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DOMESTIC.

CONGRESS.

Internal Improvements.—

The bill appropriating about a million and a quarter of dollars for purposes of internal improvements, was taken up in the House of Representatives on the 19th ult. When the bill was about to have its third reading an incidental debate arose for a few minutes, on a question to reconsider the vote, ordering it to be engrossed and read a third time, the motion for reconsideration being rejected, the question upon the passage of the bill coming up—

Mr. T. H. HALL said, the debate which had just occurred was to him wholly unlooked for. It had been customary, at this stage of bills, not to discuss the details or principles, that having usually been done previously. It was, however, his purpose to give his views generally, on this subject, both as to its details and principles. But before he entered into the subject, he would take occasion to say that he had voted against reconsideration because he believed, and understood, that the object was to draw a distinction between some of the items, with a view of striking out a part of them. He objected to this course, because he viewed all the various portions of the bill, so far as principle was concerned, as standing precisely upon the same footing. If one part was constitutional, they were all so, and he wished that no invidious distinctions should be made. He was not one of those who believed a measure was either constitutional or expedient merely because it went into the State or District to which he belonged, while a measure, of exactly the same nature elsewhere, was neither constitutional or expedient. It will be recollected, that when the details of this bill were under consideration, I took some part in the debate, but confined my remarks only to one or two items of appropriation for N. Carolina, I did so, because I was better acquainted with them than with most others, and also, because, after opposing those in my own immediate vicinity, which I felt it my duty to do, I could, with more propriety, and with cleaner hands, oppose others of similar character elsewhere. Mr. Speaker, no one can suppose that, I can be unfriendly to the commercial prosperity of North Carolina, far from it—this surely is not the cause of my opposition to appropriations for improvements of this character, but I oppose them for the reason, that I not only do not feel myself at liberty, because I think Congress has not constitutional authority, but because I believe they must ultimately fail in producing any substantial benefit. The item of appropriation for the Swash was not, as seemed to have been supposed, the only one to which I had objections. In principle I am equally opposed to that for clearing away obstructions below Wilmington, and unless the efforts of Congress are attended with better success than those made by the State authorities, it is not likely they will be very beneficial, for I have understood, from respectable authority, that so far from the applications made by the State authorities, having been very beneficial, it was believed, that they had rather done

injury—certainly no great good. As to improvements of a similar character with those of North Carolina, (and the greater part of the bill consists of appropriations for similar purposes,) the remarks of the Engineer's report which I read on a former occasion, will apply to them generally, and if it meets with the approbation of the House, I will again read the part of the Report to which I allude. [Here Mr. H. read what appears as an abstract from a report of Capt. Bache, already given.] And Sir, to sustain me in the description which I gave of the obstructions to the navigation of North Carolina, I will read the following, "In the history of North Carolina, by John Lawson, Surveyor-General of North Carolina," London, 1709, we have [page 61] a general description of the coast, in the following words:

"This part of North Carolina is faced with a chain of sand banks, which defend it from the violence and insults of the Atlantic ocean; by which barrier a vast Sound is hemmed in, which fronts the mouths of the navigable and pleasant rivers of this fertile country, and into which they discharge themselves. Through the same are inlets of several depths of water. Some of their channels admit only of sloops, brigantines, small barks and ketches; and such are Currituck, Roanoke, and up the Sound above Hatteras; whilst others can receive ships of burden, as Ocracock, Topsail Inlet and Cape Fear, as appears by my chart."

I believe it is well understood that since this period both Roanoke and Currituck Inlets have been rendered useless by being filled up with sand. Mr. Speaker, while I, in common with my colleagues, and with our constituents generally, lament the existence of these, as I think, irremediable obstructions to our commerce, yet I am somewhat consoled, that in this as in almost all other cases, there is not to be found unmixed good or evil. These very obstructions placed in the way of our commerce, though certainly in that point of view a great injury, yet are decidedly the best and cheapest fortifications against invasion from a foreign power, it being out of the question for a vessel of war of any magnitude to come within our waters; and I do not agree with those who talk about the degraded state of North Carolina, from these causes, and who therefore solicit aid, as I think, uselessly, from the General Government, to remove them. And Sir, I cannot but feel that North Carolina is quite as much degraded by begging for the crumbs and drippings from this Government, as from natural causes beyond human control. But Sir, let us return to this bill which, with one exception, is certainly the most extraordinary act of legislation peculiar to this session. Sir, it puts me more in mind of what I have often seen at log rollings in the country in which I live—it puts me more in mind of a large heap or pile of logs, rolled from all parts of the new ground by the mutual aid of the log rollers, than any thing else. And for one Sir, I think the best thing we could do with it, would be to treat it as we do the logs after being so rolled together, set fire to and burn it up. We do so however, with the logs, not precisely for the same reasons I would think this strange affair—we burn them because they are useless, and in the way; but this thing is worse than useless—it is a great positive evil. These appropriations amount to the enormous sum of about a million and a quarter, for purposes, as characterized by scientific engineers, of at least doubtful character; most of them coming under the description to which the term hydrographical has been applied. This bill presents, in epitome, a fair sample of the whole system of internal improvements, of which we have since 1824 had some experience. It is a system of iniquity, one in which from the very nature of things, justice and equity cannot be done; it is another part of the general system of transferring the property of one set of men to others without any equivalent—the Tariff, Internal Improvement, Pensions, &c. &c. The present bill, and the mammoth pension bill, passed through this House a short time since, are instances of the most extraordinary outrage, upon the people, of their kind. With these hanging upon the Treasury, how are

we to pay the debt? Is it not known to be a favorite object of the Executive, and still more, do not the people generally look to the extinction of the public debt as a political jubilee? How then can we reconcile it to ourselves to vote for such enormities? The system of internal improvement and the tariff system, compose the notable and far famed American System. They are worthy of each other, par nobile, no, Sir, not par nobile, but par ignobile, not fratrum, but demonum—not a noble pair of brothers—but an ignoble pair of devils! Was not the devil, the author of all evil? The breeder of discord and suffering to our first parents? Can any thing be more in character? To what, Sir, do we owe our present political divisions and discord, threatening the most calamitous consequences, but to that most unfortunate and iniquitous system of legislation which commenced soon after the close of the war—which has been called or known by the name of a new departure in politics. Sir, it was a new—a most unfortunate departure from all those fixed principles upon which we had so happily acted theretofore. And what is the consequence? To what a state of things have we come? Are we not now standing upon the very brink of political perdition? Is not dismemberment, and disunion talked of, and discussed here in this House, in every group of members—a common subject out of doors, and in the newspapers? And to what but this demoniacal system of legislation, scrambling for money and offices, is it attributable? Who is so blind as not to see that unless we speedily return to sound principles, ruin must come?

Mr. Speaker, the whole of this bill is bad, but some of its parts are, if possible, worse than others; indirectly, the power to erect toll gates, is asserted, whether intended or not, and though the appropriations have been said to be to finish works already begun, upon inspection, this will be seen not to be wholly correct, and even if true, it would not alter the principles. If you begin in error it will not become right by keeping in the same course, and as the saying is, "throwing good money after bad." We also have thirty thousand dollars for surveys, which is the initiation of all works of this kind, and after once commenced, you are told if you do not go on, all the money you have applied will be thrown away, and this, by some, is held a sufficient reason for throwing away thousands and millions. Is it possible the people who furnish this money can longer be willing to be taxed for such purposes? If so, God help them!

This surveying or engineering, as it has been called, was, I well recollect, the commencement of this business as a system professedly debated, on the ground of trying the general principle of a system of internal improvements. Some three or four years ago, when the present outs were the then ins, I recollect frequently to have heard the charge made of engineering the people, buying them up with their own money. Now, Sir, whether this was so or not, it is not necessary for me to say—but this I will say, that I do not wish that any wag shall have it in his power, whether deservedly or not, to say of us, the parties here, what was said of the political parties in England:

What this rogue loses, that rogue wins,
They are both birds of a feather;
So here's damn the outs, & damn the ins,
And damn them all together.

I hope and desire the parties here may never justly be subjected to any such wit and sarcasm. Would to God, Sir, we could have but one party—one great party—all the members of which, instead of scrambling for place and public money, should be found vying with each other in disinterested efforts to promote the public good. Viewing the whole of this bill, individually and collectively, as improper, as being objectionable upon the same grounds, one part with another, it would be difficult to give a preference to any one item over another. It was, I think, some three years since, that upon the Maysville road bill, I took the liberty of addressing some remarks to the House

under circumstances somewhat similar. I consider the principles of the two bills precisely the same; they both merit the same fate, and I most earnestly wish this may meet the same fate which befel the other. As to principle, I have said they are the same; this as to the extent of mischief is much the worst. I recollect taking occasion in my remarks on that subject, to say, that I would as soon have voted for it as for any measure of a similar character even in my own district; this I will repeat, and should I ever break through the rule which the Constitution has, as I believe, prescribed to me, and should ever vote for any one subject of this character, I should feel myself in honor bound to vote for every feasible one of similar character from Passamaquoddy to Florida, and from the Atlantic frontier to the confines of the far West. If I was to spend an opinion, on the practical utility of the several objects of improvement proposed in the bill, I am not quite certain that I should not feel bound to say, that probably more good had been, or might be done by appropriations for the removal of casual obstructions in the Western waters, usually termed planters and sawyers, which I understand are formed of trees falling into the river by the giving way of the banks from being washed by frequent freshes, than any others. I consider them, however, no more entitled to be called national than any other objects. I should like to know when they began to be national, if they are so, while standing as they grew on the bank, after falling in the water, or not until they became fixed in the sand and mud at the bottom of the river,—which I suppose constitutes them planters, and that up and down motion, caused by the pressure of the current, constitutes them sawyers. With regard to the nationality, and therefore constitutionality of the great Cumberland road, because it goes to parts of several States; why, Sir, upon that principle, every road or path in every State may be considered national; because every path or private road communicates with some other, which leads to any and all others in the Union, and therefore they are all and each national, if any one be. Perhaps, however, the real thing which gives nationality to all things of this character, is the national money, taken, or to be taken, out of the National Treasury. But, Mr. Speaker, enough in relation to the details of this affair; a few words upon the constitutional principle and I have done. I am sorry to have intruded so long upon the time and patience of the House, but hope for some few crumbs of allowance in consideration of past forbearance; for it will be admitted that I have not often trespassed in this way. I have for years contented myself with being in some degree a mere looker on in Venice; and as a further consideration for trespassing on its time, I will assure the House that this is the last time I will ever open my lips, so far as at present advised, upon the subject of internal improvement, further than to say—No. This privilege I shall still claim, so long as I have the honor of being a member of this body.

Mr. Speaker, when the subject of internal improvement was broached and first discussed as a system, like the Bank question, it was sought for and claimed to be found in some half a dozen of the granted powers, enumerated in the Constitution; and like that for this reason was entitled to the character of a vagrant power.

The power, however, to regulate commerce, seems to be in later times principally relied on: this, and a branch of this power—the power to place custom houses, and designate by law, collection or revenue districts. This latter branch of the power carries its own condemnation upon its face; because by placing custom houses and designating districts, Congress could assume indefinitely the jurisdiction over all subjects of internal improvement from the sea coast to the very sources of our rivers; some having already extended very far into the interior of the country. But the difficulty does not end here. What has happened, may possibly be again;—

formerly, for collecting direct and internal taxes, the States were laid off into collection or revenue districts. And thus, upon the principle asserted, Congress could assume jurisdiction over every thing of a local character in the country.

The general power to regulate commerce, therefore, is the power particularly relied on. It seems to have been the intention of our predecessors to settle and establish as a fundamental principle in our political institutions, that the State Governments, and Federal Government, should be considered as distinct and separate agencies, established by the people for different purposes. The 9th and 10th amendments, and the second paragraph of the 6th article of the Constitution, will, upon due consideration, satisfy any reasonable mind, that such a principle is established. In this view I am sustained by a doctrine fairly deduced from the Constitution, by no less authority than the Supreme Court,—that all the powers of the General Government are plenary or full powers over the subjects committed by the Constitution to its management. This being the case, all will admit that they must be exclusive powers; and it follows, of necessity, that they cannot be concurrent with the powers of the State Governments: To sustain the doctrines here laid down, which I think incontrovertible, I will appeal to my authorities for support. The 9th amendment says:

"The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

10th:—
"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

These two amendments settle clearly the principle of separation of the powers granted and retained. The second paragraph of the 6th article of the Constitution is in these words:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, any State in the Constitution or laws of any State to the contrary notwithstanding."

To shew the pertinency more clearly of the doctrine I have laid down to these authorities, I will quote the language of the Supreme Court in the case of Gibbons vs. Ogden. Alluding to the power to regulate commerce, the Chief Justice in delivering the opinion of the Court says:

"We are now arrived at the enquiry, what is this power? It is the power to regulate, that is, to prescribe the rule by which commerce is to be governed. This power like all others vested in Congress, is complete in itself. It has always been understood, that the sovereignty of Congress, though limited to specified objects, is plenary as to these objects."

This doctrine can only mean that the powers granted to Congress by the people in the Constitution, are full or plenary powers over the subjects committed to its agency, and consequently exclusive powers. The word sovereignty, if applied to Congress, as it sometimes has been, would be improper. Congress is not the sovereign power of the country, but an agency with powers plenary quoad hoc over particular subjects. Its powers are delegated only, they are therefore of necessity subordinate, and not sovereign powers. We all agree that the sovereign power is in the people, if this be so, having never alienated, they still retain it. The Constitution itself is an act of fundamental legislation by this very sovereignty, delegating through this power of attorney, secondary powers of legislation, agreed on all hands to be not only delegated but limited and enumerated. Again the Court says:

"A full power to regulate a particular thing, implies the whole power. A grant of the whole is incompatible with the existence of a right in another to any part of it."

This language is appropriate and clear, and, taken in connexion with the evident sense and meaning of the foregoing authorities, establishes the principle, that neither government can interfere with the appropriate and constitutional powers of the other.—Let us recapitulate. All the powers