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BY AUTHORITY.



LAW OF THE UNITED STATES.

Act to authorize the Registers of the several Offices in Louisiana to receive entries of land in certain cases, and give to the purchaser thereof a certificate for the same. Enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

A. STEVENSON, Speaker of the House of Representatives. J. C. CALHOUN, Vice-President of the United States, and President of the Senate.

Approved, May 5, 1830.

AN ACT TO AUTHORIZE THE APPOINTMENT OF A MARSHAL FOR THE NORTHERN DISTRICT OF THE STATE OF ALABAMA.

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That a Marshal shall be appointed for the Northern District of the State of Alabama, whose duties shall be the same, in respect, within said District, as those regularly to be performed by the present Marshal.

Approved, May 5, 1830.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT FOR THE BENEFIT OF THE INCORPORATED KENTUCKY ACADEMY OF TEACHING THE DEAF AND DUMB," AND TO REPEAL THE TIME FOR SELLING THE LAND GRANTED BY SAID ACT.

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the further time of years, from and after the fifth of April, one and eight hundred and thirty-one, be, and the same is hereby, allowed the Trustees of the said Academy of Teaching the Deaf and Dumb, to sell the land granted to said Academy for the use and benefit of said Academy, under the act, entitled "An Act for the benefit of the incorporated Kentucky Academy of Teaching the Deaf and Dumb," passed on the fifth of April, one and eight hundred and thirty-one, and under the provisions of this act, by the said Trustees, or their successors in office, at the time and place therein provided.

Approved, May 5, 1830.

AN ACT TO CHANGE THE TIME OF HOLDING THE COURT OF THE UNITED STATES FOR THE DISTRICT OF MISSISSIPPI, AND THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF OHIO.

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, instead of the times prescribed by law for holding the Court of the United States for the District of Mississippi, and the Circuit Court for the District of Ohio, the said Courts shall commence their sessions on the first Monday in January, and the fourth Monday in June, in each and every year.

Approved, May 5, 1830.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT FOR THE BENEFIT OF THE INCORPORATED KENTUCKY ACADEMY OF TEACHING THE DEAF AND DUMB," AND TO REPEAL THE TIME FOR SELLING THE LAND GRANTED BY SAID ACT.

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That in case any vacancy has occurred, or shall occur in any office to which any person has been or shall be elected by the citizens of Arkansas, under the provisions of the act to which this is a supplement, either by a refusal to accept the same, or by death, resignation, or otherwise, the Governor of the said Territory is hereby authorized and required to supply such vacancy, until the next general election; and in case any vacancy shall occur, in the office of Auditor, or Treasurer, either by a refusal to accept the same, or by death, resignation, or otherwise, the Governor thereof is hereby authorized and required to supply such vacancy until the next meeting of the Legislature.

Approved, May 5, 1830.

SPEECH OF MR. CARSON, OF NORTH CAROLINA.

House of Representatives, March 29, 1830. The bill to construct a road from Buffalo, through the City of Washington, to New Orleans, being under consideration in Committee of the Whole on the state of the Union.

Mr. Carson rose and said: Mr. Chairman: The supporters of the bill now under consideration, urge the importance of its passage upon four general considerations, to wit: Commercial, Political, Military, and the transportation of the Mail.

The constitutional power of Congress to act upon this and similar subjects, has been assumed and maintained by the supporters of this bill.

Upon all subjects of this kind, Sir, involving constitutional questions, which have been discussed since I occupied a seat in this House, I have studiously avoided entering into the debates upon them. I have done so, Sir, for the very plain reason, that my vocation is that of a farmer, and well knowing that it required professional science and deep research to elucidate and

give satisfaction upon these critical points upon which men of eminence, patriotism, and distinction, differ.

Under these circumstances, I may well be permitted to be, if not without hope, at least too diffident of my own opinion upon constitutional questions, to trouble the House with the reasons upon which they are founded.

Yet, Sir, as I am the Representative of an intelligent and most excellent community, and as I have to act under the obligations of an oath, "to support the Constitution of the United States"—that charter under the guarantee of which we can alone act here—it is incumbent upon me to look into that charter, and well examine the powers which it extends to us, and to act in accordance with my own views, however crude; for, Sir, on all questions in which conscience is involved, the decision must be made by that tribunal from which there is no appeal; and, however great our respect and deference for the opinions of others, in cases of this kind we are thrown back upon our own views of right or of wrong.

But, Sir, whatever my views may be of the constitutional powers of Congress, or however adverse to bills of this kind, I feel that it would be wholly useless to urge them here; and, if I should not be suspected of an attempt at rhetorical flourish, I would say, that you might as well attempt to dissolve those marble columns which support the canopy of this hall, by blowing upon them the breath of your nostrils, as to convince, by force of argument or powers of eloquence, those who have made up their opinions, or who, from the force of circumstances, will not be convinced.

Yes, Sir, it would be worse than idle; for all the experience which I have had upon this floor, but strengthens me in the conviction that, if ever constitutional arguments are urged with effect, it will be in other halls—not this. But do not, Mr. Chairman, infer any think like a spirit of disunion in me, from this remark—far from it, Sir. I look upon that as the last result, resulting from insufferable oppression, which a minority may be enforced or driven to, when it would cease to be patriotism to submit. But, Sir, should that ever arrive, (which may God, of his infinite mercy, avert!) may we not justly fear that the world may then bid a long farewell to all Republics, and to the rights of man.

But, whilst I disclaim, Sir, any thing like a disposition to disunion in the remark, it may be proper here to say, that it partakes something of the nullifying doctrines, which, while they are more pacific in their nature, will be found to be, in my opinion, as effectual in their results. Upon a more proper occasion, I may give my views fully upon this subject of "nullification," as it has been denominated in the other branch of this Legislature; but, as I am somewhat the creature of impulses, I shall be governed, in this particular, by subsequent feelings and reflection.

My design is, Sir, to speak of the expediency, or rather in expediency of this measure; not that I can add anything to the powerful argument of this justly distinguished gentleman from Virginia, (Mr. P. P. Barbour) for the grounds which he took were so fully and ably occupied, that he has left little to be said by others. I shall, however, take the same side of the question; not that I shall be able to shed a new ray of light upon the subject, but for the reason that the bird of more humble flight may sometimes see what the eagle overlooks.

The supporters of this bill do not claim the power under which they act, as expressly delegated by the Constitution; but as an incidental power; or, in other words, as a *mean necessary* to carry into effect some of the expressed powers.

Admitting this position to be correct, and which I do to a certain, but limited extent, the question then naturally arises, does the exigency of the country demand at our hands the exercise of those incidental powers, or the use of those means, to effect any of the objects contemplated by those powers expressly delegated? And if so, another question will also arise. Will this road meet those exigencies and effect the object? To both of those propositions I answer in the negative most positively. Sir, there is no necessity which demands at our hands the application of the public funds for purposes of this kind. Neither the "common defence" nor the "general welfare" demands it. And if the security of either of the points, to which this road is contemplated to be constructed, did demand the exercise of those powers, and the application of our treasure, I ask, in the name of common sense, Sir, if this road, a mere paltry earthen way, would afford the security desired?

But, Sir, four general considerations have been urged in support of the bill, and they may truly be said to be most *plian*t considerations; for they are brought to bear upon all subjects of internal improvement requiring the public lands or the public money.

It shall be my object to show, Sir, that not one of those considerations requires this road should be made. I shall take them up in the order in

which I find them in the report of the Engineers made in this House at the First Session of the Nineteenth Congress. And the first in order is its Commercial advantage.

It has been gravely maintained, that this road is all important as a line of inter-communication between distant points for the facilities of commercial intercourse, and the transportation of produce and merchandise. Now, Sir, admitting the constitutionality and the propriety of making roads for commercial purposes, is there any one who seriously believes that this, or any other road, can possibly be brought to compete, successfully, with the mighty father of rivers, and its tributary streams? What, Sir, change the channel of produce from the finest rivers in the world, with the powerful agency of steam, propelling boats hundreds of miles in the twenty-four hours, with a mere "earthen" road? Sir, when the mighty Missouri shall turn her current back upon her source, and force a passage through the Rocky Mountains, and empty her vast tribute of waters into the Pacific; and the beautiful Ohio shall be brought through the tunnel proposed to be cut by the gentleman from Virginia, (Mr. Mercer) and pour her waters into the Chesapeake, then, and not till then, let the gentleman propose the construction of roads through that region of country for commercial purposes.

But, Sir, what kind of a road have we proposed to us by the bill? "An earthen road," Sir. Yes, Sir, a miserable, paltry, earthen road. Sir, the honorable chairman and his committee have not only fallen far in the rear of the march of science and the arts in road-making, but they have gone entirely back to olden times. Earthen roads were the first system of inter-communication known to man. They were superseded by turnpikes, as they are called, which consisted in the application of stone, gravel, and other materials, which improved the foundation, and made it capable of bearing greater weight. Mr. McAdam has improved upon those roads, by a peculiar and regular method of preparing and applying the stone; and from his celebrity in his improvements, has arisen the name of McAdamised roads.

But, above all, Sir, is that highest effort of the human intellect in perfecting a system of road inter-communication, which, for ease, safety, and expedition, challenges the astonishment and admiration of the world.

That system which has outstripped canals, and ruined their stocks in England; and that system which will supersede canals here, as well as all other systems of the kind, which have been devised by human ingenuity—yes, Sir, the honorable gentleman from Virginia, (Mr. Mercer) must hear the appalling, the heart-rending fact, that this mighty monument, (Chesapeake and Ohio canal) which for years he has been laboring with zeal and exertion to erect to his memory, and which no doubt he had fondly hoped would transmit his name down to the latest posterity, must fall, and must give place to the superior improvement of rail-roads.

Sir, I could sympathize with that gentleman, if I did not believe that a remedy is within his reach; that is, Sir, to give up his exploded canal system, and embrace the rail-road plan; and a most happy opportunity now awaits him: Let him unite the interest of the company over which he now presides with that of the Baltimore and Ohio rail-road company, and by an unity of action and community of feeling, they will find their interests mutually advanced, and the most happy results growing out of the arrangement. I hope I shall be pardoned for this digression. But let me ask the honorable chairman who introduced this bill (Mr. Hemphill) how he can reconcile it to his vast notions of grand and magnificent internal improvements, and the resources and capacity of this Government to prosecute them, to an indefinite extent, as he set forth in his speech? But what is more, Sir, how can he reconcile it to himself to fall so far behind the advance of the age in improvements, as to propose an "earthen" road as a means to facilitate commerce and promote the "common defence and the general welfare?" Now, Sir, if the gentleman had proposed the construction of a rail road, on some plan commensurate with the greatness and resources of this Nation, there would have been some plausibility in his arguments. But upon what have we heard his beautiful theories and high wrought figures exhausted? Why, Sir, upon an earthen road—a road of mud—liable to be washed by every shower, and subject to the vicissitudes and casualties incident to every season.

Before I take leave of this branch of the subject, Mr. Chairman, I ask leave to read a brief passage from the report of the Engineers; we shall then be able to judge of their views as to the commercial importance of this road.

I read from the report of the Engineers, which may be found in the 9th vol. Executive papers, session of 1825 and 1826, Document 156, page 22. "In relation to external commerce," (say the Engineers) "it appears to us that a road from Washington City to Orleans, will not afford, as to transportation, advantages of national impor-

tance; for the road will cross generally all the main water courses perpendicular to the coast; and in the direction and by means of which all the transportation are effective which relate to operations of external commerce."

"However, we have remarked in the foregoing part of this report, that the main water courses were crossed by the Eastern route at the head of sloop navigation, and by the middle route at the head of boat navigation; therefore, a road in the direction of either, will accommodate the districts through which it passes, for the transportation of their products to the navigable streams. Under this local (mark the words, Mr. Chairman, "local," not "general") point of view, the external commerce will become benefitted to a certain extent," &c.

Thus we see, Sir, that in the view of the Engineers, this road would not ensure benefits general in their character, but such as are merely local; and even that, no farther than to afford districts through which it may pass, the advantage of transporting their produce to the navigable streams.

This being the case, Sir, is there one who will press the application of the national treasure (which should never be disbursed only with a view to national objects, wherein all the parts are equally benefited,) to purposes local in their character, and that to a limited extent?

Sir, it would be merging the "general welfare" into local welfare, and against all principle, the greater into the lesser.

Next in order are "Political considerations." I shall be brief upon this branch of the subject, Sir, as there is only one prominent consideration, in a political point of view, which can be urged—which is, that roads and canals will operate as bonds of union, and more strongly cement us together, and prevent a falling off of the parts. Without stopping to controvert the correctness of the position, it certainly presupposes one of two things; either that there is a disposition in the States to fly off from the centre, or a repulsive action at the centre, to throw them off, and hence the necessity of these additional bonds of union.

Nothing, Sir, in my opinion, is to be apprehended from the former; would to God I could say so much for the latter!

Sir, if ever the calamities of disunion should be experienced by this nation, the causes, proximate and remote, will be traced to the action of the Federal Government.

The mismanagement of this central machinery so beautiful in its conception and so perfect in its structure, and which worked so harmoniously whilst kept within the legitimate sphere prescribed by those rules expressly laid down for the government of its action, will alone produce those fatal consequences. By overleaping here the constitutional boundaries so clearly defined, by throwing the whole machinery out of gear, and giving a looseness to our operations, propelled on by the force of combined interests, composing a majority, against a minority, the latter will be compelled to take refuge under the old relation in which the States stood to each other—that of separate, distinct, and independent sovereignties.

The States themselves will cling to the Union whilst there is a hope left in rest; on the oppressions of this Federal Government can alone drive them off.

Perhaps, Sir, if there was ever a crisis in the affairs of our Government, which required additional bonds to hold us together, that crisis is now at hand. But, if this road is to be the remedy, the committee have certainly mistaken its proper location. Western Virginia and Eastern Tennessee are not about to fly off from the Union, and therefore do not require this work; if danger is to be apprehended, it is from another quarter. The South is the point to which we should direct our attention. Certainly, Sir, every political consideration would direct us to the Metropolitan route. We must encircle South Carolina with some band, or she, from report, will be off at "tangent," and that suddenly. But let me seriously ask, Sir, of every member of this committee, what stronger bonds of union do freedom need, or the States require, than those forced upon, wrought, and put in order, by the master-workmen of the Revolution? Link connecting link, forming a chain of Government more beautiful in its principles, and beneficial in its results, (whilst acting within the limits of the original design) than any ever devised by the wisdom of man. What was this design, Sir? It was that all the parts should share in equal proportion the benefits or injuries resulting from the compact: a perfect reciprocity was to be observed and preserved. Under a strict observance of those sacred principles, Sir, what have we to fear? I answer nothing, either from external or internal causes. If fears are to be entertained, they are upon the other side of the question; and let me here admonish gentlemen who are seeking to provide additional bonds of union, by cutting canals and constructing roads, to beware lest they, by their operations, cut the ligaments of the Constitution which now bind us together, and which

form the only sure and certain ties by which we can remain united. No political consideration, therefore, in my opinion, does require the construction of this road, but, on the contrary, an unity demands the rejection of the bill.

"Military Considerations" are the next in order, and to which I shall ask the attention of the Committee.

The honorable chairman (Mr. Hemphill) set out by telling us, that the two points to which this road is contemplated to be run, are dangerously situated, and eminently exposed in case of invasion, &c.; and that this is important as a military road for the transportation of troops and munitions of war. With regard to the exposed situation of New Orleans, Sir, I beg leave to differ entirely with the honorable chairman. As to Buffalo, I know but very little about it, nor have I sought to know, because I looked upon that end of the road as having been tacked on by the committee, merely as a means of buying up votes, and not that the necessity of the nation required the work. I shall leave that end, therefore, in the hands of others.

So far, Sir, from New Orleans being in an exposed situation, I do say, and I say it without the fear of contradiction, that it is the most strongly fortified place in the nation. Sir, every pass leading from the Gulf of Mexico to the city, is well secured by the best and most costly fortifications. There are no less than five forts, (I believe I am not mistaken in the number; if I am, the gentleman from Louisiana (Mr. White) will correct me) erected for the security of that city against maritime or other invasion from the Gulf. These forts are capable of mounting some hundred pieces of ordnance, at least enough to sink any fleet that would ever attempt a passage up the Mississippi to the city. We have already expended near two millions of dollars in defending the Territory of Louisiana by permanent fortifications, and estimates are now before us for a continuation of those works.

The following is a statement of those expenditures, politely furnished at my request, by a gentleman of the Engineer Department. [Mr. C. then read the following letter:

To the Hon. S. P. Carson, House of Representatives.

DEAR SIR: The following statement will show you pretty nearly the cost of defending the Territory of Louisiana by permanent fortifications, viz:

Table with 2 columns: Location and Amount. Fort Wood at the Chief Mouton Pass, \$411,675 11; Fort Pike at the Negroes Pass, 359,393 14; Fort Jackson, Plaquemine Bend, 624,654 33; Battery at Bayou Bienvenue, 96,447 87; Tower at Bayou Dupeire, 16,677 41.

Amount appropriated, \$1,568,245 99; Add for a fort on Grand Terre, 264,317 32; For a fort in place of fort St. Phillip, at Plaquemine Bend, estimated at 77,810 78; Total, \$1,850,384 30.

Your obedient, &c.] The estimate for one of those works (Fort Jackson) for the present year, is \$85,000. Thus we see, Sir, that the attention of the Government has been directed to the defence and protection of that point, and that the fact as stated by the honorable chairman who introduced this bill, with regard to the "exposed situation" of that city, does not exist. Now, Sir, as regards the necessity of this road for the transportation of the troops and munitions of war, I here take upon myself the responsibility of pronouncing, although in contradiction to the position of the gentleman who introduced the bill, (Mr. Hemphill) that no such necessity exists; and I further say, that it would not only be idle, but the extreme of folly, to expend money upon this road with a view to military advantages.

What say gentlemen who urge this branch of the subject, Sir? Why, "that New Orleans must always look to Tennessee, Kentucky, Ohio, &c. for men and provisions to protect and feed them in time of war." Well, Sir, I grant this; but what further do they urge? Why, "that this road must be made to transport these troops and provisions upon." Now, Mr. Chairman, can it be possible that any man, in his sober senses, and under the influence of reason, can, for one moment, entertain the belief that, if this road were made, even one soldier or solitary barrel of provisions, from Tennessee, Kentucky, Ohio, or any other State North of those, would travel over it? What, Sir, bring men from the State of Ohio, across the States of Kentucky and Tennessee? Ay, Sir, and across the Ohio river too, with its current teeming with steamboats, ready to waft the soldiers and provisions to the point of destination. But no, they must trudge through the mud of Kentucky and Tennessee, by marches from ten to fifteen miles per day, till they intersect this road (after crossing navigable and inviting rivers) at Florence, Alabama; and then, Sir, they will have the peculiar advantage of travelling this superb national earthen road from thence to New Orleans.

Sir, I invite gentlemen who think despatch and saving of time important in military operations, to calculate how long it would take troops to go to New Orleans by this "National Road," from Tennessee, Kentucky, Ohio, &c. and compare it with the ease, conven-