

# MINERS' & FARMERS' JOURNAL.

PRINTED AND PUBLISHED EVERY SATURDAY, BY THOMAS J. HOLTON, CHARLOTTE, MECKLENBURG COUNTY, NORTH-CAROLINA.

I WILL TEACH YOU TO PIERCE THE BOWELS OF THE EARTH AND BRING OUT FROM THE CAVERNS OF THE MOUNTAINS, METALS WHICH WILL GIVE STRENGTH TO OUR HANDS AND SUBJECT ALL NATURE TO OUR USE AND PLEASURE.—DR. JOHNSON.

VOL. IV.

SATURDAY, AUGUST 9, 1834.

NO. 201.

**NOTICE,**  
I appoint Mr. Miles Hill to collect the money now due me, and what may be hereafter due; and hope that all who it may concern, will attend to him, as I do not, or cannot collect myself; on account of the many other things that I have to attend to.  
JOHN MAGINNIS.  
July 24, 1834.

**NOTICE.**  
I HEREBY forewarn the public not to trade for a Note, given by the undersigned to Thomas A. Mera, for Two Hundred Dollars, due February 19, 1835, as the consideration for which said Note was given has totally failed.  
THOMAS DWIGHT.  
July 26, 1834.

**PROPOSALS**  
For Publishing in the Town of Morganton, N. C. A WEEKLY NEWSPAPER.  
TO BE DEVOTED TO  
POLITICS, MORALITY, LITERATURE,  
AND GENERAL INTELLIGENCE,  
UNDER THE TITLE OF  
**THE MOUNTAIN SPROUT.**

I N looking around in search of an eligible situation for the establishment of himself in business, with a reasonable prospect of receiving and imparting benefit by his labors, the attention of the subscriber has been fixed on Morganton, the County-Town of Burke. He was swayed in this choice, by the consideration that it is located in the heart of a country celebrated for its healthfulness, and inhabited by a community intelligent, sober, and high-minded, who see the merit and know how to appreciate the benefit to be derived by themselves as well as their posterity, from the establishment of a Free Press in their midst.

As the first inquiry, upon a proposal of this kind, generally is, "What will be the political character of the paper?" the Subscriber will give an answer without the least reserve;—born and educated in Virginia, his earliest as well as his maturest feelings and convictions are cordially in favor of this great Republic.

He believes that the celebrated Virginia and Kentucky Resolutions and Reports of 1798 and 1799, which were drawn up by those great statesmen and patriots Madison and Jefferson, contain a true exposition of the rights of the States and of the relative powers of the General and State Government.

He thinks that the surest way to avoid collisions would be by adhering to a literal construction of the Constitution, and by abstaining from the exercise of any power, whether it be by the General Government or by the States, that is not clearly delegated to the former, or evidently reserved to the latter. The constructive power, as it is called, is more to be dreaded than open force, because its encroachments are so silent and gradual as to excite little or no apprehension, while at the same time they are undermining the very foundations of our system.

He thinks that nothing can justify an infraction of the Constitution. One slight breach will open the way for another, and that for a third, until every restriction loses its original strength, and we become habituated to encroachments. On this subject, as on many others, the admissions of the great and good Washington are judicious and salutary. "Precedents," said he, in his Farewell Address, "are dangerous things; let every violation of the Constitution be reprobated. If defective, let it be amended, but not suffered to be transgressed upon while it has any existence."

The Subscriber has witnessed, with painful anxiety, the abuse of precedents, which have been made to fritter away the Constitution, until, in practice at least, it is scarcely like the same instrument that came from the hands of the Convention which formed it. "The practice of implying power must cease, or our noble form of Government will soon be radically and perhaps irretrievably changed."

At present, the danger from this source is much more threatening than it has ever been at any former period; because those in power, who resort to precedent and construction, unfortunately possess, & have possessed, so much popularity, that their encroachments are overlooked by a generous People, who, instead of repaying the confidence of our constituents by scrupulous fidelity to their trusts, seem forgetful of every thing but the gratification of their unbalanced ambition and their insatiable passions.

Enough has been said to indicate what will be the complexion of "The Mountain Sprout" in regard to general politics. As to State concerns it will advocate a speedy alteration of the Constitution, a liberal system of Internal Improvement, an enlightened course of Agriculture, and every thing else calculated to advance the prosperity and honor of the Editor's adopted State.

A due proportion of the paper will be devoted to Religious, Moral, Literary, and other useful subjects, together with the passing News of the day, both Domestic and Foreign; and some of the views of our Sprout shall always be tipped with the taste of the Poet's and the Wit's imaginative flights, as well as with the fire of the "Variety" which is "the very spice of life." Nothing will be rejected which is calculated to improve the understanding of the heart, while every thing of an opposite tendency shall be excluded from its columns.

The Subscriber hopes that this first Sprout of a plant fatal to tyrants, that has ever attempted to put its head within view of the Table Rock, will not be suffered to perish in the bud, but that it will receive such a degree of public care as will enable it to grow into a tree, spreading its branches and shedding its leaves from the Atlantic even to the great river, the river Mississippi.

**TERMS, &c.**  
1. The first No. of "The Mountain Sprout" will be issued as soon as the requisite number of subscribers can be obtained to warrant the making of the necessary arrangements for that purpose; and the undersigned would appeal to the friends of the proposed undertaking, to enrol their names at an early day.  
2. It will be printed once a week, upon a sheet of medium size, with new type and on good paper, at Two Dollars per year, payable on the receipt of the first number.  
3. Responsible persons who will take the trouble to act as Agents, in procuring subscribers, &c. will be allowed 10 per cent. upon their transactions.  
R. H. MADRA.  
July 19, 1834.

It is requested that Letters from a distance be directed to Salisbury, where the subscriber at present resides.  
R. H. MADRA.

Subscriptions received at this Office, &c. Warrant Deeds for sale at this Office.

**DR. C. MORRISON**  
HAS just received a spring supply, comprising a large stock and variety of  
**MEDICINES**  
neatly put up in sizes to suit Physicians, Families and Merchants. Also a very extensive assortment of coarse and fine

**PAINTS,**  
Paint Brushes, Copal Varnish, No. 1  
Window Glass, Gold Leaf,  
Putty, Smalt,  
Halter's Materials, Sand Paper,  
Dye Stuffs, Gluc. &c. &c.

**Surgical and Dentists' INSTRUMENTS,**  
Shop Furniture, Gold Foil & Porcelain Teeth.

He has also procured the very convenient and useful article of

**Medicine Chests,**  
which are furnished to suit the diseases of this climate.  
Also, a good supply and excellent quality of

**PERFUMERY.**  
Fancy and Castile Soap, Lorrillard's Best Scotch Soap, Smelling Salts, Paste Blacking, Ink, Lucifer Matches, Improved French Tooth Brushes, Thermometers, Silver Spectacles, &c. &c.

Aware of the pernicious effects of adulterated Wines, he has procured a quality which will suit the weak stomach and low cases of sickness, among which are  
London Particular Madeira, in bottles at 61 3/4  
First and second do. by quart or bottle, to 81 and at 75 cents  
Port per bottle or quart at 87 1/2 cents  
Teneriffe per bottle or quart at 75 cents

—ALSO—  
**PURE LEMON SYRUP,**  
Seidlitz Powders, Juniper Paste, Hopsound Lozenges, Aromatic Spices, such as Mace, Nutmeg, Cloves, African Cayenne Pepper, Mustard, Cinnamon Buds, &c. &c.

All of which will be sold at the lowest market prices for cash. A short credit will be allowed only to regular and punctual dealers.  
P. S. The article of LINSEED OIL will be kept constantly on hand, and although it has lately risen in price, will be furnished low, for cash.  
A few persons who have bought on credit delay payment—such are requested to call and settle by cash or note of hand.  
March 14, 1835.

**VALUABLE LAND for Sale, On a Credit.**  
BY virtue of a Decree from the Court of Equity, I will expose to public sale, at the Court-House in Charlotte, on the 25th day of August, being Monday of our next Superior Court, a small, but very valuable

**Tract of Land,**  
containing 28 1/2 acres, lying in Providence Settlement, adjoining the lands of O. Pierce and others, belonging to the heirs of Eli Springs, dead and sold for the benefit of said heirs, on a credit of 12 months, the purchaser giving bond and approved security.  
D. R. DUNLAP, C. M. E.  
June 30th, 1834. 103

**NOTICE.**  
THE Public is hereby notified not to trade for the HOUSE and LOT, pretended to be owned by Thomas A. Mera, as the undersigned has an Equity right in the same, which he is determined to assert.  
JOHN WOODRUFF.  
April 17, 1834. 85f

**Rich GOLD LAND For Sale, IN COLUMBIA COUNTY, GA.**  
THE subscriber wishing to retire from a very active farming life, offers for sale, the following property, lying in the county of Columbia, on Little River, about 35 miles from Augusta:—  
One tract of land of about 40 acres, which contains the richest of all metals, Gold, on the surface of the ground, and at a certain depth, by digging.  
Another tract of about 1400 acres, which contains that metal on the surface.  
Specimens of the ore taken from the premises, off the surface and by digging, have been deposited at the office of the Constitutionalists, where persons desirous of buying the property and inspecting the ore, can judge for themselves. The veins are wide and the ore appears in great plenty. It is believed that the mines are the richest that have been discovered in Georgia.  
For farming, the land is fertile and very productive. It is in a highly improved state for cultivation, and all the appurtenances well improved. The buildings comprising a large commodious dwelling house, and out houses, are not surpassed by any in the county, and the negro houses are in good repair. There are now in a high state of cultivation from 250 to 300 acres of bottom land. The property is well timbered, and presents every inducement for any person wishing to undertake the mining or the farming business, to become a purchaser. Persons wishing to purchase are invited to come and visit the premises, where the proprietor will give every information required. The terms will be made accommodating.  
JEREMIAH GRIFFIN.  
Columbia County, Ga. May 30, 1834. 92 3/4

ALSO.  
One other tract, of about 395 acres, of which 100 acres are offered for sale, or the whole, adjoining the 40 acre lot specified above. This land contains gold, in the same quantity as the land above described. Specimens of the ore found on this tract can be seen at the office of the Georgia Constitutionalists.  
RICHARD GRIFFIN.  
Columbia County, May 30, 1834. 92 3/4

**NEGROES WANTED.**  
THE Subscriber wishes to purchase LIKELY NEGROES, from ten to thirty years old, and will pay the most liberal price in Cash.  
All who have such property to sell would do well to call on him, or Mr. John Jones his Agent.  
He can be found at Mr. Slaughter's Hotel, in Salisbury, and Mr. Jones at Dr. Boyd's Hotel, in Charlotte.  
All Letters addressed to him, or Mr. Jones, will be punctually attended to.  
ROBERT HUIE.  
July 24, 1834. 90f

[BY REQUEST.]  
**From the Richmond Enquirer. THE SWEEPING DOCTRINE.**

"To pay the debts of the United States, was the first of the objects for which, by the Constitution of the United States, the power to lay and collect taxes, duties, imposts, and excises, was conferred upon Congress—to provide for the common defence and general welfare was the second object; and these expressions, broad and comprehensive in their import, far from being without meaning in the intention of the founders of the Constitution, embraced the great purposes for which the Constitution itself was formed. They are introduced in that solemn preamble, by which the whole People of the United States, speaking in the first person, "We the People of the U. S.," announce the great purpose for which they do ordain and establish this Constitution; they are emphatically repeated in the eighth section of the first Article, containing the grant to Congress of power; and they are not only grants of power, but trusts to be executed—duties to be discharged for the common defence and general welfare of the Union."—Mr. Adams' Report on Manufactures.

We have this morning a very important letter of Mr. Madison to lay before our readers. The History of it is soon told. Some time in the course of the year 1830, Mr. Stevenson, Speaker of the H. of R., being on a visit to Mr. Madison, some conversation took place on the general phrases in the Constitution, "the common defence and general welfare."—Mr. M. shed so much light, and produced so many new facts, upon the subject, that Mr. S. subsequently determined to write him, and obtain his views, for the purpose of laying them before the Public. Mr. Madison complied—but the letter has never yet been published. As soon, however, as we had read Mr. Adams' late Report to the H. of R., we thought the time had come, when Mr. M.'s letter should be called forth—a case had occurred, which would justify its publication. It was the *dignus vindice nodus*. The Advocate who had appeared in favor of the contested doctrine was worthy of great respect. We accordingly applied for permission to publish the letter. Mr. Stevenson has been polite enough to send it for the purpose of publication.—If there be any thing, like *demonstration in Politics*, it will be found in this letter. It completely overthrows the heresy, which Mr. Adams has advocated in his Report:

Montpelier November 27th, 1830.  
DEAR SIR: I have received your friendly favor of the 20th instant, in which you refer to a conversation when I mentioned your belief that the terms "common defence and general welfare," in the 7th section of the first article of the Constitution of the United States, were still regarded by some as conveying to Congress a substantive and indefinite power; and in which I communicated my views of the introduction and occasion of the terms, as precluding that comment on them; and you expressed a wish that I would repeat those views in the answer to your letter.

However disinclined to the discussion of such topics, at a time when it is so difficult to separate in the minds of many, questions purely constitutional from the party polemics of the day, I yield to the precedents which you think I have imposed on myself, and to the consideration that without relying on my personal recollections, which your partiality overvalues, I shall derive my construction of the passage in question, from sources of information and evidence known or accessible to all, who feel the importance of the subject, and are disposed to give it a patient examination.

In tracing the history and determining the import of the terms "common defence and general welfare," as found in the text of the Constitution, the following lights are furnished by the printed Journal of the Convention which formed it.

The terms appear in the general propositions offered May 29th as a basis for the incipient deliberations; the first of which "Resolved that the articles of the Confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution, namely: common defence, security of liberty and general welfare."

On the day following, the proposition was exchanged for "Resolved that an union of the States merely federal will not accomplish the objects proposed by the articles of confederation, namely: common defence, security of liberty and general welfare."

The inference from the use here made of the terms, and from the proceedings on the subsequent proposition is, altho' common defence and general welfare were objects of the Confederation, they were limited objects, which ought to be enlarged by an enlargement of the particular powers to which they were limited, and accomplished by a change in the structure of the Union, from a form merely federal to one partly national; and as these terms are prefixed in the like relation to the several legislative powers in the new charter, as they were in the old, they must be understood to be under like limitations in the new as in the old.

In the course of the proceedings between the 30th of May and the 6th of August, the terms "common defence and general welfare" as well as other equivalent terms, must have been dropped; for they do not appear in the draft of a Constitution report-

ed on the day, by a Committee appointed to prepare one in detail; the clause in which those terms were afterwards inserted, being in the Draft simply "The Legislature of the United States shall have power to lay and collect taxes, duties, imposts and excises."

The manner in which the terms became transplanted from the old, into the new system of Government, is explained by a course somewhat adventitiously given to the proceedings of the Convention.

On the 18th of August, among other propositions referred to the Committee which had reported the draft, was one "to secure the payment of the public debt" and,

On the same day, was appointed a Committee of eleven members, (one from each State) "to consider the necessity and expediency of the debts of the several States, being assumed by the United States."

On the 21st of August the last Committee reported a clause in the words following:—"The Legislature of the United States, shall have power to fulfil the engagements which have been entered into by Congress, and to discharge as well the debts of the United States, as the debts incurred by the several States, during the late war, for the common defence and general welfare;" conforming herein to the 5th of the articles of the Confederation, the language of which is, that "all charges of war and all other expenses that shall be incurred for the common defence and general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury," &c.

On the 22d of August the Committee of five reported among other additions to the clause giving power "to lay and collect taxes, imposts and excises," a clause in the words following:—"for payment of the debts and necessary expenses," with a proviso qualifying the duration of the Revenue laws.

This Report being taken up, it was moved, as an amendment, that the clause should read "the Legislature shall fulfil the engagements and discharge the debts of the United States."

It was then moved to strike out "discharge the debts," and insert "liquidate the claims," which being rejected, the amendment was agreed to as proposed, viz: "the Legislature shall fulfil the engagements and discharge the debts of the United States."

On the 23d of August the clause was made to read "the Legislature shall fulfil the engagements and discharge the debts of the United States, and shall have the power to lay and collect taxes, duties, imposts and excises; the two powers relating to taxes, and debts being merely transposed.

On the 25th of August, the clause was again altered so as to read "all debts contracted and engagements entered into by or under the authority of Congress (the Revolutionary Congress) shall be as valid under this Constitution as under the Confederation."

This amendment was followed by a proposition, referring to the powers to lay and collect taxes, &c., and to discharge the debts [old debts.] to add for payment of said debts, and for defraying the expenses that shall be incurred for the common defence and general welfare." The proposition was disagreed to, one State only voting for it.

September 4.—The committee of eleven reported the following modification—"The Legislature shall have power to lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defence and general welfare;" thus retaining the terms of the articles of Confederation, and covering by the general term "debts" those of the old Congress.

A special provision in this mode could not have been necessary for the debts of the new Congress: For a power to provide money, and a power to perform certain acts of which money is the ordinary and appropriate means, must of course, carry with them, a power to pay the expense of performing the acts. Nor was any special provision for debts proposed till the case of the Revolutionary debts was brought into view; and it is a fair presumption, from the course of the varied propositions which have been noticed, that but for the old debts, and their association with the terms "common defence and general welfare," the clause would have remained as reported in the first draft of a constitution, expressing generally "a power in Congress to lay and collect taxes, duties, imposts and excises;" without any addition, indeed, the language of the clause being in conformity with that of the clause in the articles of Confederation, it would be qualified, as in those articles, by the specification of powers subjoined to it. But there is sufficient reason to suppose that the terms in question would not have been introduced but for the introduction of the old debts, with which they happened to stand in a familiar tho' inoperative relation. Thus introduced, however, they passed undisturbed thro' the subsequent stages of the Constitution.

If it be asked why the terms "common defence and general welfare," if not meant to convey the comprehensive power which,

taken literally, they express, were not qualified and explained by some reference to the particular power subjoined, the answer is at hand, that altho' it might easily have been done, and experience shows it might be well if it had been done, yet the omission is accounted for by an inattention to the phraseology, occasioned, doubtless, by its identity with the harmless character attached to it in the instrument from which it was borrowed.

But may it not be asked with infinitely more propriety, and without the possibility of a satisfactory answer, why, if the terms were meant to embrace not only all the powers particularly expressed, but in the indefinite power which has been claimed under them, the intention was not so declared; why on that supposition so much critical labor was employed in enumerating the particular powers and in defining and limiting their extent?

The variations and vicissitudes in the modifications of the clause in which the terms "common defence and general welfare" appear, are remarkable; and to be not otherwise explained than by differences of opinion concerning the necessity or the form of a constitutional provision for the debts of the Revolution; some of the members apprehending improper claims for losses by depreciated bills of credit; others an evasion of proper claims if not positively brought within the authorised functions of the new government; and others again considering the past debts of the United States as sufficiently secured by the principle that no change in the Government could change the obligations of the nation. Besides the indications in the Journal, the history of the period sanctions this explanation.

But, it is to be emphatically remarked, that in the multitude of motions, propositions and amendments, there is not a single one having reference to the terms "common defence and general welfare," unless we were so to understand the proposition containing them, made on August 25th, which was disagreed to by all the States except one.

The obvious conclusion to which we are brought, is, that these terms copied from the articles of Confederation, were regarded in the new, as in the old instrument, merely as general terms, explained and limited by the subjoined specifications, and therefore requiring no critical attention or studied precaution.

If the practice of the Revolutionary Congress be pleaded in opposition to this view of the case, the plea is met by the notoriety that that body is not the expositor of the "articles of Confederation." These articles were not in force till they were finally ratified by Maryland in 1781. Prior to that event, the power of Congress was measured by the exigencies of the war, and derived its sanction from the acquiescence of the States. After that event, habit, and a continued expediency, amounting often to a real or apparent necessity, prolonged the exercise of an undefined authority, which was the more readily overlooked, as the members of the body held their seats during pleasure, as its acts, particularly after the failure of the Bills of credit, depended for their efficacy on the will of the States; and as its general impotency became manifest. Examples of departure from the prescribed rule, are too well known to require proof. The case of the old Bank of North America might be cited as a memorable one. The incorporating ordinance grew out of the inferred necessity of such an institution to carry on the war, by aiding the finances which were starving under the neglect or inability of the States to furnish their assessed quotas. Congress was at the time so much aware of the deficient authority, that they recommended it to the State Legislatures to pass laws giving due effect to the ordinance, which was done by Pennsylvania and several other States.

Mr. Wilson, justly distinguished for his intellectual powers, being deeply impressed with the importance of a Bank at such a crisis, published a small pamphlet, entitled "Considerations on the Bank of North America," in which he endeavored to derive the power from the nature of the Union, in which the colonies were declared and became Independent States; and also from the tenor of "the articles of Confederation" themselves. But what is particularly worthy of notice, is, that with all his anxious search in those articles for such a power, he never glanced at the terms "common defence and general welfare," as a source of it. He rather chose to rest the claim on a recital in the text, "that for the more convenient management of the general interests of the United States, Delegates shall be annually appointed to meet in Congress, which he said implied that the United States had general rights, general powers and general obligations, not derived from any particular State, nor from all the particular States, taken separately, but "resulting from the Union or the whole;" these general powers, not being controlled by the article declaring that each State retained all powers not granted by the articles, because "the individual States never