

possessed and could not retain a general power over the others."

The authority and argument here resorted to, if proving the ingenuity and patriotic anxiety of the author, on one hand, shew sufficiently on the other, that the terms "common defence and general welfare," could not according to the known acceptance of them, avail his object.

That the terms in question were not inserted in the Convention which formed the Constitution, of any such meaning as has been constructively applied to them, may be pronounced with entire confidence. For it exceeds the possibility of belief, that the known advocates in the Convention for a jealous grant and cautious definition of federal powers, should have silently permitted, the introduction of words or phrases, in a sense rendering fruitless the restrictions and definitions elaborated by them.

Consider for a moment the immeasurable difference between the Constitution, limited in its powers to the enumerated objects; and expanded as it would be by the import claimed for the phraseology in question. The difference is equivalent to two Constitutions, of characters essentially contrasted with each other; the one possessing powers confined to certain specified cases; the other extended to all cases whatsoever: For what is the case that would not be embraced by a general power to raise money, a power to provide for the general welfare, and a power to pass all laws necessary and proper to carry these powers into execution; all such provisions and laws superseding at the same time, all local laws and Constitutions at variance with them? Can less be said with evidence before us, furnished by the Journal of the Convention itself, than that it is impossible that such a Constitution as the latter, would have been recommended to the States by all the members of that body whose names were subscribed to the instrument?

Passing from this view of the sense in which the terms, common defence and general welfare, were used by the Framers of the Constitution, let us look for that in which they must have been understood by the Conventions, or rather by the people who, thro' their Conventions, accepted and ratified it. And here the evidence is, it possible, still more irresistible, that the terms could not have been regarded as giving a scope to Federal legislation, infinitely more objectionable, than any of the specified powers which produced such strenuous opposition, and calls for amendments which might be safeguards against the dangers apprehended from them.

Without recurring to the published debates of those Conventions, which, as far as they can be relied on for accuracy, would, it is believed, not impair the evidence furnished by their recorded proceedings, it will suffice to consult the lists of amendments proposed by such of the Conventions as considered the powers granted to the Government, too extensive, or not safely defined.

Besides the restrictive and explanatory amendments to the text of the Constitution, it may be observed, that a long list was prepared under the name and in the nature of "Declarations of Rights;" all of them indicating a jealousy of the Federal powers, and an anxiety to multiply securities against a constructive enlargement of them. But the appeal is more particularly made to the number and nature of the amendments, proposed to be made specific and integral parts of the Constitutional text.

No less than seven States, it appears, concurred in adding to their ratifications, a series of amendments, which they deem requisite. Of these amendments, nine were proposed by the Convention of Massachusetts; five by that of South Carolina; twelve by that of New Hampshire; twenty by that of Virginia; thirty-three by that of New York; twenty-six by that of North Carolina; twenty-one by that of Rhode Island.

Here are a majority of the States, proposing amendments, in one instance thirty-three by a single State; all of them intended to circumscribe the power granted to the General Government, by explanations, restrictions, or prohibitions, without including a single proposition from a single State referring to the terms, common defence and general welfare; which if understood to convey the asserted power, could not have failed to be the power most strenuously aimed at, because evidently more alarming in its range, than all the powers objected to put together. And that the terms should have passed, altogether unnoticed by the many eyes which saw danger in terms and phrases employed in some of the most minute and limited of the enumerated powers, must be regarded as a demonstration, that it was taken for granted, that the terms were harmless, because explained and limited, as in the "articles of Confederation," by the enumerated powers which followed them.

A like demonstration, that these terms were not understood in any sense that could invest Congress with powers not otherwise bestowed by the Constitutional Charter, may be found in what passed in the first session of the first Congress, when the subject of amendments was taken up, with the conciliatory view of freeing the Constitution from objections, which had been made to the extent of its powers, or to the unguarded terms employed in describing them. Not only were the terms "common defence and general welfare," unnoticed in the long list

of amendments brought forward in the outset; but the Journals of Congress shew that in the progress of the discussions, not a single proposition was made in either branch of the Legislature, which referred to the phrase as admitting a constructive enlargement of the granted powers, and requiring an amendment guarding against it. Such a forbearance and silence on such an occasion, and among so many members who belonged to the part of the nation which called for explanatory and restrictive amendments, and who had been elected as known advocates for them, cannot be accounted for, without supposing that the terms "common defence and general welfare," were not at that time deemed susceptible of any such construction as has since been applied to them.

It may be thought perhaps, due to the subject, to advert to a letter of October 5th, 1787, to Samuel Adams, and another of October 16th of the same year, to the Governor of Virginia, from R. H. Lee, in both which, it is seen that the terms had attracted his notice, and were apprehended by him "to submit to Congress every object of humane legislation." But it is particularly worthy of remark, that altho' a member of the Senate of the United States, when amendments to the Constitution were before that House, and sundry additions and alterations were there made to the list sent from the other, no notice was taken of those terms, as pregnant with danger. It must be inferred that the opinion formed by the distinguished member, at the first view of the Constitution, and before it had been fully discussed and elucidated, had been changed into a conviction that the terms did not fairly admit the construction he had originally put on them; and therefore needed no explanatory precaution against it.

I close these remarks, with assurances of my great esteem and best regards.

JAMES MADISON.

MR. STEVENSON.

From the Delaware State Journal. THE PAST AND THE PRESENT.

The subjoined article is an extract from a speech delivered by WILLIAM H. CRAWFORD in the Senate of the United States, in 1811, on the bill to recharter the old Bank of the United States. We republish it for two purposes—First, to shew to the old Crawford Party in this State, who are now among the loudest in declaiming against the "Monster," what were the sentiments of their quondam leader, the "Democratic candidate" of 1824, in relation to a Bank of the United States, when the excitement against it was of precisely a similar character to the present: Secondly, to draw the attention of the young men who have grown up within the last twenty-five years to the fact, that the same factious and unprincipled clamor which is now raised against the present Bank of the United States, was raised also twenty-four years ago against the old Bank of the United States. Then, as now, the "Great States" of New-York and others, were deadly foes of the Bank, and opposed to a renewal of its charter. The same course of attack on members of Congress, the same foul slanders, even the very epithets, which are now daily and incessantly poured through the polluted and prodigal channel of the Government press, were at that day also poured upon members of Congress who deemed a Bank essential to a sound currency and to the fiscal concerns of the Government. Members of Congress were charged at that day with being perjured and bribed. JAMES A. BAYARD, of this State, was one of those members of Congress. They were charged too, with selling out sovereignty to "Foreign Capitalists"—just as they are now. The Bank was called then, as now, by every foul epithet—"MONSTER," &c. The slanders and libellers of the present day, have not even the merit of originality; as destitute now as they were then of the semblance of truth or argument, our libellers are constrained servilely to draw upon the mint of their predecessors of the last generation, for the whole stock of billingsgate which they are now lavishing upon members of Congress, and others, who condemn the unconstitutional, unprincipled, and vindictive proceedings of Jackson towards the Bank. Well, the old Bank was put down, and what was the result? Does any man now look back upon the slanders of that day with any other sentiment than that of disgust and scorn? Will any Jackson man now say that JAMES A. BAYARD, or WILLIAM H. CRAWFORD, or any other member of Congress, who supported the Bank, was bribed, perjured, or willing to sacrifice the country to foreign Capitalists? The very supposition will be received with the same feeling of scorn, with which, a few years hence, every right-thinking man in the country will look back upon the slanders of the present day. The Bank was put down, and the States Banks were made the fiscal agents of the Government—and the most calamitous period our country ever saw, since it had a Government, came upon it. The State Banks run riot, the country was inundated with spurious paper—trade was prostrated, bankruptcy spread over the land, the State Banks defrauded the Government of a million and a half of dollars, and in five years the country was clamorous for a new Bank—and a new Bank was created with three times the capital of the old one! With the aid of this Bank the country has flourished beyond all precedent.

it gave us the best currency in the world—a currency more valuable than gold, because it was more portable, safer, and would every where command gold. Every body was satisfied with it, until General Jackson, for political purposes, revived against it the same old cry of corruption, bribery, monster, which had been used to put down the former Bank some twenty years before. But to return to WILLIAM H. CRAWFORD's speech, of which the following is an extract:

"What are the circumstances under which we are called upon to reject this bill? The great influential States, induced by avarice and ambition, interpose the weight of their authority; attempt to put a veto upon your right to pass such laws as are necessary and proper for the general welfare, through the instrumentality of instructions, by depriving not only their Senators and Representatives of the exercise of a sound and honest discretion, but also by intimidating others by the weight of their influence and authority. The presses in these Great States have, for more than two months past, teemed with the most scurrilous abuse against every member of Congress who has dared to utter a syllable in favor of the renewal of the Bank charter. The member who dares to give his opinion in favor of the renewal of the charter, is instantly charged with being bribed by the agents of the Bank—with being corrupt, with having trampled upon the rights and liberties of the People—with having sold the sovereignty of the United States to foreign Capitalists—with perjury in having violated the Constitution. Yes, sir, these are the circumstances under which we are called upon to reject the bill. When we compare the circumstances under which we are now acting, with those which existed at the time the law passed to incorporate the Bank, we may well distrust our own judgments. Sir, I had always thought that a corporation was an artificial body, existing only in contemplation of law; but, if we can believe the ranting of our editors in these Great States, and the denunciations of our public declaimers, it exists under the form of every foul and hateful beast, bird, and creeping thing. It is an HYDRA, it is a CHERUB, it is a GORGON, it is a VULTURE, it is a MONSTER, it is a VIPER. Yes, sir, in their imaginations, it not only assumes every hideous and frightful form, but it possesses every poisonous, deleterious, and destructive quality. Shall we, sir, suffer our imaginations to be alarmed, and our judgments to be influenced, by such miserable stuff? Shall we tamely act under the lash of this tyranny of the press? No man complains of the discussion in the newspapers of any subject which comes before the Legislature of the Union; but I most solemnly protest against the course which has been pursued by these editors in relation to this question. Instead of reasoning to prove the unconstitutionality of the law; they charge members of Congress with being bribed or corrupted—and this is what they call Liberty of the Press. To tyranny, under whatever form it may be exercised, I declare open and interminable war. To me it is perfectly indifferent whether the Tyrant be an IRRESPONSIBLE EDITOR or a despotic Monarch."

The foregoing were the sentiments of WILLIAM H. CRAWFORD in circumstances precisely similar to the present; and let it be remembered that this same WILLIAM H. CRAWFORD was taken up a few years afterwards by MARTIN VAN BUREN and others, who are now leaders in the Jackson party as the DEMOCRATIC CANDIDATE FOR THE PRESIDENCY!

NOTICE.

All those who have not taken out Licenses, will please call and do it between this and Monday of the next Court.
J. McCONAUGHEY, Sheriff.
August 6, 1834.

NOTICE.

BY virtue of a Deed of Trust to me, executed by N. Peabworth for certain purposes therein mentioned, I will sell on the last day of July instant, on the premises, the House and Lot, of the said N. Peabworth, bounded by the Academy lots on one side and on the other by Patrick Parker's lots, plus, at the same time a considerable quantity of personal property—Terms Cash.
W. MORRISON, Trustee.
July 26th, 1834.

Postponement.

THE above sale is postponed until the 4th Monday in August.
W. MORRISON Trustee.
July 31, 1834.

Look Out!

THE person who borrowed from me, "Tom Cringle's Log," in two volumes, will return it to me immediately, or let me know where it may be found, or perchance they may see their names in the Newspaper. Also, several other of my Books are loaned out in the same manner as above—the borrowers names are in my memorandum Book—whose names shall also be made public, as well as skilled in the Science of Book-KEEPING.
WM. HUNTER.
August 2, 1834.

ESTRAY.

WILLIAM BAKER, living about six miles east of Charlotte, has entered on the Stray Book of this County, a yellow sorrel mare, with a white colored mane and tail, four years old, about fourteen hands high, a blaze in her face, near hind feet white above the pastern joint, with a scar on the weather. Appraised by the 29th July by John Campbell and Tho. H. Alexander at twenty-five dollars.
JOHN DAVIS, Ranger.
August 1, 1834.

Communications.

FOR THE JOURNAL.

To the Freeman of Mecklenburg.

FELLOW-CITIZENS: You will plainly perceive, by the changed aspect of this Journal, that some great event is at hand. Great importance is attached to your decision at the coming election; mighty efforts have been made, by the Federal party to convince you, that the U. S. Bank, is essential to our national existence. On this string they have stirred the elements of political strife to perfect madness. They have again and again asserted, that no person ever denied the Constitutionality of the United States Bank, till Jackson started that objection; and for which he has been visited by them with the epithets of Tyrant, Despot, Usurper, &c. &c. Now, my fellow citizens, I will quote from authority, the authenticity of which, they will surely not deny: that the power of Congress to charter a Bank, was denied, and opposed, warmly, by the friends of liberty, in 1791, when the first Bank was chartered. "The Secretary of the Treasury, (Mr. Hamilton) next appeared with a recommendation of a National Bank: A bill conforming to his plan, being sent down from the Senate, was permitted to progress unmolested in the House of Representatives to the third reading. On the final reading, an unexpected opposition appeared against it, on the ground, that Banking systems were useless, that the proposed Bill was defective. But especially, that Congress was not vested by the Constitution with a competent power to establish a National Bank." It is further stated by the same authority, "that after a warm and protracted discussion, the Bill was carried by a majority of nineteen voices."—(Hist. U. S. by Goodrich, p. 267 &c.) And further, the same historian informs us, that "when General Washington required the opinions of his Cabinet on this Bill, a majority decidedly pronounced it unconstitutional" (p. 268.) We will still borrow another statement from this historian which we quote will not be altogether pleasant to some of our Bank friends. He remarks, "The (Bank) Bill which had now passed with those relating to the finances of the country, the assumption of the State debts, the funding of the National debt, &c. &c. greatly contributed to the complete organization of those distinct and visible parties, (federal and republican) which in their long and ardent conflict for power, have since shaken the United States to their centre" (p. 268.) Mark it, my fellow citizens, the parties which were organized in contending for and against the first United States Bank, in their long and ardent conflict for power, have since shaken the United States to their centre. And my fellow citizens, is not this the case at this moment? Is not this empire shaken from one extremity to the other? in order if possible, to sustain an institution, which the Republican party always denied to be constitutional; and through the corrupt and corrupting influence of which, the Federal party hope to regain that power, which they lost, when the immortal Jefferson was elected over the elder Adams. In fact, fellow citizens, it is as much a struggle for Liberty, as it was in the Revolutionary war; then the issue was, The King vs. the People, now it is, the Bank vs. the People. Our fathers vanquished the King, and now let us be equally united, and faithful to our glorious inheritance, and I have no doubt we will uphold the crown of European Legitimacy also.

I do hope fellow citizens, that you are not blind to the low and dishonorable measures to which our opponents are resorting, to degrade Hutchison and McLeary, merely because they are supported by the democracy of the country, nor to the envious devices they use, in order if possible, to deceive you, and blind you to the true issue between you, and the friends of power.

Some of the Candidates of the opposition, profess to be opposed to the recharter of the present U. S. Bank, but wish the present Charter extended, three, six or twelve years. Be cautious fellow citizens, do not be deceived, the man who would be willing to extend the Charter three years, is willing to extend it to the end of time. Do you not perceive the deception? Suppose you were to extend its Charter three years, before that time Jackson's Administration would expire. The Bank would exert every means, and by extending its facilities, would endeavor to get a majority in Congress, and by multiplying the Candidates for the next Presidency, defeat the election by the people; the election goes into the House of Representatives, where one man, such as Henry Clay, can defeat the wishes of a large majority of the people of this Confederacy. A recharter of the Bank, will then be certain, and in twenty years more, it will have acquired sufficient control over this community, to perpetuate its existence to the end of time. Look at the Bank of England, it has existed for 150 years, and has been too strong for the King and People together.

Some of the opposition Candidates, become much irritated at being called federalists—how are we to know on what side a man stands, unless we judge by his votes at the ballot box? that was, and has always been considered, an indisputable test: But perhaps the gentlemen wish to be classed with Clay's modern wigs, or why drinkers: But fellow citizens I forbear to tire you longer on a subject which has undergone

so much discussion of late, let us be united at the polls and old Mecklenburg will prove, that she stands, where she has always stood, A pillar of Constitutional Liberty.

A CONSTITUTIONALIST OF '38.

COMMUNICATED.

Fellow Citizens:—A few days since I had placed in my hands a "handbill, under the signature of "A friend to Truth," which communication for bold effrontery, bare faced assertions, perversion of facts, deep rooted, malicious and envious feeling towards me, is seldom witnessed in any civilized and moral community; and is circulated throughout our County in order to defeat my election. If I had been attacked only upon my political doctrines, I should not have answered the communication, but I am assailed in my private character, as unqualified for office in point of understanding, personal character and worth. This, emanating from a man or set of men (opposed to me only in politics,) who were both ashamed and afraid to place their names before the public; who appears in the character of a midnight assassin, to stab my reputation and escape responsibility, which proves the writer to be without honorable feeling. This state of things has been produced by declaring myself a candidate for a seat in the House of Commons of the next General Assembly of North Carolina. Yes, Fellow Citizens, I am a candidate, and my qualifications, character and political sentiments are all before you:—And the correct principle of action, on the part of the people I hold to be,—Is he honest? Is he capable? Is his political doctrine sound? In these scales I am willing to be weighed, and will cheerfully abide your decision.

I am denounced in the handbill, in the most bitter terms. Why? Because, says the writer, "I have planted myself now, on the supposed popularity of Gen. Jackson, and the supposed obnoxiousness of the Bank of the U. States, to get into office; which is dishonourable to myself, and ungenerous towards the other Candidates who are against me." In what school of philosophy, religion or law, this midnight assassin was taught, I am at a loss to conjecture. But judging from the purity of his motives, in some such as taught by Duff Green—the organ of Nullification—Gales & Seaton's Bank party or Webb & Noah, of the \$52,000 loan money, as "A fair business transaction." How ungenerous, unfair and ungentlemanly, is the sentence above quoted. I have always been the friend of Gen. Jackson's Administration; I voted for him in 1824—in 1828—and in 1832. Hence the absurdity of the charge. Both before and since I became a candidate, it was proclaimed by a portion of the friends of the Bank, that there was not 300 men in the county in favour of the "old Tyrant," in consequence of his opposition to the Bank, the removal from office of Duane, and the removal of the Deposites. I became a candidate reluctantly, at the pressing solicitation of a number of the firm friends of his Administration, to repel before the people the false and slanderous charges against him—to represent them in the legislative councils of the State—and to sustain his Administration in the election of a Senator to the United States Congress—because, by such a course I believed and yet believe, the prosperity, happiness and liberties of the people of this nation, are to be advanced, protected and preserved. How this course was dishonourable to me, and ungenerous towards the gentlemen who are my opponents, (and who disapprove of the removal of the Deposites, and are in favour of re-chartering the Bank) I am at a loss to understand.

Again: The writer observes, "to no their appears no necessity for bringing in matters so foreign in their nature, into County elections." How sincere, how hypocritical and false is this statement? If not why has our President been denounced throughout the last session of Congress, in a manner reflecting dishonor upon the nation—the hue and cry of "distress and wide spread ruin" by the removal of the Deposites from the United States Bank,—and why, the violent effort making through the public press of our town, in the printing and circulation of false and slanderous pieces against President Jackson—and the scurrilous abusive Pamphlets and handbills, circulated against myself, because I am against the Bank.—And lastly, why this combination of talents and money, of our town, arrayed against me? These things are submitted on my part to an honest, impartial and intelligent community to answer.

Again: The writer says, "It is not to be supposed that the Circular (meaning my circular) will have any influence in leading astray, such of the citizens as have an opportunity of reading extensively, and forming a correct judgment." The first part of my circular remarked upon, is "I justify the President in the removal from office of his Secretary Duane, upon constitutional grounds." What authority does he bring forward to disprove this assertion?—None. But scribbles about the word my and his Secretary, and proceeds thus—"well supposing the President had a right to remove the Secretary, and supposing Mr. Hutchison has established it, what has that to do with this County?" Observe the ingenuity to evade the point, and shuffle over the question. Is he not guilty of a suppression of the truth, in not admitting openly the