

bound to control and regulate that money. Most certainly, sir, I agree with the honorable member, that when bank notes become money we are bound to control and regulate them. I thank him for this admission; since it goes a great way to support that proposition, for which I have been contending. That bank notes have become money in fact, that they answer the uses of money, that, in many respects, the law treats them as money, is certain. Why, then, are we not already bound to control and regulate them? The gentleman will say, because we have not ourselves made them money. But is that any answer? If they have become money in fact, they require the same regulation, and we have the same authority to bestow it, as if they had acquired that character by any acts of our own: because our power is general: it is to take care of the money of the country, and to regulate all the great concerns of commerce.

But let us see how this opinion of the honorable member stands upon the authorities in our own history.

When the first bank was established, the right of Congress to create such a corporation was, as we all know, very much disputed. Large majorities, however, in both Houses, were of opinion that the right existed, and they therefore granted the charter; and in this charter there was an express provision that the bills of the bank should be receivable in all payments to government. Those who opposed the bank did not object to this clause; on the contrary, they went even much further; and Mr. Madison expressly insisted that Congress might grant or refuse to state banks, the privilege of having their notes received in revenue. In 1791, therefore, men of all parties supposed that Congress, in its discretion, might authorize the receipt of bank notes. The same principle was incorporated into the bank charter of 1816: indeed, it was in the bill which the gentleman himself reported; and it passed without objection on any quarter. But this is not all. Mr. President, let us look into the proceedings of the session of 1815-16, a little more closely. At the commencement of that session, Mr. Madison drew our attention to the state of the currency; by which he meant the paper currency of the country, which was then very much disordered, as the banks had suspended specie payment during the war, and had not resumed. Early in the progress of the session, the honorable member from South Carolina moved that this part of the message should be referred to a select committee. It was so ordered. The committee was raised, and the honorable gentleman placed at its head. As chairman of the committee, he introduced the bank bill, explained it, defended it, and carried it triumphantly through the House, having in the provision which I have before mentioned.

But there is something more. At the same session the gentleman introduced the bill for the further collection of the revenue, to which I have already referred, and in which bill he carried the receivability of bank notes much further, and provided that notes of any bank or banks which were payable and paid, on demand, in specie, might be allowed and accepted in all payments to the United States. So that the honorable gentleman himself drew, with his own pen, the very first legal enactment in the history of this government, by which it was provided that the notes of state banks should be considered and treated as money at the treasury. Still further, sir, the bill containing this provision did not pass the House; and as I deemed some provision necessary, indispensably necessary, for the state of things then existing, I introduced, I think the very next day after the failure of the honorable gentleman's bill, three resolutions. The two first were merely declaratory, asserting that all duties, taxes, and imposts, ought to be uniform, and that the revenues of the United States ought to be collected and received in the legal currency, or in treasury notes, or the notes of the Bank of the United States, as by law provided. These two resolutions I agreed to waive, as it was thought they were not essential, and that they might imply some degree of censure upon past transactions. The third resolution was in these words:

"And resolved, further, That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or treasury notes, or notes of the Bank of the United States, as aforesaid."

The Senate will perceive that, in this resolution of mine, there was no provision whatever for receiving bank notes, except of the Bank of the United States, according to its charter. Well, what happened there? Why, sir, if you look into the National Intelligencer of a succeeding day, you will find it stated, that Mr. Calhoun moved to amend Mr. Webster's resolution by "extending its provisions to the notes of all banks which should, at the time specified therein, pay their notes in specie on demand."

The amendment was opposed, and for a time defeated, but it was renewed, and finally prevailed. It was incorporated into the resolution, became part of the law of the land, and is now in force at this very

moment. Sir, may I not now say to the honorable member, that if the Constitution of the country has been violated by treating bank notes as money—"Thou art the man!"

How is it possible, sir, the gentleman could so far forget his own agency in these most important transactions, as to stand up here, the other day, and with an air not only of confidence but defiance, say: "But I take a still higher ground, I strike at the root of the mischief. I deny the right of this Government to treat bank notes as money in its fiscal transactions. On this question I never have before committed myself, though not generally disposed to abstain from forming or expressing opinions."

I will only add, sir, that this reception and payment of bank notes was expressly recognized by the act of the 14th April, 1836, by the deposit act of June of that year, and by the bill which passed both Houses in 1837, but which the President did neither approve nor return. In all these acts, so far as I know, the honorable member from South Carolina himself concurred.

So much for authority. But now, sir, what is the principle of construction upon which the gentleman relies to sustain his doctrine? "The genius of our Constitution," he says, "is opposed to assumptions of power." This is undoubtedly true: no one can deny it. But he adds, "whatever power it gives, is expressly granted."

But I think, sir, this by no means follows from the first proposition, and cannot be maintained. It is doubtless true that no power is to be assumed; but then powers may be inferred, or necessarily implied. It is not a question of fact, but of reasonable inference. To hold that no power is granted and no means authorized, but such as are granted or authorized by express words, would be to establish a doctrine that would put an end to the Government. It could not last through a single session of Congress. If such opinions had prevailed in the beginning, it never could have been put in motion, and would not have drawn its first breath. My friend near me, from Delaware, has gone so fully and so ably into this part of the subject, that it has become quite unnecessary for me to pursue it. Where the Constitution confers on Congress a general power, or imposes a general duty, all other powers necessary for the exercise of that general power, and for fulfilling that duty, are implied, so far as there is no prohibition. We act every day upon this principle, and could not carry on the Government without its aid. Under the power to coin money, we build expensive mints—fill them with officers—punish such officer for embezzlement—buy bullion—and exercise various other acts of power.

The Constitution says that the judicial power of the United States shall be vested in certain courts. Under this general authority we not only establish such courts, but protect their records by penalties against forgery, and the purity of their administration by punishing perjuries.

The Department of the Post Office is another, and signal instance, of the extent and necessity of implied powers. The whole authority of Congress over this subject is expressed in a very few words; they are merely "to establish post offices and post roads." Under this short and general grant, laws of Congress have been extended to a great variety of very important enactments, without the specific grant of any power whatever, as any one may see who will look over the post office laws. In these laws, among other provisions, penalties are enacted against a great number of offences; thus deducting the highest exercise of criminal jurisdiction, by reasonable and necessary inference, from the general authority. But I forbear from traversing a field already so fully explored.

There are one or two other remarks, sir, in the gentleman's speech, which I must not entirely omit to notice.

In speaking of the beneficial effects of this measure, one, he says, would be, that "the weight of the banks would be taken from the side of the tax-consumers, where it has been, from the commencement of the government, and placed on the side of the tax-payers." This great division of the community necessarily grows out of the fiscal action of the government.

Sir, I utterly deny that there is the least foundation, in fact, for this distinction. It is an odious distinction, calculated to inspire envy and hatred; and being, as I think wholly groundless, its suggestion, and the endeavour to maintain it, ought to be resisted, and repelled. We are all tax-payers in the United States, who use articles on which imposts are laid; and who is there that is excused from this tax, or does not pay his proper part of it, according to his consumption? Certainly no one.

On the other hand, who are the tax-consumers? Clearly, the Army, the Navy, the Laborers on public works, and other persons in Government employment. But even these are not idle consumers; they are agents of the government and of the people. Pensioners may be considered as persons who enjoy benefit from the public taxes of the country, without rendering present service in return; but the legal provision for them stands on the ground of previous merits, which none deny. If we had a vast national debt, the annual interest of which was a charge upon the country, the holders of this debt might be considered as tax-consumers. But we have no such debt. If the distinction, therefore, which the gentleman states, exists any where, most certainly it does not exist here. And I cannot but

exceedingly regret that sentiments and opinions should be expressed here, having so little foundation, and yet so well calculated to spread prejudice and dislike, far and wide, against the government and institutions of the country.

But, sir, I have extended these remarks already to a length for which I find no justification but in my profound conviction of the importance of this crisis in our national affairs. We are, as it seems to me, about to rush madly from our proper spheres. We are to relinquish the performance of our own incumbent duties; to abandon the exercise of essential powers, confided by the Constitution to our hands, for the good of the country. This was my opinion in September—it is my opinion now. What we propose to do, and what we omit to do, are, in my judgment, likely to make a fearful, perhaps a fatal inroad upon the unity of commerce between these states, as well as to embarrass and harass the employments of the people, and to prolong existing evils.

Sir, whatever we may think of it now, the Constitution had its immediate origin in the conviction of the necessity for this uniformity or identity, in commercial regulations.

The whole history of the country, of every year and every month, from the close of the war of the Revolution to 1789, proves this. Over whatever other interests it was made to extend, and whatever other blessings it now does, or hereafter may, confer on the millions of free citizens who do or shall live under its protection; even though, in time to come, it should raise a pyramid of power and grandeur, whose apex should look down on the loftiest political structures of other nations and other ages, it will yet be true that it was itself the child of pressing commercial necessity. Unity and identity of commerce among all the states was its seminal principle. It had been found absolutely impossible to excite or foster enterprise in trade, under the influence of discordant and jarring state regulations. The country was losing all the advantages of its position. The Revolution itself was beginning to be regarded as a doubtful blessing. The ocean before us was a barren waste. No American canvass whitened its bosom—no keels of ours ploughed its waters. The journals of the Congress of the Confederation show the most constant, unceasing, unwearied, but always unsuccessful appeals to the states and the people, to renovate the system, to infuse into that Confederation at once a spirit of union and a spirit of activity, by conferring on Congress the power over trade. By nothing but the perception of its indispensable necessity—by nothing but their consciousness of suffering from its want, were the states and the people brought, and brought by slow degrees, to invest this power in a permanent and competent government.

Sir, harken to the fervent language of the old Congress, in July, 1785, in a letter addressed to the states, prepared by Mr. Monroe, Mr. King, and other great names, now transferred from the lists of living men, to the records which carry down the fame of the distinguished dead. The proposition before them, the great objects to which they so solicitously endeavoured to draw the attention of the states, was this, viz: that "the United States, in Congress assembled, should have the sole and exclusive right of regulating the trade of the states, as well with foreign nations as with each other." This, they say, is urged upon the states by every consideration of local as well as of federal policy; and they beseech them to agree to it, if they wish to promote the strength of the Union, and to connect it by the strongest ties of interest and affection.

In the same spirit, and for the same end, was that most important resolution which was adopted in the House of Delegates of Virginia, on the 21st day of the following January. Sir, I read the resolution entire.

Resolved, That Edmund Randolph, and others, be appointed commissioners, who, or any five of whom, shall meet such commissioners as may be appointed by the other states in the Union, at a time and place to be agreed on, to take into consideration the trade of the United States; to examine the relative situations and trade of the said states; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several states such an act relative to this great object, as, when unanimously ratified by them, will enable the United States, in Congress assembled, effectually to provide for the same; that the said commissioners shall immediately transmit to the several states copies of the preceding resolution, with a circular letter requesting their concurrence therein, and proposing a time and place for the meeting aforesaid.

Here, sir, let us pause. Let us linger at the waters of this original fountain. Let us contemplate this, the first step, in that series of proceedings, so full of great events to us and the world. Notwithstanding the embarrassment and distress of the country, the recommendation of the old Congress had not been complied with. Every attempt to bring the state Legislatures into any harmony of action, or any pursuit of a common object, had signally and disastrously failed. The exigency of the case called for a new movement; for a more direct and powerful attempt to bring the good sense and patriotism of the country into action upon the crisis. A solemn assembly was therefore proposed—a general convention of delegates from all the states. And now, sir, what was the exigency? What was this crisis? Look at the resolution it

self; there is not an idea in it but trade. Commerce! commerce! is the beginning and end of it. The subject to be considered and examined was "the relative situation of the trade of the states;" and the object to be attained was "the establishment of a uniform system in their commercial regulations, as necessary to their common interest and their permanent harmony." This is all. And, sir, by the adoption of this ever-memorable resolution, the House of Delegates of Virginia, on the 21st day of January, 1786, performed the first act in the train of measures which resulted in that Constitution, under the authority of which you now sit in that chair, and I have now the honor of addressing the members of this body.

Mr. President, I am a Northern man. I am attached to one of the states of the North, by the ties of birth and parentage, education, and the associations of early life; and by sincere gratitude for proofs of public confidence early bestowed. I am bound to another Northern state by adoption, by long residence, by all the cords of social and domestic life, and by an attachment and regard, springing from her manifestation of approbation and favor, which grapple me to her with hooks of steel. And yet, sir, with the same sincerity of respect, the same deep gratitude, the same reverence, and hearty good-will, with which I would pay a similar tribute to either of these states, do I here acknowledge the Commonwealth of Virginia to be entitled to the honor of commencing the work of establishing this Constitution. The honor is hers; let her enjoy it; let her forever wear it proudly; there is not a brighter jewel in the tiara that adorns her brow. Let this resolution stand, illustrating her records, and blazoning her name through all time!

The meeting, sir, proposed by the resolution was held. It took place as we all know, in Annapolis, in May of the same year; but it was thinly attended, and its members, very wisely, adopted measures to bring about a fuller and more general convention. Their letter to the states on this occasion is full of instruction. It shows their sense of the unfortunate condition of the country. In their meditations on the subject, they saw the extent to which the commercial power must necessarily extend. The sagacity of New Jersey had led her, in agreeing to the original proposition of Virginia, to enlarge the object of the appointment of commissioners, so as to embrace not only commercial regulations, but other important matters. This suggestion the commissioners adopted, because they thought, as they inform us, "that the power of regulating trade is of such comprehensive extent, and will enter so far into the general system of the Federal Government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, might require a correspondent adjustment of other parts of the federal system." Here you see, sir, that other powers, such as are now in the constitution, were expected to branch out of the necessary commercial power; and, therefore, the letter of the commissioners concludes with recommending a general convention "to take into consideration the whole situation of the United States, and to devise such further provisions as should appear necessary to render the constitution of the Federal Government adequate to the exigencies of the Union."

The result of that convention was the present constitution. And yet, in the midst of all this flood of light, respecting its original objects and purposes, and with all the adequate powers which it confers, we abandon the commerce of the country, we betray its interests, we turn ourselves away from its most crying necessities. Sir, it will be a fact, stamped in deep and dark lines upon our annals, it will be a truth, which in all time can never be denied or evaded, that if this constitution shall not, now and hereafter, be so administered as to maintain a uniform system in all matters of trade; if it shall not protect and regulate the commerce of the country, in all its great interests, in its foreign intercourse, in its domestic intercourse, in its navigation, in its currency, in every thing which fairly belongs to the whole idea of commerce, either as an end, an agent, or an instrument, then that constitution will have failed, utterly failed to accomplish the precise, distinct, original object, in which it had its being.

In matters of trade, we were no longer to be Georgians, Virginians, Pennsylvanians, or Massachusetts men. We were to have but one commerce, and that the commerce of the United States. There were not to be separate flags, waving over separate commercial systems. There was to be one flag, the thirteen stars; and toward that was to be that rally of united interests and affections, which our fathers had so earnestly invoked.

Mr. President, this unity of commercial regulation is, in my opinion, indispensable to the safety of the union of the states themselves. In peace it is its strongest tie. I care not, sir, on what side, or in which of its branches, it may be attacked. Every successful attack upon it, made any where, weakens the whole, and renders the next assault easier and more dangerous. Any denial of its just power is an attack upon it. We attack it, most fiercely attack it, whenever we say we will not exercise the powers which it enjoins. If the Court had yielded to the pretensions of respectable states upon the subject of steam navigation, and to the retaliatory proceedings of other states; if retreat and excuse, and disavowal of power had been prevailing sentiments then, in what condition, at

this moment, let me ask, would the steam navigation of the country be found? To us, sir, to us, his countrymen, to us, who feel so much admiration for his services, and so much gratitude for his services, Fulton would have lived almost in vain. State grants and state exclusions would have covered over all our waters.

Sir, it is in the nature of such things, that the first violation, or the first departure from true principles, draws more important violations and departures after it; and the first surrender of just authority will be followed by others more to be deplored. If commerce be a unit, to break it in one part, is to decree its ultimate dismemberment in all. If there be made a first chasm, though it be small, through that the whole wild ocean will pour in, and we may then throw up embankments in vain.

Sir, the spirit of union is particularly liable to temptation and seduction, in moments of peace and prosperity. In war, this spirit is strengthened by a sense of common danger, and by a thousand recollections of ancient efforts and ancient glory in a common cause. In the calm of a long peace, and the absence of all apparent causes of alarm, things near gain an ascendancy over things remote. Local interests and feelings overshadow national sentiments. Our attention, our regard, and our attachment, are every moment solicited to what touches us closest, and we feel less and less the attraction of a distant orb. Such tendencies, we are bound by true patriotism, and by our love of union, to resist. This is our duty; and the moment, in my judgment, has arrived when that duty is summoned to action. We hear, every day, sentiments and arguments, which would become a meeting of envoys, employed by separate Governments, more than they become the common Legislature of a united country. Constant appeals are made to local interests, to geographical distinctions, and to the policy and the pride of particular States. It would sometimes appear that it was, or as if it were, a settled purpose to convince the People that our Union is nothing but a jumble of different and discordant interests, which must, ere long, be all returned to their original state of separate existence; as if, therefore, it was of no great value while it should last, and was not likely to last long. The process of disintegration begins, by urging the fact of different interests.

Sir, is not the end obvious, to which all this leads us? Who does not see that, if convictions of this kind take possession of the public mind, our Union can hereafter be nothing, while it remains, but a connexion without harmony; a bond without affection; a theatre for the angry contests of local feelings, local objects, and local jealousies! Even while it continues to exist, in name, it may, by these means, become nothing but the mere form of a united Government. My children, and the children of those who sit around me, may meet, perhaps, in this Chamber, in the next generation; but if tendencies, now but too obvious, be not checked, they will meet as strangers and aliens. They will feel no sense of common interest or common country; they will cherish no common object of patriotic love. If the same Sixton language shall fall from their lips, it may be the chief proof that they belong to the same nation. Its vital principle exhausted and gone, its power of doing good terminated, now productive only of strife and contention, and no longer sustained by a sense of common interest, the Union itself must ultimately fall, dishonored and unlamented.

The honorable member from Carolina himself, habitually indulges in charges of usurpation and oppression against the Government of his country. He daily denounces its important measures, in the language in which our Revolutionary fathers spoke of the oppressions of the mother country. Not merely against Executive usurpation, either real or supposed, does he utter these sentiments, but against laws of Congress, laws passed by large majorities, laws sanctioned, for a course of years, by the People. These laws he proclaims every hour, to be but a series of acts of oppression. He speaks of them as if they were an admitted fact, that such is their true character. This is the language which he utters, these the sentiments he expresses, to the rising generation around him. Are they sentiments and language which are likely to inspire our children with the love of union, to enlarge their patriotism, or to teach them, and to make them feel, that their destiny has made them common citizens of one great and glorious republic? A principal object, in his late political movements, the gentleman himself tells us, was to unite the entire South; and against whom, or against what, does he wish to unite the entire South? Is not this the very essence of local feeling and local regard? Is it not the acknowledgment of a wish and object, to create political strength, by uniting political opinions geographically? While the gentleman thus wishes to unite the entire South, I pray to know, sir, if he expects me to turn toward the polar star, and, acting on the same principle, to utter a cry of Ralls! to the whole North? Heaven forbid! To the day of my death, neither he nor others shall hear such a cry from me.

Finally, the honorable member declares that he shall now march off, under the banner of State Rights! March off from whom? March off from what? We have been contending for great principles. We have been struggling to maintain the liberty and to restore the prosperity of the country; we have made these struggles here, in the national councils, with the old flag, the true American flag, the Eagle, and the Stars and Stripes, waving over the Chamber in which we sit. He now tells us, however, that he watches

off under the state-rights banner! Let him go. I remain. I am, where I ever have been, and ever mean to be. Here, standing on the platform of the general Constitution—a platform broad enough, and firm enough, to uphold every interest of the whole country—I shall still be found. Intrusted with some part in the administration of that Constitution, I intend to act in its spirit, and in the spirit of those who framed it. Yes, sir, I would act as if our fathers who formed it for us, and who bequeathed it to us, were looking on us—as if I could see their venerable forms, bending down to behold us, from the abodes above. I would act, too, sir, as if that long line of posterity were also viewing us, whose eye is hereafter to scrutinize our conduct.

Standing thus, as in the full gaze of our ancestors, and our posterity, having received this inheritance from the former, to be transmitted to the latter, and feeling, that if I am born for any good, in my day and generation, it is for the good of the whole country, no local policy, or local feeling, no temporary impulse, shall induce me to yield my foothold on the Constitution and the Union. I move off, under no banner, not known to the whole American People, and to their Constitution and laws. No, sir, these walls, these columns

"By
From their firm base as soon as I"

I came into public life, sir, in the service of the United States. On that broad altar, my earliest, and all my public vows, have been made. I propose to serve no other master. So far as depends on any agency of mine, they shall continue united States; united in interest and in affection; united in every thing in regard to which the Constitution has decreed their union; united in war, for the common defence, the common renown, and the common glory; and united, compacted, knit firmly together in peace, for the common prosperity and happiness of ourselves and our children.

MR. GRAVES. Mr. Graves, who was one of the principals in the late Washington Duel, made some remarks while the Report of the Committee was under discussion in the House, from which we make the following striking extract. *Ral. Reg.*

"I should do injustice to myself were I to conclude without saying that I was not conscious at the time that I had invaded the privileges of this House. I thought I was especially careful to preserve them. I find, however, that, being connected with a duel, either as principal or second, when a member is a principal, technically involves all alike in a breach of privilege. Sir, I was involved in the commencement of this unfortunate affair innocently. I never conceived it possible that such consequences would have devolved on me, when I consented to become the bearer of that ill-fated note, otherwise I should never have taken on myself the task. I am not, and never have been, the advocate of the anti-social and unchristian practice of duelling. I have never, up to this day, fired a pistol. Nor, until the day I went to the field, did I ever take any weapon in my hand in the view of a duel. Public opinion is practically the paramount law of the land; every other law, both human and divine, ceases to be observed; yea, withers and perishes in contact with it. It was this paramount law of this nation and this House that forced me, under the penalty of dishonor, to subject myself to the code which impelled me unwillingly into this tragical affair. Upon the heads of this nation, and at the doors of this House, rests the blood with which my unfortunate hands have been stained."

The Moselle.—A letter from Cincinnati to a gentleman of this city, gives in effect the following statement of the cause of the explosion on board the Moselle. The Ben Franklin steambomb, celebrated for speed, had started just before her. The Captain of the Moselle being anxious to pass the Franklin, gave orders that no steam should be let off while lying too. The engineers remonstrated, but in vain. One of them opened the furnace doors to diminish the heat, at which the captain became very angry and had them closed. The engineer seeing this, and anticipating the result, stepped on board a raft which lay alongside, and the moment after the Moselle put off, the correctness of his judgment was verified by the awful catastrophe. The engineer, who was mutually wounded, is said to have made this statement just before his death. *Poulton.*

SIGNS OF THE TIMES.

The Passengers on board of three Steam Boats, in company lately, on the Mississippi, amused themselves by voting for a President of the United States—which produced the following results:

Vote of the Steamer Tremont.	
Henry Clay,	19
Daniel Webster,	5
Wm. Henry Harrison,	8
Martin Van Buren,	11
Vote on Steamer Tempest.	
Henry Clay,	35
Daniel Webster,	2
Wm. Henry Harrison,	1
Martin Van Buren,	4
Vote on Steamer Swiss Boy.	
Henry Clay,	16
Daniel Webster,	11
Wm. Henry Harrison,	1
Martin Van Buren,	4
Aggregate vote for each	
Henry Clay,	70
Daniel Webster,	18
Wm. Henry Harrison,	10
Martin Van Buren,	22
For Bank of the United States,	113
For Sub-Treasury Bill,	8