

body to its own discretion, and becomes as absorbing and transcendental in its scope as the "general welfare" and "common defence clauses" would be themselves.

6. The power to dispose of, and make all needful rules and regulations respecting the territory or other property of the United States. This clause, as a source of power for making roads and canals within a State, Mr. Monroe disposes of summarily, as having no relation whatever to the subject. It grew out of the cessions of territory which different States had made to the United States, and relates solely to that territory (and to such as has been acquired since the adoption of the constitution), and which lay without the limits of a State. Special provision was deemed necessary for such territory, the main powers of the constitution operating internally, not being applicable or adequate thereto; and it follows that this power gives no authority, and has even no bearing on the subject.

Such was this great state paper, delivered at a time when internal improvement by the federal government, having become an issue in the canvass for the Presidency, and ardently advocated by three of the candidates, and qualifiedly by two others, had an immense current in its favor, carrying many of the old strict constitutionists along with it. Mr. Monroe stood firm, vetoed the bill which assumed jurisdiction over the Cumberland road, and drew up his sentiments in full, for the consideration of Congress and the country. His argument is abridged and condensed in this view of it; but his positions and conclusions preserved in full, and with scrupulous correctness. And the whole paper, as an exposition of the differently understood parts of the constitution, by one among those most intimately acquainted with it, and as applicable to the whole question of constructive powers, deserves to be read and studied by every student of our constitutional law. The only point at which Mr. Monroe gave way, or yielded in the least, to the temper of the times, was in admitting the power of appropriation—the right of Congress to appropriate, but not to apply money—to internal improvements; and in that he yielded against his earlier, and, as I believe, better judgment. He had previously condemned the appropriation as well as the application, but finally yielded on this point to the counsels that beset him; but nugatorially, as appropriation

without application was inoperative, and a balk to the whole system. But an act was passed soon after for surveys—for making surveys of routes for roads and canals of general and national importance, and the sum of \$30,000 was appropriated for that purpose. The act was as carefully guarded as words could do so, in its limitation to objects of national importance, but only presented another to the innumerable instances of the impotency of words in securing the execution of a law. The selection of routes under the act, rapidly degenerated from national to sectional, from sectional to local, and from local to mere neighborhood improvements. Early in the succeeding administration, a list of some ninety routes were reported to Congress, from the Engineer Department, in which occurred names of places hardly heard of before outside of the State or section in which they were found. Saugatuck, Amounisuck, Pasumic, Winnispiseogee, Piscataqua, Titonic Falls, Lake Memphramagog, Conneaut Creek, Holmes' Hole, Lovejoy's Narrows, Steele's Ledge, Cowhegan, Androscoggin, Cobbiesconte, Ponceaupechaux, alias Soapy Joe, were among the objects which figured in the list for national improvement. The bare reading of the list was a condemnation of the act under which they were selected, and put an end to the annual appropriations which were in the course of being made for these surveys. No appropriation was made after the year 1827. Afterwards the veto message of President Jackson put an end to legislation upon local routes, and the progress of events has withdrawn the whole subject—the subject of a *system* of national internal improvement, once so formidable and engrossing in the public mind—from the halls of Congress, and the discussions of the people. Steamboats and steam-cars have superseded turnpikes and canals; individual enterprise has dispensed with national legislation. Hardly a great route exists in any State which is not occupied under State authority. Even great works accomplished by Congress, at vast cost and long and bitter debates in Congress, and deemed eminently national at the time, have lost that character, and sunk into the class of common routes. The Cumberland road, which cost \$6,670,000 in money, and was a prominent subject in Congress for thirty-four years—from 1802, when it was conceived to 1836, when it was abandoned to the States: this road, once so ab-

sorbing both of public tion, has degenerated and is entirely superse road route. The same gree, of the Chesapeal national object of feder its name imports, to c the Atlantic with the g now a local canal, ch panies, very beneficial the national character the votes of Congress from the federal treasu of the most cautious al lic men, thoroughly ac and the working of the upon it entitled to g point (of internal impr by the federal governn come law. But it doe of improving national : revenue—appropriation sippi and other large when unincumbered wi by the appropriation, i of \$75,000 for the im rivers, and which was Mr. Monroe.

## CHAPTER

### GENERAL REMO

THE Indian tribes in th Union, had experienced the northern and middl in the south and west and formidable. Befor Great Britain, these sou held vast, compact b States, preventing the settlements within thei dangerous neighbor wi victories of General J: and the territorial cess the first great breach in but much remained to l ern and western States gerous population—to jurisdiction of all the limits, and to place ther