

the case was reversed. Or if part of the States should be invaded and overrun by an enemy, it would be thought necessary to levy on the rest heavy taxes, and collect them in a short period, and to take stock, grain and other articles from the citizens without their consent, for common defence; but in a time of peace and safety such measures would be supposed unnecessary. Instances may be multiplied in other respects; but it is conceived that these are sufficient to shew that the popular and general meaning of the word "necessary" varies according to the subject and circumstances.

The second rule of interpretation relates to the context, and the Judge conceives that "if words are still dubious, we may establish their meaning by the context; thus the preamble is often called in to help the construction of an act of parliament." The constitution in the present case is the great law of the people, who are themselves the sovereign legislature; and the preamble is in these words—"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

These are the great objects for which the constitution was established, and in administering it, we should always keep them in view. And here it is remarkable, that altho' "common defence and general welfare" are held up in the preamble amongst the primary objects of attention, they are again mentioned in the 8th section of the first article, whereby we are enjoined in levying taxes, duties, &c. particularly to regard "the common defence and general welfare;" indeed common sense dictates the measure; for the security of our property, families, and liberty—of every thing dear to us, depends on our ability to defend them. The means, therefore, for attaining this object, we ought not to omit a year, month, or even a day, if we could avoid it, and we are never provided for defence unless prepared for sudden emergencies. Should government be surprized in this case, it would be as dishonorable as for a general to be surprized in a state of warfare, and the event to the community may be much more fatal. If provision then for sudden emergencies is indispensable, it must be evident that it will depend in a great measure on the ability of government to command at all times, for this purpose, a sufficient sum of money, which is justly denominated the sinews of war: and how is this to be effected?—by emissions of bills of credit?—During the revolution, bills of credit, it must be acknowledged, have done wonders; they have, in conflict with the banks, treasury and public credit of Great-Britain, risen superior to them all, and have since died a natural death. We have honored them with a funeral pile; we now bid peace to their manes, and devoutly hope that bills of credit will forever be extinct in the United States. Are we to depend then on taxes for commanding money in cases of urgent necessity? These, as has been shewn by other gentlemen, will be too slow in their operations, unless, indeed, we should levy a tax for drawing into, and locking up in the treasury, three or four millions of dollars—a law which would be universally considered as unnecessary and improper.

By loans, and loans only, can provision be made for sudden emergencies: But if loans should be made *previously* to an emergency, the people would be unnecessarily burthened by the interest thereof and most of the other evils would ensue that would arise from previous taxes; and if they were to be made *at* an emergency, without previous arrangements, of whom are we to borrow? of *individuals*?—These cannot be depended on, as has been fully proved by our own experience at the commencement of the revolution.—Are we to apply to the bank already established in the States for loans? These can no more be depended on than individuals; for stockholders having not more attachment to government than other citizens, would in cases of public danger attend to the preservation of their property by other means than loaning it to government. And moreover the united capitals of all the banks existing in the union, would be insufficient for government, for they do not amount to a million and an half of dollars, and only a part of this could in any case be reasonably expected on loan.

Are we to apply to foreign banks or individuals? These, as has been shewn, are too remote; and if not, we have not been able, without the assistance of an ally to obtain foreign loans during the war, and perhaps the power in whose assistance we may rely, would be hostile to us.—Such dependance then as has been stated would necessarily leave us in a deplorable state—and it must be evident that a previous arrangement to aid loans in cases of sudden emergency, is necessary and proper in the general and popular use of the term, inasmuch as any other measure that Congress can adopt would be inadequate to the

purpose of common defence—and what previous arrangement can we make so proper as that of a NATIONAL BANK? If gentlemen in the opposition know of any, let them produce it, and let the merits of it be investigated—for it is unreasonable to propose a rejection of this plan, without producing a better. The plan proposed by the Secretary of the Treasury, which is now the subject of discussion, does honor, like all his other measures, both to his head and heart; it will be mutually beneficial to the stockholders and to government, and consequently so to the people. The stockholders by this plan will be deeply interested in supporting government; because three quarters of their capital consisting of funded certificates depend on the existence of the government, which therefore is the prop of their capital, the main pillar that supports the bank: Again, the *credit* of government, which is immaterial to the other banks, is essential to the national bank, for the *annual interest* of three quarters of its capital, which must form a great share of its profits, will depend altogether on the credit of government, and produce, on the part of the stockholders, the strongest attachment to it. On the other hand, it will be for the interest of government to support the bank, as well on account of the benefits which the public will generally derive from the institution, and the profits arising from the shares of government in the stock which will be hereafter noticed, as of the supplies of money which it will be for the interest of the bank to furnish in cases of urgent necessity. Whenever *these* exist Congress may lay a tax for supplying the treasury, and anticipate it with certainty, by means of the national bank. It being then our duty to provide for the common defence in cases of emergency, the provision must evidently be made by taxes, loans, or by arrangements for obtaining the latter on the earliest notice—and previous taxes and loans being oppressive, improper and unnecessary, the arrangements for aiding loans become indispensable, and a bank, of consequence, necessary and constitutional.

(To be continued.)

FOR THE GAZETTE OF THE UNITED STATES.

SONNET IV.

ADOWN the melancholy stream of life
Who joys the vessel of his Years to guide?
Nor fears the roarings of th' incertain tide,
The inclement Winter, or the Ocean's strife?
And who, regardful of his certain end,
Can bear the incessant struggles of his Youth;
Force thro' enticement to an age of truth;
And welcome Death as freely as his friend?
Who, that when Poverty's torpedo hand
Has chill'd even Charity's soft-answering soul;
When green-eyed Malice hunts him thro' the land,
Can smile serene, superior to the whole?
He, who the paths of Rectitude has trod—
His friends—his life, his conscience, and his God.
E L L A.

LONDON, February 15.

DIED last week, a Mr. David Davies, a native of Montgomeryshire in Wales; in a certain part of which county, he had given directions that he should be buried, and ordered in his will one shilling to be given to every person attending his funeral. This extraordinary bequest being previously published about, no less than one thousand and thirty persons from off the mountains assembled on this (to them) joyful occasion, and received an English shilling each.

A Jamaica Creole, belonging to the revolution society, and who has resided some years in London, was the other day arguing on the impropriety of this nation styling their monarch "King of France"—And pray, sir, what would you substitute in the room thereof? said another member.—What would I substitute? cried the other—Why, I would call him, King of Great-Britain, Ireland, and Jamaica—three of the noblest islands in the universe!

In Paris now, the business of the nation is transacted totally in the clubs patriotic and monarchic—the latter are now so seriously augmented, that in number they exceed the Jacobins.

Lord Stanhope and Dr. Price are performing, amidst the greatest bursts of laughter, upon the French Theatre, almost every evening.

Varna, where the great part of the Russian and Turkish forces are assembled, is 145 miles north-west of Constantinople.

The words in Dr. Johnson's dictionary amount to 48,000! Mr. Croft promises to add upwards of eleven thousand more;—and yet our parliamentary speakers preface with a—"Mr. Speaker, I want words!"

The Archbishop of Canterbury waited on Mr. Burke some days ago as Metropolitan, formally to present to him the thanks of the Established Church, for his invaluable work on the French revolution.

DUBLIN, February 10.

Amongst the many proofs which are daily adduced of the progressive increase of tillage, it may not be amiss to inform our readers, that in the course of last week, upwards of seven thousand barrels of oats were purchased by the merchants of Waterford, for exportation.

P A R I S, February 5.

The intended journey of the King's aunts, still occupies public attention. The democrats will have it they were going for Turin, immediately to join the royalists. The old women of this city go further, and declare they were to have headed a party that were to have attacked the frontiers.

NATIONAL ASSEMBLY OF FRANCE.

JANUARY 25.

The fitting of this evening was more tempestuous and disorderly, even to indecency, than any that has of late disgraced the majority of a deliberative Assembly. The devoted Ecclesiastics, driven to despair, by every possible mode sought to impede the progress of the measure proposed by the Ecclesiastical committee; it was however carried at length.—The purport is as follows:

"The Assembly decrees, that the law of December 26, ordering the replacement of such Ecclesiastics (Fonctionnaire Publics) as shall refuse the oath, is to be carried into effect by the administrant bodies and the municipalities; with exception however, to such cases as fall within the compass of the articles marked 6, 7, and 8 of that law, which are cognizable by the tribunals. Approves the particular conduct of the direction in the department of the Somme, and charges that body with the fulfilment of these its legal functions."

M. Maury, with infinite versatility and address (irritat, mulcet falsis terroribus implet,) endeavoured to defeat so dangerous a consignment of authority over spirituals tending even to the deprivation of all religious rites, if the nonconformists were displaced before successors were selected; but it was all in vain. At length the enraged party, in retaliation, denounced the club, styled Jacobins, to be a nest of murderous ruffians, hunting with their pack, the people, a persecuted order to destruction.

The president continually interposed, but the hall was in the extreme of anarchy presenting neither the wisdom of the senators nor the language of gentlemen.

LIVERPOOL, February 5.

The quantity of tea for the next East-India House sale, amounts to four millions eight hundred pounds weight.

The general average price of wheat throughout England and Wales, by last return, was six shillings and two pence half penny per bushel.

One of the sad effects of forgetfulness.—A resident of Howarden, in Flintshire, lately employed a friend, who had business in Chester, to put a letter into the post-office for him. He accordingly went, and returned home with the letter snug in his pocket, though unluckily out of his head. A few days after, whilst in company, taking some papers out of his pocket, the letter presented itself in a very soiled state, and, adding imprudence to remissness, he committed it to the flames, saying his friend could soon write another. But how mutually agreeable must have been the surprize of one hearing the fate of his letter, and the other, that it contained a bank note of 50l.

When arsenic, or corrosive sublimate, has been inconsiderately swallowed, a solution of common pot or pearl ashes, or any other alkaline salt given after, renders it nearly harmless. Two or three absolute proofs of this have been made public and in one instance recorded, nearly half an ounce of the sublimate had been intentionally swallowed.

CHARLESTON, March 24.

Yesterday between twelve and one o'clock, was executed pursuant to his sentence, Thomas Walsh, who has long been known in this state and Georgia, by the appellation of major Washington, for counterfeiting the indents issued by the authority of this state. His countenance was sickly, but his demeanor manly, and would have suited a conscience void of offence. At a few minutes past twelve, he ascended the scaffold, attended by the officers of execution; and was assisted in his devotions by the Rev. Dr. Keating, pastor of the Roman Catholic church, to whom, as we are informed, he had confessed that his name was Walsh, and was born of a respectable family in Ireland; that he had not professed any religious persuasion for a series of years, but as he had been baptized agreeably to the rites of the church of Rome, he wished to die a Catholic.

At the conclusion of his devotions he was asked by the sheriff if he had any thing to say—he replied, nothing more than he had already declared, that in this business he died innocently. He mentioned that he had been indisposed since the day before, and intreated the multitude not to attribute his sickly countenance to the fear of death; for as he died innocent, he trusted, he should also die brave. "As Christ died upon the cross forgiving his enemies, so I forgive mine." He politely waved his hand to the crowd and said, "Good day gentlemen;" then stepping forward on the deadfall, he pulled the cap over his face, saying "col. Osborne, I am ready;" and was immediately launched into eternity.