which dictates to us to bear with his conduct yet awhile, lest the interest of his nation here should suffer injury, will hasten them to replace an agent whose dispositions are such a misrepresentation of theirs; and whose continuance here is inconsistent with order, peace, respect, and that friendly correspondence which we hope will ever subsist between the two nations. His government will see too that the case is pressing. That it is impossible for two sovereign and independent authorities to be going on within our territory, at the same time, without collision. They will foresee that if Mr. Genet perseveres in his proceedings, the consequences would be so hazardous to us, the example so humiliating and pernicious, that we may be forced even to suspend his functions before a successor can arrive to continue them. If our citizens have not already been shedding each others blood, it is not owing to the moderation of Mr. Genet, but to the forbearance of the government. It is well known that if the authority of the laws had been resorted to, to stop the Little Democrat, its officers and agents were to have been resisted by the crew of the vessel, consisting partly of American citizens. Such events are too serious, too possible, to be left to hazard, or to what is worse than hazard, the will of an agent whose designs are so mysterious. Lay the case then immediately before his government; accompany it with assurances, which cannot be stronger than true, that our friendship for the nation is constant and unabating; that, faithful to our treaties, we have fulfilled them in every point to the best of our understanding; that if in any thing, however, we have construed amiss, we are ready to enter into candid explanations, and to do whatever we can be convinced is right; that in opposing the extravagancies of an agent, whose character they seem not sufficiently to have known, we have been urged by motives of duty to ourselves, and justice to others, which cannot but be approved by those who are just themselves; and, finally, that, after independence and self-government, there is nothing we more sincerely wish than perpetual friendship with them."

On the circumstances enumerated or adverted to in these Extracts, no further comments are necessary. The language they speak is too plain to be misunderstood by the meanest understanding.

At a numerous and respectable meeting of the republican Freeholders of Fairfax county, Virginia, held at the tavern of Resin Wilcoxen on Monday the 3d day of Oct. 1808 agreeably to public notice.

General THOMSON MASON was appointed chairman; and

JOHN C. HUNTER Secretary.

On motion, the following gentlemen were appointed a committee for the purpose of draughting resolutions expressive of the sentiments of the meeting:

General Thomson Mason, John C. Hunter, George Graham, George Summers, Humphrey Peake, Henry Rose, William Moss, James Waugh, Francis Coffer, George Minor, and Lewis Summers.—The committee retired and in a short time reported the following which was unanimously adopted.

Resolved, That our confidence in the wisdom, patriotism and integrity of the President and Congress of the United States is undiminished—and that the just, pacific and strictly neutral conduct which our Executive government has prescribed to itself, and which it has firmly and undeviatingly pursued in all its relations and intercourse with foreign nations, commands our highest approbation and entitles it to our most zealous support.

Resolved, That the decrees of the French government and British orders in council were not only such outrages on our commerce, but were also such direct attacks on our independence as imperiously to call on our government for prompt and efficacious measures to counteract them—that to it were left the alternatives only, of war with all or one of the belligerent powers—or of submission to the most flagrant violations of national right and national independence—or a temporary abandonment of the ocean until the pelting of the storm should have passed by —to have waged war against all the belligerent powers would have been Quixotic. Against either of them would have necessarily entangled us in alliances with the others, a policy so emphatically deprecated by the great WASHINGTON. To have submitted, would have been a pusillanimous sacrifice of national honor and independence. To have relinquished our pursuits on the ocean for a time seems then, to have been that measure to which our government was imperiously urged by every dictate of humanity as well as sound policy. It has certainly preserved us from becoming a party in one of the most desolating wars that ever disgraced the annals of man. It has saved to us a number of our fellow-citizens and an immense value of property that was afloat on the ocean. It has given to the belligerent powers time to revise their conduct under the pressure of those inconveniences which that conduct had brought upon themselves. And it has preserved to us unsullied our national honor and independence—at the expence certainly of many individual pecuniary sacrifices—but they are sacrifices to patriotism and we cheerfully make them.

Resolved, That although we think every man who is not disposed to sacrifice the good of his country to personal or party aggrandizement ought at all times to be exceedingly cautious in publicly disapproving of, & protesting against such measures as his government may have taken to coerce foreign powers into a respect for its rights. Yet if any of our citizens choose so to do, in a candid and respectful manner, we know of no right that any other portion of them have to object; but when such *seditious and disorganizing sentiments, such base, unfounded and malicious calumnies* against our government, as are contained in an address to the President of the United States from certain persons stiling themselves a committee of the people of Augusta county, are attempted to be disseminated among the people by party men, for party purposes, we think it the duty of every good man, of every party, to come forward and express his decided disapprobation and utmost abhorrence of such proceedings.

Resolved, That whatever differences of opinion may have existed among us, as to the propriety of the original nomination of a fit republican character to fill the office of President of the United States, we are now called upon by every principle of patriotism to sacrifice those differences at the altar of the public good and to the promotion of the general cause of republicanism—therefore having great confidence in the talents and integrity of *James Madison* we will zealously support him at the ensuing election for President of the U. States.

Resolved, That we will also zealously support the election of *George Clinton* as Vice-President of the United States—the whole tenor of his life, as well as his decided and marked disapprobation and reprehension of the conduct of AARON BURR in the election of President in the year 1801, are sure pledges to us, that he never will disappoint the wishes of the great mass of his friends, by the aid of his enemies.

Resolved, That the foregoing proceedings be signed by the Chairman and Secretary, and published in the *National Intelligencer* and *Alexandria Daily Gazette*.

THOMSON MASON.
Chairman.

JOHN C. HUNTER,
Secretary

FOR THE NATIONAL INTELLIGENCER.

The Constitutionality of the Embargo.—The attachment of the American people to the Constitution of their country is a voluntary tribute of respect to the best form of government, which human ingenuity has established. However the popular sentiment may vary on subjects of minor importance, on this it is uniform and steady, and the majority of all parties agree in the loyalty and submission which is due to this sovereign of their affections.

In proportion to the enthusiasm of their attachment is the jealousy and suspicion of the people; and as no act could be more popular than one which submitted the wishes of the administration to the authority of the Constitution, so none would more certainly tend to the destruction of its advocates than that, which should interfere with the provisions of constitutional law.

A disposition of this nature is liable to be abused; and the misguided zeal of a warm and honest attachment to cause the destruction of the edifice it was intended to support.

There are many among us, who ridicule the idea of a "*paper constitution*," or the attempt to check the course of power by the principles of law. They delight in that glorious uncertainty which obscurity occasions—in that liberal character, which never being defined, can never be violated, and which trusting entirely to the will of the magistrate leaves him perfectly independent of the people; and they endeavor to bring the defined constitutions of the country into contempt with the people by presenting an invariable opposition between the commands of the one and the interests of the other, and by always representing the wishes of those who administer the government to be at variance with the modifications and restraints which the constitution places on their power.

Hence it is that of late on all favorite questions of party we have heard the authority of government questioned and denied, and some abstract clause of the constitution quoted with triumph as an obstacle to measures, which the commonest capacity would know to be incident to legislation. Indeed this mode of attack on the administration has become so frequent, that it now derives no consequence from novelty, and the cry that *the constitution is in danger* has been so often fallacious that it ceases to alarm.

If this be the course of the opposition when there is no cause for attack on the government, but the love of contention, no other could be anticipated to follow from a great measure, like the embargo, which is candidly admitted by its friends to have been the result of a choice of evils, and to be defended, not as entirely unproductive of distress, but as producing consequences far less injurious than any other measure in the power of government. Accordingly we find the argument of unconstitutionality is at length most seriously urged, not merely in the venal columns of a prostituted newspaper, but even in the courts of law and before the solemn altars of public justice.

It is this last circumstance that entitles it to attention. For the argument like many other things in life, derives more consequence from the place it is found in, than from its own character or weight. Let us then examine it with the attention which it claims. If the foundation of our government is indeed so weak as not to bear the weight of a measure, which all allow may at *some time* be necessary, let us lament the inexperience of those sages, who formed our constitution, and whom we have hitherto admired as prodigies of political talents; let us yield to our emotions of surprize and regret that they should deprive our government of a measure incident to every other independent sovereignty and *necessary to all*, but let not our rulers mistake power for right, or attempt to save their country from the calamities of a war or the degradation of bending at the footstool of a foreign power by violating a single provision of that glorious constitution which we have all sworn to defend.

The question whether the embargo acts be a constitutional exercise of legislative power is entirely disconnected from every other question to which they have given rise. Whether or not the embargo was the only or the best measure to which the government could resort, whether it was the result of national favoritism or of dignified impartiality—whether it will produce the best consequences on our future commercial character, or no consequences at all; or whether, as is ludicrously pretended, it will destroy the future enterprize of the country, are questions, which are apt to mingle so intimately with our feelings and with the party prejudices of the day as to cloud the steady light of the judgment, but they are in no way connected with the very different enquiry, whether the embargo acts are fairly within the legitimate powers of Congress.

It is the right to act, not the policy of acting which is now in dispute; the latter has been discussed till the opposition was compelled to take different ground, and the former is now ringing in our ears as if noise would alone produce conviction.

In examining the constitutionality of the act, it is not immaterial to advert to the first suggestion of its dubiousness. Whatever has transpired of the private session of Congress and whatever intimations of its doings have been given with open doors, nothing appeared to hang a doubt upon as to the power of Congress to adopt the measure if it pleased. We heard at that time many objections to the measure as improper and impolitic, and an anger and a rage was discovered that would not omit any plausible argument to exasperate or alarm. Even "*the hand of Bonaparte*" which was seen, or thought to be seen by some Macbeths in the council, was not then apprehended to be leading the government across the constitution of the country.

The supplementary acts, which had to contend with the opposition of personal interest and the animosity of party, never produced a discussion of the constitutionality of the original act. The MASSACHUSETTS legislature in two successive sessions adopted resolutions on this subject of an opposite tendency, but at both these times the unconstitutionality of the embargo act was a discovery which escaped the penetration of these "*wise men of the east.*" But as the elections come round and the fears of the people were to be excited, then came forth the declaration of the unconstitutionality of the act—a declaration first made in eagerness to preserve a property which was liable to confiscation for an attempted infraction of the law; and gladly seized upon by the zealots of party to provoke that resentment, which must ever arise from a violated constitution, and which it was thought the present moment of embarrassment and difficulty was peculiarly favorable to excite.

"An embargo* is defined to be an arrest laid on ships or merchandize by public authority or by a prohibition of state." "In common acceptance an embargo means the prohibition of vessels from sailing, and extends when not otherwise expressed, equally to those of the country where imposed, as to those of foreign nations." An embargo *act* is no novelty in American legislation. The legislature in March, 1794, and again in the month of April, thought proper to cause this "*arrest*," and by an act of the 4th of June of the same year, authorised the President to impose one if he should judge it expedient. The acts have always been considered constitutional. Hence it follows, that it is allowable to lay an embargo, unless in the manner of it there is something exceedingly wrong and offensive.

The difference between the present acts and that passed during the administration of General Washington is, 1st. General Washington had a power delegated to him to *lay* an embargo which should cease and determine in 15 days from the actual meeting of Congress next after the laying of the same. President Jefferson by the present laws has a power delegated to him to *suspend* the same in whole or in part, under such restrictions as he may think the public interest may require, provided such suspension shall not extend beyond twenty days after the next meeting of Congress. 2d. The former embargo included foreign vessels, the present allowed those which were here at the time to depart. 3. The resolutions of Congress in 1794 limit the continuance of the embargo to 60 days, the present contains no express limitation, except the power given to the President to suspend its operation. These are the principal differences which appear between the two laws, although the latter, being more minute and particular, and containing a variety of special regulations, have adopted a phraseology which evidently carries the idea of a short continuance, and which would leave on the mind of any disinterested reader a strong impression that the whole were temporary acts produced entirely by the circumstances of the times. The former acts are not entitled to more respect than the latter, as both were enacted by the same authority, and it will not follow that either is wrong because they are not alike.

It being conceded to the cavillers at this exercise of legislative power that there is no limitation of its continuance expressed in the body of the embargo act, we return to meet them on their own ground, and to assert,

1st. That Congress have a constitutional right to suspend the commerce of the union, without limiting the suspension to any definite time.

2dly. That the present embargo acts do contain a limitation, and in this respect are temporary laws.

In examining the first point of this enquiry we assume it as a truth which cannot be controverted, that the "common defence and general welfare of the United States" may at some time and under some supposable circumstances require a suspension of its commerce, and that this suspension, to be effectual should be of an uncertain duration, and would then desire the captious controvertist to examine the 8th sec. of the first article of the federal constitution in which it is declared that "Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts, and *provide for the common* defence and general welfare of the United States, but all duties, imposts and excises shall be common throughout the United States." If this clause of the constitution has any meaning it must amount to as much as is contended for.

But, perhaps the truth of the principles I have assumed will be denied. Yet what body or set of men is to determine, *what is necessary for the common defence, but the Congress?* If the measure be necessary it is clearly constitutional, & whether it is necessary or not is solely within the determination of Congress. We need not stop here. Circumstances may certainly arise in which a general suspension of commerce would be for the general welfare. Laying aside all deference to a precedent which is sanctioned by the name of Washington, let it be asked whether the same circumstances would not again most wisely produce a similar act? Whence is it that the pages of commercial history so frequently announce the occurrence of Embargoes in every commercial country, and whence is it that the laws of insurance are so definitely arranged concerning them, unless they have every where been found to be melancholy evils necessarily incident to the affairs of a mercantile people, and which extraneous events may frequently produce. But if the proposition that a suspension of commerce may be for the general welfare be not denied, will it be affirmed that *the time of its suspension* must be ascertained by the act which enforces it? Why? Where is the provision which gives authority to suspend commercial intercourse, and yet requires the time of its suspension to be ascertained and promulgated?

FRANKLIN.

(To be continued.)

* Lex Mercatoria.

WASHINGTON CITY.

MONDAY, OCTOBER 10.

The St. Michaels arrived at Baltimore on Saturday, last from L'Orient, which she left the 21st of August, bringing dispatches both from Mr. Pinkney and Gen. Armstrong

The contents will doubtless be made known to Congress, which is soon to meet, with any further communications which may be previously received. In the mean time there is reason to believe that no final decision had been expressed by either of the belligerent governments, on the appeal made by the President to the justice and policy of rescinding their illegal edicts, under the authority vested in him by the act of Congress, to suspend in whole or in part the Embargo laws. Notwithstanding the manifest interest and sound policy which plead with France, to concur in the equitable views of the United States, her infatuated attachment to the particular system she has adopted against her enemy discourages a reliance, at least on her setting the example of changing it. It is understood, that appearances were at first favorable to the expectation that the British government would yield to the unobjectionable arrangement contemplated by the President of a revocation of the Orders of Council as they regard the United States, and of the Embargo as it regards Great-Britain; and that there was moreover a disposition indicated to resume the affair of the Chesapeake, with a view to some effective step towards its accommodation, particularly the restoration of the seamen still detained in captivity, to which it was admitted there could be no reasonable objection. At a later date, the apparent disposition to concur in the contemplated arrangement had undergone a change. Difficulties were started as unexpected as they were irrelative and inauspicious. Whether further explanation and reflection would lead to the result due to the fair and friendly views of the United States must soon be known. As the offer to repeal the Embargo as it relates to England on her revoking her orders as they relate to the United States, leaving the Embargo in force as to France if she adheres to her illegal decrees, takes away absolutely the sole pretext on which the British orders are expressly founded, to wit: the acquiescence of the United States in the French decrees; and as her wishes would be gratified with the whole of our trade in case France refused to repeal her decrees, or a removal of all illegal obstructions to a general commerce would take place, in case France agreed to repeal them, England may still be expected to accede to the views disclosed by the President, if her own views do not now forsake the original and avowed object of her orders, in favor of some distinct and unfriendly policy towards this country.

For ourselves we do not conceal our conviction, founded on a variety of known circumstances, as well as the language of certain English prints, that the British policy is co-operating with the efforts made among ourselves, to alienate the affections of our citizens from their government, thus the more effectually to answer and promote the views of the British government by rendering abortive the measures taken in vindication of our just rights. She calculates upon our divisions, and to divide and paralise us, she acts one way and talks another. There can scarcely be a doubt that she is playing the most dexterous card in order to influence the pending elections, particularly that of Chief Magistrate for the ensuing four years. We shall be happy, if, even after she shall have been completely baffled in her hopes on this head, as baffled she infallibly will be, she at length accede to the just terms offered by our government.