

PRINTED AND PUBLISHED BY JONAS GREEN, BROUGH-STREET, ANNAPOLIS. Price—Three Dollars per Annum.

BANK OF THE U. STATES. Supreme Court of the United States. McCulloch, Plaintiff in Error. The Court of Appeals of Maryland. Seals of Maryland.

Chief Justice delivered the opinion of the Court. The case now to be determined, the defendant state, denies the obligation of a law enacted by the legislature of the United States...

\*See Mr. King's letter to the Secretary of State, Vol. 10, p. State Papers.

FROM THE LEWISBURG REPORTER. A COMMON CASE.

Pray thee tell me, Mr. Printer, What's an honest man to do? All my neighbours, all the winter, Wish to hear the news from you.

But among us, (nearly twenty,) I alone your paper take, So that next day I've a plenty Sure to follow in my wake.

Tell me neighbour what the news is? Every one desires to know; Think I if a man returns, He perhaps might make a foe.

So I'm compelled to loan it, Till it goes to the usual round, Then when I, who really own it, Wish to read, it can't be found.

Tell me, Mr. Printer, tell me, I'm compell'd to ask of you, If you've any pity to lend me, What's an honest man to do?

AGRICULTURAL. For the Maryland Gazette.

MR. GREEN, I have always been of opinion, that every thing which had a tendency to improve the agriculturalist in making a crop, or to save him from destruction, deserved a right to receive general publicity...

NO FARMER. A distinguished farmer who had been without success, a variety of means had been tried to destroy this troublesome insect, which he had determined to try what effect smoking them would have; for this purpose he collected all sorts of useless weeds, and them with light dry brush and straw he threw in heaps on the windward side of the field, and then set all the heaps on fire...

Receipt to prevent the Smut in Onions. "Take as much dunghill or rotted manure as will fill a bushel, and mix with it a quantity of grain dust, and mix as much with a pound of copperas will cause it to bear an egg; steep your onions in this mixture for twelve hours, after being carefully washed of the light coat, strain it out, and dry with slaked lime, or dry (turf) above, so that it will be ready to use the day following; for if wet weather comes, it is kept 4 or 5 days out of the ground, the corn peels and will not be so liable to rot as the other, and by adding more water and salt, the seed intended to be sowed is killed."

and secure the enjoyment of liberty to them, and secure to their property. The basis of the Union is the equality of the States, and the equality of the States is the basis of the Union...

It has been said, that the people had already surrendered all their powers to the state sovereignties, and had nothing more to give. But surely the question whether they may resume and modify the powers granted to government does not remain to be settled in this country. Much more might the legitimacy of the general government be doubted, had it been created by the States. The powers delegated to the state sovereignties were to be exercised by themselves, not by a distinct and independent sovereignty created by themselves.

The government of the Union, then, whatever may be the influence of this fact on the case, is emphatically and truly, a government of the people. In form and substance it emanates from them. Its powers are granted by them, and are to be exercised directly by them, and for their benefit.

This government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it, would seem too apparent to have required to be enforced by all those arguments which its enlightened friends, while it was depending before the people, found it necessary to urge.

In discussing these questions, the conflicting powers of the general and state governments must be kept distinct, and the principle that it can exercise only the powers granted to it, would seem too apparent to have required to be enforced by all those arguments which its enlightened friends, while it was depending before the people, found it necessary to urge.

The government of the Union, then, whatever may be the influence of this fact on the case, is emphatically and truly, a government of the people. In form and substance it emanates from them. Its powers are granted by them, and are to be exercised directly by them, and for their benefit.

Among the enumerated powers, we do not find that of establishing a bank or creating a corporation. But there is no phrase in the instrument which, like the articles of confederation, excludes incidental or implied powers; and requires that every thing granted shall be expressly and minutely described.

It is not to be inferred from the nature of the instrument, that the powers not delegated to the United States, nor prohibited to the States, are reserved to the States, or to the people; thus leaving to the States, or to the people, the subject of power which may be exercised by them, and which they are to exercise.

Although, among the enumerated powers of government, we do not find the word "bank" or "corporation," we find the great powers to lay and collect taxes, to borrow money, to regulate commerce, to declare and conduct a war, and to raise and support armies and navies.

government entrusted with such ample powers, on the due execution of which the happiness and prosperity of the nation so fully depend, it is not to be presumed, that the States intended to withhold the ample means for their execution.

It is not to be presumed, that the States intended to withhold the ample means for their execution. The power being given, it is the interest of the nation to facilitate its execution. It can never be their interest, and cannot be presumed to have been their intention, to clog and embarrass its execution by withholding the most appropriate means.

It is not denied, that the powers given to the government imply the ordinary means of execution. That for example, of raising revenue and applying it to national purposes, is admitted to imply the power of conveying money from place to place, as the modes of conveying money are, and of employing the usual means of conveyance.

On what foundation does this argument rest? On this alone: The power of creating a corporation is one appertaining to sovereignty, and is not expressly conferred on Congress. This is true. But all legislative powers appertain to sovereignty.

The government which has a right to do an act, & has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means; and those who contend that it may select any appropriate means, that one particular mode of effecting a result is excepted, take upon themselves the burden of establishing that exception.

The creation of a corporation, it is said, appertains to sovereignty. This is admitted. But to what portion of sovereignty does it appertain? Does it belong to one more than to another? In America, the powers of sovereignty are divided between the government of the Union and those of the States.

The government of the Union, then, whatever may be the influence of this fact on the case, is emphatically and truly, a government of the people. In form and substance it emanates from them. Its powers are granted by them, and are to be exercised directly by them, and for their benefit.

The power of creating a corporation, though appertaining to sovereignty, is not like the power of making war, of laying taxes, or of regulating commerce, a great substantive and independent power, which cannot be implied or incidental to other powers, or used as a means of executing them.

But the constitution of the United States has not left the right of Congress to employ the necessary means for the execution of the powers conferred on the government, to general reasoning. To its enumeration of powers is added that of making all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department thereof.

that this clause though in terms a grant of power, is not in effect, but is, really, restrictive of the general right, which might otherwise be implied, of selecting means for executing the enumerated powers.

They have found it necessary to contend that this clause was inserted for the purpose of conferring on Congress the power of making laws. That, without it, doubts might be entertained, whether Congress could exercise its powers in the form of legislation.

But could this be the object for which it was inserted? A government is created by the people, having legislative, executive, and judicial powers. Its legislative powers are vested in a Congress, which is to consist of a Senate and House of Representatives.

It is true, that this is the sense in which the word "necessary" is always used; Does it always import an absolute physical necessity, so strong, that nothing, to which another may be termed necessary, can exist without that other? We think it does not.

The government which has a right to do an act, & has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means; and those who contend that it may select any appropriate means, that one particular mode of effecting a result is excepted, take upon themselves the burden of establishing that exception.

Let this be done in the case under consideration. The subject is the execution of those great powers, on which the welfare of a nation essentially depends. It must have been the intention of those who gave these powers, to ensure, as far as human prudence would ensure their beneficial execution.

The power of creating a corporation, though appertaining to sovereignty, is not like the power of making war, of laying taxes, or of regulating commerce, a great substantive and independent power, which cannot be implied or incidental to other powers, or used as a means of executing them.

The Council of the State of Maryland has urged various arguments, to prove that this clause though in terms a grant of power, is not in effect, but is, really, restrictive of the general right, which might otherwise be implied, of selecting means for executing the enumerated powers.

indispensably necessary. The different departments may be established, taxes may be imposed and collected, armies and navies may be raised and maintained, and money may be borrowed, without requiring an oath of office. It might be urged, with as much plausibility as the incidental powers have been asked, that the convention was not unmindful of this subject.

So, with respect to the whole penal code of the United States, whence arises the power to punish in cases not prescribed by the constitution? All admit, that the government may, legitimately, punish any violation of its laws; & yet this is not among the enumerated powers of Congress.

Congress is empowered, "to provide for the punishment of counterfeiting the securities, and current coin of the United States," and "to define and punish piracies and felonies committed on the high seas, and offences against the laws of nations."

But the argument on which most reliance is placed, is drawn from the peculiar language of this clause. Congress is not empowered "to make all laws which shall have relation to the powers conferred on the government, but such only as may be necessary and proper for carrying them into execution."

It is true, that this is the sense in which the word "necessary" is always used; Does it always import an absolute physical necessity, so strong, that nothing, to which another may be termed necessary, can exist without that other? We think it does not.

The government which has a right to do an act, & has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means; and those who contend that it may select any appropriate means, that one particular mode of effecting a result is excepted, take upon themselves the burden of establishing that exception.

Let this be done in the case under consideration. The subject is the execution of those great powers, on which the welfare of a nation essentially depends. It must have been the intention of those who gave these powers, to ensure, as far as human prudence would ensure their beneficial execution.

The power of creating a corporation, though appertaining to sovereignty, is not like the power of making war, of laying taxes, or of regulating commerce, a great substantive and independent power, which cannot be implied or incidental to other powers, or used as a means of executing them.

The Council of the State of Maryland has urged various arguments, to prove that this clause though in terms a grant of power, is not in effect, but is, really, restrictive of the general right, which might otherwise be implied, of selecting means for executing the enumerated powers.