

subsistence, the freedom of labor from taxation with us, and of *protecting duties and prohibitions*, become permanent."

Pardonable as it might be, on a subject of such importance, to array against the positions assumed by South Carolina, the recorded opinions of those eminent statesmen, who lived when the government was founded, and who aided in rearing its magnificent structure, recommended as their opinions are, to our confidence, by the purity of their lives, by the elevation of their characters, and by their generous devotion to the cause of independence, one additional authority only will be added, before this branch of the discussion is disposed of. It is the opinion of Mr. Madison, the sole survivor of that venerable body, which composed the convention of seventeen hundred and eighty-seven.

In a letter to Joseph C. Cabell, dated eighteenth September, eighteen hundred and twenty-eight, in which the question "of the constitutionality of the power in Congress, to impose a tariff for the encouragement of manufactures," was the subject before him, Mr. Madison, says: "It is a simple question under the constitution of the United States, whether the power 'to regulate trade with foreign nations,' as a distinct and substantive item in the enumerated powers, embraces the object of encouraging by duties, restrictions and prohibitions, the manufactures and products of the country? And the affirmative must be inferred from the following considerations:

"First, The meaning of the phrase, to regulate trade, must be sought in the general use of it; in other words, in the objects to which the power was generally understood to be applicable, when the phrase was inserted in the constitution.

"Second. The power has been understood and used by all commercial and manufacturing nations, as embracing the object of encouraging manufactures; it is believed that not a single exception can be named.

"Third This has been particularly the case with Great Britain, whose commercial vocabulary is the parent of ours.

"Fourth. Such was understood to be the proper use of the power by the states, most prepared for manufacturing industry, whilst retaining their power over foreign trade.

"Fifth. Such a use of the power by Congress, accord with the intention and expectation of the states, in transferring the power and trade from themselves, to the government of the United States.