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For the National Intelligencer.

No. V.

THE next power, whoſe conſtitutional exerciſe by Congreſs is conteſted, is, that of placing at the mercy of the Executive, as far as relates to baniſhment, all unnaturaliſed foreigners; of which the Alien law is alleged to be an inſtance.

On this ſubject, various remonſtrances were preſented to Congreſs in the year 1799, alleging the Alien law to be unconſtitutional, and praying for its repeal. Theſe remonſtrances were referred to a committee of the Houſe of Repreſentatives, who made a report, exhibiting arguments in favor of the conſtitutionality of the law. The amount of theſe arguments were:

1. The unqualified declaration, "That the aſylum given by a nation to foreigners, is mere matter of favour, reſumable at the public will."

2. That "the right of removing aliens is an incident to the power of war and peace."

3. In reply to an objection againſt the conſtitutionality of the law, from its depriving aliens of a trial by jury, it is ſaid, "that the conſtitution was made for citizens, not for aliens, who of conſequence have no rights under it, but remain in the country, and enjoy the benefit of the laws, not as matter of right, but merely as matter of favor and permiſſion, which favor and permiſſion may be withdrawn, whenever the government charged with the general welfare ſhall judge their further continuance dangerous."

Thoſe who conſidered the Alien law as unconſtitutional, ſupported their opinion on theſe grounds:

"1ſt. Becauſe ſuch powers being, neither among the ſpecific powers granted by the conſtitution to the general government, nor neceſſary to carry into effect any of thoſe ſpecific powers, is, both by inconteſtible deduction, and by the 12th amendment reſerved to the individual ſtates. 2d. Becauſe even ſuppoſing ſuch power to be by implication comprehended amongſt thoſe granted to the general government, its exerciſe is for the preſent expreſsly prohibited to that government by the ſection which provides that the migration or importation of ſuch perſons as any of the ſtates ſhall think proper to admit, ſhall not be prohibited by Congreſs prior to the year 1808, and 3dly, becauſe aliens are ſuppoſed to come under the general deſcription of perſons to whom by the conſtitution the right of a trial of all crimes by jury is ſecured.

4thly. Becauſe, if ſuppoſing the power to inhere in the general government, the act of Congreſs had in an unconſtitutional manner, and contrary to the whole *spirit* of the conſtitution, *given to the President a discretion*, more partaking of legiſlative than of executive complexion. For it placed the reputation, and in a great degree the property of a large claſs of inhabitants at the mercy of one man, who, by ſeverity to his enemies, and by partiality to his friends, might, while he protected the latter in the aſylum they had ſought, ſacrifice the former by abandoning them to all the hardſhips of exile. Under this power, however little exerciſed, it was contended that the Preſident would be enabled to render ſubſervient to his political purpoſes, the whole body of foreigners, and thereby, if his views were unworthy, enliſt them, from the ſentiments of fear or gratitude, in their promotion. It was contended that ſuch a power never could have been intended to have been given to government to be exerciſed in ſuch a way, as it was oppoſed to the beſt eſtabliſhed and fundamental principles of a republican government.

Thoſe who may deſire full information on this ſubject, will find it in the debates of the Houſe of Repreſentatives on the paſſage of the act, and on the various motions made to repeal it; and eſpecially in the report of the Virginia Aſſembly, drawn up by Mr. Madiſon.

What precedes, clearly eſtabliſhes the contradictory conſtruction given on this ſubject, to the conſtitution; and of courſe, in correſpondence with the previous train of reaſoning, eſtabliſhes the propriety of making the conſtitution ſpeak a more definite and unequivocal language. If ſuch a power, ſo exerciſed, be a proper one to be beſtowed, let it be done in words which no man can miſtake; and if it be ſuch a power as ought not to be beſtowed, or if beſtowed, proper to be reſtricted in its exerciſe, let it be either abſolutely forbidden, or cautiouſly limited.

In the opinion of thoſe who advocate the conſtitutionality of the power, and the policy of its exerciſe in certain caſes, it is certainly important that in whatſoever hands the enaction and execution of laws are placed, the exiſtence of ſuch a power ſhould be acknowledged and undiſputed; while, in the opinion of thoſe who deny its conſtitutionality, it is equally important to reſtrain by poſitive injunction, thoſe abuſes and violations of the conſtitution, which they believe have been already incurred.

SOLON.

The following article is extracted from an Eaſtern Print, decidedly *federal* in its complexion. It is evidently written by a political friend of Mr. Adams, and a political enemy of Mr. Jefferſon. Though the enmity of the author to Mr. Jefferſon may, and actually does, diſcolour and pervert his ſentiments, it may fairly be inferred that his partiality to Mr. Adams would reſtrain him from aſcribing to him opinions or declarations, which he had either not made, or which, in the eſtimation of the writer, it would not have been commendable in him to have made. From this declaration of Mr. Adams, the republicans are juſtified in repeating, what they have hitherto ſaid, that he and his friends are inimical to the conſtitution, and that, inaſmuch as they are of opinion "that in times of commotion and violence (which are the times that moſt require a good Conſtitution) it would be broken as eaſily as a whale would go through a net," they are the men who would ſubvert it, and that its true and efficient ſupport is derived alone from their opponents, the *republicans*.

"As the Conſtitution of the U. States is now in its infancy, and in a ſtate of experiment and probation, it is well that a change of ſyſtem in the adminiſtration of it has taken place, that the people may learn what it is able to bear. Preſident Adams ſaid, that the Conſtitution was calculated only for a virtuous people, and a ſtate of tranquility; but that in times of commotion and violence, it would be broken as eaſily as a whale would go through a net. Preſident Jefferſon, in his inaugural ſpeech, ſays, "I believe this on the contrary, the ſtrongeſt government on earth." This difference of opinion in the two Preſidents naturally accounts for the difference of their meaſures. Mr. Adams, apprehenſive of its weakneſs, thought it prudent to preſerve a ſtate of tranquility, and to guide the conſtitution with a ſteady hand; while Mr. Jefferſon is willing to launch it "upon a tempeſtuous ſea," and truſt to its own ſtrength to ſafely ride out the ſtorm.— When it has been tried both in a tempeſt and a calm, we ſhall then have ſome opportunity of judging both of its excellencies and its defects; and ſhould it finally turn out (as its preſent operation ſeems to indicate) that it is a government of men rather than of laws, the people will be ſadly deceived in their hopes and expectations; for they intended a government of laws and not of men.

VARDEN & CARPENTER,

TAYLORS,

Gratefully acknowledge the favors of the public, whilſt carrying on buſineſs oppoſite Mr. Stille's Tavern, and inform, that they have removed to the next houſe eaſt of Mr. Tunicliff's Hotel, where gentlemen and ladies will be ſerved in a ſtile of faſhion and elegance which it has ever been, and ever will be, their ſtudy to execute, and they preſume, equal to the moſt populous cities in the Union.

Regimental and Ladies Habits made in the neateſt manner.

May 15, 1801. wtf

The ſchooners Dolphin & Kitty, now lying at Mr. Young's Wharf will conſtantly take freights every three weeks from this to Annapolis or Baltimore. For terms apply to BROHAWN and BOYS.

Waſhington July 15, 1801. 4

HOUSE OF COMMONS,

Monday, June 19.

FINANCE.

The Chancellor of the Exchequer ſaid he had purpoſely abſtained from any comments upon the reſolutions brought forward by Mr. Tierney, or upon thoſe he had ſubmitted, till they had been a ſufficient time in the poſſeſſion of every member. He had already admitted the ſtatements contained in the reſolutions brought forward by the Hon. Gentleman to be perfectly accurate, and founded fairly and candidly upon the papers before the houſe. Having ſtated that there was no arithmetical difference between him and the hon. Gentleman, it might not be amiſs to obſerve, that the ſame materials might be ſo put together as to produce different impreſſions. He did not know that this obſervation was applicable to the ſeveral reſolutions. In fact, his chief objection to thoſe of the Hon. Gentleman was, that they did not go far enough to enable the Houſe to form a comprehenſive judgment upon them.

The deficiencies he had remarked in them he endeavoured to ſupply. He would agree with him in his ſtatement of the amount of the funded debts prior and ſubſequent to the war; but at the ſame time he claimed the right of making a compariſon as to the means this country had of providing for its increaſed debt now and at the period of the concluſion of the American war. It would be recollected, that in 1785 the national debt was unattended with that conſolatory circumſtance of a proviſion having been made for its diſcharge. Since that period the wiſdom of Parliament had adopted the ſyſtem of a ſinking fund, applicable to the reduction of the debt of the country, the effects of which had been moſt advantageous. In 1786 the Sinking Fund for the reduction of that debt was the 238th part of it; at preſent it bore a proportion of a 73d part of the amount of the funded debt. Satisfactory as this was, he was ready to confeſs, that unleſs accompanied by other circumſtances, he ſhould not deem it of himſelf ſufficient to juſtify his view of the financial proſperity of the country; but he felt himſelf juſtified in aſſerting, that its means and opulence had been increaſing every year of the preſent war. That which afforded him the moſt ſatisfactory reflection upon the increaſed proſperity of the country was the comparative ſtate of its Exports and imports. When to this he added that which muſt preſent itſelf to the knowledge of every member, the vaſt increaſe of cultivation, and every ſympton of growing wealth and proſperity, he tho't he had ſufficiently proved, that its means were more than adequate to its burthens. He then adverted to the reſolution relative to the probable Peace Eſtabliſhment, in the material ſtatements reſpecting which he admitted he agreed with the Hon. Gentleman. He then referred to the operation of the Income Tax, obſerving, that it was a meaſure on which he reflected with ſatisfaction. But for the operation of the Income Tax, he contended, that it would ſcarcely have been poſſible to have borrowed money at all for the ſervice of the country. Every man muſt ſhudder to think of the price that muſt have been paid for the means of carrying on the war; he believed, if the funding ſyſtem had been perſevered in, the country would have been paying an intereſt equal to the amount of the Income Tax: the debt which would have been created by perſiſting in the funding ſyſtem, would not have been extinguiſhed in forty years; but by means of the Income Tax, the country was burdened with a ſum no longer in its amount, and with the advantage, that it would be paid off in a fourth of the time. It was, he confeſſed, a material objection urged againſt the Income Tax, that commercial perſons did not pay in proportion with the reſt of the country. Whether this was ſo he knew not; but he knew that the Houſe and the country would be obliged to any one who would adviſe a mode of compelling them to pay a juſt proportion, conſiſtent with thoſe principles neceſſary to be obſerved in a commercial country. He would, however, aſk whether any other mode had ever been adopted, by which commercial perſons contributed ſo largely as by the Income Tax? It had the recommendation of drawing more from thoſe perſons than any other ſyſtem; and when he conſidered the ſtate of the funds at the time it was adopted, compared with their preſent amount, and increaſed facility of borrowing money on mortgages, an advantage of great importance to commerce —he muſt congratulate the country upon a plan which had been productive of ſuch advantages. He concluded by obſerving, that he ſhould move the previous queſtion upon Mr. Tierney's reſolutions; and then move, that the Houſe ſhould agree to thoſe he had preſented.

Mr. Tierney ſaw no reaſon why the Right hon. Gentleman ſhould have exaggerated the finances of the country as he had done; but he could eaſily conceive why the late chancellor of the Exchequer had done ſo; he had done it to ſhew the proſperity of his adminiſtration. He thought he had been doing the right hon. gentleman an act of kindneſs, in pointing out to him the difficulties with which he had to contend; but, after the declaration he had made, he muſt ſuppoſe him to have undertaken the management of the finances of the country, and, after examining them, to have ſatisfied himſelf that they were in a flouriſhing condition, or at leaſt required only economy. Here Mr Tierney enumerated the ſeveral parts of the reſolutions in which they differed from each other, and referred to the ſtatement of the Chancellor of the Exchequer that the exports and imports had more than kept pace with the burdens of the country. On this point he had but one obſervation to make; that was, that the burdens incurred were permanent, and the means to meet them were temporary and would finiſh with the war. He put it to the houſe whether it could be expected that the imports and exports ſhould continue the ſame as at preſent, when Europe was tranquil; when France was enabled to apply its capital to commerce; and Holland, whoſe ſpirit of commercial enterpriſe equalled our own, was enabled to combine with France in promoting it: It had been frequently urged, that our colonial acquiſitions during the war had been one of the means of increaſing the reſources of the country; but would any one ſay that G. Britain would retain thoſe colonial acquiſitions in the event of a peace? Not only was it unlikely that France would not conſent to our keeping them; and if ſhe ſhould conſent, it would perhaps not be the intereſt of this country to keep them. With regard to the tax on income, he believed that one of the greateſt evils of that tax was, its having enabled the late miniſters to carry on the war; that ſolid ſyſtem of finance had unſettled the ſolidity of the miniſter's ſeat; he never could underſtand how the operation of the Income Tax could relieve the funding ſyſtem, in fact it had done no ſuch thing; it was true it had relieved the late chanchellor of the exchequer from the neceſſity of laying new taxes. If he felt an unwillingneſs to exaggerate the reſources of the country, he did not deſpond; he believed the finances might be brought round, but great privations muſt be ſubmitted to by the country in order to retrieve them. He concluded by moving his firſt reſolution.

The chancellor of the exchequer ſaid the hon. gentleman had admitted that we ſhould not deſpond. This was preciſely his idea; with ſteadineſs, fortitude, and prudence, all our difficulties might be ſurmounted. Every branch of expenditure would indeed require great attention. He owned he could not look at the finances without ſeriouſneſs, but he alſo confeſſed that the more minutely he examined them, the greater was his confidence. With reſpect to the Income Tax, he had only rejoiced in its adoption, under the peculiar circumſtances of the times, but did not pledge himſelf to its particular term of duration.

Mr. Windham regretted the neceſſity which he felt himſelf under to riſe, in conſequence of the hon. gentleman (Mr Tierney) having introduced ſome obſervations on a ſubject not immediately before the