

Carolina Sentinel.

VOL. X.

NEWBERN, N. C. SATURDAY, MARCH 15, 1828.

NO. 520.

PUBLISHED WEEKLY, BY
WATSON & MAHEN,
at \$3 per annum—half payable in advance.

DRY-GOODS.

THE following are a part of an invoice of EUROPEAN and DOMESTIC GOODS, received this day per the schr. Susan Mary from N. York, viz:

Red and White Flannels,
Blue Romall and Berkley Hhks.
Kid and Silk Gloves,
Cotton and Silk Hose and Half Hose,
Lustring Ribbons, Black Silk Cravats,
French Plaids and Turkey Gingham,
7-8 and 4-4 Irish Linens,
Pearl Vest and Shirt Buttons,
Black India Lustrings,
Cambric, Jaconet, and Book Muslins,
Needle Worked Book do. some very handsome,
Spool Thread and Floss, Crape Lisses,
Flag Silk Hhks. very superior quality,
Cologne Water, Bombazets, Bonnet-Boards,
Fresh Imperial and Gunpowder Teas, in 2 lb. Canisters,
Real Dutch Bolting Cloths,
Brown and Bleached Shirtings & Sheetings, &c. &c.
Which are offered at very low prices,
by
G. BRADFORD, & Co.
Newbern, Feb. 11.—'16.

SWAIN'S PANACEA.

A Fresh Supply just received and for sale at S. HALL'S Book Store.
TO SECURE THE PUBLIC AGAINST IMITATION.—The genuine Panacea will hereafter be sold in white glass bottles, of an oblong square shape, with the words blown on the glass:—on one side, *Swain's Panacea*, & on the ends *Genuine*, *Philadelphia*, with a label representing Hercules destroying the Hydra:—another label covers the cork, with my name on it. As the cork cannot be drawn without destroying it, the medicine may be known to be genuine when the label has not been injured.
Nov. 10.

BOLTING CLOTH.

JUST received, an additional assortment of Dutch Bolting Cloths, from the lowest to the highest numbers, and for sale by **G. BRADFORD, & Co.**
Newbern, Feb. 9.—'16

Flour and Navy-Bread.

LANDING this day from on board the schooner Triumph, from New-York,
60 Barrels Sup. Rochester Flour,
16 do. Navy Bread, and for sale by
G. BRADFORD, & Co.
Newbern, Feb. 14.—'16

ACADEMY.

JONATHAN H. MUNSELL respectfully informs the inhabitants of Newbern, that he will open a School in the vacant room in the Academy, on Monday 25th instant, in which will be taught, the usual branches of English education.
Terms, from 3 to \$5 per quarter; (a quarter being considered 12 weeks.)
Newbern, 22 Feb. 1828.—'17.

CURE FOR RHEUMATISM.

An additional supply of
POLADELPHITS.
ORINDIA EXTRACT,
Just received, from the proprietor, and for sale, by the dozen or single Box, at the Book Store of
THOMAS WATSON.
December 15.

NEW GOODS.

JOHN L. DURAND, has just received a new and elegant assortment of READY MADE CLOTHING.—
Also,
Gentlemen's fine Beaver Hats,
Imitation do. do.
Gentlemen's fine Shoes,
do. Pumps,
Ladies' Morocco Shoes,
do. Boots,
together with a large assortment of coarse Shoes, all of which will be sold very low for cash.
Feb. 2, 1828.—'14 '20.

NOTICE.

ON the day of the "Schr. America, of Charleston," was stranded on Cape Hatteras Beach, near the Light House; loaded with lumber. The Vessel, Cargo, and Materials have been duly advertised and sold by me as Commissioner of Wrecks, for the benefit of all concerned, of which they will take notice
PHARDAH FARROW,
Commissioner of Wrecks
Cape Hatteras, N. C. 1st Jan. 1828—'13 '20

TWENTIETH CONGRESS. First Session.

HOUSE OF REPRESENTATIVES.
FEBRUARY, 25.

The Bill making appropriations for Internal Improvements being under consideration,

Mr. BRYAN, thought the honorable gentleman from Pennsylvania had construed the constitution too broadly, in contending that Congress could promote the general welfare by any act of legislation which might be deemed conducive to that end. I read it (said Mr. B.) very differently, as I think, Mr. Speaker. I suppose that these expressions were intended to be limitation upon the power of appropriation by Congress—were intended to designate the objects for which taxes should be imposed, and to which their proceeds should be applied.—(Here Mr. Miner explained.)

The Constitution declares that "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare." In the editions of the constitution laid on our tables, there is a semicolon after the word "excises," but in the original roll which I have examined in the Department of State, it is a comma, which restores the original reading of that important instrument.

The true as well as the grammatical construction of the sentence, then is, that the power of imposing taxes, is to be exercised for the purpose, of paying the debts and providing for the common defence and general welfare.

The power of appropriation, thus limited and modified, may in my opinion sir, be exercised so beneficially for the great purposes of the union of these States, and in strengthening that union itself, by increasing its value to each of its members, that it would be matter of regret if it should be disclaimed, unless for most imperious reasons. No American can regard without feelings of pride and gratulation the monuments of utility and greatness, to which its exercise has already given birth.

It is well known that the Cumberland Road, uniting the Atlantic and western States, by an easy communication, and which may vie in magnificence and utility with many of the proudest works of antiquity, owes its origin to the exercise of this power during the administration of Jefferson.

This same power has been manifested in those truly national works; the Chesapeake and Delaware, and the Dismal Swamp Canals, which open a line of interior communication between the northern and southern sections of the Union, of great value to the operation of commerce in time of peace and indispensable to those operations in time of war. I think it will be found, sir, if gentlemen will search our statute books, that under almost every administration of this government, works of internal improvement have received the aid of the National Treasury, and of course the successive sanctions of the eminent statesmen who have filled the Presidential Chair. Gen. Washington was a devoted friend to the system and viewed it as one of the strongest bonds of union, his capacious mind, as early as 1784, contemplated the union of the waters of the Chesapeake and Albemarle sound; and the Dismal Swamp Canal may boast of him as its projector.

Besides the "Act to regulate the laying out and making of roads from Cumberland in the State of Maryland, to the State of Ohio," there were several other acts passed during the administration of Mr. Jefferson, for the construction of roads.—Under the Presidency of Mr. Madison, several acts of Congress passed, and of course received his sanction, directing their construction in the new States. Among others I cite the acts of the 12th Dec. 1811, authorizing a road to "be opened and made under the direction of the President of the United States," from the foot of the rapids of the Miami, &c. in the State of Ohio, of the 8th of January, 1812, enacting that "the President shall cause to be opened" a road in the same State. I have found other acts during his administration, for constructing roads in the States of Illinois and Tennessee. Under the subsequent administrations, acts of this kind have been numerous, and hundreds of thousands have been appropriated to internal improvements. It then, this question could be settled by precedents, and the authority of statesmen eminent for integrity and talent, and having peculiar opportunities of knowing what powers were intended to be conferred by the constitution; being themselves participators in the events which led to the formation of that constitution, and partaking also in the deliberations of the convention which formed it; it would seem to have been fully and conclusively

settled. But, sir, I do not fortify the construction with precedents alone; I will cheerfully enter into the open field of argument and throw off the mantle of authority and usage; if it cannot be supported by the just interpretation of the constitution itself, I will abandon it.

It will be admitted that if this power be necessary and proper for the full execution of any of the granted powers, or necessarily incidental to either of them, it may be fairly and legitimately exercised. When the constitution gives a power, the grant is absolute and plenary, and should be liberally construed to fulfil the intention. When a power is prohibited, the same rule should be adopted.

We find, sir, a grant to Congress of plenary power of taxation. The national fund is derived from the people of the Union, by taxes operating upon them individually, and not by requisitions as under the confederation. The application of the fund to be thus derived, certainly demanded in a high degree the consideration of the authors of the constitution, and we cannot suppose them to have been imprecident in a matter in which they were all so deeply concerned.

All the productive sources of revenue were given to the general Government; and that revenue was to be applied to pay the debts; but it could not have been supposed that the nation would always be in debt. If the last war had not occurred, we should have had a very large surplus of revenue; and we find Mr. Jefferson, in 1808, anticipating this state of things, and calling the attention of Congress to it in these remarkable words: "The probable accumulation of the surpluses of revenue, beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or shall it not rather be appropriated to the improvement of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendments of the constitution as may be approved by the States? While uncertain of the course of things, the time may be advantageously employed in obtaining the powers necessary for a system of improvement, should that be thought best."

What powers over these subjects Congress already possessed in his opinion, may be inferred from the acts passed and approved by him during his administration; some of which I have cited. Under the operation of our present financial system, the public debt must be extinguished in the course of a few years, and the surpluses of revenue will be very great. If the duties on imports were reduced to the lowest grade, say 5 per cent, the revenue would still be far more than adequate to the ordinary expenses of Government; as this diminution would be compensated by the immensely increased importations. This reduction would also effect the annihilation of our manufacturing institutions, which, though too much pampered, I should not wish to destroy. These surpluses, after payment of "the debts," the constitution directs to be applied to "provide for the common defence and general welfare."

It would not be disputed that many of the internal improvements which have received pecuniary aid from Congress, most essentially contribute to the common defence and general welfare and are "great foundations of prosperity and union." Some of them, as the Louisville canal around the falls of the Ohio, in the State of Kentucky, are more beneficial to other States, than to the State in which they happen to be located. This canal is most extensively beneficial to the States above and below the falls. The general welfare is more promoted by it than the particular advantage of Kentucky. It might be contended, with as much propriety, that each State should support the light houses on its coast designed for general benefit, as that any one State should bear the whole burden and expense of works of this character.

It may well be contended that the common defence and general welfare are to be promoted only by the exercise of the powers afterwards specifically granted, or specially defined.

But these powers cannot be exercised merely by an appropriation of money; some do not even require such an appropriation for their exercise; and others are not exercised at all in time of peace.

I am very far from contending that Congress have a discretionary power to legislate for the general welfare; the simple appropriation of money may, as I contend, be made for objects conducive to the general welfare; provided they are in accordance with, and subservient to the powers expressly granted, although these objects are not specified in the constitution. I think sir, this construction derives much weight from the fact, that not

one of the specially enumerated powers can be exercised merely by an appropriation of money; and also, that by this construction, every clause of the sentence under consideration is made to have a sensible meaning.

Congress cannot borrow money—regulate commerce—establish an uniform rule of naturalization—coin money and regulate its value—punish counterfeiting declare war, &c. by the exercise of the right of appropriation. These powers are all of a higher grade, to which the power of appropriation may, or may not be necessary and useful; it is merely subsidiary when employed. This power of appropriating money, considered as distinct from other powers, is by no means a novelty in the history of limited Governments. By the British constitution, although the King alone can declare war, yet the Parliament have the sole power of granting supplies for the support of the war. By our constitution, Congress can declare war, yet all bills for raising revenue (without which it cannot be supported) must originate in the House of Representatives. The President and Senate may make a treaty, but the concurrence of the House of Representatives may be necessary to carry it into execution if an appropriation be necessary.

It seems to me, therefore, that the power of appropriation is not to be considered as altogether merged or absorbed by the specially defined powers; and perhaps it may be a salutary enquiry for the House of Representatives sometimes to make, when an appropriation is asked for a treaty, whether such an appropriation would promote the common defence and general welfare.

I should be glad, Sir, if any gentleman would specify under which of the specially defined powers the donation of \$200,000 to General Lafayette was made; under which of them was the bounty of \$50,000 given to the suffering citizens of Caracas, when that city was destroyed by an earthquake; or from which of them has been derived the authority of Congress to remit many millions to the purchasers of public lands, on account of the distressful changes of the times. It is easy to perceive, Sir, that if the government had not this power, it would not only be incompetent to obey some of the most imperious calls of gratitude and humanity, but even many of those of justice. Sir, the idea of a common fund for common objects, is by no means new in our political history. When Virginia ceded her immense western and northwestern territory to the United States, in 1784, after certain reservations for military bounties, &c., it was specially provided that all the lands so ceded should become "a common fund for the use and benefit of the United States." When North Carolina, in 1789, ceded her western lands, it was provided (with the exception of that portion reserved for her officers and soldiers,) that they should be considered as "a common fund for the use and benefit of the United States of America, according to their respective and usual proportion in the general charge and expenditure." &c.

To take an additional view of this part of the subject, it may be contended that the United States have the right of vesting their money in the stock of companies chartered by State authority. The Treasury of the United States certainly may avail itself of the conveniences and aids afforded by State Banks; it may receive property of any kind in satisfaction of debts to the United States. The government may lawfully become proprietor of any kind of property to aid the exercise of its constitutional powers, as of slaves for construction of fortifications; and surely, upon the same principle, it may vest its money in stocks of State institutions, as a financial operation. This House has lately sanctioned, by an almost unanimous vote, the holding of stock by the government in the United States' Bank. Any foreign government, corporation, or individual, enjoys the privilege of vesting their money in State institutions; and it seems to me, Sir, that much more danger is to be apprehended from that source, than from the government of the United States.

But, Mr. Speaker, to pursue the subject, we find among the specially granted powers, a right "to establish post offices and post roads." In the construction of such instrument as the Constitution of the United States the organic act of a mighty Government, it seems to me, Sir, that we should not call in the aid of the acute philologist, & indulge in verbal criticisms, but should rather scan it with the liberal eye of the statesman, anxious to enforce its full and faithful execution according to its spirit and the intention of its authors. I would, however, remark, in passing, that if the word *establish* is restricted to mean "to fix and make permanent," it would prevent a State from ever altering a road which had been established by Congress as a post road, which

would be as great an inroad upon State rights as the construction of a road. To ensure the regular and certain diffusion of intelligence, political, commercial, and private and that this might be effected by a system which should pervade the Union with uniformity—this power was vested in the Legislature of the Union. Was it intended that the General Government should be dependent upon any one State for the fulfilment of the duties with which it was charged for the benefit of the whole? Can any State refuse to permit the General Government to transport the mail through her territory? Can it obstruct a mail route, and prevent the General Government from removing the obstruction? If it can, then any one State can annul a constitutional power which the whole people of the United States have granted. If a State cannot do this, then the General Government have a right to open and construct a post road, if necessary for the transportation of the mail.

The Constitution has not only conferred those specially defined powers, but, out of abundant caution, has conferred upon Congress the right "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." In carrying into execution the power to establish post offices and post roads, Congress have provided for the punishment of offences against the Post Office regulations, and have protected the mail against robbery, by the punishment of death in certain cases. Now, if it be necessary and proper for the due exercise of this power, to take away human life, as has been done under these laws, it may surely be contended that the Government have a right to construct a road when necessary for transportation of the mail, especially, as the owners of the land over which such road might pass, would be entitled to compensation under the clause of the constitution which provides—"that private property shall not be taken for public use without just compensation," which seems to contemplate such a case as this. In 1796, during the Administration of President Washington, and shortly after the adoption of the Constitution, this power seems to have received a practical construction from very high authority—from those who largely contributed to its formation and adoption. Mr. Madison and Mr. Baldwin were both members of the Convention which formed the Constitution, and both appear to have admitted the exercise of this power, as contended for, in the clearest manner.

I cite the report of the proceedings of the House of Representatives on the 16th Feb. 1796, from Greenleaf's New York Journal and Patriotic Register:—

"Mr. Madison moved that the resolution laid on the table some days ago, be taken up, relative to the survey of the post roads from Main to Georgia, (which being read,) he observed, that two good effects would arise from carrying this resolution into effect—the shortest route would be determined on, and persons, having a stability of roads, would make improvements upon them.

"Mr. Baldwin was glad to see this business brought forward; the sooner it could be carried into effect the better. In many parts of the country there were no improved roads—nothing better than the original Indian track, &c.

"It was properly the business of the General Government to undertake the improvement of roads, for the different States are incumbent to the business, their different designs clashing with each other.

[Mr. Bourne and Mr. Williams made a few observations.]

Mr. Madison explained the nature and object of the resolution. He said it was the commencement of an extensive work. He wished not to extend it at present. The expense of the survey would be great. The Post Office would not object to it."

This being a contemporary exposition, and from such a ven-rated and enlightened source, must be considered, I presume, as entitled to very great weight, if not decisive of the question.

To proceed Sir, in ascertaining the sources from whence this power may be derived. The war-making power, with its proper and necessary incidental powers, is confined to the General Government; and, in the exercise of these powers, it is insisted that it may be necessary and proper to make a road or canal, as the exigency of the case may require. In taking this view of the subject, it may be useful to inquire whether these are means ordinarily employed in conducting war-like operations, or whether they do not essentially conduce to the military defence of the country, and to the effectual exertion of its belligerent powers. The conducting of military operations depends upon the movements of large bodies of men, with their baggage, wagons, artillery, stores, and munitions of war, and