

verments. The delicacy was felt in the adoption of our own; the danger may also be felt, if we do not keep close to our chartered authorities.

Mark the reasoning on which the validity of the Bill depends. To borrow money is made the end, and the accumulation of capitals, implied as the means. The accumulation of capitals is then the end, and a Bank implied as the means. The Bank is then the end, and the charter of incorporation, a monopoly, capital punishments, &c., implied as the means.

If implications, thus remote, and thus multiplied, can be linked together, a chain may be formed that will reach every object of legislation, every object within the whole compass of political economy.

The latitude of interpretation required by the Bill, is condemned by the rule furnished by the Constitution itself.

Congress have power to "regulate the value of money;" yet it is expressly added, not left to be implied, that counterfeiters may be punished.

They have the power "to declare war," to which armies are more incident, than incorporated Banks to borrowing; yet is expressly added the power to "raise and support armies;" and to this again, the express power "to make rules and regulations for the Government of armies"—A like remark is applicable to the powers as to a navy.

The regulation and calling out of the Militia, are more appurtenant to war, than the proposed Bank to borrowing; yet the former is not left to construction. It is not pretended that every insertion or omission in the Constitution is the effect of systematic attention. This is not the character of any human work, particularly the work of a body of men.

The examples cited, with others that might be added, sufficiently inculcate, nevertheless, a rule of interpretation very different from that on which the Bill rests. They condemn the exercise of any power, particularly a great and important power, which is not evidently and necessarily involved in an express power.

It cannot be denied, that the power proposed to be exercised is an important power.

As a charter of incorporation, the bill creates an artificial person previously not existing in law. It confers important civil rights and attributes, which could not otherwise be claimed. It is, though not precisely similar, at least equivalent to the naturalization of an alien, by which certain new civil characters are acquired by him. Would Congress have had the power to naturalize, if it had not been expressly given?

In the power to make bye-laws, the bill delegates a sort of legislative power, which is unquestionably an act of a high and important nature. He took notice of the only restraint on the bye-laws, that they were not to be contrary to the law and the constitution of the Bank; and asked what law was intended; if the law of the United States, the scantiness of their code would give a power never before given to a corporation, and obnoxious to the States, whose laws would then be superseded, not only by the laws of Congress, but by the bye-laws of a corporation within their own jurisdiction. If the law intended was the law of the State, then the States might make laws that would destroy an institution of the U. S.

The Bill gives a power to purchase and hold lands within a State, "without the consent of its Legislature." How could they delegate a power to others, which they did not possess themselves? It takes from our successors, who have equal rights with ourselves, and with the aid of experience, will be more capable of deciding on the subject, an opportunity of exercising that right for an immoderate term.

It takes from our constituents the opportunity of deliberating on the untried measure, although their hands are also to be tied by it for the same term.

It involves a monopoly, which affects the equal rights of every citizen.

It leads to a penal regulation, perhaps capital punishments, one of the most solemn acts of sovereign authority.

From this view of the power of incorporation exercised in the Bill, it could never be deemed an accessory or a subordinate power to be deduced by implication, as a means of executing another power; it was, in its nature, a distinct and independent and substantive prerogative, which not being enumerated in the Constitution, could never have been meant to be included in it; and, not being included, could never be rightfully exercised.

He here adverted to a distinction which, he said, had not been sufficiently kept in view, between a power necessary and proper for the government of the Union, and a power necessary and proper for executing the enumerated powers. In the latter case, the powers included in each of the enumerated powers, were not expressed, but to be drawn from the nature of each. In the former, the powers composing the Government were expressly enumerated. This constituted the peculiar nature of the Government. No power, therefore, not enumerated, could be inferred from the general nature of Government. Had the making of treaties, for example, been omitted, however necessary it might have been, the defect could only have been lamented or supplied by an amendment of the Constitution.

But the proposed Bank could not even be called necessary to the government; at most it could be but convenient. Its uses to the government could be supplied by keeping the taxes a little in advance—by loans from individuals; by the other Banks, over which the Government would have equal command; nay, greater, as it may grant or refuse to these the privilege, made a free and irrevocable gift to the proposed Bank, of using their notes in the federal revenue.

He proceeded next to the cotemporary expositions given to the Constitution.

The defence against the charge founded on the want of a Bill of Rights, pre-supposed, he said, that the powers not given were retained, and that those given were not to be extended by remote implications. On any other supposition, the power of Congress to abridge the freedom of the press, or the rights of conscience, &c., could not have been disproved.

The explanations in the State Conventions all turned on the same fundamental principles, and on the principle that the terms necessary and proper, gave no additional powers to those enumerated.—[Here he read sundry passages from the debates of the Pennsylvania, Virginia, and North Carolina Conventions, showing the grounds on which the Constitution had been vindicated by its principal advocates, against a dangerous latitude of its powers charged on it by its opponents.]

He did not undertake to vouch for the accuracy or authenticity of the publications which he quoted. He thought it probable, that the sentiments delivered, might, in many instances, have been mistaken, or imperfectly noted; but the completion of the whole, with what he himself, and many others must recollect, fully justified the use he had made of them.

The explanatory declarations and amendments accompanying the ratifications of the several States, formed a striking evidence, wearing the same complexion. He referred those who might doubt on the subject, to the several acts of ratification.

The explanatory amendments proposed by Congress themselves, at least, would be good authority with them; all these renunciations of power proceeded on a rule of construction, excluding the latitude now contended for. These explanations were the more to be respected, as they had not only been proposed by Congress, but ratified by nearly three-fourths of the States. He read several of the articles proposed, remarking particularly on the 11th and 12th: the former as guarding against a latitude of interpretation, the latter as excluding every source of power not within the Constitution itself.

With all this evidence of the sense in which the Constitution was understood and adopted, will it not be said, if the bill should pass, that its adoption was brought about by one set of arguments, and that it is now administered under the influence of another set? And this reproach will have the keener sting, because it is applicable to so many individuals concerned in both the adoption and the administration.

In fine, if the power were in the Constitution, the immediate exercise of it cannot be essential—if not there, the exercise of it involves the guilt of usurpation, and establishes a precedent of interpretation, levelling all the barriers which limit the powers of the General Government, and protecting those of the State Governments. If the point be doubtful only, respect for ourselves, who ought to shun the appearance of precipitancy and ambition—respect for our successors, who ought not lightly to be deprived of the opportunity of exercising the rights of legislation; respect for our constituents, who have had no opportunity of making known their sentiments, and who are themselves to be bound down to the measure for so long a period; all these considerations require, that the irrevocable decision should at least be suspended until another session.

It appeared on the whole, he concluded, that the power exercised by the Bill—

Was condemned by the silence of the Constitution arising out of the Constitution.

Was condemned by its tendency to destroy the main characteristic of the Constitution.

Was condemned by the expositions of the friends of the Constitution, whilst depending before the public.

Was condemned by the apparent intention of the parties which ratified the Constitution.

Was condemned by the explanatory amendments proposed by Congress themselves to the Constitution.

And he hoped it would receive its final condemnation by the vote of this House.

Highly Important from Washington. War with England Probable at last.—The United States Gazette of yesterday has the following astounding statement:—

HIGHLY IMPORTANT.

Extract of a letter, dated

WASHINGTON, May 26, 1841.

Much surprise has been expressed by the public, that our Minister in London should have taken upon himself the responsibility of recommending the immediate return of our squadron from the Mediterranean.

This surprise will in some measure cease, when I inform you that Mr. Stevenson had information that the British Government had transmitted instructions to the Admirals at the American station, ordering them, immediately upon receiving authentic information that McLeod, an officer of the British army; had been executed, to proceed on the coast of the United States, and to set fire to, and burn down, our cities and towns along the whole coast.

There is every reason to believe that this statement is true. We may as well prepare for war as not.

Indian Murders.—The Tallahassee Floridian of the 23d ult., contains the following information:—"An individual was shot by the Indians on 3d ult. near Palatka, East Florida.

"A person by the name of Livingston was murdered by them on near Ocella, a few days ago. He was barbarously mangled."

APPALLING DEGRADATION.

The Legislature of Alabama, at their late extra-session, sanctioned the suspension of specie payments by the Banks indefinitely—that is, they may refuse to pay their honest debts with impunity, for all time to come. Legislation in this country has reached the lowest point to which human infamy is attainable. There is only one step more to be taken—pull down all the penitentiaries, and repeal all penalties for the commission of crime.

Old Dominion.

"City Council of Augusta."—We still occasionally see "shinplasters" bearing the above title, but they cannot be passed in this place, upon any terms. To let our readers know what exertions the City Council have made and are now making to sustain the credit of their scrip, we will state a fact which was related to us a few days since. The Corporation that issued so many thousands of those bills, owns the Bridge over the Savannah river at Augusta, and receives the toll; but our informant says the keeper of the Bridge recently refused to take the City Council bills of him, demanded specie, and would not permit his vehicle to pass until it was paid! "Oh no!"—said the Cashier of a Western Bank to a man who called to take up his note for borrowed money—"Oh no, you don't come it over us in that way! Take our own Bills indeed! You must think Bank officers are fools!"—Greenville Mount.

The annual Examination of the young Ladies of the "Salem Female Academy," took place on Thursday and Friday of this week and resulted in giving general satisfaction to a very numerous and respectable audience. The display of painting and ornamental needlework was rich and more tasty, if possible, than at any previous exhibition.

We had the pleasure of welcoming a number of old friends and acquaintances, among the visitors to our village, at this festive season, and only regret that the houses of entertainment were too crowded for the comfort and convenience of the great assemblage of persons.—Salem Gazette of June 6.

Gen. Armistead, at his own request, has been relieved from the command of the army in Florida, and Col. Worth has taken his place. We believe this officer stands high in the estimation of the army, and sincerely hope it will be his fortune to end the war, so that it will stay finished.

Charleston Mercury.

It is said that young Semmes, charged with the murder of Professor Davis of the University of Virginia, is fast sinking through consumption, and that it is very doubtful whether he will ever be brought to trial.—Charleston Mercury.

St. Louis Tragedy.—All four of the persons accused of the atrocious crime of murder and arson perpetrated on the 17th April, have been arrested—three of them reached St. Louis in Irons, and Madison, their leader, was on his way on the 5th instant, strictly guarded.

Young men, learn wisdom. Spend less money than you earn and you will every day grow richer. Never run in debt, and lawyers and constables will have to become farmers.



MECKLENBURG JEFFERSONIAN :

CHARLOTTE, N. C.,

Tuesday Morning, June 15, 1841.

CANDIDATES FOR CLERKS.

We are requested by a number of citizens from all parts of the County to announce CHARLES T. ALEXANDER, Jr., a candidate at the next August election, for the office of Clerk of Mecklenburg County Court.

We have also been similarly requested to announce JENNINGS B. KERR, Esq., a candidate at the same time for re-election to the office of Clerk of the Superior Court.

We are authorized to announce B. OATS, Esq., as a candidate for re-election to the office of Clerk of Mecklenburg County Court, at the next election.

Charlotte, March 30, 1841.

SAGE VIEWS.

An esteemed and venerable Democratic friend handed us a few days since the "Speech of Mr. Madison against the Bank of the United States," delivered in Congress in 1791. It will be found on our first page. This speech comes in most opportunely at the present time, when the Federal Party are about to yoke the country to another National Bank, and proclaim it a Republican measure, sanctioned by the "Fathers of the Republican School." The arguments in this speech against both the Constitutionality and expediency of a Bank are perfectly unanswerable; and how Mr. Madison himself got over them, when he afterwards signed the charter of the late Bank, is a mystery to our mind.

One fact stated by Mr. Madison, stamps the charter of a National Bank as a palpable violation of the Constitution. He says:

"In making these remarks on the merits of the Bill, he had reserved to himself the right to deny the authority of Congress to pass it. He had entertained this opinion from the date of the Constitution. His impression might perhaps be the stronger, because he well recollected, that a power to grant CHARTERS of INCORPORATION had been proposed in the general convention and REJECTED."

Mr. Madison was a prominent member of the Convention which framed the Constitution, and fresh from its labors when this speech was made. These same sentiments are reiterated in the celebrated Virginia Resolutions of '98, and again in his Veto on the first Bank Bill that was presented to him—which show his objections to the use of the power strong and well founded. And even when, seduced by the blandishments of wealth, and persuaded by evil counsellors, he signed the charter of the late Bank, it was with great reluctance, expressed at the time and afterwards. And yet many professed Republicans (the crucifiers of the principles they profess) cite this one great error in the life of Mr. Madison, which contradicts all his previous and subsequent history on the subject, to prove that the power to charter a Bank is recognized by the Constitution.

They may succeed,—this one hasty and unfortunate act of Mr. Madison, done under the dangerous plea of "necessity," may enable the Federal Party of this country to do what they could never otherwise have accomplished—upturn our beautiful structure of free government, mangle their energies and load the laboring classes with intolerable burdens, by entailing upon us a vicious, rapacious, monied oligarchy.

THE McLEOD CASE.

A very interesting correspondence between Mr. FOX, British Minister at Washington, and Mr. WEBSTER, Secretary of State, has been published. It grew out of a demand made by the British Minister, in obedience to instructions from his Government, for the release of Alexander McLeod.

The correspondence is to lengthy for our columns, and therefore a sketch of the main points touched upon, and a short extract from the letter of Mr. Webster must suffice.

In the letter of Mr. FOX is for the first time officially avowed, that the being of the Steam Boat "Caroline" was done not by the authority and sanction of the British Government, and upon this ground the immediate release of McLeod is demanded.

Mr. WEBSTER'S reply to this demand is ably written. He lays down the principles of international law which bear upon its case, and admits, now since the crimes for which McLeod has been indicted have been thus avowed by the British Government, it would be a violation of those principles to hold McLeod personally responsible;—yet, he informs the British Minister that it is not in the power of the General Government to arrest the proceedings against McLeod at the State Court, on the criminal process, in any way than by carrying the case, if he be convicted, up to the Supreme Court of the United States, (to do which, instructions have been given to the United States Attorney-General) where *solle prosequi* will be entered, and the prisoner charged, and that it is not in the power of the Government at all to arrest the civil suit against McLeod for damages in the destruction of the *Caroline*. After thus disposing of this branch of the subject, Mr. Webster closes his letter as follows:

"Under these circumstances, and under those immediately connected to the transaction itself, it will be for Her Majesty's Government to show upon what state of facts and what rules of national law the destruction of the *Caroline* is to be defended. It will be for that Government to show a necessity of self-defence, in order to justify, leaving no choice of means and moment for deliberation. It will be for it to show, also, that the local authorities of Canada, even supposing the necessity of the moment authorized to enter the territories of the United States, did nothing unreasonable or excessive; since that, justified by the necessity of self-defence, must be limited by that necessity, and kept clearly within it. It must be shown that admittance or remittance to the persons on board

the "Caroline" was impracticable, or would have been unavailing; it must be shown that day-light could not be waited for; that there could be no attempt at discrimination between the innocent and the guilty; that it would not have been enough to seize and detain the vessel; but that there was a necessity, present and inevitable, for attacking her, in the darkness of the night, while moored to the shore, and while unarmed men were asleep on board, killing some and wounding others, and then drawing her into the current, above the cataract, setting her on fire, and, careless to know whether there might not be in her the innocent with the guilty, or the living with the dead, committing her to a fate which fills the imagination with horror. A necessity for all this the Government of the United States cannot believe to have existed.

"All will see that if such things be allowed to occur, they might lead to bloody and exasperated war; and when an individual comes into the United States from Canada, and to the very place on which this drama was performed, and there chooses to make public and vain-glorious boast of the part he acted in it, it is hardly wonderful that great excitement should be created, and some degree of commotion arise."

"This Republic does not wish to disturb the tranquility of the world. Its object is peace, its policy peace. It seeks no aggrandizement by foreign conquest, because it knows that no foreign acquisition could augment its importance so rapidly as they are already advancing by its own natural growth under the propitious circumstances of its situation. But it cannot admit that its Government has not both the will and the power to preserve its own neutrality, and to enforce the observance of its own citizens. It is jealous of its rights, and among others, and most especially, of the right of the absolute immunity of its territory against aggression from abroad; and these rights it is the duty and the determination of this Government fully and at all times to maintain; while it will, at the same time, as scrupulously refrain from infringing on the rights of others."

THE PRESIDENTIAL OFFICE.

The question has been often asked in our community, that in case Mr. TYLER was to die, who would be President of the United States. A learned Judge, as we are informed, recently gave as his opinion, that the acting President of the Senate (Hon. SAMUEL L. SOUTHARD) would be the President for the term ending at four years from the 4th of March last. His Honor is evidently wrong; and we add below the Constitution and an extract from the law of Congress, by which it will be seen that in case Mr. TYLER were to die at any time between this and thirty-four days preceding the first Monday in December next, Mr. S. would then act until the 4th of March next; but that the Secretary of State would in the mean time forthwith notify the Governor of each State, and an election would be held within the thirty-four days preceding the first Monday in December, and the persons elected as President and Vice President would take office on the 4th of March following.

But a much more complicated and interesting question arises as to who is the Vice President of the United States at this time. Mr. TYLER is President by virtue of his election as such as if he had been voted for as President by the People; this of course vacates the office of Vice President, since he cannot hold two offices at once. Mr. Southard was elected President of the Senate, *pro tempore*, and it is contended by Gov. Poindexter, in a recent well written letter in the National Intelligencer, that he is Vice President in fact, and succeeds to all the rights, duties, and emoluments of that office. But Mr. Southard is one of the Senators from New Jersey, and if he is in fact Vice President, he cannot be a Senator also. There is nothing in the Constitution or Laws that justify the conclusion in the letter alluded to, and to our mind there is an *interregnum* in the office of Vice President, which the wisdom of the present Congress will supply by some proper enactment.

The second article of the Constitution of the United States says, "that in case of the death of the President, the duties of said office shall devolve on the Vice-President, and the Congress may by law provide for the case of a vacancy of both the offices of President and Vice President."

In pursuance of this Constitutional right, in 1792, Congress declared, "that whenever the offices of President and Vice President shall both be vacant, the President *pro tem* of the Senate shall act, and in case there be no President *pro tem* of the Senate, then the Speaker of the House of Representatives shall act until a President shall be elected, and that in this case (when the offices of President and Vice President shall both be vacant by death or otherwise) the Secretary of State shall forthwith notify the Governors of the States, that Electors shall be chosen within thirty-four days preceding the first Monday in December next ensuing, at which time (hisr Monday in December) the Electors that may be chosen by the People are to meet to vote for the President and Vice President."

In his Message, Mr. Tyler says the Banks in 1816 were "forced to suspend specie payments by means of the war which had previously prevailed with Great Britain." Will Mr. Tyler be good enough to inform the country, what "war" it was that compelled the Banks to suspend in 1837, '38, '39, '40, and '41, and still keeps them in a state of suspension?

Wealth of the Country.—In the primitive history of our Government, when men spoke of the prosperity or distresses of the country, they alluded to the condition of the producing interests—agriculture, manufactures, &c. Mr. Madison, in his speech which we publish to-day, remarks that the "wealth of society" depends on the "prosperity of agriculture, commerce, and manufactures." But a new era has dawned upon our country. The Federal politicians of the present day, when they speak of the prosperity or distress of the country, mean the interests of the Stock-jobbers, Speculators, Brokers, and Bankers. The interests of agriculture, &c., are secondary matters entirely, and their legislation is all in the same direction. No wonder the country groans.

Two shares in the Wilmington and Raleigh Rail Road were sold a few days since at Tarborough, for thirty-six dollars per share! The fostering hand of our last Federal Legislature seems to have done but little towards helping this Road out of its difficulties.

CORRUPTIONS OF BANKING.

The following remarks upon the recent disclosures of the corrupt management of the United States Bank, are by the distinguished Dr. HAWKS, Editor of a religious paper in Philadelphia, (the Church Record). How true these remarks, and how lamentable that they are true:

"The all-absorbing topic in our community, for some days past, has been the appalling disclosures of the long smothered misdoings in the administration of the Bank of the United States. Deplorable as these violations of trust must be, in their effects, upon the numerous individuals who are pecuniary sufferers from them—upon our national character, for honor, and probity in business transactions, upon our credit throughout the commercial world—and upon the confidence of our own people in like institutions; they are infinitely more deplorable in the proofs they furnish, of want of principle, and a deadened moral sense among us, in relation to all such matters. If the statements in the report of the stockholders' committee are substantially correct, many of the charges against the officers of the bank are not to be considered as mere abuses of trust; they are criminal offences; which in any other country, but ours, would have subjected them to indictment for fraud.—"Who can reflect upon such conduct in men, holding the most important trusts connected with the business interests of this great commercial country, and enjoying the unlimited confidence of the public, without the deepest sorrow and humility, and the gloomiest fears. Does it not prove, that we have brought down our standard of moral integrity to the lowest point—that we have discarded the restraints of honesty, from our dealings with our fellow men, and the obligations of Christianity, from our codes of duty?"

The able and independent "Whig" Editor of the New York Herald, also remarks:

"The explosion [of the United States Bank] has revealed the demoralization of banking, and the villainy of human nature. The more we see of it, the more we are satisfied that banking has been reduced to a system of bribery, lying, false-swearing, and actual robbery of the poor and innocent. To say nothing of the thousand stockholders in both worlds, thus reduced to beggary, the famous Girard Fund is also annihilated, and the splendid Girard College will have to remain unfinished, a modern Parthenon in ruins, emblematic of the banking system, and the classic mausoleum to its memory and names." "Certainly the United States Bank has been badly, dishonestly, and foolishly managed; but we do not believe there exists a bank throughout the country, that has been conducted on any other principles. *The inherent error is in the system.* It is a system of credulity, mystery, and deception, fraud and roguery, from beginning to end. It corrupts the heart—it destroys all principle—and snuffs the foundation of all honesty in society. The United States Bank has not been a more marked fraud upon the world than any other bank—it is only greater in proportion to its capital. Nicholas Biddle is not a worse man than any other man in Wall street connected with, or administering a system that is concerned in swindling, sin, iniquity, mystery, and midnight robbery."

"The banking system will go down, and all those who hang upon it will soon be looked upon as fit inmates for the state prison. The misery and poverty which have overtaken the poor deluded stockholders of the United States Bank—men, women and children—will assuredly overtake the stockholders of every bank in this or any other country. The explosion of the English banking system, will astonish the world one of these days. It will revolutionize that country—as our series of explosions since 1837 have revolutionized this country."

We address the reflecting men of all parties:—Are you prepared, with such facts staring you in the face—the evidence undenied and incontrovertible of the dark and damnable corruptions of the Banking System, its inevitable tendency to produce dishonesty and swindling, to corrupt and blast the moral fountains of society, to join in entailing upon the country another National Bank? Are you willing that such a wholesale system of speculation and fraud shall become the settled policy of this country, and be longer legalized by the sanction of laws? What patriot can look on such a picture of national dishonor and the moral profligacy of so large a portion of his countrymen, without deep mortification? Yet, the leaders of the Federal party now in power, cheered on by their blind and unthinking adherents throughout the country, are struggling to fasten this system upon us for all future time, by chartering another National Bank! What use are our written Constitution and Bill of Rights—What use are our laws to punish crime and encourage morality, if they can be disregarded at pleasure, and trampled under foot, and all the lights of experience scouted as the chimeras of madmen, by the majority in Congress, who look more to the interests and desires of the Bankers, Stock-jobbers, Speculators and wealthy money-lenders of the land, than to the rights and welfare of the mass of their constituents? Can we expect or hope our country will prosper under such a perverse reign?

One fact connected with this subject is to us utterly inexplicable:—That laboring men—Farmers and Mechanics—are found advocating and sustaining this system of fraud and swindling by joining in the clamor for a National Bank. Do such men understand their own rights and interests? Do they reflect that the Banking System of this country, (of which a National Bank is the great controlling head) always has, still does, and as long as it exists, ever will, support in our large cities thousands upon thousands of idlers, men who never labor a moment for their living, but exist upon the facilities afforded them by the Banks, in shaving, stock-jobbing, and speculating? These men produce not a farthing to the wealth of the country;—yet they must live, and do live and amass princely fortunes; and where does their wealth come from? *Out of YOUR HARD EARNINGS, laboring men! YOU produce, and they, through the swindling intricacies of the Banking System, rob you of those productions—your labor and they do not; yet they get rich, live in ease and splendor, while you get poorer and live hard!*

We repeat, it is not strange that the laboring men—the producers of the wealth of the country, are found, any of them, upholding such a system?

Those valuable agricultural periodicals, the "FARMERS REGISTER," and "THE CULTIVATOR," each for June, have been received. Their Tables of Contents are rich and inviting—they shall appear in our next.

Those of our Farmers who have harvested their May Wheat, state that the yield is most abundant, and the grain very fine.