

tional, and of what is not so. This criterion is the *end*, to which the measure relates as a *means*. If the *end* be clearly comprehended within any of the specified powers, and if the measure have an obvious relation to that *end*, and is not forbidden by any particular provision of the Constitution, it may safely be deemed to come within the compass of the national authority. There is also this further criterion, which may materially assist the decision; Does the proposed measure abridge a pre-existing right of any State or of any individual? If it does not, there is a strong presumption in favor of its constitutionality, and slighter relations to any declared object of the Constitution may be permitted to turn the scale. . . .

It is presumed to have been satisfactorily shown in the course of the preceding observations:

1. That the power of the government, as to the objects intrusted to its management, is, in its nature, sovereign.
2. That the right of erecting corporations is one inherent in, and inseparable from, the idea of sovereign power.
3. That the position, that the government of the United States can exercise no power but such as is delegated to it by its Constitution, does not militate against this principle.
4. That the word *necessary*, in the general clause, can have no restrictive operation derogating from the force of this principle; indeed, that the degree in which a measure is or is not *necessary*, cannot be a *test of constitutional right*, but of *expediency only*.
5. That the power to erect corporations is not to be considered as an *independent or substantive* power, but as an *incidental and auxiliary* one, and was therefore more properly left to implication than expressly granted.
6. That the principle in question does not extend the power of the government beyond the prescribed limits, because it only affirms a power to *incorporate* for purposes *within the sphere of the specified powers*.

And lastly, that the right to exercise such a power in certain cases is unequivocally granted in the most *positive and comprehensive* terms. . . .

A hope is entertained that it has, by this time, been made to appear, to the satisfaction of the President, that a bank has a natural relation to the power of collecting taxes—to that of regulating trade—to that of providing

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for the common defence—and that, as the bill under consideration contemplates the government in the light of a joint proprietor of the stock of the bank, it brings the case within the provision of the clause of the Constitution which immediately respects the property of the United States.

Under a conviction that such a relation subsists, the Secretary of the Treasury, with all deference, conceives, that it will result as a necessary consequence from the position, that all the specified powers of government are sovereign, as to the proper objects; that the incorporation of a bank is a constitutional measure; and that the objections taken to the bill, in this respect, are ill-founded. . . .

## DOCUMENT 6

THOMAS JEFFERSON, THE IMPORTANCE  
OF AGRICULTURE,

1784

*The only full-length book Jefferson ever wrote was his Notes on Virginia, originally written in answer to inquiries made of him by the Secretary of the French Legation in Philadelphia, and first published in Paris, 1784. The book was much esteemed at home and abroad for its encyclopedic information. But in this famous passage, Jefferson soon moves from the business of reporting facts to a deeply felt statement of his civic beliefs, in which he voices his love of husbandry and his fear of the influence of manufactures and large cities.*

The political economists of Europe have established it as a principle that every state should endeavor to manufacture for itself; and this principle, like many others, we transfer to America, without calculating the difference of circumstance which should often produce a difference of result. In Europe the lands are either cultivated, or locked up against the cultivator. Manufacture must therefore be resorted to of necessity, not of choice, to support the

surplus of their people. But we have an immensity of land courting the industry of the husbandman. Is it best then that all our citizens should be employed in its improvement, or that one half should be called off from that to exercise manufactures and handicraft arts for the other? Those who labor in the earth are the chosen people of God, if he ever had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue. It is the focus in which he keeps alive that sacred fire, which otherwise might escape from the face of the earth. Corruption of morals in the mass of cultivators is a phenomenon of which no age nor nation has furnished an example. It is the mark set on those who, not looking up to heaven, to their own soil and industry, as does the husbandman, for their subsistence, depend for it on the casualties and caprice of customers. Dependence begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition. This, the natural progress and consequence of the arts, has sometimes perhaps been retarded by accidental circumstances; but, generally speaking, the proportion which the aggregate of the other classes of citizens bears in any state to that of its husbandmen is the proportion of its unsound to its healthy parts, and is a good enough barometer whereby to measure its degree of corruption. While we have land to labor then, let us never wish to see our citizens occupied at a workbench, or twirling a distaff. Carpenters, masons, smiths, are wanting in husbandry; but, for the general operations of manufacture, let our workshops remain in Europe. It is better to carry provisions and materials to workmen there than bring them to the provisions and materials, and with them their manners and principles. The loss by the transportation of commodities across the Atlantic will be made up in happiness and permanence of government. The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body. It is the manners and spirit of a people which preserve a republic in vigor. A degeneracy in these is a canker which soon eats to the heart of its laws and constitution. . . .

## DOCUMENT 7

ALEXANDER HAMILTON, REPORT ON THE  
SUBJECT OF MANUFACTURES,

DECEMBER 5, 1791

*In January 1790, the House requested Hamilton to draw up a plan to encourage manufactures, with the object of making the United States independent of other nations, especially in military supplies. During the following year, Hamilton, though busy with many other concerns, assiduously collected information from a wide range of sources throughout the world. From this wealth of material he drew the last of his famous reports. Hamilton's report went far beyond the scope of his mandate from the House. With remarkable grasp of economic matters, he set forth the advantages of a manufacturing system, and with remarkable prescience he forecast changes which came with the later growth of manufactures. But clearly as Hamilton anticipated the benefits of manufacturing industry, he also anticipated the evils of modern industrialism—and without the slightest humanitarian forebodings. One of the advantages, for instance, that he saw in British cotton manufacturing was that it made use of the labor of "women and children, and many of them of a very tender age."*

The expediency of encouraging manufactures in the United States . . . appears at this time to be pretty generally admitted. The embarrassments which have obstructed the progress of our external trade, have led to serious reflections on the necessity of enlarging the sphere of our domestic commerce. The restrictive regulations, which, in foreign markets, abridge the vent of the increasing surplus of our agricultural produce . . . beget an earnest desire that a more extensive demand for that surplus may be created at home. . . .

To affirm that the labor of the manufacturer is un-

productive, because he consumes as much of the produce of land as he adds value to the raw material which he manufactures, is not better founded than it would be to affirm that the labor of the farmer, which furnishes materials to the manufacturer, is unproductive, because he consumes an equal value of manufactured articles. Each furnishes a certain portion of the produce of his labor to the other, and each destroys a corresponding portion of the produce of the labor of the other. In the meantime, the maintenance of two citizens, instead of one, is going on; the State has two members instead of one; and they, together, consume twice the value of what is produced from the land. . . .

It is now proper to proceed a step further, and to enumerate the principal circumstances from which it may be inferred that manufacturing establishments not only occasion a positive augmentation of the produce and revenue of the society, but that they contribute essentially to rendering them greater than they could possibly be without such establishments. These circumstances are:

1. The division of labor.
  2. An extension of the use of machinery.
  3. Additional employment to classes of the community not ordinarily engaged in the business.
  4. The promoting of emigration from foreign countries.
  5. The furnishing greater scope for the diversity of talents and dispositions, which discriminate men from each other.
  6. The affording a more ample and various field for enterprise.
  7. The creating, in some instances, a new, and securing, in all, a more certain and steady demand for the surplus produce of the soil.
- Each of these circumstances has a considerable influence upon the total mass of industrious effort in a community; together, they add to it a degree of energy and effect which is not easily conceived. . . .

#### 1. *As to the division of labor*

It has justly been observed, that there is scarcely any thing of greater moment in the economy of a nation than

the proper division of labor. The separation of occupations causes each to be carried to a much greater perfection than it could possibly acquire if they were blended. This arises principally from three circumstances:

1st. The greater skill and dexterity naturally resulting from a constant and undivided application to a single object. . . .

2d. The economy of time, by avoiding the loss of it, incident to a frequent transition from one operation to another of a different nature. . . .

3d. An extension of the use of machinery. A man occupied on a single object will have it more in his power, and will be more naturally led to exert his imagination, in devising methods to facilitate and abridge labor, than if he were perplexed by a variety of independent and dissimilar operations. . . .

#### 2. *As to an extension of the use of machinery, a point which, though partly anticipated, requires to be placed in one or two additional lights*

The employment of machinery forms an item of great importance in the general mass of national industry. It is an artificial force brought in aid of the natural force of man; and, to all the purposes of labor, is an increase of hands, an accession of strength, unencumbered too by the expense of maintaining the laborer. May it not, therefore, be fairly inferred, that those occupations which give greatest scope to the use of this auxiliary, contribute most to the general stock of industrious effort, and, in consequence, to the general product of industry? . . .

#### 3. *As to the additional employment of classes of the community not originally engaged in the particular business*

This is not among the least valuable of the means by which manufacturing institutions contribute to augment the general stock of industry and production. In places where those institutions prevail, besides the persons regularly engaged in them, they afford occasional and extra employment to industrious individuals and families, who are willing to devote the leisure resulting from the intermissions of their ordinary pursuits to collateral labors, as

a resource for multiplying their acquisitions or their enjoyments. The husbandman himself experiences a new source of profit and support from the increased industry of his wife and daughters, invited and stimulated by the demands of the neighboring manufactories.

It is worthy of particular remark that, in general, women and children are rendered more useful, and the latter more early useful, by manufacturing establishments, than they would otherwise be. Of the number of persons employed in the cotton manufactories of Great Britain, it is computed that four sevenths, nearly, are women and children, of whom the greatest proportion are children, and many of them of a very tender age. . . .

4. *As to the promoting of emigration from foreign countries*

Men reluctantly quit one course of occupation and livelihood for another, unless invited to it by very apparent and proximate advantages. Many who would go from one country to another, if they had a prospect of continuing with more benefit the callings to which they have been educated, will often not be tempted to change their situation by the hope of doing better in some other way. Manufacturers who, listening to the powerful invitations of a better price for their fabrics or their labor, of greater cheapness of provisions and raw materials, of an exemption from the chief part of the taxes, burthens, and restraints which they endure in the Old World, of greater personal independence and consequence, under the operation of a more equal government, and of what is far more precious than mere religious toleration, a perfect equality of religious privileges, would probably flock from Europe to the United States, to pursue their own trades or professions, if they were once made sensible of the advantages they would enjoy, and were inspired with an assurance of encouragement and employment, will, with difficulty, be induced to transplant themselves, with a view to becoming cultivators of land. . . .

5. *As to the furnishing greater scope for the diversity of talents and dispositions, which discriminate men from each other*

If there be any thing in a remark often to be met with, namely, that there is, in the genius of the people of this country, a peculiar aptitude for mechanic improvements, it would operate as a forcible reason for giving opportunities to the exercise of that species of talent, by the propagation of manufactories.

6. *As to the affording a more ample and various field for enterprise*

The spirit of enterprise, useful and prolific as it is, must necessarily be contracted or expanded, in proportion to the simplicity or variety of the occupations and productions which are to be found in a society. It must be less in a nation of mere cultivators, than in a nation of cultivators and merchants; less in a nation of cultivators and merchants, than in a nation of cultivators, artificers, and merchants.

7. *As to the creating, in some instances, a new, and securing, in all, a more certain and steady demand for the surplus produce of the soil*

This is among the most important of the circumstances which have been indicated. It is a principal means by which the establishment of manufactories contributes to an augmentation of the produce or revenue of a country, and has an immediate and direct relation to the prosperity of agriculture.

It is evident that the exertions of the husbandman will be steady or fluctuating, vigorous or feeble, in proportion to the steadiness or fluctuation, adequateness or inadequateness, of the markets on which he must depend for the vent of the surplus which may be produced by his labor; and that such surplus, in the ordinary course of things, will be greater or less in the same proportion. . . .

This idea of an extensive domestic market for the surplus produce of the soil, is of the first consequence. It is, of all things, that which most effectually conduces to a flourishing state of agriculture. If the effect of manufactories should be to detach a portion of the hands which would otherwise be engaged in tillage, it might possibly cause a smaller quantity of lands to be under cultivation; but, by their tendency to procure a more certain demand

for the surplus produce of the soil, they would, at the same time, cause the lands which were in cultivation to be better improved and more productive. And while, by their influence, the condition of each individual farmer would be meliorated, the total mass of agricultural production would probably be increased. For this must evidently depend as much upon the degree of improvement, if not more, than upon the number of acres under culture. . . .

The foregoing considerations seem sufficient to establish, as general propositions, that it is the interest of nations to diversify the industrious pursuits of the individuals who compose them; that the establishment of manufactures is calculated not only to increase the general stock of useful and productive labor, but even to improve the state of agriculture in particular,—certainly to advance the interests of those who are engaged in it. . . .

## DOCUMENT 8

## VIRGINIA AND KENTUCKY RESOLUTIONS,

1798

*These resolutions were adopted by the legislatures of the two states as a protest against the Alien and Sedition Acts. The Kentucky Resolutions were written by Jefferson and introduced into the legislature by John Breckenridge. The Virginia Resolutions were written by Madison and introduced into the legislature by John Taylor. These documents were the fountainhead of all subsequent resistance by the states to the encroachments of the federal government. Here it is forcefully asserted that the federal government was created by a compact between the states and not directly by the people as a whole. In these resolutions an attempt is also made to set the states up as legitimate judges of the constitutionality of federal laws, a role soon to be assumed more firmly and successfully by the Supreme Court (See Document 11). Opposition to these Resolutions was quickly expressed by the Federalists everywhere. Even in Virginia a group of*

*Federalists in the House of Delegates signed a protest against the resolutions of their own state in which these "treasonable resolutions" were accused of having been designed "to subvert the Constitution and to introduce discord and anarchy." In 1799 Madison tried to explain that the declarations of both Virginia and Kentucky were "expressions of opinion, unaccompanied with any other effect than what they may produce on opinion by exciting reflection." However, in response to Jefferson's desires the Kentucky legislature in 1799 adopted further resolutions, answering various state replies to the original resolutions, in which it was firmly stated that the states had the right to judge of infractions of the Constitution, and "That a nullification of those sovereignties, of all unauthorized acts done under color of that instrument is the rightful remedy." The constitutional issue did not come to a head, only because the Alien and Sedition Acts expired in 1800. Jefferson's election in that year made their re-enactment unthinkable.*

## KENTUCKY RESOLUTIONS

November 16, 1798

I. Resolved, that the several States composing the United States of America, are not united on the principle of unlimited submission to their general government; but that by compact under the style and title of a Constitution for the United States and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving each State to itself, the residuary mass of right to their own self-government; and that whenever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force: That to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party: That the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that as in all other cases of compact among parties having