NATIONAL INTELLIGENCER,

AND

WASHINGTON ADVERTISER.

Vol. IV. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. *No. CCCCXCV.*

Five Dolls. Per Ann. FRIDAY, DECEMBER 23d, 1803. *Paid in advance.*

MESSAGE

From JOHN PAGE, Governor of Virginia, delivered on the 5th inst.

Richmond Dec. 5th, 1803.

IN compliance with what appears to be the duty of the executive, & the eſtabliſhed practice of my predeceſſors in office, I have the honor to addreſs the following letter to the General Aſſembly: in which I ſhall chiefly confine myſelf to laying before it, ſuch a ſtatement of the affairs of the commonwealth, as by the conſtitution and laws ſeem peculiar objects of executive attention; without obtruding upon the legiſlature my ſentiments reſpecting the propriety of enacting any new laws, or of altering any now in force, except in ſuch caſes, as in the due execution of the laws, the executive have experienced unneceſſary delay and expences, reſulting from the very letter of the law; or, in caſes which ſeem evidently within the peculiar view of the legiſlature, and yet have not been embraced by their law intended to embrace them.

But I confeſs that even this appears to me too much like going beyond the bounds wiſely preſcribed by the conſtitution to the executive, and cannot with propriety be practiſed by an executive which has no conſtitutional ſhare in legiſlation, not even a limited or qualified negative on the laws. For the ſuggeſtions of an artful popular executive, might in time have all the effect of a conſtitutional right to originate bills; and by the force of eſtabliſhed precedents, and the well known tendency of executive power to encreaſe, might convert our happy free government into a diſguiſed monarchy, rendering the Houſe of Delegates mere cyphers. And here I muſt take the liberty of declaring that I think no one perſon ought to be entruſted with a power of controuling the will of the repreſentatives of the people in the government of a ſingle ſovereign ſtate, whoſe conſtitution is eſtabliſhed on democratical principles, and which alone can rely on the people for its conſtant ſupport, and, which is not obliged to reſort to deluſion, corruption and an armed force for its exiſtence. The impoſſibility of guarding that ſingle perſon againſt the ſecret influence of friends, or of agents of ſelfiſh deſigning men, and the probability of his yielding to an improper impulſe, through weakneſs of mind or depravity of heart, render ſuch power extremely dangerous; or, if not ſo, utterly uſeleſs. For it may be either boldly improperly applied; or through timidity not exerted when its application might be uſeful. Such a power is more likely to multiply courtiers, excite intrigues and create or encreaſe an undue influence in the executive than to produce any advantage to the commonwealth. And where there is a ſecond branch of the legiſlature, like our Senate, choſen by the people, whoſe ſole duty it is to reviſe and amend, or negative the acts of the Houſe of Repreſentatives, ſuch power in a ſingle perſon muſt be unneceſſary. For if the people make a proper choice of Senators and repreſentatives, it is not probable that they can find one man poſſeſſing more knowledge of their true intereſts, than a majority of both houſes of their legiſlature.

But the qualified negative granted to the Preſident by the Conſtitution of the United States, may be a neceſſary appendage to the other powers which the Executive ſhould poſſeſs in a complicated government of a number of ſovereign independent ſtates, of various intereſts and different habits, confederated for their general ſafety and the preſervation of their independence, acquired as theirs was, and expoſed as it may be to ſecret intrigues or open force: and ſuch power without impropriety may be delegated by the people of all the confederated ſtates, to a Preſident, choſen by electors appointed by them, for the purpoſe of electing him, not only to execute the laws of the Federal Legiſlature, and to make treaties with the advice of two thirds of the Senate, but to be a check on the conduct of Senators and Repreſentatives elected by ſingle ſtates, and who may be influenced by local and ſelfiſh views. In the hands of the Preſident this high power ſeems placed by the people as the balance by which they expect to keep the ſovereignty and independence, the freedom and happineſs of their reſpective ſtates conſtantly in equilibrio. The General Aſſembly, I truſt, ſir, will pardon this digreſſion, and attribute it to an earneſt deſire to explain the grounds of my ſilence reſpecting certain laws enacted by former aſſemblies, or ſuch as it may be proper for the preſent Legiſlature to enact; and to my wiſh to embrace every opportunity of exhibiting to our fellow-citizens proofs of the excellence of our ſtate conſtitution, and that of the Federal Government: both happily adapted to their reſpective purpoſes: the one ſuited to a ſingle free ſtate, in the neighbourhood of republican ſtates, its friends and perpetual allies, offenſive and defenſive. The other admirably adapted to the government of a number of republican ſtates, once rivals, and dependent on a powerful monarchy; but now ſovereign and independent, except in caſes wherein their general welfare, and the preſervation of their union of ſtrength and intereſts may require a relinquiſhment of ſome rights of ſovereignty.— And here I hope I may be permitted to congratulate our country, as I do moſt heartily, on the preſent proſperous ſituation of the United States. At peace with all the world, except a few petty, piratical ſtates; reſpected by all the powers of Europe, and upon happy terms of amity, and commercial intercourſe with the two moſt powerful nations upon earth, except ſo far as the unhappy war which they are now carrying on againſt each other, occaſionally interferes with and checks that intercourſe: Our finances in ſo flouriſhing a condition as to enable us to defray all the expences of government, and pay the debts of the union in about fourteen years, beſides making the payments ſtipulated for the purchaſe of Louiſiana, without any additional taxes; and this too, after the great reduction made in our taxation by the preſent adminiſtration; the bright proſpect of peace, ſecurity and proſperity of our ſiſter ſtates on the weſtern waters; the vaſt field opened for the accommodation of our proſperity, and the "*wide spread*" for human happineſs, by the peaceable acquiſition of Louiſiana, are circumſtances that demand our gratitude to the adorable Diſpoſer of human affairs. Permit me to add, that the Preſident's late meſſage to Congreſs, contains not only information moſt flattering to the proudeſt hopes of the United States, but ſentiments of policy and benevolence worthy of the attention and obſervance of every citizen within them. But having, perhaps, digreſſed too far from the object in view, I will now return to it, and ſhew that I not only think it improper for the executive in our ſtate government, where the legiſlative and executive powers are, by the Conſtitution declared to be ſeparate and diſtinct, ſo that neither ſhall exerciſe the powers properly belonging to the other, to interfere in the ſmalleſt degree with legiſlation; but that it is unneceſſary, as well as dangerous, that he ſhould even give the moſt diſtant hints at what ought to be the objects of legiſlative conſideration. For as the Houſe of Delegates poſſeſs the ſole right of originating bills, and its members are ſelected by the people from every part of the ſtate, for the purpoſe of enacting laws which they may deem neceſſary, and of repealing ſuch as they may think unneceſſary or inconvenient, they ought to be ſuppoſed not only the ſole conſtitutional framers of our laws, abſolutely originating with them, but the full and perfect judges of every circumſtance which can require legiſlative interference. Therefore, ſir, after pointing out the laws to which I alluded in the beginning of this letter, as occaſioning unneceſſary delay and expenſes in the execution of one of them, and the defects of others as not embracing the objects within the peculiar view of the legiſlature, I ſhall only lay before the general aſſembly ſuch documents as I have collected reſpecting the execution of the laws particularly confided to the executive direction by the laſt aſſembly, and the ſtate of the public buildings.

The law firſt alluded to is that, intituled, "An act to amend the penal laws of this commonwealth." The 42d ſection of which contains a dilatory and expenſive mode of proceeding in the trials of criminals, for making their eſcape from the Penitentiary. For by this clauſe of the act, a criminal may be retaken on the extremity of our weſtern frontier on his eſcape, and having been ſentenced to confinement by the diſtrict court of Suffolk, he muſt be carried back to that court to have ſentence paſſed on him as to the additional puniſhment to be inflicted on him for the offence of breaking jail; or, if retaken within a mile of Richmond, he muſt be ſent, for the ſame purpoſe, to the diſtrict court of Monongalia, if in that court he received his ſentence of confinement. A remedy for this and other defects in this act, I have no doubt, will readily occur to the legiſlature. The other acts to which I alluded, are those reſpecting the militia and patroles. A reviſion of thoſe acts, I with due reſpect, recommend to the general aſſembly. If I could prevail on myſelf to think that the executive in our ſtate has any right to propoſe amendments to the acts of the legiſlature, I ſhould venture to do it with reſpect to thoſe directing the arming and training of the militia; as the governor is, by the conſtitution, commander in chief of the militia when embodied, and his reputation as ſuch, in caſes of inſurrection or invaſion, might be committed in the preſent ſtate of the laws, reſpecting that intereſting buſineſs. But as the defects in the laws reſpecting theſe points are ſuch as cannot eſcape the diſcernment of an attentive legiſlature, compoſed too, of many officers of experience, I will only ſuggeſt one remedy for their greateſt defects, and that is to furniſh ſufficient incentives to duty, and to hold out adequate puniſhments for delinquency. But I think it proper to add, that the Houſe of Repreſentatives in the laſt ſeſſion of Congreſs, reſolved that it was indiſpenſibly neceſſary, that vigorous meaſures ſhould be made on the part of the ſtate governments, to carry into effect the militia ſyſtem adopted by the national legiſlature. Their reſolutions on this head, the Preſident's circular letter to the governors of the different ſtates in conſequence thereof, and mine to the brigadier generals of this ſtate, on the receipt of that directed to me are in No. 1, for the conſideration of the general aſſembly. And as theſe reſolutions ſeem to hold out the example of ſome ſtates as worthy of our imitation, it may not be improper for me to remark, that ſuch ſtates, not laboring under the diſadvantages of a thin population of citizens, diſperſed over large tracts of land, and of having many of thoſe large tracts thickly inhabited by a claſs of people ever meditating partial depredations and too often even general inſurrections, have ordered out their militia in large bodies, to places of rendezvous which cannot be very remote from their reſpective habitations, for the purpoſe of training them in thoſe complicated movements and evolutions of an army, which cannot ſo well be taught and diſplayed to ſingle companies, a ſingle battalion, or even to a ſingle regiment as they may be to a brigade; and of inſtructing them in the method of encamping and taking care of themſelves when in actual ſervice in camps: a knowledge eſſential to the very exiſtence of an army in times of war. How far ſuch mode of training the militia may be adapted to the ſituation of this ſtate remains with its repreſentatives to determine. It may not be going beyond the bounds which I have preſcribed to myſelf, perhaps on the preſent occaſion, to remark, that in a country circumſtanced like ours, as much as can ſafely be attempted, is, to perſevere in endeavors to render the preſent ſyſtem as effectual as it can be; to excite emulation and encreaſe a military ſpirit and ſkill in the officers, which in a great degree may be effected by a due attention to a part of the ſyſtem already adopted, I mean that which relates to the various companies of volunteers. Their example properly excited and directed would moſt probably be imitated by the militia in general. But the excitement and direction to which I allude, it is humbly conceived, muſt in a great meaſure depend on the proper equipment of their reſpective corps: and as yet, there is no proviſion for furniſhing the companies of artillery with their proper arms; although they form a moſt important part of an efficient military force, and ſuch as is peculiarly adapted to the defence of our country, not furniſhed with a naval protection, and expoſed to attacks from veſſels on numerous water courſes. It may therefore be worthy of the attention of the general aſſembly, to make ſome better proviſion for equipping and training the companies of artillery, than has hitherto been attempted, and for introducing amongſt them a practical knowledge of ſome of thoſe parts of the buſineſs of engineers which may be indiſpenſably neceſſary for the effectual uſe of artillery employed againſt a naval force. I come now, ſir, to that part of my addreſs in which I propoſe to lay before the general aſſembly ſuch a ſtatement of the affairs of the commonwealth as ſeem peculiar objects of executive attention, and ſuch documents as have been collected reſpecting the execution of the laws particularly confided to the executive direction by the general aſſembly in their laſt ſeſſion.

The judgement obtained by the repreſentatives of Byon de Beaumarchais in the Court of Appeals againſt the Commonwealth cannot be ſatisfied without an appropriation of money for that purpoſe; to which object it is my duty to call the attention of the General Aſſembly. A letter on this ſubject from J. A. Chevallie, their agent, is in No. 2.

It is proper I ſhould inform the Aſſembly, that Colonel Monroe, the American Envoy Extraordinary to the French Republic, on his arrival in Paris, was applied to by Houdon, the ſtatuary who had made the ſtatue of General Waſhington for this ſtate, claiming according to ſtipulations entered into with him, two thouſand eight hundred livres, the amount of the loſs he had ſuſtained by receiving payment of nine thouſand livres on the 29th of November 1792, in aſſignats which he proved were worth, by the ſcale of depreciation eſtabliſhed by law in that country, but ſix thouſand two hundred livres. The juſtice of this claim being fully eſtabliſhed, Colonel Monroe, to ſupport the honor of our country, paid it, tranſmitting to the executive an examination by Fulwar Skipwith, Commercial Agent of the United States at Paris, of the fact ſtated by Houdon, and his receipt for the money. On conſideration of which, the Council of ſtate adviſed that a warrant for two thouſand eight hundred livres ſhould be iſſued for Colonel Monroe, and made payable by his deſire to Mr. Tyler of the Council. The certificate and receipt are in No. 3.

The melancholy circumſtance of the prevalence of the yellow fever in New-York, Philadelphia and Alexandria, as in the Weſt-Indies and in ports on the Mediterranean, induced the executive to iſſue a proclamation directing the performance of quarantine. The letters containing applications for ſuch proclamation are in No. 4.

The Council, on a propoſition, for that purpoſe, from Captain Clarke, imported a fire engine and buckets for the uſe of the Armory, which for want of them had been expoſed to imminent danger.

The diſtribution of arms has been progreſſing with all the diſpatch which the nature of that very delicate and important buſineſs admitted. The encloſure No. 5. will ſhew how far it has proceeded.

What relates to the appointment of a Surveyor of James River, and the removal of obſtructions to fiſh, will be ſeen in No. 6.

No. 7 contains the letters of David Ruffner, Eſq. and the anſwers of the Executive on the ſubject of the road to be opened under his ſuperintendance, from the upper navigation of James River to the upper navigation of Kanawha River.

The report of the Superintendant of the public works is in No. 8, and that of the Superintendant of the manufactory of arms in No. 9.

The proceedings of the Executive under the Act concerning the heirs of Peter Francis de Tubeuf, deceaſed, may be ſeen in No. 10.

The Act providing ſeals for the diſtrict courts has not been executed with that promptneſs that I wiſhed; but the delay has proceeded from a deſire to procure a ſuitable device; a proper execution of it if poſſible within our own ſtate. The device, by an accidental circumſtance, does not perfectly accord with that adviſed by the council, though it has been at length received by their advice. One of them is ſubmitted to the examination of the Aſſembly in No. 11.

The reſolution of the Aſſembly reſpecting the appointment of three fit perſons to collect teſtimony on the ſubject of the boundary line between this commonwealth and the ſtate of Maryland, has been complied with on the part of the Executive as far as their agency extended, by their appointment of Abraham Venable, Eſq. the right reverend James Madiſon, and colonel John Taylor, of Caroline; and as far as relates to them, the Executive is authoriſed to aſſure the General Aſſembly, that thoſe gentlemen are taking proper meaſures to comply with the intention of their appointment.

No. 12 contains the Auditor's ſtatements of the receipts and expenditures of the revenue for the year preceding the 1ſt of October laſt.

From the reſtrictions impoſed on me by my conſtruction of the Conſtitution of our country, and indeed by the principle which I think ought to influence the Executive in a government reſting ſolely on the will of the people, expreſſed by their Repreſentatives, I cannot indulge myſelf with laying before the Legiſlature my ſentiments reſpecting the Armory, the Arſenal, the Guards and the Penitentiary. But I think it my duty to inform them, that the Captain of the Guard has repeatedly aſſured me that it was not adequate to the proper protection of the Penitentiary, Arſenal, and Magazine: and that therefore, according to Governor Monroe's inſtructions to him, contained in No. 13, he had confined his attention to the two former objects, as of moſt importance to the commonwealth. It is but juſtice to this officer and his company to add, that they have behaved with a propriety becoming citizen ſoldiers; and with vigilance and activity as a public guard, as well as with a diſplay of military ſkill and attention to diſcipline in all their movements. And whilſt I am doing juſtice to Captain Quarrier, the officers and privates of his company, I cannot refrain from applauding the conduct of Captain Clarke, as Superintendant of the Manufactory of Arms. For he has exhibited ſuch a diſplay of ingenuity and diligence in the diſcharge of his duty, as do him honor, and has brought the important buſineſs entruſted to his charge, to ſuch a degree of perfection, as reflects a luſtre on our ſtate.

The death of the venerable and juſtly lamented Edmund Pendleton, late Preſident of the court of appeals, has made a vacancy on that bench, to which with grief I call your attention.

The vacancy occaſioned in the ſeat of one of our Repreſentatives in the Senate of the United States, by the death of the patriotic Brigadier General Maſon, has been filled by Colonel John Taylor of Caroline, by the appointment of the Executive, under the authority of the conſtitution of the United States and the laws of this commonwealth, to act as a Senator under the conditions therein ſpecified.

And under the ſame conditions, and by virtue of authority veſted in the Executive by the conſtitution and laws of this commonwealth, Mann Page of Glouceſter, has been appointed to fill the vacancy produced in the office of judge of the chancery diſtrict court of Williamſburg, by the reſignation of judge Wirt, No. 14.

Having now, Sir, laid before the General Aſſembly what appeared to me to come within the view of ſuch a ſtatement as may be made annually to the Legiſlature by the Executive of this commonwealth: and having ſhewn that in refraining from going further, I was not influenced by indolence or inattention, but by imperious motives, proceeding from a ſacred regard to the conſtitution of our country, I ſhall conclude, wiſhing you and the other members of your Houſe health and happineſs, and your conſtituents and their poſterity an uninterrupted enjoyment of the bleſſings of civil and religious liberty, aſſuring you that I am, with perſonal regard, and due reſpect,

Your moſt obedient ſervant,

JOHN PAGE.

CONGRESS.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, December 7.

Debate on the AMENDMENT to the CONSTITUTION, (Continued.)

Mr. J. RANDOLPH called for the order of the day on the amendment to the Conſtitution, received from the Senate.

Mr. HUGER moved to poſtpone the order of the day—He obſerved that he had very ſeldom, ſince he had the honor of a ſeat in the Houſe, originated buſineſs. It was contrary to his habits to obtrude himſelf upon the Houſe. And he would not now undertake the taſk of originating buſineſs but from a ſtrong impulſe of duty. He was againſt altering the Conſtitution; but as it was probable that an alteration would be made, he conſidered it his duty to render it as little prejudicial as poſſible. This he believed, would be the caſe, if the reſolution he had laid on the table for dividing the United States into electoral diſtricts was incorporated into the reſolution from the Senate. He found that this reſolution had been propoſed not only by the legiſlature of New-York, but likewiſe by the legiſlature of South Carolina. It had alſo been ſubmitted in a former Congreſs by a reſpectable member from a reſpectable ſtate, (Mr. Nicholas.) Mr. Huger ſaid that this could not be conſidered as a party queſtion, as it was probable the federal party would loſe political ſtrength by its adoption. It was probable the members on that ſide would oppoſe that amendment. This principal hope of ſucceſs was from the aid of thoſe who generally differed from him in political ſentiment. Mr. H. concluded by moving a poſtponement of the