PEDLERS' ADVOCATE

AND

POCKET COMPANION.

A MANUAL:

SHOWING

The Unconstitutionality, &c. of such State Laws as prohibit "without the Special Consent of the Congress," except in one Case, provided in the Constitution of the United States, under any plea of Expediency whatever.

THE

PEDDLING OR SALE

IMPORTS AND EXPORTS,

IN WHICH

MOST OF THE OBJECTIONS URGED TO SUPPORT SUCH LAWS ARE ANSWERED.

BY DAVID WELLMAN, Jun. Philom.

Woodbury (Oy.) February 1842.

NEW-YORK:

1842.
ADDRESS.

To the electors and good people of the State of Connecticut and all concerned—Greeting. Your serious, impartial, and candid attention is for a few moments respectfully invited to a discussion and an exposition of an Act passed by the Legislature of Connecticut at its session in the city of Hartford, in the spring of 1841. An Act entitled "An Act for the regulation of Pedlar."

Wigery! Mercantile Whigery!!

Whigery we understand to be that form of government in which the legislative and civil authorities are vested in a few persons, properly called the nobility. It shows its hydra-head (for many heads it has) in a multitude of different forms, and is visible in almost every department of human events, poisoning, polluting, and pervading that general intercourse which is an inherent, birthright, and constitutional principle fixed within us by the Author of our existence. And notwithstanding the many efforts which have been made since the American revolution to maintain and per quite the rights for which our fathers then fought, we find the antagonist principle described above, and set forth in this document, which is more to be deprecated than the abuses of British tyranny, everywhere at war with the personal and unalienable rights of man, like the roaring lion seeking whom he may devour; a development of which we are now called upon to notice, as found in an Act entitled and approved as aforesaid, and published by the Secretary of the State.

The nature and character of this Act are such, that the reader will please to bear with us should we lie under the necessity of being somewhat prolix in the examination of its different parts and bearings, and in making the proper application.

And 1. We shall endeavor to show by authoritative documentary proof, and conclusive logical argument, the whole Act to be diametrically opposite, and contrary to, the plain letter of the Constitution and laws of the United States, and

Note to the Reader.—Except where credit is due, we have endeavored to follow the orthography of Walker.—Feder.
therefore is regarded by every legally and morally enlightened and honest person, as highly repugnant to the moral and Divine law of Jehovah.

In Section 1 and 2 of the Act aforesaid, we find that all persons are prohibited travelling in this State in any manner, "on foot, or otherwise, from house to house, carrying to sell, or exposing to sale any goods, wares, or merchandise which are the growth or the manufacture of any foreign country; or any jewelry, plated ware, or essences, or any cotton, woolen, or silk goods, (excepting only sewing silk, cotton, and linen threads, woollen yarn, and stockings knit from such thread or yarn,) which are the growth, produce, or manufacture of the United States," under certain provisions. And "any person who shall be found peddling any of the articles above described, "without having a licence therefor, contrary to the provisions of this Act, shall forfeit and pay a sum not exceeding 100 dollars, or not less than fifty dollars, one half to him who shall sue therefore and prosecute his suit to effect, and the other half to the treasury of this State. And furthermore, in Sections 5 and 3, we find that any person applying for a licence, as aforesaid, shall produce and deliver to the clerk of the county court a certificate, signed by two justices of the peace for such county, that the person so applying is known to such justices of the peace; and that consequent, that because a person knows his duty, that he does it — which his argument assumes; for knowledge is one thing, and moral honesty is another thing. And we think for a person to claim or pretend that a man is qualified for the duties of the office because he knows enough, or that he is known to be either a knave or a fool, but very little acquainted with human nature as it is. This we deem sufficient to show the nature and fallacy of the objection.

* We believe there is an erroneous and a dangerous impression in the minds of some in regard to the responsibility involved in presenting a suit of this nature, according to the Act, which it may be necessary here to correct. It is not a criminal case, as some suppose; since the execution of it does not arise out of the official duties of the State executive, but a very civil one. It is left, as the reader will see, to any person of the masculine gender, and of full age, to prosecute upon his own responsibility; with another justice of the peace only; that the State shall run no risk, nor pay any expense of prosecution, only if he succeed he shall recover (receive) one half of the proceeds. Then the State, on her part, makes it a warrant to the judicial proceeding, of success, nor does she obligate herself to pay any part of the cost in case the defendant shall take it out of her hands, and appeal to the Supreme Court of the United States — which he would have a perfect right to do, as there is a question in regard to the constitutionality of the Act, in case the plaintiff having once put himself up as a mark, would be ordered to stand unassisted with goods and chattels, etc., and wait the result of the prosecution in that court. Therefore let him, before he begins to pull down, first set down and understandingly count the cost, lest he begin and shall not be able to finish, and so bring disgrace, damage, and blame upon himself when it's too late to repent for want of understanding.

"A word to the wise is sufficient!"

he is of a good moral character; and he shall also make oath, that he is the person named in such certificate, which oath such clerk is hereby authorized to administer and endorse upon said certificate, and the person so applying shall pay into the hands of such clerk a duty and fee amounting to twenty dollars and seventy-five cents for one year, twenty dollars and seventy-five cents for six months, and seven dollars and seventy-five cents for three months.

* Section 6. If any person shall counterfeit any license to any pedlar, or shall alter any licence granted as aforesaid, or shall utter and publish as true any counterfeit license, he shall be, on conviction thereof, confined for a term not less than two years, nor more than five years.

Section 7. Every pedlar who shall offer for sale any goods, wares, or merchandise in this State, for the sale of which a license is by this Act required, shall, when thereunto required by any justice of the peace, grand juror, or selectman of such town exhibit and show his license as aforesaid, to such justice of the peace, grand juror, or select man; and, on failure so to do, shall forfeit and pay to the treasury of such town the sum of fifteen dollars.

* Section 8. This Act shall take effect, and be in force from and after the first day of September next," (1841).

Now, the position we take, in regard to this matter, is this. That, according to the constitution of the United States, no individual State has any right or authority to impose, or lay any tax, duty, impost, or excise on any imports, or on any exports from any one State to any other State, without the special consent of Congress, except what may be absolutely necessary for executing its inspection laws. And the net produce of all duties and imports laid by any state on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and

Now, any State that has done this, and many we claim have, as some of their acts now before us show, which by their injury is no excuse for the legislature of Congress, without the consent of congress." contrary to and in the violation of the constitution, has forfeited her pledge, betrayed her trust, and is amenable to the judiciary of the United States, and to the high court of Heaven: according to the divine denunciation, whi h applies to the case in question, with starting and irresistible force. Him that hath ears to hear, let him hear! Let us lay upon the last legislature the responsibility for any and every member of the last legislature who voted for, or used his influence in favour of the passage of the Bill in question, solemnly to pause, and seriously to ask himself the important question, Was I true and faithful to the God of Heaven and earth, and to my oath of allegiance, so solemnly binding upon me?

Did I in this "subject" itself unto the higher powers? Again pause and reflect! and see if the following is not applicable to any case. Repent of this thy deed. Behold! the Judge is at the door.

"Let every soul (person) be subject unto the higher powers; for there is power but of God; the powers that be are ordained of God. Whoever, therefore resists the power, resisteth the ordinance of God; and they that resist shall receive to themselves damnation.

"For rulers are not a terror to good works, but to the evil works. Wilt thou then not be afraid of the power?"

"This solemn declaration is of universal application, and should be regarded as imperative and binding upon every intelligent being in the universe. No station is in life, however high or humble, can exempt man from the duty here imposed—because, to raise an arm of rebellion against a higher authority, is, as far as his human agency is concerned, or his influence felt, to demonize the world, and frustrate the order of God's providence and grace in the salvation of man. Hence we discover that those who are in the highest human authority, are as much as and as sacredly bound to consider themselves under restraint, and to yield themselves subject to the higher authorities, though they be the heavenly as the non-official and humblest of their subjects are to submit to their authority, in case that authority is in conformity to "the higher powers."

And all state and subordinate authorities are morally bound by the Divine command, as well as by their own consent, in all their public and official acts and deliberations, to be subject to, and support the instituted authorities of Congress. —13. "This is the truth, and you cannot deny it:" hence the doctrine that the State Legislatures in their legislative capacities, are under no restraint, and have a right to do whatever they may please, as some are, is contrary to all truth, reason, and order, and as unsafe as it is absurd. Each member and every subordinate officer is placed under a fearful responsibility, and accountable to the bar of his own conscience for the manner in which he uses his delegated and limited powers.

Do that which is good, and thou shalt have praise of the same.

For he, (the lawgiver), is the minister of God to thee for good. But if thou do that which is evil, be afraid,—for he heareth not the sordid in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject not only for wrath, but also for conscience's sake. Render, therefore, to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honor to whom honor. Thus readeth the 1, 2, 5, 4, 6, and 5th verses of the epistle of Paul to the Romans.

But it may be objected, by some what has the state of Connecticut to do with this? Or, how does it apply to the act in question?

Be patient, friend, and I will tell you before we get through, if your understanding is open for information, and your conscience is not already sealed and sealed against the conviction of truth. But, on the contrary, if you are so wrapped up in self, that you cannot, or will not see, and have lost, or never had a sense of divine and legal obligation; it will be, we fear, but in vain: by means of any human instrumentality to attempt to convince you of your error.

Delusion is the antichamber to despair. But first to the law and the testimony. And suffer us here to recapitulate, and first, the Congress shall have power.—1. To levy taxes, duties, imposts, and excises; and all duties, imposts, and excises, shall be uniform throughout the United States.—Const. U. S. art. 1, sec. 8, clause 1.

Again, "No state shall, without the consent of Congress, lay any taxes, duties, or excises, or import duties, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports and exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress."—Art. 1, sec. 10, clause 2.

And again: "No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one
provision the sale of imports or exports, except in the one case therein provided, and already mentioned; or fail to support the constitution, by neglecting to oppose all such acts or facts without being guilty of perjury; except such as act according to the best of their ability.

We have already anticipated the objection which may be thrown (though with but little success, except for the purpose to cavil) against the implication and commitment our last legislature rendered themselves liable to, as heretofore shown by passing the act under consideration, and now proceed to resume the ground and prove our position—to wit, That the whole act is diametrically opposed and contrary to the plain letter of the constitution and laws of the United States.

This act, in its 3rd section, ordains that "peddlers" shall pay (not into the United States' treasury as directed,) a duty for a licence, that is, for the liberty of selling in a certain described form and manner specified therein—that which has once been paid the duty on (if any be lawfully required—a duty which Congress in no way recognize, and for which they are none the better, but rather the worse off, as we shall soon make appear. A duty which the constitution expressly forbids, that the venders of such articles shall be subject to pay a second duty, impost, or tax for the privilege, falsely so called, of thus selling those articles.

Really this is a strange law indeed! and to indulge in a little irony, it bespeaks in unanswerable strains, the wisdom of the past, and will echo the echo, verberate and reverberate, and tell in triumph tones the wonderful words and spells its authors in 1841.—Victory won! The spoils are gained!

But to return. What is the difference in reality, we ask, whether the state authorities come on board our ship and there proceed, to take an inventory of our goods, and collect a duty, or wait till we bring them on shore, and there and then lay and collect one for the liberty to sell those goods in a certain manner or position of the body?

Why, just none at all. It is precisely in substance the same thing. And it would be so decided were a case submitted to the Supreme Court of the United States.

We speak authoritatively, as we are credibly informed in the appeal of a case from the State of Massachusetts, in the decision of which the tables were turned in favour of the defendant. The truth is, we are not dealing with an individual State, but with the United States, in their associated or congressional capacity; and to Congress is each individual State, as well as each of her subjects in all such cases, amenable.

We receive from the Custom-house officer a receipt of his official doings. We claim, that this receipt given under the
authority of Congress, is a valid, bona fide, and sufficient guarantee or licence to sell those goods anywhere in the United States, without restriction, hampering or hinderance, in any mode or manner, "from house to house," from barn to barn, from factory to factory, from lot to lot, from cellar to garret, from river to fence, etc., &c. vice versa, walking, riding, sitting, standing, kneeling, squatting, lying, rolling, tumbling, summersetting, in any position that shall best suit the convenience and circumstances of the prosecutor. So much for republican, inherent, unalienable, birth-right, blood-bought, and constitutional liberty! But this is not all. "One vice brings in another to its aid." In taking another view of the subject, we find, from its natural consequences more evils than one accruing from this barbarous, diabolical, and, what is worse than all, unconstitutional act. If the State succeed in "throwing obstacles in the way, so as to diminish, or prevent the sale of foreign imports, which we claim will be the result of such acts, to a greater or lesser extent, it will, in the same ratio, seriously and materially lessen the amount of duty, which would otherwise be received into the treasury of the United States. This we think, cannot, and we doubt whether it will, by any rational man, be denied. And is this no infringement of the rights of Congress? Once admit the rule that each State has the right to lay a tax on its subjects for exercising their choice as to the place and manner of selling goods, and she may lay one to any amount whatever; and thus prohibit and cut off entirely all means employed for the sale of foreign imports. There are certain powers enumerated in the constitution which each state, when she formed the compact, gave up,—and this is one. And again to assert any of these rights, assumes the right to assert the whole, which is usurpation and treason in the highest degree. An assumption of these powers by other states, furnishes no valid plea for the legislature of Connecticut to assert them. They are all alike guilty. Their acts of usurpation can never alter the meaning of the constitution, absolve them from the obligation it imposes on them, nor imply a right to rebel against its supreme authority,—any more than the violation of a state law by one, two, or a half a dozen of its subjects implies the right for the whole to do the same. Or, the rebellion of one member of a family implies the right of insubordination in the other members. And who cannot see that the supposed right to lay an excessive duty or tax on peddlers or travelling merchants, wholly irrespective of the capital invested (which is the case in all the states where there is one imposed) implies also the same right to lay any amount of tax on local traders, mechanics, farmers, &c.

This is as the framers of the act viewed it themselves, as the act itself testifies. Look at it, and you will see that it not only suppresses the "pedlar," but lambs, circumscribes, and exposes the honest and industrious farmer and mechanic, who are the muscle and sinew of the country. And will this worthy, though humble class of the community thank their public servants, the framers and passers of this act, for thus tying their hands, trammelling their rights, and becoming their public masters and conservators, and oblige them to purchase a licence, which cost twenty dollars and seventy-five cents a year, before they can carry even a yard of woollen or cloth on the neighbour's house, or to a store, if it be in a house, and sell it? Or, if they go without a licence, liable to be prosecuted by any man, notwithstanding, and made to pay a fine of one hundred dollars, and costs of the court. This is a hard case indeed! Yes, as hard as it may seem, it is merely so. It is no exaggeration. The Secretary's report is now before us. Read it, "Be it enacted," &c. "That any person" (no matter who, male or female,) "going from house to house," that is, from any house to any house, "either on foot or otherwise, carrying to sell or exposing to sale"—not only any foreign importations, but "any jewelry, plated ware, or essence, or any cotton, woollen, or silk goods, whatever the growth, produce, or manufacture of the United States (excepting only sawing mill, cotton, and linseed oil," woolen yarn, and stockings knit from such thread or yarn, shall be deemed a pedlar,—and shall before he enter upon the business, "produce and deliver to the clerk of the County Court a certificate signed by two justices of the peace of such county, that the persons so applying is known to such justices of the peace, and that he" or she, as the case may be, "is of good moral character, and he" or she, "shall make oath, not affirmation, that he" or she, "is the person named in the certificate." And, after all this formal round, the applicant must pay to the clerk of the County Court for his licence, if for one year, a duty, including a fee, of twenty dollars and seventy-five cents, or be liable to a prosecution by any man, and made to pay a fine of one hundred dollars, in the court of the State. And we would ask, Is this the way they encourage domestic manufactures? But we wish to show farther how this act interferes with the constitution, and laws of the United States. And first, we believe it is a principle in all mercantile operations, and everywhere est.
established by universal experiment, that the more people are solicited or tempted to trade, if it be done in a respectful manner, the more they will trade—nearly in the same ratio. We wish first to establish this point; beyond the power of successful contradiction, which we shall endeavour to do by testifying the most respectful and satisfactory; even by merchants themselves. And then produce a series of consequences or effects, which logically and inevitably follow the cause.

1st. We refer to the methods merchants take to gain patronage and trade. If the principle is not correct, we ask, in the name of common sense, what do they mean by posting up so many notices at public places, and multiplying and crowding the newspapers and other publications with strong and forcible invitations to people to call and trade with them. What can be their object in hanging out speciments of their trade, or in spreading before the bystanders some of the prettiest articles in a show-box—whom calls into the store to meet him, with “what can we sell you today?”—can’t we sell you this?—can’t we sell you that?—full of their gestures and twitteditions; and begin to load the counter down with goods, and give no opportunity to the person to think, or speak, or act her own mind at all. And after the lady has traded all she wishes to trade, still to see after her, and have all the articles that she has traded, and have her attention to something new and her patience, and attract her attention to something new and necessary. We inquire again, what is their object in all this? The figure and affectation, if it is not that they expect to get more trade by showing their goods, and telling fine stories about them? And does not their continuation in the use of the same means, prove them effectual and successful; and show the operators to be fully and universally in the belief of this?—that such is the fondness of mankind, especially of the female sex for dress, and show, and extravagancy, that they will contract beyond their ability to support? that they have not the power of self-control, or firmness to withstand the temptation to buy when any thing is offered very cheap, that suits the eye. Thus we think we have proved, that the more goods there are carried about, and showed and offered for sale, and the more people are solicited to trade, the greater will be the amount of sale, in any country in a given time. And, that on the contrary, the fewer goods carried about and offered for sale, the people will buy less, consume less; there will be less imported, and less duty paid and received into the treasury of the United States.

This is how the act in question, and all state acts interfering with or prohibiting under any provisions whatever the sale of ardent spirits, or any foreign importations, oppose and obstruct the financial operations of the United States, by counteracting and destroying the facilities of trade. And it is so perfectly apparent, that even a little child may understand it.

We are aware, however, that some will plead the necessity of such acts, and object against this conclusion, without being able to point out any errors in coming to it, for the very same reason that they object against all truths that expose and condemn their selfish purposes—on the score of expediency. Congress, in her administrations, grants me, in common with the rest of its subjects, the authority to exercise and enjoy all rights and privileges. Who is he, and what must be his character, who dares to have the effrontery to deny me these rights and privileges, and offer as a plea for so doing, that he has the right to judge, whether or not, my exercising these rights is expedient to the interest of the community at large, that is, to reduce it: whether it is proper I should have access to my own purse.

He who thus acts himself, intrudes upon the public as an inspector, reviser, and controller-general over the acts, deliberations, and affairs of Congress; and renders himself a public nuisance.

He may tell us that psediers ought to be taxed as well as merchants and others.” This we acknowledge; and claim that the tax should in all cases be made out on the same "principle, that is, according to the assessment of property actually owned, and not as this act authorizes wholly irrespective of the capital invested. We deny to any man, or set of men, whatever may be their office or station, inferior to that of members of Congress, the right to point out and enact laws determining the amount and manner of taxation, regardless of their interference with Congress. We deny to any

"Norm. It is often urged as a plea to justify the excessive taxation on pedlars, that few of them have any homes, which renders it impassable in most cases, to adopt the usual mode of taxation by assessment. This plea is very common, and we believe is considered as unanswerable. But to this we reply: 1st. It is not difficult at all to ascertain the value of the property of those who belong to this state. (Connecticut,) any more than it is to make an assessment of property belonging to any other class of operators. For instance, the coater who carries on trade between the Northern and Southern States. This is too apparent to be denied. 2d. Those who do not belong to this state, we have no right to tax them more than any other authority of an adjoining state, have a just right to make our citizens living near her borders, pay a duty to them for making a market for our commodities, within their boundaries. W. know this is done; But the question is, is it right thus to subject a person to pay a double, treble, or quadruple tax on the same property. We say no. And if we are not very much mistaken, this is another attack upon the expressed constitutional and reserved powers of the Congress. The Congress shall have power to regulate commerce (internal,) with foreign nations, and among the several states, and with the Indian tribes. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or office thereof. Constitution of the United States, Art. 1, Sec. 8. Clause 3 and 17. The foregoing we wish the reader to mark, and inwardly digest.
individual State the right of assumption, because it is a violent attack upon the powers of the nation, upon the unalienable, constitutional, and hallowed liberties of her subjects, and is fast drying up and perverting her resources.

Hence, the plan of taxation should always be in conformity to the instituted authorities of Congress; and not according to some wild, capricious, unauthorised scheme; supported only by our own vague notions of expediency. Talk of expediency, and what is it? Is it for a State to set up her authority against that of the nation's, and jeopardize and cast overboard a part of her subjects, because forsooth a majority of her legislature, the better to secure their own private or party interests, deem it expedient? Who ever knew it expedient for a State to revolt and rob the nation of her authority and her treasure? And if this plea of expediency were not so obviously irrelevant, and ridiculously absurd and contrary to all reason and righteousness, we should feel more excusable, and under the necessity of showing its entire emptiness and fallacy. Expedient! It is only so for the merchant, and not for the purchaser, or consumer. Expedient? No! It destroys the competition between merchants and peddlers which is one of the principal safeguards of the public against imposition in trade, and a powerful antagonist against monopoly. And this is why merchants are so universally in favour of monopolies, because it gives them an opportunity to form themselves into coteries, to monopolize trade, and forbids or restrains competition from any other quarter. It affords them an opportunity to reduce the wages of their labourers, and pay them off in goods at their own store, and at their own price; and allows the poor labourer no chance to reap any advantage from competition in market, by having the ready cash in his hand. Thus they are continually labouring in church and state, if it is possible, to bring down the poor of our country, by cutting them off from the advantages of trade and free suffrage, under the unrelenting and arbitrary power of monopoly. Yes; and would reduce them to a level, or below the poorest working classes in Europe—"to work for a sheep's head and pluck a day," and bow submissively at the shrine of their unholy goddesses. They may pretend what they please, and knaves and fools may believe them, but honest men must know better.

And, objectionable as it may appear to some, it is, nevertheless the fact, that merchants and those connected, are the principal agents and abettors in the passing of such unprincipled acts. And this is observable, from their nature and character, as also from the fact, that in nine cases out of ten, they are the first to make complaint and prosecution. And why is it so? The answer is as plain as the meridian sun-light. It is self-interest, pride, avarice, extortion!
Therefore to tax any class of community on such uncertain tenure, would be to tax them for that which they do not in reality, but only in imagination possess.

But do we (peddlars) possess any privilege that the local trader does not? If so, tell us wherein and prove it, for we ask no more. And that certainly we have a right to, without being driven to pay an excessive tax or duty. The way is open. Let them choose their own course and be content to let us alone.

We need not unnecessarily multiply words on this point. It may be well however, to come a little closer and inquire by what principle of justice or equity is one class of the community singled out from all the rest, and made to pay an exorbitant and excessive duty, wholly and entirely regardless and irrespective of the capital invested? Does it give them an equal chance with their neighbors? We think not. And to illustrate it, we will suppose a case. Two young men A. and B. neighbors, arrive at the age of twenty-one years. Both in point of natural genius and ability, alike capricious and desirous to engage in the mercantile business. A. is born in affluence, of wealthy parents who are able to furnish their son with money capital without any extraordinary enterprise of his own, sufficient to establish him in business as a stationary merchant, aided by special act of the Legislature, making it impracticable for a large portion of mankind, those born with fortunes, to compete with them. B. is providentially born under indigent circumstances, of creditors, and consequently has not yet sufficient capital to warrant his locating himself. But what says the legislature to him?

"Billy, do you want to trade?"

B. Yes.—Sir, I should like to try my luck and see what I can do.

L. Well. We considered the case last summer and came to the conclusion that all persons who wish to establish themselves as local traders, shall have right so to do by paying us three per cent. of the capital invested.

B. But I am a poor boy Sirs:—and my parents are poor, and all the money I have in the world is fifteen dollars and ninetepence, which I worked hard to get at farmer D's, and this you know sirs is not anything like enough to set up a store.

L. Well—you must work out till you get more money, or get trusted for goods enough to put you up a store.

B. There's not much encouragement in working hard for $10.00 a month on other folk's land if I can do better in this free country any other way. And I think I have a right to try. And as for getting into debt, I don't much like that, so long as I can keep out. For I read, and have found it true, that "the borrower is servant to the lender," and I hate slavery for myself the worst way. Hence, I had rather buy only what I can pay down for. I have hit upon a plan I guess will work. I can go to New Haven or Hartford and lay out what money I have now got for goods, and go into the country, and villages, and sell them out at some advance, and then come back and buy more; and in this way be able to increase my stock of goods, so as in a few years if successful, to be able to own a store or farm myself, without going to the Bank to borrow money to pay for it.

L. This plan we shall not allow you to pursue—that is, you must not peddle any foreign goods whatever, nor any jewelry plated ware, or essences, nor any cotton, woolen, or silk goods of United States produce or manufacture, until you shall have first delivered to our acceptance a certificate of your moral character and paid us for a license, $20.75 a year.

B. But is it that paying a pretty heavy tax for so small a capital as I have got? You ask A. only three per cent. on the capital he invests, which is $115,277, the tax on which would be according to ordinary calculations just the same as you tax me on my $15,121.2; and you know I am a poor boy. And is this a fair shake? Is it giving him and me equal chance to rub through the world? Is it not favoring the rich and oppressing the poor? How is it?

L. Why? It looks rather hard to be sure. But there are some peddlars about; and the old women complain so much of their impudence, and of the being cheated by them, that we agreed it would be as well to put a stop to peddlars and encourage our merchants; although we did not intend in the Act to put a veto on only foreign peddlars. But it wouldn't do you know to make a distinction.

B. But don't merchants ever cheat their customers? And if so, why don't the old woman get you to put a veto on them as well as us, and make a general sweep and distress on banks and all business?

L. Some of them do; but then when the merchant cheats us in an article we know where to go to carry it back, while if the pedlar cheats us he is off and we know not where to find him; and banks we cannot do without.

B. This is bad and wrong I know, and I am sincerely sorry that any pedlar should do so; as it has a tendency to destroy the trades of honest ones till they get acquainted and gain the confidence of the people, but you know Sirs that I am not to blame for their bad conduct and ought not in justice to suffer for it; and Sirs if I don't prove to you before I get through that merchants, (to say nothing of any other class) take them as a body are as big cheats as peddlars and make you a donation of the fractions, then my name is not Billy. And first; if I understand you right Mr. Benedict, the principle on which by which you form your deliberations and on which the pedlar's act is founded, is because some foreign peddlars just eca-
pe firm a land of tyranny and oppression to a land professedly of equal rights and privileges and not yet acquainted with all the forms and peculiarities of a republican government and because in their zeal and eagerness to convert their new neighbors to get all the world in a hurry they have happened to catch the spirit of the times, [anxiousness] and over-reached in some few instances in bargaining "to suppress" and cut off all or nearly all engaged in the business, so that by your edict many an honest pedlar under embarrassing or indigent circumstances like myself, is so far as your influence and jurisdiction extends, without any just cause or provocation, entirely cut off from all prospects of ever bettering his condition and even deprived of sufficient means to gain a present and comfortable livelihood. And suffer me Sirs: though I consider myself yet as it were but a boy in comparison to what I may be and you men and though you may by this time feel quite too impatient and dignified to reply to any more of my questions or suggestions, to put a few more to you of practical importance in political economy and if you don't choose to answer them yourselves just please to leave them to the people to answer next spring for you, so that you nor I may have no further trouble about it, and you will oblige me just as well. The suggestion is this. If the principle above described and of which you boast so much is a good one and will subserv the general interest it may be made a rule of very extensive application and serve to relieve the commonwealth not only of pedlars but of most of the rogues that infest our land in any business. Now you must reasonably admit that if there can be found another class of business men or operators on the foot-stool, who in their present course of operation, with all the advantages they possess, are as great an scourge to the community as pedlars to that class, your principles if carried out practically would be at least of equal utility. Perhaps you are ready to ask what are they to be found. I answer: the class (I am not personifying to which I now have particular allusion and which are our most bitter antagonists are merchants. I do not condemn them in the gross as they do us, I believe there are a few honorable exceptions. But have they no way to defraud the public? LET THEIR PAST HISTORY TELL! How many honest hard-working farmers and mechanics of both sexes in our country have been duped and deceived out of their thousands and turned off on the cold charity of the world friendless and homeless for having trusted and given them our custom to these wholesale blood-suckers. And what do you call this! An accommodation for a man to be stripped of his whole interest at one time! This if I should guess is cheating in earnest on the big side. And I suppose that he who did it would never need to do it but once in his whole life. And besides it appears to me it would show much better breeding more like American to take it by piece-meal and give the person a fair warning than to take all he has got at once, like a beast. You must consider that a pedlar has to cheat out of a great many four pence half pennies to amount to five, ten, twenty or fifty thousand dollars. And why let me ask do you merchants so dislike and condemn pedlars? Because they don't follow your practice and get their money by living by cheating the public, and besides large fortunes to lavish upon their children when they die? Yet some would fondly make us believe that merchants are all honest and that pedlars are all cheats, and that this is owing to the circumstances under which they are placed. And it is something which I have yet to learn how a change of circumstances from traveling to local can convert a rogue to an honest upright man. Say, to-day he is a pedlar and a notorious rogue, tomorrow he ceases and is as notoriously honest. And it will not be claimed I presume that merchants who never peddle are more honest than those who have met with this change. Therefore I see no evidence from reason or observation to substantiate this doctrine I shall feel under no compunction in acknowledging myself "in the correctness of such views a deliberate unbeliever." Everyone who cheats has his way of cheating, and merchants have theirs; and it is my present object to expose some of the many ways and plans they invent and practice to deceive and cheat the public. And in doing so I claim to tell no more than is already known and of which there is abundant testimony of living witnesses. It is a fact well known that this class with fewer exceptions than any other, have gone more easily into the civil system and also as well known that they have abused and taken more advantage of public confidence and that confidence they have so abused and destroyed that it is not easy for them under existing circumstances to regain it; and it has rendered the faculties to speculation and wealth so great and so accessible and inviting to all that there has been a general and mighty headlong rush into this broad way to invent some new and fancied scheme to get rich on narrow folk's money or credit. Here is a young up-start brought up in idleness and extravagance, with a four pence half penny in his pocket with an introduction perhaps from some confidential friend to the bank or business house in the emporium, who struts away to the city inflated with some wild project to make a great noise and show in the world and get rich. He gets credit first for sixty or ninety days, he is very unwilling to make payment at the time it becomes due or a little before, for he has been taught that this is the way to increase the confidence and secure the favors of his creditors. He now returns as big as life with a very extensive assortment of dry
goods, groceries, and fancy articles, which take the shine off, and are cheaper by half than any thing of the kind ever before offered. ’ This move makes a gentleman of him, introduces him at once into the cabinet of the influential, the wealthy, and the official, and without any further qualifications or “certificate of his moral character,” he is admitted with all the aplomb imaginable into the fraternity of merchants of the first order, and courted by and received into the good graces of all who are desirous to buy cheap. He now issues a very polite and general call to his friends and the public to come and examine his new and very extensive assortment of goods (too numerous to mention in a single advertisement) under the firm of so & so, with a caution not to mistake the street, sign and No. so & so—‘Great Bargains and Fair Dealings at &c.’ Looking over my cards of references a few years ago I observed one which more than the others somehow attracted my attention. A most capital chance to buy low and sell high instantly suggested itself to my mind. The notice was in these words:—“Great Bargains and Fair Dealings at &c.” Who has constantly on hand a general assortment of Gentleman’s second-hand clothes, made of superfine cloths and many articles of clothing that are not defaced by wearing, which he is determined to sell at the very lowest prices for cash. He also scours his patent plan which is executed by process of steam; alters and repairs Gentleman’s clothes and gives the highest prices for cast-off clothes.’ The thought struck me in this way; how any person could make money by giving the highest prices for cast-off clothes with a determination to sell them at the very lowest prices was what at first puzzled me, but when I came to think of the credit system the way it vanished and the secret was out and I concluded at once that it is no trick at all (in a sense, and yet a very bad trick it is too) to get rich as many do by giving (or rather promising to give) the highest prices for their goods and selling them at the very lowest prices for ready cash or short credit. With such fair promises they respond to his call; his counter is now lined with goods (wet and dry) from one end to the other and the arrangement, reflection, and general appearance of the place resembles more some philosophic recess, better adapted to the optics of owls than any of the human species. The windows are darkened with various colors, blue, green, and crimson, &c. to prevent or render it more difficult for the purchaser to see the texture and quality of the goods. “Will you look at some goods today Marm?” inquires the shrewd and cunning fellow as he brushes his hair from his delicate face. “Can I sell you a dress to-day?—Here’s some very rich, splendid, beautiful Delaines, I think you won’t do better than to take one; let me cut you off one they are very cheap, only 50 cents a yard. The blushing unsuspecting girl now for the first time gets a chance to speak, and very modestly asks: “have you pins?” “yes Marm” says he and hands her down half a dozen papers, “how much a paper?” “only two cents Marm?” Have you needles?” “yes Marm,” and hands her down in a cotton ball box a broken lot of blue-eyed, silver-eyed, gold-eyed and no-eyed. “How much a paper?” “only five cents Marm, we’re selling goods very low!!!” Thus my readers will see, and I am safely mistaken if some of them have not realized to their sorrow how many of the unwary are respectfully insulted and deceived by sly tricks artfully played off at these cheap game stores. When the lady gets home from shopping she begins to look over what she has got and though they are not as good quality as might be desired, yet only looks at it thinks the unsuspecting Miss, why! how cheap, only two cents for a paper of pins and five cents for a paper of needles. Now what think you my readers, and you gentlemen of the legislature, what think you is the plan this young artist is laying to feather his nest? What do you suppose is his object in selling off some trifling articles really cheap, perhaps at half their value? Why, let me tell you. He has heard enough of human nature to suppose, and experiment has proved the system successful that if he sacrifices the profit on some few little trifling notions, such as needles, pins, threads, tapes &c., hiscustomers, especially the ladies on whom his trade mostly depends will naturally conclude that every article he has to sell is equally as cheap in proportion to its real value. Prudence therefore compels them to calculate his goods and them to look well to the windward for such angler. There is policy in war. Small bait sometimes catches big fish. If he can once succeed in getting your name on his books or your minds fixed on him as the correct model and centre of trade and your confidence and influence listed in his favor, he may easily add in a ten fold ratio to the prices of some more valuable articles what he sacrificed in the smaller ones. And I will here make a short digression and briefly relate to you a circumstance or two illustrative of the foregoing which came under my own observation. About four years ago I was in the city of Bridgeport and was informed by several of the consumers of pins that they were selling at such a store at two cents a paper; far below the first cost of a good article. The evidence at first, in viw of the general tendency and design of such reports was insufficient to convince me of the fact, but it soon became so abundant that I was led to test its correctness myself and remain no longer in doubt. I left my business, went to the store and inquired if they had pins to sell, the answer was yes. How much a paper? Answer, “two cents.” I flung down the money on the counter and told the boy I would take two papers, so he handed me down another. I stood a moment to convince how I could get
more of him at the same rate I mistrusted the game. Final
by I told him we were always wanting pins and that I thought I
would like some more, (for I wanted to buy something like a
wheelbarrow load of them at two cents a paper). Said he
we had sold but two papers to a person at a time; we do it
to make a noise! I am not more than a justice to say that they were
a very cheap unfinished article consisting of only about 160
pins on a paper.

This is sufficient without comment, and shows conclusively
to a demonstration, that my statement of the design in such
dealings is perfectly correct; and that this is no more than a
true representation of the manner in which a very large propor-
tion of the class called merchants, conduct their business.
I will mention one more circumstance which happened in the
same place (city) since the above.—Passing up the street on
business, I called into a house, and the woman began to tell
me how they were selling goods at such a store. Said she,
they have lately got a large quantity of wet goods, calicoces,
&c., from the ship Garrick, only a little damaged and about
as good, which they are selling off at a mere trifle. This is a
true representation of her story, and as near her words as I
can now recollect. She showed me some spoons of colored
toilet thread, two for she had just bought for 12 cents. They
appeared to be a little wet, but otherwise not at all damaged.
I immediately went to the store to buy a quantity of them at the
price she had bought them, but could not. Understanding
that I wanted them to sell again, they refused to let me have any,
and told me that they had but a few (hundred) of them
for their customers—that they were the "leading articles."
And I found, to my surprise, that they or something else had
led a great many people there of both sexes, for the coun-
ters were not only lined inside and out, but the room was
literally crowded. And I was told by another store-keeper in
the city, that they could actually make more money on the
sale of wet goods, considering the amount they sold, than on
those which had not been wet. And some of the people be-
gan to mistrust that the speculation in wet goods was so great,
(for they began to have them at other stores in the city, and
even, I understood, in New Haven) that the Garrick was not
able to furnish quantum sufficient for the demand, and that some
of these dealers in salt water, actually to make up the deficiency, took
from their shelves those that were dry, and wet them
themselves.

Whether it is an honest, open, and frank way of doing business,
for a store-keeper to keep to sell a few little trifling notions as
"leading articles to make a noise" and show, to entrap and de-
ceive his customers, I shall leave to my readers as a matter of
conscience to judge. None however, I presume will pretend
to deny that it is more difficult for a person to determine the quality
of clothes and form a true estimate of their intrinsic worth by

their appearance in the state in which these were plunged and strung
about on the board in heaps, without form or order, and in a dark
room, than if they had been dry, and placed in usual form.

And sometimes I find as though they were afraid these rare
chances would not be extensively enough known, and in the shop,
"goods selling off at a mere trifle; a paper of pins, a spool of cotton
and thread, a stick of tape, and I don't know what all, a lot of notions
and things—all for 12 1-2 cents. Now as I said before if he can succeed in gaining your confi-
dence, he will not only make up what he so ingeniously sacri-
ficed on some few little trifles, which to him is of no consequence
at all, in comparison to the probable advantage he will gain, but
he will prepare the way to convert your property, or a great share
of it to his own use.

A fine opportunity now presents itself for speculation. He is
on tip-toe to improve the season, and enlarge his business. He
calls on some of his most confidential friends and supporters
to lend him their money or their names, to assist him in his new un-
taking. Thus he takes the advantage of their laxity in the or-
gan of caution. No body is so sure it is thought as Meas.
So-and-so. They make friends of every body, and call on every
old bachelor, and every old maid who has any money to let. Thus
they continue to borrow and get in debt, both for their goods and
their money, as long as they find any body fools enough to trust
them, and to make short of it, as soon as they get their next well
feathered, (as the saying is), or the big iron saucer that stands in
the counting room filled with the poor debtor's friend, and every
thing "cut and dried," they are ready to take the benefit of the
act which had bought themselves have, by their influence and
been the most efficient of for that very purpose, and sign over
the scanty remains of what is left—a few empty boxes and
kegs, and patches and rag to some of their particular friends,
their own nomination and denomination—their abettors and ac-
complices in business, to act as commissioners and administrats
make whatever disposal their unprincipled, avaricious love of
gain may prompt them to make. In this way many a man creates
then despoils and robbed of his thousands of dol-
ars. This is robbery, and broken to law, in Christian America,
under a republican government, under the 19th Century of the
Christian era, and under the full light and blaze of the pom
of God! Yes. And the people love to have it so.'--Yes. And
horrible to tell—a majority of the membership in the protestant
and professedly christian churches, or the authority of those chur-
ches, approve of, and assent to it.

For when any of their own members has run head-long the full
length of his chains, and broken the links in indulging himself in
that spirit of covetousness, which the Apostle declares is idolatry
he is still left to go on unmolested by the church, and retained,
and considered a good, and an acceptable church member.

And not only so: but alas! such is the state of society at the
present day, that such charlatans, whether in the church or not, are
held in higher repute, and elevated in the estimation of the pres-
tant to the church till after they have acquired large gains in this way
—by defrauding the public. Thus has the public mind, both in
As civil and its ecclesiastical capacities, lent its influence in favor of robbery, plunder and idolatry; and instead of "being a terror to evil doers, and a praise to them that do well," they are right the reverse; a praise to evil doers, and a terror (or persecution) to them who do well. Thus do they sinfully excuse, justify and approve, what God in his word, expressly forbids, condemns and punishes. For "he that hideth him God spied," (i.e. good success or good luck), "is a partaker of his evil deeds." Should there, however by any possibility, censure arise from any quarter against such, all that seems to be necessary to wipe it off, and exonerate them in their church and public relations is, 1st. to pay the priest well; 2d. to contribute largely to defray church expenses—building and furnishing the meeting-houses, &c., all which they are now abundantly able to do. 3d. Live splendidly and extravagantly themselves, ride in splendid carriages, with fine horses, &c. 4th. To be hailed by the rich and opulent, and rejected by the poor and needy. And 5th. Let them be active political partisans—and they may have no fears but that all will go well enough with them, so far as church matters are concerned. Indeed, with these qualifications and appendages, there is but two situations I know of, in which they can be placed, or employments in which they can be engaged, in which they would be likely to lose their reputations or fail of retaining their character in church and society.—And those are—Peddling and Lecturing or Speaking in favor of the Destruction or Abolition of Slavery.

Who ever knew a church member expelled or even disciplined, (brought to trial,) for thus acquiring and worshipping the unrighteous mammon? Mark that! Yet it is sin in the sight of a holy and just God, as much as it would be for him to break the sabbath, or steal from his neighbor. The same Divine Being which said, "thou shalt not steal," said also, "thou shalt not covet." And it is presumed, that there is not a member of any church, who has not a fortitude with his eyes open, and will give the honest expression and conviction of his heart—who has not bowed down to this Baal of unrighteous mammon, (which is far more heinous than heathen idolatry)—as much as he may deplore the present state of the church, who will take a different or more favorable view of the subject than I have here taken! For this opinion, as uncharitable as it may appear to the nonchurch person, is founded on, and perfectly harmonizes with general observation; and is in safe-keeping with that charity which is consistent with truth—for no man can deny its own sensus. And in conclusion, let me ask, will not the blood of those who thus transgress God's righteous law, at the last great day of account, be required at the hands of those ministers who are set to watch over them, as they who must give an account—who, for some sinister motive or pretence, through fear of disturbing the devil, and giving offence, have neglected to warn them of their sin and danger?

THE END.