From the Richmond Enquirer.

MR. CLAYTON'S DOCTRINE.—This gentleman made the following extraordinary argument, on Saturday last, upon Mr. Gamble's Resolution:

"It will be recollected, that we of the South are opposed to the Bank upon constitutional grounds, and, indeed, it must not be forgotten, that a renewed charter has already met with Executive rejection upon that ground. Our principal argument is that this Government has no right to grant charters of incorporation, for any purpose. Now, we contend that Congress has no right to do *that indirectly*, which it has not the power to do *directly*. If it cannot incorporate a Bank for a given purpose, it cannot, by law, use a similar corporation created by another distinct government for the identical same object. Let me illustrate the idea. We say, and so says the Executive, you cannot establish a Bank in Philadelphia, or any where else, for the purpose of collecting and disbursing your revenue. Why? Because by the Constitution, you have no right to create charters of incorporation. But here we part with the Executive, and find it on the other side of the question maintaining, that, by law, you may take a Bank already incorporated to your hands, by the independent authority of Pennsylvania, for the purpose of collecting and disbursing your revenue. Now, how can this be reconciled? Is not this accomplishing, by indirection, that which it is acknowledged cannot be done by direct legislation? The law which enacts that the charter of a State Bank, already cut and prepared, shall be held and taken as the authority of the Federal Government for the performance of certain acts, or more properly speaking, for executing some of its constitutional powers, cannot possibly, in principle, differ from a law that should create a charter of its own. The people of this country surely do not so lack discernment, as to be made to believe there is any difference."

We had expected a better argument—even from Judge Clayton. Does he seriously mean to maintain, that to *create* and to *use* are the same things? The States have a right to grant charters of incorporation—Congress have no such power. The States may establish Banks—Congress have no such authority under the Constitution. Does Mr. C. mean to contend, that to use a constitutional Bank, is *indirectly* doing the same thing, as the *creation* of an *unconstitutional Bank* would be doing *directly*?

If Congress were to establish a mammoth Mother Bank in the District of Columbia, *with the privilege*, of establishing *Branches* in the *States*, even with their own consent, this would be to do *indirectly*, what they would have no right to do *directly*—and this, therefore, would be clearly unconstitutional. But surely this is a very different affair, from *using* a Bank, which the State is authorized to *incorporate*. "The People of this country surely did not so lack discernment," as not to see the difference in the cases!

Let us extend Mr. Clayton's doctrine to other cases—and see to what absurdities it conducts us. As Mr. Fillmore of N. Y. said, "We might employ a company in the transportation of stores or munitions of war"—does it therefore follow, that Congress has the power to "*incorporate* a transportation company?" Congress may direct the mail to run on a State road, or up a State Canal—does it therefore follow, that they have the power to make roads or cut canals? The operations are essentially distinct. And yet the cases of the *Bank* and the *road* are analogous to each other. Congress may use a State road or a State Bank—the establishment of both of which is clearly within the range of the constitutional powers of a State—and yet, who but Mr. Clayton would contend, that Congress is but exercising in either case the same power *indirectly*, which they are forbidden to exert *directly*? To make a road, or to charter a Bank, is one thing. To use either of them, when constitutionally created, is another and a very different purpose.

It is a pity that such a profound discovery should have been reserved for such men as Judge Clayton—when it had escaped the vigilance of Jefferson, in his Cabinet Report; and Madison, in his great Anti-Bank speech.—Both these great men suggested the use of the *State Banks* as a *substitute* for the establishment of a *National Bank*.

The Judge is equally unfortunate in his views of the *expediency* of the substitution. How does he argue?

"But, sir, we are told, and, indeed, we are in the midst of the very fact, that the United States Bank and its twenty-four branches, are incompetent to the fiscal operations of the Government. Not from inability, either mental or pecuniary; for experience, the best of witnesses, gives a flat contradiction to that idea; but because its great moneyed power is dangerous to the liberties of the country. Now, although this is not a sound argument against its capacity to perform the fiscal functions of the Treasury, yet it will be admitted to be a very sound argument against connecting it with the Government, and applies with as much force against one Bank as another, against forty *little monsters*, the present number in use, as one *big one* with twenty-four whelps."

Does the analogy really run on all fours? On the one hand, we have one mammoth Institution, chartered with enormous powers, armed with a capital of 35 millons, and entirely independent of State control; stretching its branches into every State of the Union, (and perhaps two or three in one State) if it pleases, and bringing its gigantic fund to bear upon any given point, on which it may desire to operate, at its own discretion. On the other hand, we have the Deposites made in the State Banks—with capitals of only 1, 2 or 3 millions—dependant upon the States, controuled by them; eternally watched by them.

These Deposites are first subjected to all the rules which Congress itself may, *and ought to devise*, for the limitation and restriction of the Executive authority—and next, the Banks, in which they are deposited, are subject to all the restrictions and the surveillance which the States may devise, against any undue or unnecessary control of the Executive department. Mr. C. calls it a *connection* with the Bank.—But can the *use* of the State Banks, for the mere fiscal purposes of the United States, be called a *connection*? But even if it were so, yet could it not, and *ought it not* to be so firmly and wisely regulated by *Congress*, as well as the *States themselves*, as to prevent any danger to the "liberties of the country?" In this aspect of the case, what analogy is there between the "*big monster*" of the U. S. Bank, and these State Institutions?

But away with such Logicians, with all their schemes and devices!