

TWENTY-THIRD CONGRESS.

SECOND SESSION.

FRIDAY, DECEMBER 19, 1834.

The SENATE did not sit to-day.

HOUSE OF REPRESENTATIVES.

Petitions and memorials were presented by Messrs Barber, of Connecticut; Mitchell, Cambreleng, Hard, and Beardsley, of New York; Chambers, and Galbraith, of Pennsylvania; Stoddert, and Thomas, of Maryland; Gordon, Taylor, and Mason, of Virginia; Griffin, of South Carolina; Beaty, and Letcher, of Kentucky; Dickinson and Lea, of Tennessee; Mitchell, and Kilgore, of Ohio; Cage, of Mississippi; Kinnard, of Indiana; Murphy, of Alabama; Ashley, of Missouri; and White, of Florida.

The SPEAKER presented the memorial of a Convention of citizens of Maryland, Virginia, Pennsylvania, and the District of Columbia, lately held at Baltimore, for the completion of the Chesapeake and Ohio Canal.

On motion of Mr. MERCER, the memorial was referred to the Committee of the Whole on the state of the Union, to which was referred the bill on the subject, and ordered to be printed.

On motion of Mr. THOMAS, of Maryland, it was *Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of making an appropriation to pay the claim of Josiah Frost, of Allegany county, Maryland, on account of his contract for the repairs of a portion of the Cumberland Road.

On motion of Mr. LOVE, of Kentucky, it was *Resolved*, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing James Barnet, a lieutenant in the Revolutionary Army, half pay for life, allowing a credit for what he has received as commutation.

On motion of Mr. HAMER, it was *Resolved*, That the Select Committee to whom was referred so much of the President's Message as relates to the election of President and Vice President of the United States, be instructed to inquire into the expediency of so amending the Constitution, as to provide for the election of President and Vice President, by a direct vote of the People in Districts; the number of districts in each State to be equal to the number of Senators and Representatives to which each State may be entitled in Congress, and each district having one vote. The election of said officers in no event to devolve upon Congress. No person who has been elected President, to be again eligible to that office. And that no Senator or Representative shall be nominated or appointed to any office of honor, trust, or profit, under the authority of the United States, whilst holding a seat in Congress.

On motion of Mr. WHITE, of Florida, it was *Resolved*, That the Committee on Naval Affairs be instructed so inquire into the expediency of making an appropriation for deepening the Bar of Pensacola Bay, according to the Report of the Engineers of the United States and that of the Secretary of the Navy, made at the last session of Congress.

The House resumed the consideration of the following resolution submitted by Mr. CLAYTON on the 16th instant:

Resolved, That the Committee of Ways and Means inquire into the expediency of reporting a law for the purpose of remitting the duties on Locomotive Engines, railroad car-wheels with rolled iron tires, axles, springs, &c. already imported, or which may hereafter be imported within two years.

The question being on striking out "Committee of Ways and Means," and inserting "Committee on Manufactures,"

Mr. EWING said he had taken the floor, yesterday, with no intention to make a speech: that he should be in favor of sending the resolution to the Committee of Ways and Means, because this Committee were known to be in favor of the object contemplated, and because he felt anxious to have such influence to advance the cause of Internal Improvements, without in any way impairing the Tariff Compromise. He viewed the remission of duties contemplated, as involving the same principle, and virtually the same in effect, with a direct appropriation of money now in the Treasury, to improve our Roads and navigable Rivers; and this, too, without establishing unnecessary ports of entry, or allowing any discretion in relation to the character of works which are, in all cases, evidently calculated to promote the general welfare. True, Mr. E. said, the resolution might, with propriety, be referred to different other committees of this House; but precedent sanctions that on the Finances, and points to a favorable decision. He did not conceive any conflict of national interests courted by this proceeding; the influence of manufactures would be extended by increased facilities of intercourse: even the consumption of American Iron would be increased, by affording advantages to the agricultural interest; and the Tariff of 1832 would not be injuriously abridged, or infringed upon. The fears expressed by a portion of the manufacturing interest, he thought uncalled for; Railroads are a most essential manufacture, and the importation of Iron from Sweden, and from England, for agricultural purposes, may be found unprofitable, when our own can be transported with more expedition at a lessened expense.

Mr. E. said it was with pleasure he adverted to the quarter from which this resolution emanated—certainly aware that the highways of the West, whether by land or water, are also entitled to aid from the Treasury, upon every principle of equal rights; he would, therefore, anticipate increased strength by votes from the South hereafter, to obtain in this House pecuniary aid for the essential national objects of Internal Improvement. Such objects have, unfortunately for the Union, depended during some years upon the exercise of a discretion, resting in the absorbing, and now all-commanding, Executive power existing. 'Tis only of late that the President intimated constitutional objections to grant aid to improve the Wabash river, a stipulated national highway, connecting the Lakes with the Mississippi, and opening an inland navigation from the South to the East, because no port of entry, no custom house is yet established immediately upon its margin. Without being too inquisitive, Mr. E. said he had been unable to discover what clause of the Constitution authorized the great and commanding power of the President, with the aid of this House, to extend constitutional power by creating ports of entry, or the authority to make appropriation. But that doctrine would soon explode, and wise and free people would never sanction it, and their representatives should promptly stamp it with an eternal seal of reprobation. The Constitution belongs to the people, and the junction of no two Departments of this Government can increase or abridge the power it confers.

Mr. E. earnestly hoped that an increase of useless Government patronage, at the expense of the people, may not be required to render an indirect appropriation to promote the construction of railroads. It is true, indeed, that however fashionable it has become to do indirectly what is directly disclaimed in certain quarters, yet he would trust that, in this matter, ports of entry and custom houses may not be stipulated for, to avail of the remission of duties contemplated—and that local and general improvements may never be allowed to depend solely upon an erring discretion in any Department of the powers of this Government.

Mr. E. would not extend the latitude already taken in

this debate, and he hoped the question of reference would now be taken.

Mr. RENCHER was opposed, he said, to the resolution, because the friends of the tariff were opposed to it. They looked upon it as an indirect blow to the tariff compromise, and he should, therefore, vote for the motion to amend it, by referring it to the Committee on Manufactures. It was true that it was merely a resolution of inquiry, but the subject was one of such delicacy and importance that it ought not to be suffered to enter into the councils of the country, to distract our legislation. So far as the resolution goes to remit duties on imported rail road iron, he had no objection to it; but so far as it goes to remit duties on iron to be imported for two years, he was opposed to it, because it was looked upon as a breach of the compromise. Why, he asked, should we depart from the compromise bill with a view to promote the interests of wealthy joint stock companies? Even if it was no violation of the compromise, why should not the rail road companies pay duties as well as others who were not more able to pay them than they? If we remit these duties, we must impose heavier duties on others, in order to supply the deficiency in the revenue. If it was said that, in this way, we encouraged the internal improvements of the country, he was still opposed to the measure, as an attempt to do indirectly what we had no right to do directly. To arrest duties before they came into the Treasury, was substantially the same as taking money, for the same object, from the Treasury; as one of those who supported the compromise, he would stick to it in good faith. He had witnessed its good effects in the peace and prosperity of the country, and he was not disposed to throw the whole country upon troubled waves for the sake of saving a few thousand dollars to some wealthy incorporations. He hoped the motion to refer the resolution to the Committee on Manufactures would prevail; but whatever Committee it might go to, he should oppose the measure contemplated by it.

Mr. BEARDSLEY said, as the object of the resolution was merely an inquiry, he had voted against laying it on the table. But in the reports which had been made, and the manifest anxiety of gentlemen to pursue the discussion, it was now apparent that the subject would lead to a protracted and almost interminable debate. Believing that the subject, though of some little importance, was not sufficiently momentous to engross so much of the attention of the House, as it threatened to do, he should propose to lay it on the table. He would only remark as to what had been said in regard to the compromise, as it was called, that he could not admit that the legislation of one Congress could be in any way trammelled by the legislation of a former Congress, on any subject. He felt no more embarrassment by the passage of that law, at that time, than he would by the passage of any other law, at any other time. He moved to lay the resolution on the table.

Mr. CLAYTON, of Georgia, asked the gentleman of New York (Mr. BEARDSLEY) to withdraw his resolution until he could reply to the remarks of the gentleman from North Carolina (Mr. RENCHER.)

[The motion was withdrawn.]

Mr. CLAYTON said he would remind the House, that the resolution was merely one of inquiry, and that it could not possibly be known, until inquiry was made, whether it did interfere with the compromise or not. He was free to say, that, if it did, he would surrender the question; for he hoped he should be one among the last men who would disturb the settlement of a matter entered into so solemnly, and that had quieted such distracting agitations. But it was not true, in his opinion, that it did disturb that question. Similar applications had come from the tariff interest itself. Railroad iron had been exempted from duties on their exclusive solicitation. A large proportion of the friends of the present measure belonged to that side; let an inquiry, therefore, be made, and if it should turn out that the object sought by the resolution so interferes with the tariff question as to disturb the compromise, it will no longer have his support; but he should hope to hear no more from that side of the question about suspending duties upon objects that happen to suit their particular convenience, as in the case of rail road iron. Let us have no more applications for relief when it answers their purpose, and then a loud complaint when a measure precisely similar comes before the House from the other side, that does not altogether suit their taste.

The gentleman from North Carolina seemed to think that the resolution favored the very doctrines against which the South had been so long contending, namely, Protection. If he (Mr. C.) thought so, he surely would abandon it as quick as he could get away from it; but he thought he could convince the gentleman himself that that idea was erroneous. He did not consider the present duties on the objects contained in his resolution as revenue duties, they were not intended for the support of Government, but were exclusively designed to protect those articles. So far, then, he considered he was assailing an unlawful, and he meant by that expression an unconstitutional, provision. He was only asking a simple repeal of a law, which was passed in derogation of the great interest which he represented. If, when the law was about to be passed, it would be a good argument against it to say, that it greatly prejudiced the agricultural interests of the South, that it was invading their rights, surely it was legitimate to come here and ask a suspension of the duties for a limited time in favor of those rights. He did not ask protection of those interests, he only asked a restoration of those privileges of which they had been robbed. This was the proper view of the question. But for these duties that had been laid for the express purpose of a particular class, the great agricultural and planting South could have gone on to erect railroads, and procured the materials necessary for that object without taxation; and now that they ask to have these taxes suspended, it is conceived they are in favor of protecting certain interests in the country! No, sir, it is not protection, it is matter of right we ask, and the apparent disposition to refuse it, shows how soon that will be considered as a right, by an exclusive interest, which was originally yielded to it as matter of favor. He repeated, that, if he thought his motion went either to support the protective system, or to disturb the Compromise, and in the Compromise he considered the whole American System involved, not only the tariff, but internal improvement, he should abandon it without delay; and if his resolution is rejected on either of these grounds, he shall be perfectly satisfied, and shall henceforth consider it as proof, assuming the authority of precedent, of the first solemn determination of Congress to sustain the Compromise. Now, go it which way it may, he would be content.

Mr. BINNEY said that, in consequence of his connection with the subject at the last session, he would ask the gentleman from Georgia to withdraw his motion to lay on the table, that he might make a remark or two to the House. [It was accordingly withdrawn.] The resolution, he said, had been misapprehended by the gentleman from North Carolina to his left. It said nothing about Rail-road iron; but was confined to locomotive engines, and cast-iron wheels, with rolled-iron tires, for Rail-road cars. The gentleman appeared also to think that Rail-road iron was now, in all cases, subject to duty, and that to take it off was a direct interference with the Tariff. But the contrary was the fact. Rail-road iron imported and laid down for or by States or Corporations, was now duty free. Private persons alone did not enjoy this privilege; and the question presented, as to Rail-road iron, was, therefore, simply, whether individuals with small capitals, prosecuting the construction of private Rail-roads from coal-mines to a principal public Rail-road, should have the privilege which corporations now enjoyed. This was, as to Rail-road iron, the simple question involved, not in the resolution, but in a proceeding of the last session, still to be disposed of by the House. The history of the resolution showed that, in its origin, it was not thought to have any anti-tariff bearing whatever. At the last session, memorials were presented from Schuylkill and Lehigh counties in Pennsylvania, praying for the remission of duties on locomotive engines and car wheels of the kind referred to, and for their importation duty free for a limited time, and also for an extension to individuals of the privilege enjoyed by corporations, of importing Rail-road iron duty free. These memorials were referred, without objection, to the Committee of Ways and Means, who reported a bill carrying into effect the principle of the present resolution, and making Rail-road iron for use upon Rail-roads, free of duty on private importations.

The last bill was now upon the calendar, not having been finally acted upon at the last session. The former bill was passed by this House, with an amendment striking out the prospective section, and merely remitting duties on previous importations. It failed in the Senate for want of time. This was the history of a proceeding, now renewed in part by the gentleman from Georgia, and which had caused so much discussion. He was of opinion that the resolution should go to the Committee of

Ways and Means—and he would submit a few of the reasons which had induced this opinion. The question had not, as he thought, any relation to the Tariff, or to what was called the Compromise. In relation to both the Tariff and the Compromise, whatever might have been his opinion as to either of these measures, and he could not say that it had been very favorable, there was no gentleman in the House less disposed to affect the present code, standing in the peculiar way it did, either directly or indirectly. He was in favor of the reference to the Committee of Ways and Means, because he thought the Resolution did not affect the Compromise. There was, however, a distinct reason for this reference. The same question had gone to the Committee of Ways and Means at the last session, and it had been investigated. Part of their Report, that which regarded Railroad Iron, was now to be acted upon, without further reference; and as to the residue, having been acted upon by that Committee, he did not think that any thing in the course of the Committee upon this branch of the business committed to them, justified the reproach implied in taking it away from them. Upon no occasion did that Committee evince the least disposition to disturb or even to raise the Tariff question.

He was individually sensitive on the subject, and perhaps peculiarly so in consequence of his opinions and position. He was not disposed, nor to his knowledge was any member of that committee, to report in favor of any thing that could have this tendency. As to nearly the whole of the resolution, he thought it could not, upon any just view of the subject, lead to such a result. The remission of duties on past importations of locomotives and car wheels, had no bearing whatever upon the manufacturers of the country. His friend from Pennsylvania (Mr. CHAMBERS) appeared to entertain a different opinion, because he supposed that these machines were imported for sale, and were in the market competing with the manufacturer. He thought the fact was otherwise. They were imported to order, for particular railroad companies, and were in use by them. As to past importations, it was simply a question of removing a tax upon internal improvement, by which that species of enterprise was restrained, and no manufacturer of the country benefitted. It went simply to return money paid into the Treasury, and this branch of the resolution, therefore, belonged by the rules of the House to that committee. As to the future importation, for a limited time, if it should turn out to have a tariff bearing, by interfering with domestic manufactures, that would doubtless be a reason for not proceeding with it. It was a narrow question, depending on the fact of the existence of such factories of locomotive engines, and cast iron wheels with rolled iron tires in this country, as had been asserted to exist. It was remarkable, that, although the subject had been before Congress for a twelvemonth, no memorial from persons having such factories, had been presented in opposition to the proposed measure. It was true, that, within two days past, he had received from a source entitled to all confidence, though one having an interest in the question, some information which varied from what had previously appeared to him to be the state of this branch of the arts. As to locomotives, car-wheels of the kind referred to, he had understood were not manufactured at all in the United States. He had asked for further statements from his correspondent, to give more precision to the facts, and when obtained, he would certainly lay them before the House.

But this was no objection to the reference originally moved; for if the facts appeared to present a case of interference with the tariff, should future importations be allowed duty free, the Committee probably, and he himself certainly, would act in conformity with their previous course, and confine themselves to the simple return of the duties already accrued. There was no necessity for separating this branch of the inquiry, in consequence either of its magnitude or complexity from the other parts, which peculiarly belonged to the Committee of Ways and Means. It was not sufficient, merely to suggest that a remission of duties might possibly affect some other interest, to take the subject from the Committee of Ways and Means. He therefore hoped that the amendment proposed, would not be agreed to.

Mr. RENCHER explained, that by railroad iron, he meant all iron used on railroads, for wheels and axles as well as other purposes.

Mr. DICKERSON spoke briefly in support of the motion to amend, and urged that the Committee on Manufactures was the proper Committee for inquiring into and reporting the facts in regard to the state of the manufactures in this country. He moved to lay the resolution on the table, but withdrew it at the request of

Mr. BURGESS, who expressed the opinion that the resolution ought to go to the Committee on Manufactures, because it presented a question which affected the manufacturing interests, and not the revenue. It was a question whether it invaded the principles of the compromise, and he was glad to find that the motion to remit duties came from those who were so strenuous for that compromise. The people of this country, he assured gentlemen, would not suffer their interests to be compromised, and when the tariff was so far reduced, that their industry would be put on a level with the labor of Europe, and of the South, this thing which we called a compromise would not stand a moment.

He also remarked that, if the duties were removed from wheels, every thing in the shape of a wheel that could be made, would be imported, with a view to get the iron into the country free of duty. Axles and tires would come here of English rolled iron, not touched by a hammer, and put full of flaws upon our railroads, to the imminent peril of our necks; for such iron, he said, was more brittle than the ice made in one night. He renewed the motion to lay the bill on the table.

Mr. CONNOR called for the yeas and nays, which were ordered.

The question being taken, it was decided in the affirmative—yeas 123, nays 85.

So the resolution was laid on the table.

The joint resolution for the sale of the Lion and two Horses, received as a present from the Emperor of Morocco, was read a third time.

Mr. J. Q. ADAMS moved to amend the resolution by striking out the words "and required," in the 4th line. At present it reads, "that the President of the United States be authorized and required to make the sale." It had not been usual to require any act of a co-ordinate branch of the government; and, he presumed, it would be sufficient to authorize the President to cause the sale to be made.

The amendment was adopted, and the resolution agreed to.

The bill for the relief of Nicholas D. Coleman, was read a third time and passed.

The bill for the relief of David Kilbourne, was read a second time, and, after some remarks from Messrs. E. WHITTLESEY, WARDWELL, THOMPSON, of Ohio, BRIGGS, BURD, CHILTON, and BURGESS,

Mr. PARKS moved that when the House adjourn, it adjourn to meet on Monday; which motion was agreed to.

On motion, the House then adjourned.