HOUSE OF REPRESENTATIVES.

REMARKS OF MR. HALL, OF N. CAROLINA. On the Bill authorising a subscription to the Stock of the Maysville and Lexington Turn-

pike Road. Mr. HALL said he hoped he should be excused for delaying the passage of the bill for a few moments only. He had no idea that he should be able to prevent its passage altogether; but as he took no part in the debate yesterday, he wished to make a remark or two, not that he had any peculiar hostility to this particular object-for he could assure his friends from Kentucky, that he would as soon vote for an appropriation for this object as any other of the kind even in his own district. But he rose to make some developements which he thought calculated to throw much light on the system of Internal Improvement generally, of which principles of the whole subject.

The developments which I am about to make, said Mr. H., consists of emanations from the most respectable sourcesfrom the Legislatures of two of the most wealthy and powerful States in the Union. New-York and Pennsylvania. It is unnecessary for me to say, that in presenting what I do from these sources, it is not from any want of respect. My object is to shew what New-York and Pennsylvania have done, and the results at which they have arrived in the prosecution of works of internal improvement, as a beacon and a warning to other States less powerful in the means necessary to the successful prosecution of these works .-I hesitate not to say that no other States in the Union can push their plans of internal improvements to the extent which these States have, without the most ruinous consequences. The great State of New-York, with means and appliancesphysical and adventitious-which no other State in the Union has, or perhaps extricating herself from the situation in

by this policy. The report of the Canal Board, in an- wealth." swer to a resolution of the Senate of New-York, of the 25th of February, 1830, presents, among other remarks, the following. great States, it was certainly from no State to be derived from the construc- other feeling. I have done it, sir, to notion of the navigable communications be- tify the State which I have the honor in tween the great Western and Northern part to represent, as well as others, to Lakes, and the Atlantic Ocean, were take warning by the example and experi- ly limited powers, whatever in its formation it ted States." The word sovereignty, applied doubtless based upon the anticipated re- ence of those who have gone before them, venue which these works would produce. into undertakings which, whatever these It was therefore apparent, at the com- States may do, it would be difficult for advantages in the enhancement of the val- documents, and particularly the report, ue of the property contiguous to them, to show, what utter delusion prevails upwould be participated by the landed pro- on the subject of internal improvement, prietors and others inhabiting the Canal not only in the States, but as it is carried nity for its expenditures, to the revenue show the fallacy of the idea of the nation-* A law was passed at the commence- whose principal attribute is that of local-State, in its political capacity, may be rebroad principles of justice in reference to its wealth, will have perfect applicability. In a corporation consisting of many indisent to the people of New-York, in the then these objects become national ob-

interests of the State, in reference to the doubt it is quite as well entitled to an amount of tolls which ought to be collect- appropriation as many other works called ed on the Canals, will be clearly indicat- national. But the gentleman from Kened by exhibiting an account of debit and tucky, [Mr. Letcher] tells us that this credit between the Erie and Champlain road is a national road, because it is Canals and the State, from their commencement up to the beginning of the present year. Here follows, after some national river? How are we to distinfurther remarks, a set of calculations, shewing, according to the views taken in the report, that the "whole amount of thing about length and breadth, &c. how debt chargeable to the Canals on the first day of January, 1830, was \$12,237,399 70." The report says further: "But regarded in the most favorable light in which any reasonable caculation can place them, the canals have yet done nothing catch crawfish when I was a child, how towards the extinguishment of their debts; and indeed, that they have not one that is not. And suppose, according paid the annual interest of that debt, tothem for superintendance and repairs .this road is a part, and which involves the That portion of debt which has been extinguished, owes its extinguishment entirely to the auxiliary funds, the duties | made the same remark,) that by the same

and canals, a member, Mr. Seltzer, said, "That the gentleman from the city had given us an eloquent speech. But had sung the old song-a song which he had sung many times before. There were some notes, however, that were discordant : there were some assertions which thing like a contradiction in terms. But, sir, I were not founded on facts. He had told say that if there is any one work of internal imus that there were sufficient funds to pay the interest on our public debt until February, 1831. Now, sir, I deny it-I, sir, am bold to deny it; it cannot be shewn has been made, show? That even in the estito be tite. We shall fall short of paying the interest this year more than three interest. And, sir, if the great State of Newhundred thousand dollars! Now, sir, this old song is nearly worn out. It has been sung from year to year-"give us more money to extend a little further, and the canal will be profitable." When the ever can have, will find some difficulty in money has been received, and the extentinues to exercise the wisdom in the man- already expended more than twelve milagement of her system which she has lions of dollars, and not one mile of canal revenue means of a sinking fund to her from the city wants to borrow money to debt, and suspends the further extension enter into new contract, and then borrow of her system, she will in some few years more to pay the interest. Such a course, wipe off this debt, which, if I am rightly every one knows, would bring an indiviinformed, has been considerably reduced dual to ruin; and who could doubt, but that it will bring ruin on the Common-

Mr. Speaker, I have said, that in presenting these emanations from these two "The advantages to the people of this feeling of disrespect, but rather from any But, sir, I hesitate not to say, that, according to nations, and among the several States, is vested mencement of these works, that the local others to accomplish. I have quoted these sections of the State; and that the great on, or pretended to be, by the General by the General Government, claim the power State community must look, as an indem- Government, and more particularly to principally from four sources; from the war to be derived from these works." Again, ality or generality of works and objects ment of these Canals, imposing a direct ity of place. Sir, we have heard in this ral Government to make roads and canals, imocal tax upon twenty-five miles on each debate a great deal about national objects; side of these works. This law was based but what does the documentary evidence upon the evident principle, that the pro- presented by the Legislature of N. York perty in the vicinity of the Canals was en- teach us? That the very work which, by hanced in value to the amount of the dif- way of excellence, if there is one in the and executive functions of the Government in pellant, conceding these postulates, except the ference between land and water transpor- Union, the Erie and Champlain Canal, is tation. Owing, however, to the loss and entitled pre-eminently to be called, a nainconvenience which would result from tional work, is yet shown by the report of the assessment, collection, and payment the Canal Board to be one of local chaof the tax, it was never imposed; and racter and interest. Sir, there is not a those who have been almost exclusively greater source of error and mischief than benefited by these works, having been the improper or equivocal use of language. thus exempted from all direct taxation, It has been said by one of the most able it would seem to be an obvious principle and talented men ever produced by that of justice that the whole State should ne- country so prolific in great men, thatver be subject to taxation on account of "mankind in general are not sufficiently the Canals. It cannot be imagined, that aware, that words without meaning, or, the people of this State ever contemplat- of equivocal meaning, are the everlasting ed, that the works which are principally engines of fraud and injustice." The beneficial in a local and individual point words National, American System, Interof view, should impose a tax upon the nal Improvements, General Welfare, &c. whole community, and it would doubtless are striking instances. As they are frebe doing great injustice to that portion of quently used, they are words of equivoour citizens, who inhabit the Canal sec- cal meaning, and have been used as entions, to imagine that they ever supposed | gines productive of immeasurable, I fear that those in other parts of the State would of irremediable injury, to the people of be subjected to taxation to make or main- this country? These words, confined to tain the Canals, or to extinguish the their proper use, have a distinct and apdebt." The report goes on to say-" The propriate meaning of their own; for words improper use or abuse of it. are the names of things, sir. Words are garded as a Corporation and the same things, you know, Mr. Speaker, and misused or abused, they may be made very wicked and mischievous things. But the word National-the National good-the viduals, an application of the funds of the General welfare! Sir, what is National? whole for the benefit of a part, would be Why. Mr. Speaker, it would not be diffia transgression of the principles of equi- cult, by a little logical legerdemain, to ty, unless the funds were invested in such prove that any thing, however local or cira manner as to return to the body corpo- cumscribed in its character, is nationalrate the principal and interest." Again. The general welfare is made up of the parto the wealth of the State, by enhancing its parts. What is good for the whole is the value of the property in the Canal good for the parts, and e converse what is sections. This is true. But as this ad- good for the parts is good for the whole. dition of wealth has not diffused itself, The nation is made up of individualsand cannot diffuse itself equally among what is good for the nation is good for the all the citizens, as two-thirds or three- individuals-what is good for the indivifourths of the whole population derive duals must be good for the nation ; therelittle, if any, pecuniary advantage from fore, every individual advantage mest be the Canals, it would be unjust and op- a national advantage. But it is of adpressive that works which are thus partial vantage to my old neighbor, that his poin their benefits, should be general in tatee patch or cornfield should be cultitheir exactions." Mr. Speaker, it will vated, or he should have a ditch cut, or a be seen by what has here been presented, cowpen made; his individual advantage ficulty, because the same word establish is used though similar powers; and so of the power to

in connexion with the national river Ohio. But how came Ohio, par excellence, to be a guish which is and which is not a national water-course? As we have heard someare we to ascertain where, or when, hationality begins. Sir, I should like to know from the great father waters in the West, down to the meanest rill or mud puddle in N. Carolina, where I used to we are to tell a national water-course from to the gentleman, Ohio being a national gether with the moneys expended upon river, this road becomes a national road, because in connexion with it; does not the gentleman perceive, (and I say this in the same good natured way in which he on salt, on sales at auction, and sales of rule, every other road or path, that is connected with it, must therefore be nasame remark was made in regard to the Cumberland Road, that eternal road-

between them and the Canala, or Canal from the National Treasury. Mr. Speakinterests, a view of what they cost, and vielded. And it is further stated—"The lity to the Maysville read, and have no peculiar host.

Indian tribes, is to be governed. Mr. Speakthe man, nor the place where the duties are performed. In general it does not require a great deal of room, and most of those who are with powers plenary quoid her agencies.

In the Pennsylvania Senate, on a bill tional, and that even a sturgeon living in making further appropriations for roads it must be a national sturgeon? The

eternal as to money.

But, Mr. Speaker, I am extremely obliged to the Legislature of New-York, for the light which it has caused to be thrown upon this subject of the nationality of locality-which sounds someprovement in the United States, entitled to be called, by way of eminence, a national work, it is that truly great work, the Erie and Champlain Canal. And what does the exposition which mate of the Canal Board, this is a matter of local York, an empire within herself, after having prosecuted with so much energy, and with a success that, from the very nature of her physical position and adventitious advantages, no other State can use, if she, under all these favorable circumstance, has yet shown that this stupendous work is not only local, but, compared in its cost and profit, is as yet a losing business; about to resort to high authority—the very highsion made, they come here and the song I ask, what would be the result with any other est, in the estimation of some -- even the sovereign which her splendid works have placed is sung over again, "give us a little more single State, or still worse, with the whole Unit- power, in their estimation; but, sir, not quite her. But with her resources, if she con- and it will be profitable." The State has ed States, cut up into roads and canals, at such so high, in my opinion as that. No, sir; not Ought they to do it? I do hope that the people | respectable authority. -- I mean the Supreme in every State, whose Legislature has plunged Court. In the case of Gibbons v. Ogden, the heretofore done, by applying her general has been completed, and the gentleman into this system, will cause to be made out an Chief Justice, in delivering the opinion of the account of debit and credit, showing precisely Court, after some preliminary observations, says, what they pay for the article, and what it yields. "We are now arrived at the inquiry-What is Mr. Speaker, had not the Constitution become this power? It is the power to regulate, that is, obsolete, except with a few old fashionable pol- to prescribe the rule by which commerce is to be iticians. I would say something upon the Consti- governed. This power, like, all others vested in tutional question, because some of those who Congress, is complete in itself, may be exercised believe with me on this subject, by appearing to to its utmost extent, and acknowledges no limiwaive the question, may subject us unjustly to tations other than are prescribed in the Constithe imputation of having ab indoned the ground. on." He continues, "If, as has always been Sir. I have not; I never shall abandon my prin- understood, the sovereignty of Congress, though ciples on this subject; and the more I reflect on | limited to specified objects, is plenary as to those the practical construction of the Constitution, or in Congress as absolutely as it would be in a sinrather the practice of the General Government | gle government, having in its constitution, the for some years past, if the people really believe same restrictions on the exercise of the powthat they are living under a government of strict- er as are found in the Constitution of the Uniwas intended to be; I have only to say, that I here to Congress, if understood as it frequently think them mistaken. That the Government is, I do not approve of. Congress i not the sowas intended by the people of the States, when | vereign power of the country, but a mere agenthey adopted the Constitution, to be one of the cy, with powers plenary quoad hoc over partimay satisfy himself, who will consult the contem- be under-tood here. Mr. Speaker, I perfectly poraneous history of the times. And, sir, I wish my constituents could now hear me. I desire that what I say may go out to them. Mr. Speaker, the friends of internal improvement, power, the power to establish post roads and ther of the General or State authorities; but, post offices, the power to appropriate money, and the powers to regulate commerce. From these sources, they claim the right of the Geneprove harbors and rivers, and many other works within the jurisdictional limits of a State. The error into which those who derive the power over internal improvements, from the war power, is their improperly blending the legislative proceeds, after some other remark-" The ap-

to the country; and that they are liable for any The Post Office power-the power to estab. lish post roads and post offices is so hackneyed a subject, that but little is required from me now. Without going into any philological disquisitions on the word establish, I will reply on its ordinary meaning, and resort to precedents. But unfortunately, and very strangely, precedents never seem to be of any use, but for operating against some long established rule of action, under which a thousand previous acts are not permitted to have as much force as one new act in opposition to that rule. I know not how many precedents in f.vor of the practical use of the word establish to count. But we know. from the foundation of the Government, until within a few years, establishing a post road, meant the designation by law of some road already made as a mail route. This has in many interfere with the power of the States to tax for thousand cases, which ought to have the force the support of their own governments; nor is of precedent, been the evident meaning of the the exercise of that power by the States, an exacts of the Government establishing post roads. ercise of any portion of the power that is grant-And I give a strong illustration in the case of the ed to the United States. In imposing taxes for celebrated Cumberland road, which, if I am State purposes, they are not doing what Congress rightly informed, was first made or caused to be is empowered to do. Congress is not empower-made by Congress, and afterwards, by a sepa- ed to tax for those purposes which are within the rate and distinct act, made; or established, that exclusive province of the States. When, then, is, designated by law, a post road, and the mail each government exercises the power of taxation, directed to be carried on it as a mail route, and neither is exercising the power of the other." so of any other road. Some seem to have a dif- No, Sir, but exercising distinct and separate, that the object of the report was to pre- is part of the national advantage; and in regard to post offices. But this will, upon a regulate commerce; that is, the power, as pro moment's reflection, be shown to be only pre- perly defined by the Court, to make legal rules the 7th of June, and at the several Branches in scribing by law the official duties or character and regulations by which commerce with foreign teen days thereafter. shape of an account of debit and credit jects, and ought to have an appropriation of some individual appointed Postmaster. Con- nations, among the several States, and with the

willing to perform the duties, have some place to perform the duty in, or furnish it. The word establish has been therefore properly interpreted by the acts of the Government from its commencement, and if rightly informed. I believe it is so used in that country (England,) from which we received our idea of post office system. The more modern, and evidently erroneous interpretation, that establish means to make post roads and post offices, must be considered an interpolation.

The appropriating power, the most convenient for all purposes, is not a new one. It is the opinion of Mr. Hamilton revived, I think in 1823 the sovereign power; they are both subording to the actual sovereignty, which is or '4, because it was perhaps thought more to to the actual sovereignty, which is in the p. the purpose by some. In his report on manu- pie. Mr. Speaker, if the power to regulate factures, page 54th, Mr. Hamilton remarks, "It is therefore of necessity left to the discretion of the national legislature to pronounce upon the objects which concern the general welfare, and for which, under that description, an appropriation of money is requisite and proper. And there seems to be no room for a doubt that whatever concerns the general interests of learning, of agriculture, of manufactures and of commerce, are within the sphere of the national councils, as far as regards an application of mo-

Mr. Speaker: If Congress can, at its discretion, pronounce upon the objects which concern the general welfare, and apply ad libitum, the money of the public to their accomplishment what is to prevent their exercise of any power whatever which it may please them to say is for the general welfare-is a national object? They may select any end or object, and use any amount of means to arrive at, or accomplish the purpose. The People intended this to be a government of limited powers, but, Mr. Speaker, it, really, Congress is left to its own discretion as to the objects, with unlimited use of the means the government is as sovereign and imperial as the autocracy of Russia or Turkey. I ask what is the difference between unlimited power, and an unlimited use of the means to accomplish whatever objects the discretion of the government may select or point out? What is power, bu the use of the means to accomplish any thing Means in use are power de facto, real, practical

The power to regulate commerce is one of the main sources from which the power to make internal improvements within the jurisdictional limits of the States, by making roads and canals, improving, or, I suppose, making harbors, breakwaters, improving rivers, &c. is claimed. This subject, sir, comes more nearly home to me, and to the people I represent; and, sir, I am rates? Could the People bear the taxation? - quite the sovereign power, but yet very high alid them, the more firmly must I adhere to them .- objects, the power over commerce with foreign limited and specified powers, I think any one cular subjects, and in this sense the word should agree with the opinion of the Court in the doctrine here laid down of the plenary nature, and completeness of all the legitimate constitutional powers of this government. And sir, I, for one, would not diminish one iota, nor in the smallest degree take from, or diminish the powers eikeeping each within its proper sphere, I would adopt the old adage of suum cuique tributo. But, Mr. Speaker; does not every one perceive that this doctrine, being sound and truly drawn, as I say it is, from one of the plainest parts of the Constitution, that it is at once destructive of the claim of this government to make internal improvements within the States ? The Chief Justice relation to war. These departments are to be last, contends that full power to regulate a parkept separate and distinct, in this as well as in | ticular subject implies the whole power, & leaves other instances. Each has its appropriate part | no residuum ; that a grant of the whole is incomto perform. The Legislature declares war, the patible with the existence of a right in another Executive carries it into execution. It is his du- to any part of it. "On the margin we have the ty, being by the Constitution the commander-in- following condemnation of the context to which chief, the head of the military establishment .- | it is connected-" The power to regulate com-Military roads, ditches, culverts, the throwing merce, so far as it extends, is exclusively vested up breastworks, the occasional taking or using in Congress, and no part of it can be exercised private property for public purposes, are means by a State." Now sir, what is the commerce, necessary to the execution of the war power, the regulation of which has been given to Conthey are parts of the war executed by the mili- gress? It is commerce " with foreign nations, tary. These are things left to the discretion of among the several States, and with the Indian the military commanders, ex necessitate rei fla- tribes." This is the commerce to be regulated, grante beilo, and could not be provided for by constituting one subject whole and entire, totus, the legislative department of the Government; teres atque rotundus. The power of Congress it results from the very nature of war. But so over it is commensurate with the subject; it is soon as the military is withdrawn, the General full and complete, and consequently exclusive, Government has no control over these things; as I say all the appropriate powers of Congress they belong where they did before. These op- are. Sir it follows from the very nature of erations really constitute a part of the war; and things, that if the power is plenary, it is necesto think of carrying into effect the executive sarily exclusive, and cannot of necessity be con- about 100 acres are first, second and third crop functions of the Government in relation to war current, or participant, or conjointly with anoin time of peace, would involve the contradic- ther. Sir. I have once before advanced the doction of having war in time of peace. But we all trine here, & I think truly, that properly speak- and the opinion seems to be well founded that know that this discretion of Military command- ing, there are no concurrent powers between Gold abounds in two hills particularly on the ers, is to be exercised upon their responsibility the General and State Legislatures or Govern- plantation; a branch runs through it for i of ments. Even the power of taxation, which seems to be so considered by some, I find no difficulty with. Mr. Speaker : there are powers to be exercised by both very similar, but this may be remarked in regard to other Governments .-Take, for instance, the subject of taxation : it is not only similar in its mode of application, and exercise in this country and Great-Britain, but it is a known fact, that some of the very identical articles which yield a tax in England, afterwards also yield a tax here; but would any one undertake to say, therefore, that the two governments are joint agencies ? The two governments exercise similar powers, each within its own sphere, but not as copartners, or concurrent agencies. "Congress is authorised to lay and collect taxes &c. to pay the debts and provide for the com-

mon defence and general welfare of the United

States." But the Court says, "This does not

with powers plenary quoad hoe, over the subject, is not a legal and political absurding And, sir, is there a man here who will have to hardihood to say that the States have not right to make internal improvements with their jurisdictional limits? And if so, does not follow, from the very nature of the powers of this Government, that Congress cannot) s the thing is self-evident. The truth is both governments are agencies, with power plenary in relation to each other, over the sub. jects appropriately and constitutionally to then committed by the sovereign power of the country-the People. Neither government is itser means the power to make commerce, or a of its parts or adjuncts, we shall ultimate arrive at very strange results. And if, und this power we are to make roads, could harbors, &c. we must go on and by the same rule, make whatves, piers, drays, wheel-partows and merchant's w rehouses, as well as boat and large vessels to facilitate commere. Com merce, in its narrowed signification, means a exchange of equivalents; but there are man things and circumstances so closely and inse arably connected with it, that they become, it were, parts of it, or at least, adjuncts, without which it could not get on, and they also become subjects for regulation, but regulation has been shown not to mean fabrication or construction The Chief Justice says, speaking of the inspen tion laws, "They form a portion of that in mense mass of legislation which embraces even

Mr Speaker, I think this power has been 50 understood The exercise of the power of to Government in regard to internal improvement has been evidently to me, pushed beyond in proper bounds and authority. Sir, I am against extremes, modus, est in rebus. I do not think Congress has the right to go into States to etc. cise those municipal rights which the reoplers served to themselves or their local legislatires I will only trouble the House with one other evidence, which is directly to the point. The sir, is from the declaration of rights of North Carolina, which is a part of the Constitution that State. "That all political power is vested in & derived from the People only. That the People of this State ought to have the sole and exclusive right of regulating the internal given ment and police thereof." Sir, I will trouble the House no longer.

thing within the territory of a State not sure

dered to the General Government : all which

can be most advantageously exercised by the

States themselves. Inspection laws, quarantical

laws, health laws of every description, as and

as laws for regulating the internal commerce of

State, and those which respect turnpike rough

ferries, &c. are component parts of this mass.

I believe, sir, this road, we are upon now, is

be a turnpike road.

MANAGERS' OFFICE. RICHMOND, VA.

Union Canal, No. 9, To be drawn in Philadelphia, on Saturday, the

5th June. 1 Prize of \$20,000 is 320,000 10,000 10,000 2,500 2,500 1,500 5,000 1.000 Tickets \$5, Halves 2 50, Quarters 1 &

Dismal Swamp Canal, No. 7,

To be drawn on Friday, the 11th June. 1 Prize of \$25,000 is \$25,000 5,000 5,000 2,500 2,500

1,500

1.500

1.000 5,000 Besides \$500, 400, 300, 200, 100, &c. Tickets \$5, Halves 2 50, Quarters 1 25. Orders for Tickets promptly attended to-

YATES & M'INTYRE,

Richmond, Va. Where the following Splendid Prizes han been sold and paid within a short time: 1 12 27, \$30,000,

2 43 53, 10,000, 24 32 42, 10,000, 29 44 54, 4,000, besides many others. YATES & M'INTYRE.

MANAGERS' OFFICE. Drawing of Dismal Swamp Lottery, No. 5: 48 10 35 51 45 38 28 59 27 19.

Drawing of the Union Canal Lottery, No. 8 12 18 2 53 21 36 25 7 56. 2 12 18, the Capital of \$20,000.

The \$10,000 owned in Richmond, and solds! he Managers' Office YATES & M'INTYRE,

Managers. Gold Mines, Lands, Negroes, &c.

THE Subscriber wishing to remove from the neighborhood, offers for sale his valuable Plantation, four miles west of Charlotte. The tract contains 282 acres of land, a large part of ground, of the best quality. The plantation nearly adjoins the celebrated Capps' Gold Mine mile, which, it is thought by men of judgment is as rich in the precious metal as any of the Burke Mines. There is also on he plantation good Water Power, and an excellent Mill-Sed

Also, 20 or 25 likely young Negroes for sale or a part of them, such as may not wish to follow Any person desirous of purchasing, can cal

for mining operations, also a Dwellinghouse, two

Barns, Stables & other necessary out-buildings

and view the premises : or enquire of Mr. Robb J. Dinkins or Dr. J. D. Boyd, of Charlotte, for a description, &c. WILL. BOSTWICK.

Charlotte, N. C. March 29, 1830. 63 12t

NOTICE.

THE Sale of Absalom Yancey's Tar River Plantation, in Granville county, containing 12 or 1300 aeres of Land, will positively the place on the first Monday of next month (June,) in the town of Oxford. Also, his Interest in his Father's Estate. Terms made known on the H. M. MILLER, Trustee. May 11, 1830;

State Bank of N. Carolina, Raleigh, May 25, 1830 DESOLVED, That a Dividend of two cent. on the Capital Stock of this Bank, be and the same is hereby declared for the past year, payable at the Principal Bank on Monda

CHARLES DEWEY, Cashier