

and might be established as a means of executing a granted power, to wit, the power of making war. That war terminated well; and the bank having been established in the mean time, got the credit of having furnished its "sinews." The war of 1812 languished under the state of the finances and the currency, no national bank existing; and this want seemed to all to be the cause of its difficulties, and to show the necessity for a bank. The second national bank was then established—many of its old, most able, and conscientious opponents giving in to it, Mr. Madison at their head. Thus the question of a national bank again grew up—grew up out of the events of the war—and was decided against the strict construction of the constitution—to the weakening of a principle which was fundamental in the working of the government, and to the damage of the party which stood upon the doctrine of a strict construction of the constitution. But in the course of the "Thirty Years" of which it is proposed to take a "View," some of the younger generation became impressed with the belief that the constitutional currency had not had a fair trial in that war of 1812! that, in fact, it had had no trial at all! that it was not even in the field! not even present at the time when it was supposed to have failed! and that it was entitled to a trial before it was condemned. That trial has been obtained. The second national bank was left to expire upon its own limitation. The gold currency and the independent treasury were established. The Mexican war tried them. They triumphed. And thus a national bank was shown to be "unnecessary," and therefore unconstitutional. And thus a great question of constitutional construction, and of party division, three times decided by the events of war, and twice against the constitution and the strict constructionists, was decided the last time in their favor; and is entitled to stand, being the last, and the only one in which the constitutional currency had a trial.

3. The protection of American industry, as a substantive object, independent of the object of revenue, was a third question growing out of the war. Its incidental protection, under the revenue clause in the constitution, had been always acknowledged, and granted; but protection as a substantive object was a new question growing out of the state of things produced by the war. Domestic manufactures had taken root and

grown up during the non-importation periods of the embargo, and of hostilities with Great Britain, and under the temporary double duties which ensued the war, and which were laid for revenue. They had grown up to be a large interest, and a few one, classing in importance after agriculture and commerce. The want of articles necessary to national defence, and of others essential to individual comfort—then neither imported nor made at home—had been felt during the interruption of commerce occasioned by the war; and the advantage of a domestic supply was brought home to the conviction of the public mind. The question of protection for the sake of protection was brought forward, and carried (in the year 1816); and very unequivocally in the *minimum* provision in relation to duties on cotton goods. This reversed the old course of legislation—made protection the object instead of the incident, and revenue the incident instead of the object; and was another instance of constitutional construction being made dependent, not upon its own words, but upon extrinsic, accidental and transient circumstances. It introduced a new and a large question of constitutional law, and of national expediency, fraught with many and great consequences, which fell upon the period of the THIRTY YEARS' VIEW to settle, or to grapple with.

4. The question of internal improvement within the States, by the federal government, took a new and large development after the war. The want of facilities of transportation had been felt in our military operations. Roads were bad, and canals few; and the question of their construction became a prominent topic in Congress common turnpike roads—for railways had not then been invented, nor had MacAdam yet given his name to the class of roads which has since borne it. The power was claimed as an incident to the granted powers—as a means of doing what was authorized—as a means of accomplishing an end: and the word "necessary" at the end of the enumerated powers, was the phrase in which this incidental power was claimed to have been found. It was the same derivation which was found for the creation of a national bank, and involved very nearly the same division of parties. It greatly complicated the national legislation from 1820 to 1850, bringing the two parts of our double system of government—State