

RALEIGH REGISTER,

AND NORTH-CAROLINA GAZETTE,

Ours are the plans of fair, delightful peace,
Unwar'd by party rage to live like brothers.

Tuesday, April 15, 1828.

Vol. V.

No. 459.

THE REGISTER
is published every TUESDAY and FRIDAY, by
JOSEPH GALES & SON,
At Five Dollars per annum—half in advance.

ADVERTISEMENTS
Not exceeding sixteen lines, neatly inserted three
times for a dollar, and twenty-five cents for
every succeeding publication: those of greater
length in the same proportion. Commence-
ments and terminations thankfully received. Letters to
the Editors must be post paid.

CONGRESSIONAL.

House of Representatives—Feb. 26, 1828.

Debate on Internal Improvement.

The bill making appropriation for Internal Im-
provements being still under consideration, to-
gether with the amendment offered by Mr.
Drayton.

Mr. HALL, of North-Carolina, said,
I rose for the purpose of making an
explanation, which I find necessary, to
place my opinions, in regard to the con-
stitutionality of this bill, in a proper
point of view. From the report of the
debate which took place on the 5th, it
might be inferred, that I had, in yield-
ing to the request of the gentleman from
S. Carolina, (Mr. McDuffie) to with-
draw my motion to strike out the first
section of the bill, admitted, what seem-
ed to be his opinion, that the constitu-
tional question was not involved in the
bill. On the contrary, however, I am
decidedly of the opinion, that the whole
bill, from one end to the other, in every
part, is unconstitutional, and that all
and every item rests upon the same
ground. It so happened, when the gen-
tleman from South-Carolina made the
request to withdraw the motion, and ac-
companied it with a remark or two. I
was engaged in conversation with a gen-
tleman from New-York, who made the
same request. Had I have heard the
remark of the gentleman from South-
Carolina, I should, at the time of with-
drawing the motion to strike out, have
accompanied it with the explanation
now made. The withdrawal of that
motion was entirely the result of a spi-
rit of accommodation and civility to
several others, and the gentleman from
South-Carolina, who, as I was inform-
ed, had made the request, which, as I
have said, I did not hear. This ex-
planation was due to myself, that my
opinions might not be misunderstood,
here or elsewhere.

I will now make a remark or two in
reference to an opinion expressed by
two other gentlemen, for whose accom-
modation that withdrawal was made.
They seem to be of opinion, that some
parts of the bill were within constitu-
tional limits, under the power given by
the Constitution to Congress, to regu-
late commerce. But, if the gentlemen
would reflect for a moment, they must
see to what singular results this doc-
trine leads. The power to regulate,
that is, to make legal rules and regu-
lations by which commerce is to be go-
verned, is surely not a power to con-
struct, to create, or to make. If the
power to regulate gives the power to
construct any one of the adjuncts of the
thing regulated, then it gives the power
to construct all the adjuncts of every
description. If, under this power, Con-
gress can construct roads and canals,
and perform the mechanical operations
necessary to the improving rivers and
harbors within the jurisdictional limits
of the States—if it can create or con-
struct the ways, then it may, by the same
rule, construct the vehicles; & thus, in
time, we shall have here, with the same
propriety with which we act on approp-
riation bills for making roads and can-
als, and working on water courses,
also to make appropriations for build-
ing or constructing merchant vessels,
to facilitate and regulate the trade be-
tween the United States and foreign
countries, and the coasting trade. And
for the same purpose, in relation to the
commerce among the States, carried on
through canals and over roads, we shall
with the same propriety, be called on
to make appropriations for building or
constructing canal boats, wagons and
other vehicles. We should cut rather
a singular figure in debating an approp-
riation of fifty or a hundred thousand
dollars to build a fleet of pedlars' wag-
ons; but, in principle, it would be the
same thing. Gentlemen must see, that
to push their doctrine to its consequen-
ces, would produce results of a most lu-
dicrous character. The subject, or
thing to be regulated, is commerce be-
tween the United States and foreign
nations, and among the several States,
and with the Indian tribes. It is one,
whole and entire. The power given in
the Constitution to regulate, being coun-
cilsurate with the thing to be regula-

ted, is also complete, and therefore ex-
clusive, extending to the whole subject,
and excluding the interference or partici-
pation of any other power; and this
constitutes the just limits of all the de-
legated and enumerated powers of this
Government. They are limited to and
by the objects for which they were grant-
ed, and to which applied, and not prop-
erly transferable to other purposes.—
It is thus that the Federal Government
is one of limited, delegated and enum-
erated powers. It has none but granted
powers; they are valid only because
granted; and consequently, any other
than granted powers which it should
exercise, would be usurpations, would
be unconstitutional powers. The regu-
lation, therefore, of commerce, being
vested in Congress, the State Govern-
ments cannot do or participate in it.—
And thus we come to a proof positive,
that Congress has not the power to ex-
ecute a system of Internal Improvements
within the States, under the power to
regulate commerce; because, if it has,
then the States have the same power,
and may participate with it in the per-
formance of the same act, for the same
purpose: for no one will pretend to say,
that the States have not the right to
execute works of this description; and
if the Government of the United States
can do, or participate in doing, the
same acts, then the power is a complete-
ly concurrent one; and I undertake to
deny that any such powers exist—nay,
more, that they are at war with our
whole system—which is founded upon
the principle, that the two spheres of
agency are distinct, separate and inde-
pendent of each other—each acting with-
in its own sphere, competently to its
purposes. And I undertake to say,
that there is no better proof of the un-
constitutionality of any act, than the
clashing or concurrency, that is, the partici-
pation of the two powers in one and
the same act and purpose. Whenever
these circumstances do occur, I say, it
is proof positive, that one or both ag-
encies have transcended their proper li-
mits; because, the very fundamental
principle of the system is separation
and preservation of the powers to their
own proper spheres. We have, in the
proper and strict sense of the word, no
concurrent powers—not even that of
taxation, or that other which is talked
about, a concurrency of jurisdiction of
the Federal and State Courts over a
certain class of cases. The separate
and distinct cases of which class either
of these judicial spheres may take charge
of, separately, but certainly exclusively
to the other. The power of taxation in
the two Governments is similar, but
not identical. Taxation is the taking
from the general wealth of the country,
by each Government, for its own pur-
pose, in its own sphere, that modicum
or quantum which is necessary for car-
rying on its legitimate operations; but
these are not identical: they surely are,
though alike, yet entirely different, se-
parate and distinct; and if the People
of this country understand their own
interest and well-being, they will take
measures effectually to keep them so;
for, if there is any thing of value in this
system of Government which we have
adopted, that value can only be sup-
ported by maintaining in its integrity
this very principle of separation, and
not concurrency or collusion of powers.
As to that constructive Pandora's box,
the appropriating power, though said
by some able and distinguished men,
to be unlimited, and illimitable, it has
its limitations upon the very same prin-
ciple that all the powers of this govern-
ment have. It is the subsidiary or mean
power, by which all the granted powers
are to be carried into effect. This be-
ing its object and purpose, it is limited
by and to this object. The use of mo-
ney being the principal means of carry-
ing into execution all the powers of the
Government—a means without which
they could not be effected—and extend-
ing this mean power to purposes to
which it does not legitimately belong,
is just as much an act of usurpation, as
such an extension of any other power
would be.

In the course of this debate, the names
of several distinguished citizens of this
country have been mentioned, and their
opinions in relation to the subject of In-
ternal Improvements alluded to. It ap-
pears to me, therefore, a mere act of
justice, that they should be heard in
their own proper language. Mr. Jef-
ferson, in his inaugural address of March
1805, says: "that, when the redemption
of the public debt has been effected the
revenue thereby liberated, may, by a
just repartition among the States, and
a corresponding amendment to the Con-
stitution, be applied, in time of peace,

to rivers, canals, roads, arts, manufac-
tures, and other great objects within
each State." In his Message of Dec.
2d, 1806, he remarks, that "their patri-
otism would certainly prefer its con-
tinuance, and application to the great
purposes of the public education, roads,
rivers, canals, and such other objects of
public improvement as may be thought
proper to add to the constitutional enu-
meration of the Federal powers." "The
subject is now proposed for the consid-
eration of Congress; because, if approv-
ed, by the time the State Legislatures
shall have deliberated on this extension
of the Federal trusts, and the laws shall
be passed, and other arrangements made
for their execution, the necessary funds
will be on hand and without employ-
ment. I suppose an amendment of the
Constitution, by consent of the States,
necessary; because the objects now re-
commended are not among those enum-
erated in the Constitution, and to
which it permits the public moneys to
be applied."

In his Message to the House of Re-
presentatives, of March 3d, 1817, Mr.
Madison says: "Having considered
the bill this day presented to me, entit-
led 'An act to set apart and pledge
certain funds for Internal Improvements,
and which sets apart and pledges funds
for constructing roads and canals, and
improving the navigation of water-
courses, in order to facilitate, promote,
and give security to the internal com-
merce among the several States, and
to render easy and less expensive, the
means and provisions for the common
defence,' I am constrained, by the insu-
perable difficulty I feel in reconciling
the bill with the Constitution, to return
it, with that objection, to the House of
Representatives, in which it originated."

"The legislative powers vested in
Congress, are specific, and enumerated in
the 8th section of the first article of
the Constitution, and it does not ap-
pear that the power proposed to be ex-
ercised in that bill, is among the enu-
merated powers, or that it falls, by any
just interpretation, within the power
to make laws necessary and proper for
carrying into execution those or other
powers, vested by the Constitution in
the Government of the United States.
The power to regulate commerce am-
ong the several States, cannot include
a power to construct roads and canals,
and to improve the navigation of water
courses, in order to facilitate, promote
and secure, such a commerce, without
a latitude of construction departing
from the ordinary import of the terms,
strengthened by the known inconveni-
ences which, doubtless, led to the grant
of this remedial power to Congress.—
To refer the powers in question to the
clause, 'to provide for the common de-
fence and general welfare,' would be
contrary to the established and consis-
tent rules of interpretation; as ren-
dering the special and careful enu-
meration of powers which follow the clause,
negatory and improper."

In a message of Mr. Monroe to the
House of Representatives, May 4th,
1822, we have the following: "A power
to establish turnpikes with gates and
tolls, and to enforce the collection of
tolls by penalties, implies a power to
adopt and execute a complete system
of Internal Improvement. A right to
impose duties, to be paid by all persons
passing a certain road, and on horses
and carriages, as is done by this bill,
involves the right to take the land from
the proprietor, on a valuation, and to
pass laws for the protection of the road
from injury; and if it exists as to one
road, it exists as to any other, and to
as many roads as Congress shall think
proper to establish. A right to legis-
late for one of these purposes, is a right
to legislate for the others. It is a com-
plete right of jurisdiction and sovereignty,
for all the purposes of Internal Im-
provement, and not merely the right of
applying money, under the power vest-
ed in Congress to make appropriations;
under which power, with the consent of
the States through which this (the Cum-
berland) Road passes, the work was
originally commenced, and has been so
far executed. I am of opinion, that
Congress do not possess this power;
that the States individually cannot grant
it: for though they may assent to the
appropriation of money within their
own limits for such purposes, they can
grant no power of jurisdiction or sover-
eignty, by special contract with the
United States. This power can be grant-
ed only by the Constitution, and in the
mode prescribed by it.

This fashionable doctrine of approp-
riation has been thought something
new, but it seems only to be a revival
of a doctrine to be found in a certain

celebrated report on Manufactures, by
a very and justly celebrated individual,
when Secretary of the Treasury. This
doctrine, as well as the broad construc-
tion of the general welfare, may be seen
page 54, of the Report alluded to.

In regard to this doctrine of the approp-
riating power, I will only say, that
if Congress has not, under the Consti-
tution, the power to execute a general
system of Internal Improvement within
the States, then it has not the power to
execute any part of such system. And
if it cannot execute such a system, ei-
ther wholly or in part, then it cannot
execute it in any way, or by any means;
and if it cannot accomplish this object
by any means, then, surely, it cannot
do so by the only means by which it
could do so, if the power had been
plainly given in the Constitution. How
else, I ask, could Congress exercise
this power, than by the use and appli-
cation of money? This is the princi-
ple, almost the only means by which it
could do so. This is the subsidiary
power, the means by which all the legiti-
mate powers of this Government are
carried into effect—a means, without
which they could not be executed. And
here is the proper limit of this, as it has
been considered, unlimited power. It
is limited and confined to the fulfilment
and execution of the delegated legiti-
mate powers, granted and enumerated
in the Constitution. This is the extent
of its sphere of action; and every ex-
penditure of a single dollar to any other
purpose, is an unconstitutional act—a
usurpation of power.

Sir, I rose to make an explanation:
having done so, and presented some
views in relation to the constitutionality
of the bill before the House, I will no
longer intrude upon its time.

* Alexander Hamilton.

PROSPECTUS
OF
A SCHOOL
For the Education of Boys,
To be established at New-Haven, Connecticut,
By
Sereno E. Dwight & Henry E. Dwight.

WE propose in the ensuing spring, to estab-
lish at New-Haven, a School for the
Education of Boys, to be called the *New-Haven*
Gymnasium: and have engaged the large and
commodious building, originally intended as a
Steam-boat Hotel, with the adjacent grounds.
The house is one mile from the college, and
three-fourths of a mile from the centre of the
town; and commands a fine view of the New-
Haven valley, and the surrounding mountains,
of the harbor, the Sound, and Long Island.

New-Haven, as a place of moderate size and
great salubrity, as distinguished for the beauty
of its site and environs, the neatness of its build-
ings and grounds, and the richness of its foliage,
and as presenting a state of society in a high de-
gree moral, enlightened and polished, is a favor-
able seat of education. It is within eight hours
travel from New-York, and within less than
twenty-four from Boston, Albany and Philadel-
phia, and has a direct communication with every
part of the United States.

The proposed institution in its general plan, is
intended to resemble the Round Hill School, at
Northampton; the proprietors of which, for hav-
ing introduced the *Gymnasium* into this country
with so much talent and success, deserve the
thanks of the friends of literature, as they do
ours also, for the frankness and cordiality with
which they have seconded our design.

We propose, with the boys, to occupy the
house as a family, to take the entire charge of
them, and to stand in the place of their parents.
The government of the institution will be at once
strict and parental. The boys, unless on special
occasions, will not be allowed to leave the
grounds, except in company with a teacher or
guardian. They will be permitted to contract
no debt, and to make no purchases for them-
selves. It is intended to have them always, in
effect, under our own eye, and to fill up their
time with study and useful recreation.

Wishing to form the character from an early
period, and not to be responsible for habits and
a character formed elsewhere, we propose to
receive boys of the age of six, and to decline
(unless in peculiar cases) commencing with any
after the age of fourteen.

A part of each day is to be regularly devoted
to Gymnastic exercises. These with other active
employments, are the best means of preserving
the health and invigorating the constitution.—
Assiduous attention will be paid to the subject of
manners.

As some boys are designed for college, and
others are not, the course of education will be
accommodated, in each case, to the wishes of
the parent. Both classes of boys will need in-
struction in Spelling, Reading, Writing & Draw-
ing, in Declaration and Composition, in Arith-
metic and Algebra. Geography, with the aid of
the best Books, of Maps, Charts and Globes, is
to be pursued as an object of prime importance.
Both will also study French, Spanish, German
and Italian, under native teachers; and for this
end, measures have been taken to procure the
assistance of gentlemen of acknowledged talents
and character.

The boys preparing for college will likewise
be taught Latin, and Greek, with the elements
of History, and where it is wished the Hebrew.
The boys not intended for college will, in ad-
dition to the above, be taught Latin if the pa-
rents consent, Grammar, Rhetoric, and as ex-
tensive a course of Mathematics as is desired.—
They will have the opportunity to receive a re-
gular course of instruction in Botany, History,
Logic, Ethics, Mental Philosophy and Political
Economy. It is expected also, that those stu-
dents, who have been sufficiently long in a course
of education, and have made the requisite at-
tainments, will be permitted to attend the course
of Lectures on Chemistry, Mineralogy, and Geo-

logy, by Professor *Silliman*; and the course of
Natural Philosophy and Astronomy, by Professor
Olmsted.

The religious instruction of the pupils will be
parental. The great aim will be to train them
up in the fear of God. Each day will begin and
end with reading the Scriptures and Prayer.—
The Bible will be a class-book on the Sabbath;
and the pupils will attend Church at the place
designated by their parents.

This is our general plan; we shall aim to exe-
cute it with fidelity, reserving, however, the
right of making such alterations as experience
shall show to be necessary. With the subject of
education, we are not wholly unacquainted. One
of us has been occupied for a considerable period,
in a course of collegiate instruction. Both
of us have had the privilege of surveying many
of the principal Seminaries of Europe; and one
of us, during a long residence in Germany, has
examined, with the utmost attention and care,
the system of education pursued in several of her
Universities, and in her Academic and Commer-
cial Gymnasiums.

There will be two vacations in a year, each of
three weeks; the first to commence on the first
Wednesday of May; the other, on the second
Wednesday of September. During both, the
boys may remain at the school, without addition-
al expense.

We shall have a valuable library of the best
authors in English, Latin, Greek, French, Span-
ish, Italian, and German.

The annual charge for boys of ten years and
over, is three hundred dollars, payable quarter-
ly in advance; but a deduction will be made
where two or more come from one family, at the
same time. The charge for boys under ten, is two
hundred and fifty dollars. In this sum are com-
prised all charges for instruction, including the
tickets for the college lectures, board, washing
and mending, room, fuel, lights and furniture,
except a bed or mattress and bed-clothing to be
furnished by the pupil. These may be procured
on the spot, at a fair price. Where it is wished,
the clothing of the boys can be procured by us,
and on terms advantageous to the parent.

It is intended to open the institution on the
first of May, 1828.

SERENO E. DWIGHT,
HENRY E. DWIGHT.

Letters addressed to us at New-Haven, or to
H. E. Dwight, previous to the 1st of March next,
at Petersburg, Va. will be promptly attended to.
New-Haven, Nov. 28, 1827.

The undersigned, being made acquainted with
the plan of a Gymnasium, about to be established
in this city, by the Rev. S. E. Dwight and H. E.
Dwight, Esq. are persuaded of the usefulness of
such an institution, and think the situation of
the building, the accommodations which it af-
fords, and the means of instruction which they
design to provide, suited in every respect to
the object in view. The well known character
of these gentlemen, and the opportunities which
they have enjoyed of witnessing the best modes
of instruction in Europe, furnish the surest pledge
to the public, for the faithful and successful ex-
ecution of the plan proposed.

Yale College, Dec. 6, 1828.
Jeremiah Day, Pres. Yale College.
Benjamin Silliman, Prof. Chem. & Min.
Jas. L. Kingsley, Prof. Lang. & Ec. Hist.
Nathaniel W. Taylor, Prof. Theol.
Josiah W. Gibbs, Prof. Or. Lit. & Bib. Crit.
Chauncey A. Goodrich, Prof. Rhet.
Eliazer T. Fitch, Prof. Div.
Dennis Oimsted, Prof. Mat. & Nat. Phil.
Harry Crosswell, Rect. Ch. Church, N. H.
Samuel Merwin, Pastor 2d Pres. Ch. N. H.

REFERENCES.
New-York. Washington.
Chancellor Kent, Hon. William Wirt.
Rev. Dr. Milnor. N. Carolina.
Wm. W. Woolsey, Esq. Hon. William Gaston.
Hon. Theodore Dwight, Thomas P. Devereux,
Lynde Catlin, Esq. Rev. Dr. Caldwell,
George Griffin, Esq. Prof. Andrews.
Ben W. Rogers, Esq.
Seth P. Staples, Esq.
Rev. Dr. Matthews.
George W. Strong, Esq.
Rev. Dr. Spring.
Arthur Tappan, Esq.
Philadelphia. New-Orleans.
Robert Ralston, Esq. Alfred Hennes, Esq.
Rev. Dr. Wilson.
Horace Binney, Esq.
Charles Chauncy, Esq.
Elijah Chauncy, Esq.
Rev. Dr. Ely.
Rev. Dr. Skinner.

NOTICE.
ON the second Monday in May next, will be
sold in the Town of Rockford, Surry coun-
ty, the following Tracts of Land, or so much
thereof as will be sufficient to satisfy the Taxes
due thereon for the year 1826, with cost of ad-
vertising, to wit:

894 acres, given in by Willey Patterson, ad-
joining James McCraw, lying on Bull Run creek.
33 acres, given in as the property of the heirs
of Matthew Sims, adjoining Jans. Davis, lying
on Fish River.
222 acres given in by Robert Craven, adjoining
Andrew Grouse, lying on Tom's Creek.
150 acres, given in by Elijah Melton, adjoining
Elijah Wordon, lying on Flat Shoal Creek.
100 acres, given in by John Pfoff, adjoining
A. Jackson, lying on Tom's Creek.
40 acres, given in as the property of the heirs
of I. even Carter, lying on Fanbush creek.
94 acres given in by Moses Wooton, adjoining
Iredell county line, on the waters of Dutch-
man creek.
100 acres, given in by John Denney, adjoining
Wilkes county line, on the waters of the
Yadkin.

THO. B. WRIGHT, Shff.
March 10. pr. adv. \$4. 33 7c

THE Subscriber having qualified and obtained
Letters of Administration in Northampton
County Court, N. C. on the estate of Dorothy
Murrells, who died on the first of the year 1826,
and it appears that her son Howell Gray is one
of the heirs of the said decedent's estate; and it
appears that the said Howell Gray has been ab-
sent from this State for ten years, I have also ob-
tained Letters of Administration on his said
Howell's Estate. This is therefore to give no-
tice to the said Howell Gray, if living, to come
forward and receive his part of his deceased mo-
ther's estate; also his own share; otherwise I
shall proceed to dispose of the said decedent's
estate, as well as his own, as the law requires in
such cases.

ELY STRICKLIN, Adm'r.
of Dorothy Murrell and Howell Gray.
Northampton, N. C. Feb. 20. 51 6c

BLANKS
For sale at this office.