

AND
NORTH-CAROLINA STATE GAZETTE.

"Ours are the plans of fair, delightful Peace,
"Unwarpy's by par ty age to live like Brothers."

VOL. XXIV.

FRIDAY, MARCH 19, 1824.

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The Register

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TIONS thankfully received. LETTERS to
the Editors must be post-paid.

REMARKS OF MR. SPAIGHT.

On the bill for obtaining the necessary
Surveys on the subject of Roads and
Canals.

In the House of Representatives, Feb. 5, 1824.

Mr. SPAIGHT, of North-Carolina, rose to
express his opposition to the bill, and suc-
cinctly to give the reasons of that opposition.
The lateness of the period of discussion, said
he, ought, perhaps, to prevent me from say-
ing any thing. I hope, however, the com-
mittee will pardon me for trespassing, for a
very short time, upon their patience. If this
government had sprung into existence from
a state of nature; if it had derived its being
immediately from the people—then, from
its very nature, it would have the power con-
ferred for: it would have been inherent by
the very formation of the government. For,
to create a national government, would, nec-
essarily, unless restricted by the people, give
it all the powers and attributes of sov-
ereignty. These would arise necessarily,
ex vi termini. But this is not the character
of this government. Instead of deriving its
existence immediately from the people, it
was called into being by sovereigns. It is
the work of sovereigns—the grant of power
by them for their own benefit and that of
their people. As this government derives
its existence and powers by grant, it behoves
the advocates of this bill to show that the
government has the power. To point out this
power in the charter which gives it exist-
ence; to show it in the constitution of the
United States. I deny the power. If it is
given, it is by express grant, or it is neces-
sary and proper to carry into effect some ex-
pressly granted power. Is it expressly grant-
ed? There is no clause in the constitution
mentioning that the general government has
the power to make roads and canals. But,
sir, gentlemen say it is expressly granted to
the general government to make roads, for
the constitution gives Congress the power
"to establish post offices and post roads,"
Congress have power to make roads for the
conveyance of the mail. That "establish"
means "create," "make." All however,
agree that the power to make canals is an
implied one. If we look for the definition
of "establish," we find it means "to fix,"
"to build up," "to make firm." In my es-
timation, the meaning which is given it in
that section of the constitution, "to design-
ate," "to fix," and "to establish post roads,"
—only gives power to designate or fix the
route upon which the mail shall go; "to
point out" the place from which it shall be
carried, and the place to which it shall be
conveyed. The government, in its legisla-
tion upon the mails, gives it the same defini-
tion. Gentlemen rely upon the use of the
word "establish," in the preamble of the
constitution, to strengthen their definition of
the word. "To establish justice," say they,
means create justice. Justice is the accom-
plishment of action with law; the concurrence
of action with the rules promulgated for its
government. It is coeval and coextensive with
law, divine, natural, and human. It is mor-
ally existent. To establish justice means to
point out the means by which justice will be
secured. In my opinion, gentlemen could
not have selected a worse example to illus-
trate their position. Gentlemen say, Con-
gress must have the power to make roads to
convey the mail upon; for there may be no
road, and Congress cannot, in that case, have
the mails carried between such places as
they may think necessary, unless they have
power to make a road. In every country
there will be roads; in every settlement the
inhabitants must and will have the means of
communication with each other. Roads must,
necessarily, be made in every settled part of
the country. The object of the mails is to
diffuse information through the community,
and the roads made in each community, or
settlement certainly afforded an inlet for that
information, for they abundantly afford the
means of intercourse and communication.
Suppose, say gentlemen, a state were to shut
up her roads to prevent the mails from pass-
ing through the state—has not the general
government power to make a new road, or
to open the ones that have been closed?
And, if it has not, a state could prevent the
general government from exercising its pow-
ers. The case put is an extreme one. Peo-
ple would not, by shutting up their roads, be
willing to deprive themselves of their advan-
tages. It is not, however, the only instance
in which the states can affect the general go-
vernment in the exercise of its powers. Sir,
a majority of the states containing a minority
of the people can put an end to this govern-
ment by not appointing Senators. This gov-
ernment must depend upon public opinion
for its support; and, whenever public op-
inion is against it, it loses the confidence
of the people, it must fall—it can no longer
exist. This must be the case with all gov-
ernments like ours. There is no complaint
that any road is wanted for the purpose of
transmitting the mail; that there is any place
of importance wanting a mail that has no road
by which it can be carried to it. Where,
then, is the necessity of exercising this pow-
er? Shall we, sir, make a road to carry the
mail upon when it is not wanted; and then
convert it into commercial or other purposes?
Under a power we do an act, not necessary

to carry into execution that power, but to ef-
fect another object.

Some say we have power to make roads
and canals, by implication from the power
"to regulate commerce among the several
states." From a power to prescribe rules un-
der which commerce shall be conducted—
among the several states, (for, regulate means,
"prescribe rules,") they contend we have the
power to make channels of communication
by which commerce can be carried on. To
this I shall only say that, in this mode of
construction, the Constitution may be made
to have as many meanings as the ingenuity
of gentlemen can give it, and as various as
their different imaginations.

From the power "to raise and support ar-
mies," the power to make roads and canals
is obtained. It is said, that in this extensive
country, covering a vast surface, that, for
the proper defence of the country, we ought
to have the means of giving facility and ce-
lerity to the movement of troops and to the
transportation of provisions for their use.
That troops ought, with facility, to be moved
to any point where they are wanted. That
canals and roads would effect this object, and
the conclusion is, that we have the power to
make roads and canals. This is reasoning
from the expediency of a measure to show
its constitutionality. This might be the pro-
per course, if this government had its exist-
ence immediately from the people, to show
its powers and the propriety of using them.
But I should conceive, in this federative go-
vernment, it ought first to be shown we have
the power to act; then by showing the ex-
pediency of the measure, the propriety and
reason for acting should be shown. We
should, in acting, be within the scope of our
powers; we must act according to the let-
ter of our authority. By the Constitution we
have the powers expressly delegated in
that instrument, and those "necessary and
proper" to carry into effect those delegated
by express grants—no others. I would here
observe, that the grant of sovereign powers
by a sovereign, there ought to be a very
strong implication to support the implied
grant of a power: for a sovereign cannot be
supposed willing to diminish its powers and
authority, especially by slight implication.
To suppose this, is to suppose a sovereign
willing to destroy itself, to commit a political
suicide. There are roads in every direction
of our country, made in every part of it, and
they must necessarily exist as long as there
are people in the country. These roads af-
ford facilities for the conveyance of our
troops from and to every part of the Union.
The making of roads and canals, is not,
therefore, necessary for the movement of
troops and the transportation of provisions,
but only to increase the facilities. In saying
what powers are given under the clause "de-
legated powers, I would not require an ab-
solute necessity, but I certainly would require
a direct, and not a remote, relation. It should
be a mean obviously suggested to the mind,
as necessary and proper to carry into execu-
tion the power contemplated, having a direct
and proper relation to it. I refer the gentle-
men to that excellent report of Mr. Madison
on the Alien and Sedition Laws, a part of
which has been read by a gentleman from
Virginia, (Mr. Rives.) If we depart from
the mode I have mentioned, and bring in ex-
pediency, as a means of interpreting and
construing the Constitution, we make it ey-
ery thing—it ceases to have that steadfast
character which was intended to be given it.
It ceases to be the guard of the People's and
States' rights, the land-mark bounding the
powers of the General Government, and those
of the States. It swallows up every power.
We should be careful in extending the pow-
ers of this Government, and curtailing those
of the States. In most of the States, the
rights of individuals are secured by a bill of
rights—but in this Government there is no-
thing of the kind—nothing pointing out the
rights of the citizen, and securing them from
infringement by the Government, because it
is federative in its character. The State Gov-
ernments are derived immediately from the
People, and act directly upon them. In the
construction contended for by the advoca-
tes of this bill, this Government may, at
some future period, to carry into effect some
granted power, undertake to regulate de-
scendants and the distribution of personal prop-
erty; and it appears to me, with as much
propriety and right, as it can exercise the
power now claimed. I would request gen-
tlemen to pause; and if they are not fully
convinced, beyond a doubt, they ought not
to act. If they have the least doubt, they
ought not to vote for this bill.

I promised not to occupy the attention of
the committee long. I have thus briefly
given my opinions, and performed my promise.

Late Wallis Eastburn.

THE undersigned, by authority of the bro-
ther of the late Wallis Eastburn, of this
city, book-seller, having administered to his
estate, requests all persons indebted to the
said deceased to pay their Notes or Accounts
to him, and such as may have claims against
the Estate of said deceased, are desired to
send them in to him for settlement.

J. GALES, Admr.
Raleigh, Feb. 20, 1824.

Books at Auction.

DURING our Superior Court Week,
(which commences on Monday
29th of March) will be sold at Auction, all
the Effects of the late Wallis Eastburn, of this
city, consisting of a large collection of Books, Prints,
&c. A valuable Phantasmagoria, several
Thermometers, and Barometers, a number
of Optical Instruments, &c. As the stock of
Books is considerable, it is presumed that
the sale will be worth the attention of Book-
sellers, School-masters and others, as they
will doubtless be sold much below their value.
A Catalogue of the Books will be printed
previous to the sale, and may be had at the
Store of J. Gales & Son, or of Ross & Scott,
Auctioneers.

ST. RONAN'S WELL,

Just received and for sale by
J. GALES & SON.

March 15.

Stray.

WAS entered on the Stray Books of
Wake county, on the 16th of February,
by Cyrus Whitaker, Esq., who lives twelve
miles north of Raleigh, near Rogers's Cross
Roads, a certain Horse, of the following de-
scription, viz. a Bay Horse 4 feet 11 inches
high, with a small star in his forehead; sup-
posed to be 12 or 14 years old, and has a dis-
ease called the big head. Which Stray was
valued to thirty-five dollars.

MERRITT DILLIARD, Ranger.
March 3. 32

Taken up

AND committed to the Jail of this county,
on the 23d instant, a Negro Man named
JACOB, between 25 and 30 years old, stout
built, dark complexioned; says he belongs to
John Foster of the High Hills of Santee, S.
Carolina. The owner is requested to come
forward, prove property, pay charges, and
take him away.
S. GEREN, Jailor.
Greensboro', N. C. Nov. 29. 7 Law3m

LANCASTER DISTRICT,

SOUTH-CAROLINA,
November 18, 1820.

RECEIVED of Charles Elms, sen. a Land
Warrant, No. 648, dated 24th Oct. 1820,
if being granted him for services done in the
Revolution, and granted to him for the amount
of two hundred and twenty-eight acres—
which Warrant I agree to lay on the best
land I know or can find, appropriated for that
purpose, that is vacant where its No. is drawn.
In witness whereof I have annexed my hand
and seal.

WILL. W. OSBORN.
N. B. Said Osborn agrees to obtain a Grant
on said Warrant, in said Elms name.
By me, WILLIAM W. OSBORN,
THOMAS M'LEURE.
SAM'L SPRAITT.

Virginian.

It is deemed un-
necessary to say
more of *Virginian*,
than that he will
Stand at my house
in Brunswick county, at Pennington's Old
Ford, on Meherrin River; and will be put to
Mares at thirty-five dollars the Season, which
may be discharged by the payment of thirty,
if paid within the season, which will expire
on the first day of July next. Sixty dollars
to insure. One dollar to the Groom in all
instances. Mares that went to Virginian
last season and may, from any cause, have
failed, will be covered again this season, gratis.
Mares may be fed with grain if required,
at the neighborhood price.
All persons living above Mr. J. C. Goode's,
and wishing to send Mares, may send them to
him, and he will send them on to the Horse.
JAMES J. HARRISON.
March 4, 1824. 3211 Mr

Twenty Dollars Reward.

RAN AWAY from the Subscriber, living
in Person county, seven miles from the
Court House, on Mayo Creek, on the tenth
of February last, a Negro Man by the name
of EDMOND. He is about 22 or 23 years
old, five feet nine or ten inches high; has a
good countenance and tells a fair story; is
rather of a light complexion, and has a small
beard. There is one particular mark on him,
one of his legs is larger than the other, owing
to his formerly having an ulcer on it. He
was tolerably well dressed in homespun;
had on a fur hat half worn, a mixed coat, or
a blue yarn one, trimmed with red, and had on
bootees; and I suppose has the appearance
of a traveller. The last account I had of him
he was on his way to Oxford, Granville Coun-
ty, and from thence he intended to go to
wards Raleigh. Some person has given him
a kind of free pass. It is said he intends to
call his name John Jones, of Rockingham
County. Any person catching and deliver-
ing said servant to me, shall be entitled to
the above reward of 20 Dollars; and any in-
formation of said Negro man so that I get him
again, will be thankfully received and lib-
erally rewarded.

THOMAS LAWSON.
March 1. 33 4t

RALEIGH REGISTER.

TUESDAY, MARCH 16, 1824.

A singular and we believe unprece-
dented instance of the effect of passion
in a brute animal, was witnessed in this
city not long since. A horse whilst
paying his respects to a trough of pro-
vender; was somewhat annoyed by a
cow, who seemed determined to partici-
pate without ceremony, in the good
things he was so eagerly discussing.—
She so far accomplished her intentions
as to protrude her head into the trough,
and was in the very act of commencing
her operations, when the horse convinced
that the moment was a critical one,
and forgetful of that nobleness of char-
acter for which he has been character-
ized, caught the tongue of the cow be-
tween his teeth, and in an instant se-
vered it in twain! The cow languished
a short time and died.

We feel confident, that if a certain
gentleman in a northern state, who had
lately to pay \$5000 because his wife of-
ficiously thrust HER TONGUE into the
concerns of other people, should hear
of the fate of this poor animal, he will
drop a tear of heartfelt sympathy to her
memory—having learned himself from
sad experience, the direful consequen-
ces of an unbridled tongue.

The Virginia Legislature, adjourned
on Wednesday, after a session of 101
days.

TOBACCO MARKET.—The prices of
Tobacco, (says the last Milton Gazette)
have improved considerably since our
last quotations. Private sales have
been effected at 11 and \$12; and it
has been sold under the hammer for
\$9 45. This augurs well. The plan-
ter can now bring his Tobacco to this
market with a fair prospect of getting
a good price. Our prices will vie with
those of Lynchburg and Richmond.

The New-Haven Herald, a paper de-
voted to the cause of Mr. Calhoun, con-
tains the following candid remarks on
the subject of the late Republican Con-
vention at Washington, which at once
goes to prove that the opposition, (des-
pairing of all hopes of accomplishing
the election of their favorite objects, in
opposing the good old mode of concen-
trating the public will by caucusing,)
are daily yielding their pretensions in
favor of that candidate who is uniting
and will inevitably become the favorite
of the whole republican family.

"The nomination of Mr. Crawford at Wash-
ington is of the same character, precisely,
as the nomination of Mr. Adams by the Legis-
lative Caucuses of Massachusetts and Maine.
In our view the caucus nomination of Mr.
Crawford is just as obligatory upon the demo-
cratic party, at this time, as were the caucus
nominations of Mr. Jefferson, Mr. Madison and
Mr. Monroe. But we are really anxious to
see how some of our neighbors, who have
heretofore been great sticklers for caucus
nominations, but whose tender consciences have
lately become alarmed on the subject of a
Congressional caucus, will reconcile the gross
inconsistency of their conduct, when they
come to trumpet forth the nominations for
Governor, Senators, &c. made by the Legis-
lative Caucus of Connecticut."

MELANCHOLY OCCURRENCE.—A
kitchen on the plantation of James Sea-
well, Esq. took fire on Saturday last,
and three negro children, the eldest 10
years old, who were in at the time,
were burnt to death. The mother had
gone out a short time before, and, as is
very often done, confined the children
in the kitchen, by fastening the door on
the outside; so that the little sufferers
had no means of escape. A quantity
of dry broom grass was lying on the
floor of the kitchen, to which the fire
was probably communicated through the
carelessness or thoughtlessness of
the children.—*Fayetteville Observer.*

CASUALTY.—A small sloopboat, hav-
ing on board eleven persons, besides
the owner, was upset about 6 o'clock
on Thursday evening, near Castle
Pinekey, and eight of the number
(seven whites and one black) were un-
fortunately drowned. The boat which
upset, had in tow, a few minutes pre-
vious to the accident, a canoe boat, be-
longing to Mr. Dempsey, laden with
crockery, saved from the wreck of the
British ship Plantagenet.—When those
on board the canoe observed the acci-
dent, they hastened, notwithstanding
the violence of the wind, to the relief
of those on board the sloop—and, after
discharging most of the crockery from
the canoe, were fortunate enough to save
four of the number, who were found
clinging to the bottom of the sloop.
Charleston Courier.

It has been ascertained by the Post-
master General that there are 599 news-
papers published in the United States,
viz:—

In Maine	12	In Georgia	14
N. Hampshire	11	Ohio	48
Massachusetts	35	Indiana	12
Rhode Island	9	Illinois	5
Connecticut	23	Missouri	6
Vermont	8	Kentucky	18
New-York	137	Tennessee	15
New-Jersey	18	Mississippi	7
Pennsylvania	110	Alabama	10
Delaware	4	Louisiana	8
Maryland	22	Michigan	1
Virginia	35	Dist. Columbia	8
N. Carolina	12		
S. Carolina	12	Total	599

This number is ascertained, with the
town or village in which each paper is
published. There are probably a few
scattering papers not yet reported to
the Department.

Fayetteville, March 11, 1824.

The annual meeting of the Cumber-
land Agricultural Society, was held in
this town on Monday and Tuesday of
last week, and agreeably to the provi-
sions of the constitution of the society,
requiring the election of officers, the
following officers were duly elected for
the ensuing year:

JOHN A. CAMERON, President.
JOHN HODGES, and } V. Presidents,
L. BETHUNE,
JAMES SEAWELL, Secretary.
JOHN MATTHEWS, Treasurer.
JOHN BLACK,
JOHN SMITH,
HENRY ELLIOT,
JOSIAH EVANS,
DANIEL M'LEAN,
NEIL M'NEIL,
Stewards

The following resolutions were then
adopted:—

Resolved, That the sum of \$120 be placed
at the disposal of the Board of Managers for
the ensuing year, to be distributed by them in
premiums, for the best specimens of such ar-
ticles of domestic manufactures, as may by
said board be deemed advisable; the exhibi-
tion (or show) to be held at such time and
place as shall be agreed upon by the Board
of Managers.

Resolved, That the President be requested
to deliver, on the day of said exhibition, a
suitable address.

The meeting was punctually attend-
ed by the President and Vice-President,
and most of the other officers, as well
also by the members generally; and all
manifested much laudable zeal in the
promotion and advancement of the great
object of the society—Agriculture.

The Agricultural Show & Exhibition,
will be held at Meadow Branch, on the
farm of John A. Cameron, Esq. adjoining
this town, on the 4th and 5th of No-
vember next. A list of the Premiums,
&c. will be published in our next.
Observer.

The Trenton, N. J. Federalist, of
Monday, says, that a strange animal
has recently appeared in that neighbor-
hood, which has excited the curiosity
of many, and some alarm.—His size is
that of a large dog, color brown, with
long tail—flies with great fleetness at
the approach of man. His head is in the
form of a cat's, and his track does not
resemble that of any animal known
there. It is supposed to have killed and
eaten Sheep—keeps mostly in the open
fields; does not leapfences, but climbs
over as going up stairs; the hunters
have not been able with good horses to
overtake him, and the dogs keep at a
very respectful distance in chase. When
he stops and looks round, they stop
also.

Remarkable Occurrence.—A late
Greenock paper, in announcing the ar-
rivals there of the Jessie, and Thomp-
son's Packet, from America, states that
they left St. John's within a few hours
of each other; and what is very re-
markable, and perhaps unparalleled in
nautical history, the one had scarcely
cast anchor in Douglas Harbour, when
the other came also into the port, al-
though during the whole passage they
never had seen each other! The dis-
tance is upwards of 3000 miles, and
they both performed the voyage in 29
days.

Justices of the Peace!—The Bel-
lows Falls paper states that Vermont
has one Justice for every 177 souls, on
an average; and that more than every
fortieth man, of lawful age is a Justice
of the Peace!

MARRIED.

In this county, on Thursday last, Dr. John
Young, to Miss Eliza Jones, daughter of Hen-
ry Jones, Esq.

In Davidson county, on the 15th ult. Dr.
Joseph H. Hilliard, to Miss Susan Hargrave,
daughter of Jesse Hargrave, Esq.

In Orange county, on the 19th ult. Mr.
Thomas Faucett to Miss Hannah Durham.

On the same day, Mr. Frederick Collier to
Miss Lucretia M. Hunt, daughter of John
Hunt, deceased.

In Sparta, Geo. on the 19th of February
last, Dr. Frederick S. Stewart, of Lexington,
to Miss Naomi Jape, second daughter of An-
drew Rhea, Esq. formerly of this state.

DIED.

At his residence in Wilkes county, on the
15th ult. of a dropsy, Mr. John Foster, in the
60th year of his age. He was the youngest
child of eleven all born at single births; and
his is the first death in this extraordinary
long-lived family.

At his residence near Wheeling, Va. on the
15th ult. Lawrence Augustine Washington,
Esq. in the 50th year of his age. He was
nephew and one of the heirs of Gen. George
Washington, who educated him, and in whose
family he resided for a number of years.