, by which commerce with all nations was indefinitely suspended.

It must have been well known to the American Statesmen who formed the federal constitution, pre-eminently skilled, as all admit them to have been, in the history of the policy of the commercial nations of the world, that it was by regulations of commerce that the British government had systematically and uninterruptedly protected and encouraged the domestic industry and manufactures of that country; that such protection and encouragement were prominent and characteristic objects of the policy of that government, and entered into all its commercial regulations, connected with those subjects, the production or manufacture of which, it was de-