NATIONAL INTELLIGENCER,

AND

WASHINGTON ADVERTISER.

VOL. II | WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. | No. CCLV.

FIVE DOLLS. PER ANN. | FRIDAY, JUNE 25th, 1802. | PAID IN ADVANCE.

National Intelligencer.

HISTORY
OF THE
Last Session of Congress.

[CONTINUED].

The next day the President in obedience to his constitutional duty, "from time to time, to give to the congress information of the state of the union, and recommend to their consideration, such measures as he shall judge necessary and expedient," sent a message to both houses.

"In doing this," he said, "I have had principal regard to the convenience of the legislature, to the economy of their time, to their relief from the embarrassment of immediate answers, on subjects not yet fully before them and to the benefits thence resulting to the public affairs."

Hitherto the chief magistrate had delivered a speech to congress in person; and his personal attendance on the legislature had been considered as producing the necessity of a reply, which had been also presented to him by the members in person. Under this practice the two houses were called upon prematurely to discuss and decide on measures with which they could be but imperfectly acquainted. They were called upon, without information, to sanction whatever had been done by the President, and to pledge him their support. Hence the field of party was taken, and all its animosities kindled, to commemorate the triumph of party without the least pretension to public benefit. The practice had been copied from a monarchy, where the parliament are the creatures of the crown; and to that monarchy it should have been confined. Republican magnanimity forbore to seize this occasion for unworthy triumph. Animated by a desire of conciliation, and by a determination *to do their duty*, the majority hesitated not a moment to substitute substantial acts in the room of presidential eulogium.

The message commenced with congratulation:

"*Fellow Citizens of the Senate,*
and House of Representatives,

"It is a circumstance of sincere gratification to me, that on meeting the great council of the nation, I am able to announce to them on grounds of reasonable certainty, that the wars and troubles which have for so many years afflicted our sister nations, have at length come to an end; and that the communications of peace and commerce are once more opening among them. Whilst we devoutly return thanks to the beneficent Being who has been pleased to breathe into them the spirit of conciliation and forgiveness, we are bound, with peculiar gratitude, to be thankful to him that our own peace has been preserved thro' so perilous a season, and ourselves permitted quietly to cultivate the earth, and to practice, and improve those arts which tend to increase our comforts. The assurances indeed of friendly disposition received from all the powers with whom we have principal relations, had inspired a confidence that our peace with them would not have been disturbed. But a cessation of the irregularities which had afflicted the commerce of neutral nations, and of the irritations and injuries produced by them, cannot but add to this confidence; and strengthens at the same time, the hope that wrongs committed on offending friends, under a pressure of circumstances, will now be reviewed with candor, and will be considered as founding just claims of retribution for the past, and new assurance for the future."

These words contain a distinct recognition of the importance of peace, and commerce, as the natural allies of each other; of the superintending care of a beneficent Being; of our obligations of gratitude to him for his protecting goodness; and of the value of agriculture and the arts which increase our comforts. They contain also an assurance of a friendly disposition on the part of the foreign powers with whom we have principal relations, and a strong expectation that, the season of war and injustice being past, our just claims for retribution will be respected.

The assurance of a pacific spirit on the part of our Indian neighbours is given, and the information that husbandry and the household arts are gaining ground among them; and it is added,

"We are able to announce that, instead of that constant diminution of numbers produced by their wars and their wants, some of them begin to experience an increase of population."

If it be the duty of good men to soften the unfortunate antipathies that exist among nations towards each other, it is no less their duty to cherish, so far as can with justice be done, a respect for their own nation. While, therefore, we acknowledge the superiority of other nations in many of the arts and sciences which contribute to individual comfort and national wealth, we may proudly exhibit the United States as exhibiting in all its foreign and domestic relations, a model of justice and humanity, unequalled in the old world. Every where but in the United States the tract of the European has been marked with blood. Here, to the honor of our political institutions, unremitted efforts have been made, by administering to the wants of the aborigines, to mitigate the severity of their fate, to increase the sphere of their enjoyments, and ultimately to amalgamate them with ourselves. What have elsewhere been scornfully reproached as the visions of philosophic romance have been here realized; and, in some tribes an increase of numbers has been insured by these laudable means, in circumstances, of which extermination had heretofore been the invariable attendant. Happy the savage, who falls into the hands of such a conqueror; but more happy the nation whose interests are confided to the care of such rulers.

The message proceeds:—

"To this state of general peace with which we have been blessed, one only exception exists. Tripoli, the least considerable of the Barbary states, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war, on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that power of our sincere desire to remain in peace; but with orders to protect our commerce against the threatened attack. The measure was seasonable and salutary. The Bey had already declared war in form. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded; and that of the Atlantic in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with and engaged the small schooner Enterprize, commanded by Lieutenant Sterret, which had gone out as a tender to our larger vessels, was captured, after a heavy slaughter of her men, without the loss of a single one on our part.—The bravery exhibited by our citizens on that element will, I trust, be a testimony to the world, that it is not a want of that virtue which makes us seek their peace; but a conscientious desire to direct the energies of our nation to the multiplication of the human race; and not to its destruction. Unauthorized by the constitution, without the sanction of congress, to go beyond the line of defence, the vessel being disabled from committing further hostilities, was liberated, with its crew. The legislature will doubtless consider whether, by authorizing measures of offence also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of the important function, confided by the constitution to the legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight."

"I wish I could say that our situation with all the other Barbary states was entirely satisfactory. Discovering that some delays had taken place in the performance of certain articles stipulated by us, I thought it my duty, by immediate measures for fulfilling them, to vindicate to ourselves the right of considering the effect of departure from stipulation on their side."

Herein appear an ardent desire of peace with all mankind, a determination by every legitimate power constitutionally or legally confided to the Executive, to protect the commerce of our citizens, an inflexible adherence to national faith, even with pirates who had broken all ties of faith, and a vigilant self controul of power, whose exercise is necessarily resoluble into executive discretion. Force was applied; but it was applied for defence. Aware that the right of declaring war rested exclusively with the legislature, to that organ of the government the President confides it unimpaired. He might have said to the Barbary powers, having broken your engagements with us, we will not comply with ours to you. He might have imitated the practice of his predecessor, and withheld the annual tribute to Algiers, under the mistaken idea of retaining it as a pledge for their amity. No! He disdained these indirect and, as experience had proved, these unavailing means. Our cause is a just one, and stratagem shall be as distant from our measures, as it is foreign to our feelings. We will first be just to Algiers, and Algiers *shall* then be just to us. The accumulated tribute shall be paid with good faith; and then, and not till then, if her injustice court our vengeance it shall light upon her. And the tribute was accordingly paid.

"I lay before you the result of the census lately taken of our inhabitants, to a conformity with which we are to reduce the ensuing rates of representation and taxation. You will perceive that the increase of numbers during the last ten years, proceeding in geometrical ratio, promises a duplication in little more than twenty two years. We contemplate this rapid growth, and the prospect it holds up to us, not with a view to the injuries it may enable us to do to others in some future day, but to the settlement of the extensive country still remaining vacant within our limits, to the multiplication of men, susceptible of happiness, educated in the love of order, habituated to self-government, and valuing its blessings above all price."

We here behold again reflected the ruling ideas of the chief magistrate; who having felt in our revolutionary struggle, the arduous misfortunes which sprang from the inferiority of our numbers in resisting the oppressions of our enemies, could not refrain from patriotic exultation at the rapid increase of our population; and at the prospect of its future augmentation. Well aware of the danger of the misdirected energy of numbers, he delicately cautions his fellow-citizens against this evil, at the same time that he endeavours to diffuse a rational expectation that with the increase of our numbers, shall increase our happiness, our love of order, our habits of self government, valuing its blessings above all price.

The pecuniary situation and operations of the government are next stated; from which it appeared that the President, adhering to the professions of his inaugural speech to consult "economy in the public expence, that labour may be lightly burthened———" had diligently directed his attention to the reduction of all useless establishments and officers. Among these he states, the expences of diplomatic agency to have been considerably diminished; the inspectors of internal revenue, who were found to obstruct the accountability of the institution, to have been discontinued; and several agencies, created by executive authority, on salaries fixed by the executive, to have been suppressed. Considering the legislative body as guided by the same views with himself, he suggests the expectation that a sensible and salutary reduction may take place in the habitual expenditures; and the opinion that, considering the *federal* character of the government, the ramifications of office have been too much extended, and may now be safely abridged. He states the army as unnecessarily large, and recommends a reduction, enforcing at the same time an emendation of the militia system, until it shall be sufficiently perfect to render us secure, even were an enemy at our door.

Relying on the legislative adoption of these effective economical arrangements, he submitted to them the expediency of removing the internal taxes, comprehending excises, stamps, auctions, licenses, carriages, refined sugars, and the postage on newspapers; a measure which he deems safe from the combined consideration of our increasing numbers, and from the augmentation of revenue arising from articles of consumption being in a ratio beyond that of population.

"War, indeed," it is added, "and untoward events may change this prospect of things, and call for expences which the imposts could not meet. But sound principles will not justify our taxing the industry of our fellow-citizens to accumulate treasure for wars to happen we know not when, and which might not perhaps happen but from the temptations offered by that treasure."

Than this, no remark can be more true or important. It is founded on that jealous diffidence, which every free people should entertain of their government, which generally, actuated by the pride inseparable from the possession of great power, is too apt, particularly in its foreign measures, more to regard its own distinction than the happiness of the nation; and which from the facility furnished by redundant wealth is prone, on the slightest provocation, to embark the energies of the nation in wars, which invariably issue in disaster to the victorious as well as the vanquished party.

To realise the fruits of these economical arrangements the President enforces an adherence to specific appropriations; a reduction of the undefined field of contingencies; a diminution of discretionary power over money; and the centring all accountability for money in a single department.

It will be remarked that all these recommended provisions tend to diminish his undefined power, and that of officers dependant upon him.

The spectacle is certainly, in modern times, a new, and in all times a noble one, of power, in the first place, divesting itself of attributes, which public men have in general been most attached to, whereby the mass of dependants has been increased, and the sphere of influence enlarged; and not satisfied with this, enforcing it upon the legislature as a duty still further to diminish executive power. Such a trait carried into practise, constitutes an encomium on the man who exhibits it more demonstrative of the integrity of his views, than the most unbounded professions. It demonstrates, that, by seeking no friends to support him, but the people, on them he places his entire reliance; and while it is the highest attestation of his purity of motive, it is the strongest memorial of the respect which he feels for the judgment of the nation.

Influenced by a desire to conciliate the discordant sentiment of the community on the subject of the Navy, the President observes; "that a just attention to the circumstances of every part of the union will doubtless reconcile all;"—thereby, as well as by the remarks that follow, conveying an opinion, that where there exists a great diversity in the ideas of different parts of the union, intermediate measures should be pursued.

He proceeds:—

"Agriculture, manufactures, commerce and navigation, the four pillars of our prosperity, are then most thriving when left most free to individual enterprize. Protection from casual embarrassments, however, may sometimes be seasonably interposed. If in the course of your observations or enquiries, they should appear to need any aid within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We cannot, indeed, but all feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be relieved, otherwise than by time, is a subject of important consideration."

Time has rendered these remarks, originally the result of profound reflection, familiar to the most common observation. However, for a day, national wealth may rise on the restraints of industry, the basis is soon found to be perishable, and the splendid edifice falls. This effect is necessarily the result of the illiberal policy that imposes restrictions, which by making all other nations inimical eventually concenters a union of force irresistible by the aggressing power. The President seems to have been among the first to notice the great effects of peace upon our carrying trade; & with a solicitude which proves him its friend, has, among his first acts, attracted the attention of Congress to it; no doubt, under the impression that the evil, otherwise destined greatly to diminish our navigation, could only be averted by the removal of our countervailing duties. It will be seen, in the progress of this history, that this measure ought to have been adopted by Congress; and it will be seen that, from ignorance those who would have been most benefitted by it were those who frustrated its adoption.

After recommending a revision of the judiciary system, and a mitigation of the legal restraints opposed to an extension of the rights of citizenship, the President concludes his address:

"These, fellow citizens, are the matters respecting the state of the nation, which I have thought of importance to be submitted to your consideration at this time. Some others of less moment, or not yet ready for communication, will be the subject of separate messages. I am happy in this opportunity of committing the arduous affairs of our government to the collected wisdom of the union. Nothing shall be wanting on my part to inform, as far as in my power, the legislative judgment; nor to carry that judgment into faithful execution. The prudence and temperance of your discussions will promote within your own walls, that conciliation which so much befriends rational conclusion; and by its example will encourage among our constituents that progress of opinion which is tending to unite them in object and in will.—That all should be satisfied with any one order of things is not to be expected; but I indulge the pleasing persuasion that the great body of our citizens will cordially concur in honest and disinterested efforts, which have for their object to preserve the general and state governments in their constitutional form and equilibrium; to maintain peace abroad and order and obedience to the laws at home; to establish principles and practices of administration favourable to the security of liberty and property, and to reduce expence to what is necessary for the useful purposes of government."

It has been thought proper to be thus minute in presenting to prominent view this performance, from a conviction of its great importance. The structure of our government gives great, perhaps too great power, to the executive magistrate, in the exercise of which a field of discretion, in many respects but faintly described, lies before him. What he *may* do is very distinct from what he *ought* to do. Much, therefore depends upon the correctness of his views. To them, of course, we look with solicitude, as the key to his measures. They alone present in one general combined view the system he means to pursue, and of which his particular acts form detached parts.

It had been hitherto usual with the executive slightly to notice the events which had occurred during the recess, and to recommend such measures as it was deemed expedient that congress should adopt, without *at the same time* exhibiting in detail the information on which the recommendation was made. This was deferred frequently till advanced periods of the session, and, when received, came in a form so detached, that much inconvenience had been experienced by the members who strove to obtain a correct and comprehensive view of public affairs. The inevitable effect had been the dependance in the early period of the session of the legislative body, which ought to be above all dependance except on the people, on the opinions of the President or the heads of department. On these opinions, owing to the division of party, great reliance was reposed on one side, and but little on the other, and the spectacle to the nation of a co-ordinate department of the government, invested with the high duties of legislation, dependant for information, at every step it took, on the executive, was painful, insomuch as it inverted the constitutional and rational order of things by making the legislature the instrument instead of the director of the executive.

To put an end to this evil, the President, at the time he delivered his message, accompanied it with full details of whatever had been done by the executive, and of whatever elucidated the probable measures of the legislature. He, who considered information as the vital principle of a republic, and as the only safe substitute for confidence, dangerous even when reposed in the best of men, rejoiced to see copious stores of knowledge unfolded; which would enable the legislature to exercise with effect its salutary control on the executive department; and which would enable the people to exercise their still more salutary control on both.

(To be continued.)

CONGRESS.

HOUSE OF REPRESENTATIVES

Monday March 1, 1802.

DEBATE

On the bill received from the Senate, entitled "An Act to repeal certain acts respecting the organization of the courts of the United States."

(Mr. Dana continued)

On such facts, it may be asked, why was the point in question so much avoided? Why was there this shuffling, and changing from one to the other? Why all this dodging? Why all this consultation? Why give all this trouble about ascertaining facts, if they are doing right?

The next objection is one which has been made by a gentleman from Virginia, (Mr. Randolph). I refer now to the gentleman who came forward assuming the humble style of a shepherd, and appeared so confident that the work must be done, and well done, on his coming to the encounter with his sling and his stone, as if to evince the nature of his pious zeal, he afterwards (if I did not mistake his expressions) gave us to understand, that in a certain supposed case he would violate the constitution, altho' sworn to support it, and then throw him-