

of the Union—that they shall not legislate partially, but shall include the whole Union—that no part was not to be oppressed or neglected to elevate or promote the interests of the other. In those words they declare expressly the objects for which they united—the objects for which they framed the constitution with the powers granted thereby to the federal legislature. Those words then do not give any powers at all, but were merely intended to direct the attention of Congress to the objects for which the several specified powers were given to them. How is Congress "to pay the debts and provide for the common defence and General Welfare of the Union?" The question is answered in the very language of the constitution itself, to wit: To lay and collect taxes, duties, imports and excises: To borrow money on the credit of the U. S.: To regulate commerce with foreign nations, &c. &c. &c. The constitution then plainly declares that the Congress of the U. S. in order to pay the debts and provide for the common defence and General Welfare of the Union shall lay and collect taxes, duties, imports and excises: Shall borrow money on the credit of the United States: Shall regulate commerce with foreign nations, among the several states and with the Indian tribes. &c. &c. If we admit that the powers granted to Congress are not general, but special and limited, we can place no other reasonable construction upon that part of the constitution. Had the framers of that instrument ever cherished, for a moment, the intention to vest Congress with such general and undefined powers, they never would have placed a clause granting general powers in the midst of such as prescribed special and limited powers. Why have special and limited powers as if general powers are which include not only those that are limited, but every other which ought properly to be exercised by the state sovereignties. It is the privilege of the states to exercise jurisdiction over all those things which have not been relinquished to the General Government and which are not expressly prohibited to them by the constitution. But a great man, the procreator of the "American System," fully convinced that the rights sought to the exposition of the constitution given to be established under the terms of the constitution could not be sustained by a general sovereignty took a more appropriate and more tenable ground, to wit: the popularity and the more general reception of that favorite system. He strenuously and we must confess ably contended that under the power given to Congress to regulate commerce among the several states was included that also to cut canals, make roads, &c.—that the one necessarily grew out of the other. The extent of the power intended to be conferred upon the General Government in the grant "to regulate commerce among the several states" is plainly deduced from the restrictions placed upon the state sovereignties in relation to matters of commerce between the several states, and from the great apprehensions that should such a power abide with the several states it would eventually prove a fruitful source of discord among the several states and disaffection. It is plain to be perceived then that the grant of that power had no reference to the means by which the several states should exchange their commodities or convey them from one state to another, but only contemplated the prevention of all difficulties which would flow from the privilege on the part of the several states, as between nation and nation, to impose or exercise on the staples of another state which might be carried into their markets. The mode and facilities for carrying them do not belong or come within the purview of the superintending power of the federal Government, nor can it be constitutionally exercised over those subjects which form matters of consideration for the state authorities alone. Is it essential to regulate commerce between two states that a road or canal must be cut? Or can the body with whom the power to regulate commerce is lodged, make a road or canal when the language imparting the power conveys no such authority? Certainly not. Then where do they seek to find an apology for the exercise of a power which is not expressly granted? They derive it by construction and implication again. These are the siren words which have charmed a majority of the people of this nation into a quiet renunciation of the constitutional guards which their ancestors saw fit to set around their rights as freemen. The Palladium has fallen into the hands of the enemy—already has he made his appearance at our gates. They now offer you the gift to—must place the seal of destruction upon your liberties if accepted. Let us refuse it. Let us spurn it from us, as a most venomous insect as a hostile invader of our rights, and an unwelcome disturber of our domestic tranquility. When the system of Internal improvement is examined closely, it will be found to be like the wooden horse, to contain dangerous enemies to our independence. The good sense of the people cannot fail to make the discovery, and when made, to put their mark of reprobation upon it. We have tried every expedient to awaken the spirit of investigation, and if our efforts should prove unavailing we shall have the heart-telt consolation to carry with us through life, that if we have failed, it has not been for the want of zeal on our part, or from a failure to exercise what little ability we may lay claim to in exposing the deformities of the American System and the dangers of consolidation (the inevitable consequence of the triumph of that system) to the Union and Sovereignty of the States.

Montesquieu in his chapter upon the constitution of England says "that the political liberty of the subject is a tranquility of mind, arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted as one man need not be afraid of another." Whether in the days of Montesquieu there was an actual and practical distinction between civil and political rights as branches of the great body politic, we are not sufficiently instructed to venture any positive assertion, either pro or con. But surely there is a broad and marked line of difference between them, chalked out and strictly pursued in the administration of the concerns appertaining to the body politic in these republican days of liberty. The rights of individuals then are three-fold natural, civil and political. When we speak of natural rights, we mean that each and every individual has a right to the free and uninterrupted enjoyment of his life, liberty and personal security. There the God of nature has accorded to all his children, and they cannot be violated, without a direct transgression of his laws laid down in the Great Book written for the government and preservation of every nation. Civil rights then are of a conventional origin, growing out of the friendly association of individuals, who anterior to this Union occasionally were in the exercise of their natural rights only, which were at all times liable to be broken in upon by some who might chance to harbor enmity against others from any cause, and thereby every individual was in continual peril and his life was an uninterrupted series of alarms. In this state of affairs, and from motives of self preservation was the first social compact formed which secured to each individual the enjoyment of his natural rights, with those of a civil nature whilst the course of his life was freed from anxiety, arising from the unrestrained liberty exercised by every man of taking away the natural rights of his neighbour when moved by a sense or personal danger, or not intended by the sentence of divine justice. The rights which were guaranteed to each individual in this association called civil rights, and they are in modis commended in the language which Montesquieu applies to political rights, to wit: a tranquility of mind arising from the opinion each person has of his safety and we would add to make the definition more complete of the peaceable and uninterrupted enjoyment of his property. In these words of Montesquieu all the privileges of a civil and political nature are not included. The language of Montesquieu then with us could be more aptly applied to civil than political privileges. Civil rights according to my understanding of the terms are all those rights which the laws of the body-politic, assure to each individual, which laws are based upon the grand principle that led to the civil association. The right to make these laws is a civil right but the manner of making them is a political right. If the people composing the body-politic say that every thirty thousand of them shall choose a delegate to make laws to govern the community, the right to elect and the right of the representative to have his voice in every act of legislation are political rights as contrasted distinguished from civil. Then it follows that the right to be elected a member of the Senate; the right to take a seat in the body of senators (to be a member of which he was chosen) are all political rights, since they emanate from the body-politic. It is equally clear that the right to vote must likewise be denominated a political right. These are the three grand divisions of rights in civil society and government. A sound and correct understanding of the true distinction between them, among the people generally, cannot fail to secure the perpetuation of the institution of which they are the constituent elements. It has been said of the Americans, as we are usually termed, that a more general and diffusive knowledge of the rights of man does not prevail among any other nation of people known to the civilized world. This is a compliment of which it is no fault to boast and to be proud—but how long we are to deserve so much and such high reputation, remains for those who are now scattered over this vast empire and who are to succeed them, to determine with so many facilities for acquiring this knowledge ourselves and transmitting the means of acquiring it to our descendants, we may well calculate, that instead of leaving room for detracting the encomium which has been passed upon us, as a nation, we will be likely to astonish the people of Europe in a yet in a greater degree. Save the intelligence of the community from abatement and it will exhibit the glorious spectacle of perpetual union and never ceasing freedom. If the people are intelligent and well informed, they will at once see the necessity of the Union of the states, and with its continuation will reap all the blessings of free government. The people freely should examine every political question for themselves and when they cannot be imposed upon. They will then have an opinion of their own as to the propriety or policy of a particular measure and they will not be dependent upon the dictum of a misguided demagogue.

We perceive with regret that the Hon. P. P. Barbour of Va. has accepted the appointment which we announced had been proffered to him by the President. What a loss to the Republican party on the floor of Congress! What an obstacle is removed out of the way of the progress of Mr. Clay's American System. He was justly regarded by Mr. Clay himself as being the most fearful adversary, by odds, that he had to encounter. He has always strenuously opposed

the stretch of power claimed and exercised by the general government. We do not know who can take his place who could have the same weight in Congress which he had. He is, in every sense of the word, calculated for a leader. A profound politician with the most enlarged and liberal views—eloquent and argumentative with a great deal of zeal and perseverance he always led the van in every important question.

In no time or period of the history of Republics has a question of so much magnitude and of such fearful import, been called upon for discussion, as that whether the violation of the compact between the several States of confederacy, commenced, and persevered in, notwithstanding the many eloquent appeals which have been made for its discontinuance, shall be resisted, when all the moral force of argument has been spent in opposition to the continuance of the many infringements of our written charter. We know that the people are not fully aware of the fatal consequences which an obstinate adherence to the destructive measures of the Genl Government may tend to fasten upon this republic of freemen. It becomes then now to examine for themselves in order, if possible, that the voice of the people may be unanimous, since the dearest rights and interests of the Southern people are involved in the result of the contest between the two great parties, which at present divide the councils of the nation. The South must now believe that no feeling of justice or humanity remains in the bosoms of the Northern people to smooth or soften the rigor of partial and unequal legislation and that they will never release the grasp of oppression, until it is cut loose by the strong arm of the people. How often have you heard that commerce is the capital source from whence the wealth of the citizen is derived, and the revenue in support of our Government flows. How often has it been told and demonstrated to you that the one is prostrated and the other illegally and feebly distributed among many of the states of the Union! How often have they been warned of the destructive tendency of every measure calculated to impede commerce in the remotest degree and that too in a time of profound peace when other nations have opened their ports to us and offer us a free and unfettered interchange of the article of commerce! How often have they been exhorted to retrace the false steps they had taken in relation to the South by a timely reformation, secure the peace and prosperity of the Union! But every admonition has proved ineffectual and we have every assurance that the enemies of our constitutional rights will drive us to the brink of destruction, and the only resource that remains to avert our impending fate, is for the people to rise up in a body and declare they will no longer submit to such tyranny. It is not necessary that they should take up arms or resort by open violence to the impositions of Federal legislation, as long as some of the Southern people are divided in opinion, and others remain silent, nothing can be expected by remonstrance. It is unanimity alone which can again restore us to our constitutional rights. Who should the Southern people be so divided in sentiment? Have they not the same interests in common to preserve and defend? Have they not the same sensitive feelings which lead them instinctively to detect and as speedily to resist usurpation? We must believe they have. Why then are they so much split up among themselves? We can only penetrate the reason in the indifference manifested among the people of late, to examine the merits of questions for themselves. They rely too much upon the declarations of blind and ignorant demagogues. We exhort every one to examine and reason for himself. We like to see people jealous of their liberties. It is the best evidence that they know their extent and are ever ready to defend them. We said they should have the South to resist. We do not thereby wish to convey the idea that the South should oppose with open arms unconstitutional legislation. There are other modes of resistance. It is the resistance of reason, of argument, of persuasion and of unanimity. Those combined cannot fail to restore us to our original state of freedom and release us from the bonds of slavery and degradation.

—A. H. H. H.—

### JOCKEY CLUB

#### FALL RACES.

The races over the Salisbury Furl commenced on Wednesday the 27th day of October, and terminated on Friday following. The weather continued fair and pleasant throughout the several days, and the sport was really beautiful and interesting. The spectators were numerous and a great deal of order and decorum marked their deportment. There was no bullying and fighting, as is frequently the case upon such occasions, but the whole passed off with a great deal of good feeling and with uninterrupted harmony. A great many ladies in their carriages graced the field and gave additional relish to the sport. The racing, altho' not very swift, was good because of the heats being closely contested. There was evidently but little disparity between the horses, and those owning the winning horses could not boast of any easy triumph. The following horses were entered for the

FIRST DAY'S PURSE,  
Two mile heats, two best in three:  
A. Whitlocke's Wabash, 5 years 107 lbs. 2 2  
J. Turner's Polly Kennedy, 4 do 92 1 1  
Pemberton's Snake in the Grass,  
7 years, 130 3 drawn  
Each heat was handomely and closely con-

tasted between Dr. Whitlocke's horse, Wabash, and Mr. Turner's mare, Polly Kennedy. The latter was decidedly the favourite animal, and the bets justly in her favour. We deem it an act of justice however to Dr. Whitlocke to state that his horse was in bad condition for running in consequence of having been choked the preceding evening. They were however side by side nearly the whole distance, Polly Kennedy coming out about half length ahead the first heat, and but little less the second.

Time, 1st heat 3m. 59s.  
2nd do 4m. 00s.  
Course 1783 yards.

SECOND DAY OF THE RACES,  
Proprietor's Purse,  
One mile heats, two best in three:  
A. Whitlocke's Wabash, 1 1  
J. F. Turner's Susan Randall, 2 3  
Club's Clarion, 3 2  
G. McConaughy's Air Balloon, 4 4

The result of the first day's race operated so strongly upon the spectators as to bias them in favour of Turner's mare, Susan Randall and the wagers were two to one in her favour. The horse got a fair and pretty start, but to the astonishment and mortification doubtless of many, Dr. Whitlocke's Wabash took the track and maintained it throughout under a hard rein. He won the race in two heats, with the utmost ease imaginable.

Time, 1st heat 1m. 54s.  
2nd do 1m. 58s.

THIRD DAY OF THE RACES,  
County Purse,  
One mile heats, three best in five:  
Mr. McKay's Dion,  
Mr. Kelly's Arab

This was really an interesting race. The first heat was taken by Mr. Kelly's horse Arab, the second by Mr. McKay's Dion with apparent ease. Then the spectators seemed to be sanguine in the belief that McKay's Dion would win the race, and the bets were two to one in his favour, but to the amazement of many, the third heat was taken by Mr. Kelly's Arab, as well the fourth. A great many bets were made after the second heat that Mr. McKay's Dion would distance Mr. Kelly's Arab, but the result did not fulfil their expectations.

Time, 1st heat, 2m. 1s.  
2nd do 2m. 13s.  
3d do 2m.  
4th do 4m 13s.

### Funeral.

MARRIED, in this county on Wednesday the 13th ult. by Henry S. Parker, Esq. Mr. Henry W. W. and Miss Mary Upchurch.

In this county on the 25th ult. by the Rev. James Stafford, G. L. F. M. to Mr. John C. Barr, daughter of Wm. Barr, Esq.

On Thursday the 14th ult. by James G. G. Esq. Mr. Moses Brown to Miss Henry Bess.

On Thursday the 21st ult. by Henry S. Parker, Esq. Mr. Alpha Howard to Miss Hannah Howard.

### DIED.

In Mecklenburg county, on the 22d ult. Miss Margaret McKelvey.

In Salem, Stokes county, on the 14th ult. Mrs. Hagar, aged 52 years, consort of Mr. Charles F. Higgle. She was much respected for her virtues and piety, and will long be held in affectionate remembrance by her kindred and numerous friends.

In Mecklenburg county, on the 8th ult. Mrs. J. J. J.

On the 9th ult. in Davidson county, N. C. Magdalena Henkle, wife of Peter Henkle and eldest daughter of Jacob Zink; aged 24 years, 11 months and 3 days. She left a bereaved husband and two infant children to lament her sudden and early loss. Every necessary arrangement had been made for the removal of her family to the far west, when unexpectedly, by a mysterious stroke of Providence, she was prostrated upon a bed of sickness, and after 6 days had elapsed in excruciating suffering, she breathed out her spirit, as we trust, into the hands of that Saviour whom she loved.

[Communicated.]

### THE MARKETS.

Salisbury Prices, Oct. 30.—Cotton (in seed, \$2, clean \$8, corn 62 1/2 to 65, flour \$4 to \$4 1/2, beef 3 to 3 1/2, bacon 8, molasses 4 1/2, lard 8, salt 1 1/2, sugar 11 to 12 1/2, coffee 12 1/2 to 16.

Camden, Oct. 25.—Cotton 90 a 11 1/2, flour \$7 a 7 1/2, out of the wagon, Camden Mills. 57 a 8, wheat \$1 1-8, corn 75, oats 55, salt 62 1/2, whiskey 45 a 50, bacon 10 to 12 1/2.

Columbia, Oct. 21.—Cotton 10 to 12 1/2, Flour 60 1/2 a 75, Corn 90 to 95, wheat 95 a 98.

### More Negroes Wanted.

THE subscriber wishes to purchase during the fall and winter a number of negroes, for which the most liberal prices will be given in cash. He will be found in Salisbury at all times by those who wish to call and see him. All letters addressed to him from a distance will be promptly attended to.

Salisbury, Oct. 25, 1850. ROBERT HUME. 431

### Take Notice!

ALL persons are hereby forewarned from trading with my wife Margaret on my account as I am determined to pay no debts of her contracting.

DANIEL GIBBS,  
Davidson Co., N. C. Oct. 24, 1850. 431

### Five Dollars Reward.

BEING AWAY from the subscriber's plantation in Rowan county, six miles South of Salisbury, on the 13th October, a negro woman named J. D. E. aged about thirty five years. She is stout, well built—of rather a sulky countenance—thick lips, and has lost some of her teeth; she has likewise a small scar on one of her wrists. Any person apprehending said negro, and lodging her in jail so that I get her again or delivering her at my residence in Cabarrus county shall receive the above reward.

JOHNATHAN HARTSELL,  
Cape Fear Co., N. C. Oct. 24, 1850. 431

## Kyles & Meenan

RESPECTFULLY inform the public that they are now opening their full supply of

### GOODS

which will be found, as usual, large, fashionable and cheap

Broadcloths, Groceries,  
Cassimeres, Cutlery,  
Cassimels, Queensadrs,  
Hats, Domestic, &c.  
Shoes, Calicoes,  
Sawdery, Silks, Satins,  
Stationery, Ribbons, &c.

Salisbury, Nov. 1st, 1850. 430

### HENRY HUMPHREYS & CO.

This new country store from the Northern Cities a fresh supply of

### NEW GOODS.

THEIR STOCK CONSISTS OF

Fashionable Dry Goods,  
Hats and Bonnets;  
Books, Medicines, Paints, Leather,  
Saddlery, Cutlery, Glass and  
Crockery-Ware.  
A variety of best WINES and  
other LIQUORS,  
And a large quantity of Groceries.

Which they offer at low prices for Cash.  
Lexington, 20th Oct. 430. 434

### ALE.

144 B Old Class of Philadelphia Ale,  
Just received and for sale by  
A. S. L. & B. S. N. S.

### Books! Books!

25,000 VOLUMES OF BOOKS.

CHAS. BOOKS AND STATIONERY.

### Turner & Hughes,

At the North Carolina Book Store, No. 201, Salisbury, N. C. For sale, in addition to their present stock, a large and very general assortment of new books, a large variety of the best of the most popular and interesting works of the day, and a large quantity of the most valuable and useful works of the past. The stock is now being replenished with the latest publications, and the assortment is now complete. The prices are reduced to one-half of the original value, and the books are offered at a very low price for cash. The books are of the most valuable and useful kind, and are well adapted for the use of the public. The books are now being sold at a very low price, and the opportunity is offered to the public to purchase them at a very low price for cash. The books are now being sold at a very low price, and the opportunity is offered to the public to purchase them at a very low price for cash.