

main unchanged—An individual would blush to be charged with such conduct as is contemplated in this bill. He would resent such a proposition if made to him as an insult, and consider it as an affront offered to his veracity, to his good faith, to his honor.

The nature of this business may be explained in a few words.—We stipulated certain advantages, and having obtained them, we now attempt by force to obtain something more. This is the plain downright English of it, call it what you will, or disguise it as you please. But I trust in the honor, the good faith, and the patriotism of this House, that it will, as National Trustees, act as I am sure the members of it would in their individual capacities as gentlemen.

Establish the precedent and what will be the consequences? You will stifle and prevent all associations from forming to promote objects of public utility. Turn your eyes towards Pennsylvania, and still further towards New-England; there you will see a spirit of enterprise fostered and cherished, where associations have paved roads, constructed canals and established manufactories, that every where have diffused happiness and wealth. We lately hoped improvement in its progress would ere long have visited us. But, sir, can you even hope that a company will ever associate in this state to promote any valuable design, if it is found to be in the power and the will of the Legislature to wrest from them the profits of their industry. No, you cannot expect it. Pass this bill and you instantly check enterprise, and paralyze the exertions of industry. Such works of utility will not, they cannot be carried on but by associations.

Show that you respect corporate rights, that you respect your own acts, your faith, and you then encourage men of enterprise and skill; but once show that you regard their success with jealousy or envy—that you are ready with pointing hand to seize upon the fruits of their exertions—that their dividends of profit are not to reward their cares, their labors and their hazards—but are to be a destined prey for your rapacious grasp, to be swept into your treasury, and you effectually suppress every germ of improvement in the land.

Mr. Gaston concluded with expressing his anxious hope that his motion would prevail.

Mr. DREW. I trust, if the House will indulge me for a few minutes, though my hope may be a rash one, that I shall convince this honorable House that this proposed tax is both expedient and constitutional.

It was a very ingenious effort in the gentleman to alarm us with regard to the Constitution—but, sir, the quotation from the Bill of Rights does not apply. We have brought into use many words that have no meaning as formerly employed. What is the law of the land? It means in England, where it has combined meaning, not only the *legis non scriptis*, but also the *lex scribita*. The

Common Law is that which the finger of Nature writes upon our hearts. When Magna Charta was obtained, sword in hand, from King John, (who was, by the by, a very pusillanimous man) this law was recognized, as well as certain other privileges. It was brought over from England when we were in the abject state of colonies; but it was buried when we obtained our freedom—and shall we now drag its pestiferous carcass up into light again? So much of the common law only was adopted here as suited our circumstances.

We are cautioned with eloquent persuasion not to pass this law; but thus we do not mind. We are to guard against the eloquence which is employed, because it comes from so ingenious an advocate.—We are cautioned not to check enterprise—but we certainly ought not to cherish Banks when they are not a public benefit. And is the tax we are about to lay upon them unusual or novel? We tax merchants, and the merchant of the largest trade and capital no more than the smallest. We also tax pedlars, where it operates unequally, and shall we impose these taxes, and except that monster of wealth & power, the Banking interest, which extends its wings from St. Croix to St. Mary's, and lifts its head to the clouds of heaven. I trust not Mr. Speaker.

It is said that we are about to curtail the privileges of the Banks. Sir, they have privileges that individuals have not, and unconstitutional ones too. They are permitted to take judgements in a summary way. As to the Georgia Bank, I have been told by a member of the other House that the Supreme Court has declared the tax legal—but I want no adventitious aid—our cause has truth and justice on its side—it wants no eloquence to enforce it, nor does it fear it on the other side.

I wish, Mr. Speaker, to let the Banks know that we have a controlling power over them. Let us say to them "we made you, and we will regulate you." But if the arguments of the gentleman from Newbern were to prevail, the Banks would say, "you made us, and now we set you at defiance."—It would make the creature greater than the creator. This would be an absurdity, a solecism in legislation and government. Sir, we have the power to tax and regulate the Banks, and I trust we shall prove it to gentlemen by the evidence of the fact. A superior power must always regulate an inferior. Every Legislature may alter or abolish the acts of those which preceded. If the hands of the Legislature were to be tied up by its own acts, they might rivet upon us the most absurd and unjust laws. Sir, our Legislature may, if it please, abrogate every thing done by a former. We may not only regulate the Banks, but, if we please, take away their Charter. We have already

given the Banks too many advantages. They make two per cent. in a week, in a day, and we ought to have charged them \$20,000 each for their Charters.

Permit me, Mr. Speaker, to read in your hearing a book which every man ought to read. It is Mr. Blackstone's Commentaries on the Laws of England. [Here Mr. Drew read an extract which stated that the Parliament was omnipotent; that among other enumerated powers it may alter and change the religion of the state, &c.] The supreme legislative power can do any thing, not physically impossible.

We have a negative example offered us in the Romans. Sir, the Romans had no Constitution—they were a savage and military nation, and had no idea of a social compact, as we have in North-Carolina. I apprehend, sir, the Legislature of this State will never do any thing improper—it is liberal and generous (though sometimes parsimonious)—It has a right to regulate the Banks—it may even put them down, and by the same right that Congress put down John Adams's sixteen midnight Judges.

The question on Mr. Gaston's motion was put and negatived.

CONGRESS.

IN SENATE.—January 29.

Mr. Horsey, elected from Delaware, vice Mr. White, deceased, appeared and took his seat.

Mr. Bayard gave notice that he should tomorrow ask leave to introduce a bill relative to the district court in the territory of Orleans.

Mr. Reed reported his motion to amend the constitution, amended to read as follows:

"If any citizen of the United States, shall accept of any title of nobility, or any other title of distinction from any Emperor, King, Prince, Potestate, or foreign state, or shall hold the same by descent, or shall intermarry with any descendant of any Emperor, King, or Prince, or with any person of the blood royal, such citizen shall thenceforth be incapable of exercising or enjoying any of the rights and immunities of a free citizen of the U. States or of the individual states; and shall also be incapable of holding any office of honor, profit or trust, under them, or either of them."

The bill concerning a corps of volunteers was resumed; but on motion of Mr. Bradley, ordered to lie on the table till to-morrow.

January 30.

VOLUNTEER CORPS.

The Senate resumed the consideration of the bill to engage in the service of the United States for a certain period, a corps of volunteers.

After debate, the further consideration of the bill was postponed till to-morrow.

Mr. Pickering laid on the table the following resolution:

Resolved, That the President of the United States be requested to lay before the Senate the information which will exhibit those "features in the conduct of foreign powers towards the United States," referred to in his message of the 3d inst. "which impose on them the necessity of the precautionary measures" recommended in that message, providing by law for detaching one hundred thousand of the militia, and for raising a force of twenty thousand volunteers.

AMERICAN NAVIGATION BILL.

The bill from the House of Representatives concerning intercourse with G. Britain and France and their dependencies, and for other purposes; and the several bills this day passed in the House of Representatives were read and passed to a second reading.

HOUSE OF REPRESENTATIVES.

MONDAY, January 29.

BANK OF THE UNITED STATES.

Mr. Seybert presented the memorial of the President and Directors of the Bank of the United States praying a renewal of their charter; which was read and referred to a select committee, composed of Messrs. Montgomery, Dana, Bassett, Seaver, Seybert, Gold and Taylor.

On motion of Mr. Seybert, the report of the Secretary of the Treasury, dated March 2, 1809, on a similar petition presented at a former session, and the report of Mr. Hamilton, former Secretary of the Treasury, on the same subject, were ordered to be printed for the use of the house.

Mr. Burwell, in opposing the motion for printing these documents, took occasion to say that under present impressions, he was opposed to the renewal of the charter of the Bank.

On motion of Mr. Witherspoon, Ordered, That the petition of Alexander Scott, of the State N. Carolina, presented Jan. 2, 1809, be referred to the committee of Claims.

ADDITIONAL DUTIES.

Mr. Rhea, (Ten.) offered the following resolution:

Resolved, That the committee of ways & means be instructed to enquire into the propriety of laying an additional duty on all goods, wares, and merchandize which shall hereafter be imported into the United States from Great-Britain and her dependencies.

Mr. Rhea observed, that in presenting this resolution, his intention was, that the committee of ways and means might take the subject of it under consideration, and re-

port fully and extensively on it. He said he contemplated the ease in different points of view, viz. the committee may report additional duties to so great an extent on certain articles, not very necessary to the U. States, as would in effect, operate as a prohibition of them—that on articles necessary, the committee might report an additional duty small in proportion to their necessity—and that the encouragement consequently might be given to the manufacturers of this nation. He said he noticed these things at this time, not for any purpose other than that a full report might be made on the subject. He did not design to ask a reference of the resolution at this time, but was willing it should lie on the table; and at a day not far distant he would call it up together with another resolution of a similar nature, which he intended immediately to offer for the consideration of the house.

Mr. Eppes said that the subject embraced by the resolution had been already taken up by the committee of ways and means, and a letter had been addressed to the Secretary of the Treasury to know what extent the present duties could be augmented without injury to the revenue of the United States. This subject having been mentioned in the annual report of the Secretary of the Treasury, the passage of the resolution would imply a censure of the committee of ways and means for not having heretofore reported on it.

Mr. Bacon remarked, that so much of the gentleman's object as related to manufactures was specially before the Secretary of the Treasury, to whom it was referred at the last session with a direction to report thereon at large.

The resolution was ordered to lie on the table.

Mr. Rhea then laid on the table the following resolution:

Resolved, That the committee of ways & means be instructed to enquire into the propriety of laying an additional duty on all goods, wares and merchandize, which shall hereafter be imported into the U. States from France and her dependencies.

NAVIGATION BILL.

The house resumed the consideration of the bill concerning commercial intercourse, &c.

The question still under consideration being "shall the bill pass."

Mr. Bibb spoke in favor of the bill near an hour.

Mr. Wheaton opposed the bill in a speech of near an hour.

Mr. Quincy opposed the bill in a speech of nearly the same length.

Mr. Tallmadge spoke against the bill for half an hour.

Mr. W. Alston spoke a few minutes in reply to Mr. Wheaton.

Mr. Dana spoke half an hour against the bill.

Mr. Livermore spoke a few minutes in favor of the bill.

Mr. Shelley spoke in reply to objections which had been made to the bill.

Mr. Gardener spoke a few minutes.

And then, about sun-down, the question on the passage of the bill was decided as follows:

YEAS—Messrs. L. J. Alston, W. Alston, Bacon, Bassett, Bibb, Boyd, J. Brown, R. Brown, Burwell, Butler, Callahan, Cobb, Cochran, Cox, Crist, Cutts, Dawson, Eppes, Findley, Fisk, Gannett, Gardener, Gardner, Garland, Ghoson, Heister, Helms, Holland, Howard, Johnson, Jones, Kenan, Kennedy, Key, Lyon, Lyle, Macon, Marions, M'Bryne, M'Kee, M'Kim, Montgomery, N. R. Moore, T. Morrow, Nelson, Newton, Pearson, P. B. Porter, Rea, (P.) Rhea, (T.) Richards, Roane, Sage, Seaver, Shaw, Shelby, Smelt, Smilie, G. Smith, J. Smith, S. Smith, Southard, Stanford, Stanley, Swoope, Taylor, Tracy, Turner, Van Horn, Whitehall, Wann, Witherspoon—73.

NAYS—Messrs. Anderson, Bard, Blaisdell, Breckenridge, J. C. Chanverlain, W. Chamberlain, Champion, Chittenden, Clay, Clopton, Crawford, Dana, Davenport, Desha, Ely, Enott, Goldsborough, Gold, Hale, Haven, Hubbard, Huffy, R. Jackson, Jenkins, Knickerbocker, Lewis, Livermore, Livingston, Milnor, Moseley, Mumford, Newbold, Pickman, Paskin, Potter, Quincy, Ross, Sammons, Seybert, Stegman, Stephenson, Sturges, Taggart, Tallmadge, Thompson, Troup, Upham, Van Dyke, Van Rensselaer, Wheaton, Whitman, Wilson—52.

[Absent on this vote sixteen members, viz. Messrs. Campbell, Cook, Denning, Franklin, Goodwin, Gray, J. G. Jackson, Love, Matthews, Miller, Nicholson, J. Porter, Randolph, Root, Sawyer, Weakley; of whom Messrs. Cook, Denning, and Randolph have not appeared in their seats during the present session, and Mr. Franklin and Goodwin are absent on leave.]

January 30.
A communication was received from the Secretary of War, enclosing a report on the subject of the returns of the two detachments of Militia.

APPROPRIATION BILL.

On motion of Mr. Eppes, the house resolved itself into a committee of the whole, Mr. Cutts in the chair, on the bill making appropriations for the support of the government during the year 1810.

A motion was made to strike out the clause making the additional allowance of 15 per cent. on the salaries of the clerks of the public offices. Messrs. Bacon, Tallmadge, Montgomery and Root supported the motion, and Messrs. Eppes, Johnson, Lyon, Smilie, Quincy, Rhea, Mumford, Shelley, and Taylor opposed it—Negatived 52 to 41.

There is in the bill a provision for repaying the Bank of the United States a sum advanced to the late collector of New-Orleans to enable him to pay drawbacks. The blank was filled with the sum of 100,000 dollars.

Messrs. Quincy, Lyon, Goldsborough, Mott and Key objected to the appropriation in the bill of 5000 dollars for a minister to Madrid, as we had no minister there, and making such an appropriation would be a sanction of this house to such a mission to proceed forthwith; to which they objected. Even if it were proper now to send a Minister to Madrid, there was no occasion for an appropriation for that object, because the President had already a power to send a minister to any nation, if he thought proper to exercise it.

Messrs. Eppes, Bacon, Root, Rhea, (T.) M'Kim, W. Alston and Montgomery replied that this was included in the estimate from the Treasury Department, and was no doubt intended to meet the appointment of a minister to Spain, whenever the government should be settled, whether a Joseph or Ferdinand swayed the sceptre, whether the King was selected from the Napoleon or Bourbon dynasty. Whenever the government of Spain was settled, we ought to have a minister there.

The appropriation was refused to be inserted—52 to 35.

After filing various blanks, the committee rose at 6 o'clock, reported progress, and adjourned to sit again.

The GAZETTE.

FRIDAY.

EDENTON, FEBRUARY 16, 1810.

French Privateer.—We are informed, that a vessel of the burthen of four to 6 tons was lately purchased in this Borough by some Frenchmen, and after the necessary repairs cleared out for Charleston. This vessel, instead of steering for her destined port proceeded to Hampton, where she now lies, and is undergoing every requisite necessary for a complete privateer. This information it will be observed, is not given upon our own authority; but suspicion of such a fact, to excite an enquiry, because too long has the charge of partiality towards France been indulged against us. The recollection that English or French privateers, fitted out in our own ports, may injure American commerce with impunity, is another incitement to vigilance.

Mr. Herald.

THE OBSERVER, No. I.

Projic omnia ista, si sapis, imo ut sapias et ad beatum mentem, magno curae, totis viribus, tende. Sen. Epist.

The words of the philosopher remind me of a maxim of the ancients, which appears to have been forgotten by modern travellers in the road to science, "Quaere vitae periculo scientiam." The result of an attempt cannot be greater, unless every exertion every circumstance that may belong to the experiment, in short every aid that may facilitate the attainment of the end in question, be brought into action, and work in perfect union. It is seldom that such pains are bestowed on any performance, and from this defect of labor, originates that imperfection in those ingenious theories, that have been offered to the world by politicians and philosophers. Moralists in every age, have exerted themselves in producing for the benefit of mankind, a system of principles to regulate conduct, and thereby promote virtue. But these wise men, do not observe their precepts themselves, and of course do not expect others to follow their advice. They can point out the paths of virtue, strew them with flowers, and adorn them with beauties captivating to the eye, but neither do they enjoy these blisses themselves, nor can they persuade others, to walk these flowery roads, or partake of these captivating beauties. I would not deny to virtue, any of her charms; would that I could paint them still more alluring; but I must confess I am somewhat surprised that she is not more generally courted. Her flowery paths I fear have now and then a thorn. Thorns which she offers as pains to be undergone by the traveller, before she can be obtained. Ardours indeed are the trials, which virtue herself must bear with, cruel are the temptations which beset her on every side. Her enemy triumphs over her, and takes from her those rewards which have been sought for by years of toil and labor. Since then virtue herself is obliged to use so much perseverance to maintain a footing in the world, can we wonder, that our feeble race should avoid her? Words are inadequate to express my admiration for that person who withstands the temptations of vice, who prefers that permanent happiness which a virtue alone can bestow.—Let Philosophers and Essayists tell us there is no disinterestedness in virtue—Virtue informs us that her reward is not in this world. She replies not however, at her forsaken situation; seeing her enemy triumphant here, and reflecting that an all-wise and all-powerful God must have created the universe, she learns from reason, that guide which is not a blind one, that insight wisdom cannot suffer goodness to be unrewarded, and that an eternal existence beyond the grave is the period when justice will be dispensed.

I have been led up these reflections, by the fate of the Peer of New, that great moralist, and patron of virtue. The excellence of his precepts we willingly allow; the difficulty of obeying them, our conduct for