

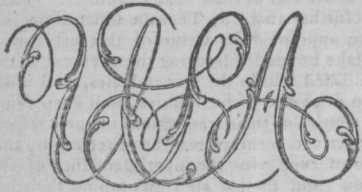
officer of inspection, of the port where it shall be intended to commence the delivery of the spirits so entered, or any part thereof: for which purpose, every proprietor, importer or consignee, making such entry, shall deliver two manifests of the contents (upon one of which the said certificate shall be given) and shall at the time thereof declare the port at which the said delivery shall be so intended to be commenced, to the collector or officer with whom the same shall be made. And every permit granted by such collector, for the landing of any of the said spirits, shall, previous to such landing, be produced to the said officer of inspection, who shall make a minute in some proper book, of the contents thereof, and shall endorse thereupon the word "INSPECTED," the time when, and his own name; after which he shall return it to the person by whom it shall have been produced; and then, and not otherwise, it shall be lawful to land the spirits therein specified; and if the said spirits shall be landed without such endorsement upon the permit for that purpose granted, the master or person having charge of the ship or vessel from which the same shall have been so landed, shall, for every such offence, forfeit the sum of five hundred dollars.

And be it further enacted, That whenever it shall be intended that any ship or vessel shall proceed with the whole or any part of the spirits which shall have been brought in such ship or vessel from any foreign port or place, from one port in the United States to another port in the said United States, whether in the same or in different districts, the master or person having the command or charge of such ship or vessel, shall, previous to her departure, apply to the officer of inspection, to whom report was made, for the port from which she is about to depart, for a certificate of the quantity and particulars of such of the said spirits as shall have been certified or reported to him to have been entered as imported in such ship or vessel, and of so much thereof as shall appear to him to have been landed out of her at such port; which certificate the said officer shall forthwith grant. And the master or person having the command or charge of such ship or vessel, shall within twenty-four hours after her arrival at the port to which she shall be bound, deliver the said certificate to the proper officer of inspection of such last mentioned port. And if such ship or vessel shall proceed from one port to another within the United States, with the whole or any part of the spirits brought in her as aforesaid, without having first obtained such certificate; or if within twenty-four hours after her arrival at such other port, the said certificate shall not be delivered to the proper officer of inspection there, the master or person having the command or charge of the said ship or vessel, shall in either case forfeit the sum of five hundred dollars; and the spirits on board of her at her said arrival, shall be forfeited, and may be seized by any officer of inspection.

And be it further enacted, That all spirits which shall be imported as aforesaid, shall be landed under the inspection of the officer or officers of inspection for the place where the same shall be landed, and not otherwise, on pain of forfeiture thereof; for which purpose the said officer or officers shall, at all reasonable times, attend: Provided that this shall not be construed to exclude the inspection of the officers of the customs as now established and practised.

And be it further enacted, That the officers of inspection under whose survey any of the said spirits shall be landed, shall upon landing thereof, as soon as the casks, vessels and cases containing the same shall be gauged or measured, brand or otherwise mark in durable characters, the several casks, vessels or cases containing the same, with progressive numbers; and also with the name of the ship or vessel wherein the same was or were imported, and of the port of entry, and with the proof and quantity thereof; together with such other marks, if any other shall be deemed needful as the respective supervisors of the revenue may direct. And the said officer shall keep a book, wherein he shall enter the name of each vessel in which any of the said spirits shall be so imported and of the port of entry and of delivery, and of the master of such vessel, and of each importer, and the several casks, vessels and cases containing the same, and the marks of each: and if such officer is not the chief inspector within the survey, he shall as soon as may be thereafter, make an exact transcript of each entry, and deliver the same to such chief officer, who shall keep a like book for recording the said transcript.

(To be continued.)



CONGRESS.

HOUSE OF REPRESENTATIVES.

FRIDAY, Feb. 4.

The BANK BILL under consideration.

MR. BOUDINOT said he meant to confine himself to two or three great points on which the whole argument appeared to him to rest. He considered the objections to the bill as pointed against its constitutionality and its expediency. It was essential he observed, that every member should be satisfied as far as possible of the first, for however expedient it might be, if it was clearly unconstitutional the bill should never receive the sanction of the representatives of the people. He would in a great measure refer its expediency, if constitutional, to the experience of every gentleman of the House, as the most satisfactory proof on that head, and he conceived there was no need of much argument in support of its decision.—The first question then was—Is Congress vested with a power to grant the privileges contained in the bill? This is denied and ought to be proved. In order to shew in what manner this subject had struck his mind he first laid down these principles.

Whatever power is exercised by Congress must be drawn from the constitution; either from the express words or apparent meaning, or from a necessary implication, arising from the obvious intent of the framers.

That whatever powers (vested heretofore in any individual State) not granted by this instrument are still in the people of such state and cannot be exercised by Congress.—That whatever implication destroys the principle of the constitution ought to be rejected.—That in construing an instrument the different parts ought to be so expounded as to give meaning to every part which will admit of it.

Having stated these preliminaries, Mr. Boudinot proceeded to enquire, what were the powers attempted to be exercised by this bill? for until the powers were known the question of constitutionality could not be determined.

By it Congress was about to exercise the power of incorporating certain individuals, thereby establishing a Banking Company "for successfully conducting the finances of the nation."

The next enquiry is—What rights will this Company enjoy in this new character, that they do not enjoy independent of it?—Every individual citizen had an undoubted right to purchase and hold property, both real and personal, to any amount whatever—to dispose of this property to whom and on what terms he pleased—to lend his money on legal interest to any person willing to take the same, and, indeed, to exercise every power over his property that was contained in the bill. Individual citizen then, having these powers, might also associate together in company or copartnership and jointly exercising the same rights—might hold lands in joint-tenancy or as tenants in common to any amount whatever—might put any sum of money into joint stock—might issue their notes to any amount—might make bye-laws or articles of copartnership for their own government, and finally, might set up a bank to any amount, however great, and no authority in the government could legally interfere with the exercise of these rights. The great difference between this private association of citizens in their individual capacities, and the company to be created by this bill, and which is held up in so dangerous a light, is, that the one exposes the company to the necessity of using each individual's name in all their transactions—suits must be brought in all their names—deeds must be taken and given in like manner—each one in his private estate is liable for the default of the rest—the death of a member dissolved the partnership as to him—and for want of a political existence, the union may be dissolved by any part of its members, and of course many obvious inconveniencies must be suffered merely of an official kind. By the bill, these difficulties are to be removed, by conveying three qualities to them.

1st. Individuality, or constituting a number of citizens into one legal artificial body, capable by a fictitious name, of exercising the rights of an individual.

2d. Irresponsibility in their individual capacity, not being answerable beyond the joint capital.

3d. Durability, or a political existence for a certain time, not to be affected by the natural death of its members.

These are the whole of the powers exercised, and the rights conveyed. It is true these are convenient and advantageous to the company, but of trifling importance when considered as a right or power exercised by a national legislature, for the benefit of the government. Can it be of any importance to the state whether a number of its citizens are considered in legal contemplation as united in an individual capacity, or separately as so many individuals, especially if the public weal is thereby promoted. By their irresponsibility being known, every person dealing with them gives his tacit consent to the principle, and it becomes part of the contract. And by political duration, their powers and abilities are limited, and their rights restricted, so as to prevent any danger that might arise from the exercise of their joint natural right, not only as to the amount of their capital, but as to the bye laws they might make for their government.

A private bank could make contracts with the government, and the government with them, to all intents and purposes, as great and important as a public bank, would their capital admit of it; though they would not possess such qualities as to justify the confidence of government, by depending on them in a time of danger and necessity. This might put it in the power of any individuals to injure the community in its essential interests, by withdrawing the capital when most needed. To prevent this and many other inconveniencies, it is necessary that a bank for the purposes of government should be a legally artificial body, possessing the three qualities above mentioned.

Mr. Boudinot then took up the Constitution, to see if this simple power was not fairly to be drawn by necessary implication from those vested by this instrument in the legislative authority of the United States. It sets out in the preamble with declaring the general purposes for which it was formed—"The insurance of domestic tranquillity—provision for the common defence—and promotion of the general welfare." These are the prominent features of this instrument, and are confirmed and enlarged by the specific grants in the body of it, where the principles on which the legislature should rest their after proceedings are more fully laid down, and the division of power to be exercised by the general and particular governments distinctly marked out.—By the 8th section, Congress has power "to levy taxes, pay debts, provide for the common defence and general welfare, declare war, raise and support armies, provide for and main-

tain a navy," and as the means to accomplish these important ends, "to borrow money," and finally, "to make all laws, necessary and proper, for carrying into execution the foregoing powers."—Let us then enquire,—Is the constituting a public bank necessary to these important and essential ends of government—if so, the right to exercise the power must be in the supreme legislature.

He argued that the power was not contained in express words, but that it was necessarily deduced by the strongest and most decisive implication, because he contended that it was a necessary means to attain a necessary end. Necessary implication had led Congress, under the power to lay and collect impost, and taxes, to establish officers for the collection—to inflict penalties against those who should defraud the revenue—to oblige vessels to enter at one port, and deliver in another—subjected them to various ceremonies in their proceedings, for which the owners were made to pay—and he conceived that it was not so great an exertion of power by implication, to incorporate a company for the purpose of a bank. He also deduced the right, from the power of paying debts—raising armies—providing for the general welfare and common defence, for which they were to borrow money. All these necessarily include the right of using every proper and necessary means to accomplish these necessary ends. It was certain, he said, that money must be raised from the people: This could not be done in sums sufficient for the exigencies of government in a country, where the precious metals were so scarce as in this. The people in general are poor, when compared with European nations—they have a wilderness to subdue and cultivate—Taxes must be laid with prudence, and collected with discretion.—The anticipation of the revenues therefore, by borrowing money, becomes absolutely necessary. If so, then as the constitution had not specified the manner of borrowing, or from whom the loan was to be obtained, the supreme legislature of the Union were at liberty, it was their duty to fix on the best mode of effecting the purposes of their appointment. For it was a sound principle, that when a general power is granted, and the means are not specified, they are left to the discretion of those, in whom the trust is reposed, provided they do not adopt means expressly forbidden.—The public defence, or general welfare, rested on the annual supplies from uncertain revenues, would expose the very existence of the community.—It is the duty then of those, to whom the people have committed this power, to prepare in time of peace, for the necessary defence, in a time of war. The United States are now happily in a state of peace; but it was impossible for any one to say, how long it would continue. By prudent management, it might be long preserved; but this prudence consisted in being always found in a state of preparation to defend our country.

The constitution contemplates this very duty, by authorising Congress to provide for the common defence, by borrowing of money. Why borrow money? Are not the annual revenues sufficient? It might be so, if nothing was to be attended to but internal wants; but the common defence and general welfare, loudly call for that provision which will produce a constant guard on external enemies and internal insurrections.—To this necessary end, it becomes Congress to provide that the necessary means may be always at hand, by being able to arm their citizens and provide for their support while engaged in the defence of their common country. This can be done only by borrowing money, which is usually of citizens or foreigners; if of the first, it must be from individuals, or from private banks:—Will it be prudent to trust to either? Loans from individuals were attempted during the war, when patriotism produced a will in some lenders, and others were glad to get rid of a depreciating paper currency, almost on any terms whatever.

(To be continued.)

LONDON, Dec. 1.

The following Letter was addressed by the late Dr. SAMUEL JOHNSON to Dr. LAWRENCE, on the death of Mrs. LAWRENCE:

DEAR SIR,

At a time when all friends ought to shew their kindness, with a character which ought to make all that know you your friends, you may wonder that you have yet heard nothing of me.

I have been hindered by a vexatious and incessant cough; for which, within these ten days, I have bled once, fasted four or five times, taken physic five times, and opiates I think six. This day it seems to remit.

The loss, dear Sir, which you have lately suffered, I felt many years ago; and know therefore how much has been taken from you, and how little help can be had from consolation. He who outlives a wife whom he has long loved, sees himself disjoined from the only mind that had the same hopes and fears and interest; from the only companion with whom he has shared much good or evil; with whom he could set his mind at liberty, to retrace the past, or anticipate the