

United States, leaving other teachers unmolested in their functions." And it must be fresh in the recollection of the senators and representatives of this State in congress, how loudly and distinctly, upon a late occasion, the people of Maryland expressed their indignation at an attempt to encourage religious establishments; their feelings upon this subject are yet alive, and this assembly is convinced that nothing would do greater violence to their sentiments and opinions, than any act which should indirectly invest congress with a power to erect or promote such establishments.

The second clause is, that which empowers congress to borrow money. The obvious meaning of the power to borrow money, is that of accepting it from, and stipulating payment to, those who are *able* and *willing* to lend. To say that the power to borrow involves a power of creating the *ability*, where there may be the *will* to lend, is as forced a construction, as to say that it involves the power of *compelling* the *will*, where there may be the *ability* to lend."

The third clause, is that which gives the power to pass all laws necessary and proper to execute the specified powers. "Whatever meaning this clause may have, none can be admitted, that would give an unlimited discretion to congress. Its meaning must, according to the natural and obvious force of the terms, and the context, be limited to means *necessary* to the *end*, and *incident to the nature of the specified powers*. The clause is in fact, merely declaratory of what would have resulted by unavoidable implication, as the appropriate, and as it were technical, means of executing these powers." Let us pursue this implied power a little further, and we shall clearly perceive its unsoundness and absurdity. "To borrow money is made the *end*, and the accumulation of capitals *implied* as the *means*. The accumulation of capitals is then the *end*, and a bank *implied* as the *means*. The bank is then the *end*, a charter of incorporation, a monopoly, capital punishments, &c. *implied* as the *means*. The implications *thus remote, and thus multiplied*, can be linked together, a chain may be formed that will reach every object of legislation, every object within the whole compass of political economy." The doctrine of implication is always a dangerous one. Like an insidious serpent, it has wreathed and coiled itself about other governments, and stung them in the very vitals; we too may be made, ere long, to feel its deadly venom, "if we do not keep close to our *chartered authorities*." This assembly feels itself fortified in the interpretation which it has given to the constitution of the United States, when it recollects, that it has been solemnly declared by one of the most distinguished framers of that instrument, who now fills the highest station in the union, "that a power to grant charters of incorporation had been proposed in the general convention, and **REJECTED**."

But it may be said, that this question is settled; that the first congress have determined the constitutionality of the act, and that it ought not now to be made a subject of discussion. This is the doctrine of precedent. It is the *first* wrong only that is censurable, all that follow are perfectly justifiable. The *first* violation of the constitution sanctifies all succeeding infractions of a similar nature! There is an absurdity in this manner of reasoning unbecoming the enlightened representatives of freemen; and the danger of implicitly following *precedents* is so obvious, that this assembly would not have noticed the subject in this respect, had it not been for a rumour which has reached it, that such arguments would be used in favour of the re-establishment of the United States bank.

This assembly is sensible of the embarrassments which arise from this mode of communication, it has therefore confined itself to a brief sketch of the principal evils and grounds of unconstitutionality of a national bank; trusting to the talents and integrity of the senators and representatives of this State in congress, to do that ample justice to the sentiments and opinions of the good people of Maryland, which is so eminently their duty upon so very important a subject; therefore

RESOLVED, That the representatives and senators of this State, in the congress of the United States, be, and they are hereby requested and instructed, to oppose, by all means in their power, the establishment of a national bank, in whatever manner it may be proposed to organize such an institution.

Mr. Harryman, from the committee, delivers to the speaker a bill, entitled, An act for the benefit of Elizabeth Coale, of Baltimore county; which was read.

A petition from sundry inhabitants of Harford county, praying for a road from John Thomas's lane to Nathan Pyle's mill, was preferred, read, and referred to Mr. Forwood, Mr. Archer and Mr. Streett.

The house adjourns until to-morrow morning 9 o'clock.

T H U R S D A Y, November 8, 1810.

THE house met. Present the same members as on yesterday. The proceedings of yesterday were read. Mr. Joseph Swearingen, a delegate returned for Frederick county, appeared, and after qualifying in the mode prescribed by the constitution and form of government, and taking an oath to support the constitution of the United States, took his seat in the house.

On motion, Leave given to bring in a bill, entitled, An act to tax bank stock, and for other purposes. **ORDERED**, That Mr. Comegys, Mr. Groome, Mr. Nabb, Mr. Archer and Mr. Jump, be a committee to prepare and bring in the same.

On motion, Leave given to bring in a bill, entitled, An act to confirm an act passed at November session, eighteen hundred and nine, entitled, An act to repeal and abolish the forty-fifth article of the constitution and