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NATIONAL INTELLIGENCER.

COMMUNICATION.

As you doubtless take pleasure in presenting to your readers specimens of American talent and patriotism, particularly when the occasions that draw them forth are highly interesting, you are requested to publish the following extracts from a historical and argumentive oration delivered at the request of a committee of arrangement by C. P. Van Ness, Esq. of Burlington, in the state of Vermont, on the 4th of July last, at Jerrico, in that state, to a numerous collection of republicans. The author, in the late disgraceful scenes which were acted and attempted in that section of the union, during the existence of the embargo, with an honorable disinterestedness and a manly firmness, applied his shoulder to the wheel of government. Disregarding that popular odium and persecution with which the basest passions of the human heart for a moment threatened him, he was on all occasions the spirited champion of the laws, the able counsellor and intrepid advocate of their officers and agents. Being a professional man, popular, and of high standing at the bar, he refused repeatedly and invariably, at a very great pecuniary sacrifice, all offers of gain and emolument from the numerous infractors of the laws of his country.

The orator, after a short introductory and prospective address, making a transition from his more immediate subject, says, "But if the declaration of American independence has for thirty-three successive anniversaries been considered worthy of celebration by a whole people, and the exercise of the most exalted talents, surely the preservation of that independence from the great and imminent dangers by which it has recently been assailed, is almost equally important and deserving of your consideration on this day. Impressed with these sentiments, I shall on this occasion take a short review of our late political troubles, and submit some observations on the causes of their removal.

"As the motives and the conduct of the two political parties which have for some time agitated our country will, in the course of this address, in some measure pass under consideration, I shall in the first place make a few general remarks on the several administrations of our government. I wish it, however, here to be explicitly understood, that whatever censure I may impute to the proceedings of the federalists, as they are called, or the present opposers of our government, it is not by any means intended to apply to the federal party generally. Those only are alluded to who are stiled the leaders of the federal party, and whose whole strength has for several years been exerted to weaken and destroy the confidence of the people in their rulers, that they might succeed to their places; and who have uniformly been in favor of a war with France, and an alliance with England. The great body of the American people, including both federalists and republicans, are sincere friends to the welfare of their country. They are willing, if reasonably required, to spend their last cent, and the last drop of their heart's blood to maintain those precious rights which were purchased at the price of so much labor, toil and suffering. It is true they often honestly differ in sentiment as to the means of effecting certain objects, for which all are equally anxious; but this arises from a variety of causes, which in a government like ours, cannot be controlled. Having premised thus much, to prevent any misunderstanding of my sentiments or intentions, I shall proceed."

After having taken a review of the prominent features of the successive administrations of our government from its commencement, as well as a number of interesting events under them, and particularly our late negociations with Great Britain; and after ably discussing, and reprobating the conduct of the belligerents toward us, he adds boldly and truly—"But the most disgraceful scenes, with sorrow do I speak it, were reserved to be acted by some of our own citizens. In proportion as the difficulties in our foreign relations increased, did the hopes of the opposition to overturn our government also increase. It was well known by the federal leaders that the success of their nefarious schemes was wholly dependant on the misfortunes of their country. For it was admitted by all candid and upright men of both parties, that if the measures of our government should eventually succeed in effecting an honorable settlement of our differences without a resort to war, the administration would be entitled to the best support of the nation. To prevent such an issue, therefore, was the great object of the opposition. Every breeze which wafted a favorable tiding across the Atlantic was to the enemies of our government as the approach of death is to the hardened sinner whose heart knows no repentance. Every possible exertion was made to prevent the execution of the laws. Every embarrassment was thrown in the way of government. The seeds of discord and disunion were every where sown. No tale which the united power of art and falsehood could invent to excite jealousy and distrust against the government, was left untold. In some places actual rebellion was carried on under color of the state laws. With this drag chain of opposition about its neck, our government was contending with two of the most powerful nations in the world, for rights involving our sovereignty and our independence. The struggle was an arduous and interesting one. The government itself was threatened with inevitable destruction. The very foundation of the temple of liberty shook. The moment seemed about to arrive when the fairest fabric ever raised by human hands was to be demolished by the rude shocks of faction. The "sole depository of human liberty, the last hope of man in this mortal world" was about to be destroyed. Our rulers, amidst all the portentous indications, stood firm and unmoved at their posts. With the constitution for their coat of arms, and truth and justice for their weapons, they repelled with noble fortitude every assault, and pursued with undeviating firmness a system of policy which has thus far been successful, and which will in all probability lead to a happy termination of all our difficulties with both France and England."

Then after shewing clearly, in opposition to a current federal doctrine, that the terms obtained by our government in the late arrangement with Mr. Erskine had never before been offered to us; and that they were even more honorable to us than those we had heretofore proposed, &c. he concludes, "The disappointed leaders of the opposition are now attempting to work a belief upon the minds of the people, that England has not submitted to us, but that our government has been humbled by that of Great Britain. To what a wretched and degraded situation are those men reduced. If they admit the measures of our government, which they have opposed with so much violence, have in the end turned out well, they fear that they not only acknowlege the wickedness of their own conduct, but blast every prospect of future success in their ambitious schemes to obtain office and power. They can only therefore attempt to find refuge from disgrace, by exerting every effort in their power to degrade their own government and to exalt that of a foreign nation. They pretend that the violent opposition which the embargo and non-intercourse laws met with in some of the Eastern states, as well as from the minority in Congress generally, drove our government to a change of measures, from which proceeded the late settlement with England. If this is true—if the change in our situation is really owing to the first abandonment of measures on our part, when did that abandonment take place? Why was it not discovered before the President's proclamation made its appearance? If the opposers of the government themselves are deserving of the least share of credit, there certainly had been no change except for the worse; for they declared the non-intercourse to be four fold more injurious to ourselves, and beneficial to England, than any measure which had then been adopted. How long then are the people of the United States to be trifled with this manner? How long will they suffer such imposition? Will they not henceforce withdraw all confidence from a set of men who have done all in their power to excite them to insurrection and rebellion against that government, which, by its wisdom and firmness, averted the storm that had gathered, and was ready to burst over our heads, and laid, to all appearances, a sure foundation for peace, prosperity and happiness."

"Our commerce will now soon be restored to its wonted activity, and all other branches will flourish as usual. The American people will be convinced of the wisdom and integrity of the goverment; party animosities will cease to inflame the minds of neighbor and friend against each other; and quarrels and tumults will be no longer heard."

"On this day then we have double cause of rejoicing. The principles which called forth the declaration of our independence, have since the last anniversary of that event, gained a victory, which will establish them on a surer and more lasting foundation than ever. Let us do all in our power to hand them pure and uncorrupted to our posterity. Let us rally round the altars on which they are deposited, and there defend them to the last moment of our lives."

TO THE

Editors of the National Intelligencer.

Gentlemen,

As the legality of the Proclamations of the President of the United States has been called in question, you will oblige me by inserting in your paper the following considerations & opinions on that subject. They have just been published in the "Maryland Republican."

REGULUS.

Was the President of the United States authorised to issue his proclamations of April, & of Aug. 1809?

A question has been submitted to the public, whether the President of the United States, in issuing his proclamations of the 19th of April and of the 9th of August, 1809, relative to the restoration and to the interdiction of commercial intercouse between the United States and Great Britain, is justified by the laws of the land? If those who have proposed the query have urged it from doubts that are sincerely entertained, their minds will unquestionably be open to every candid consideration of the subject which can produce conviction as to the error or the correctness of the procedure of the Executive. For my own part, I do not hesitate to avow my impression to be in support of the legal propriety of both proclamations; & without further preface or digression I proceed to cite that provision of the non intercourse law which empowers the Chief Magistrate to renew the operations of trade between America and England.

By the eleventh section of that law it is enacted, "That the President of the United States be, and he is hereby authorised, in case either France or Great Britain shall so modify her edicts as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation." Let these expressions be analyzed. "In case either France or Great Britain shall *so* revoke or modify her edicts, as that they [the edicts] *shall cease* to violate the neutral commerce of the United States." It will be remarked that the words of the law do not require an absolute, unconditional revocation of the edicts to have taken place previously to the Presidents proclamation; but merely that "France or Great Britain shall *so* revoke or modify them as that they *shall* cease to violate" our commerce. The verb "*shall*" indicates a *future* period.—If Congress had intended that the edicts should have been rescinded before the promulgation of the Executive proclamation, they would have said "shall *have* ceased," and not "*shall* cease." The adverb "*so*" relates to the *mode* in which they might be revoked or modified. It remains to be ascertained, whether the British orders in council were "*so*" abrogated as to afford the necessary safety.

On the 19th of April, 1809, Mr. Erskine wrote to Mr. Secretary Smith, saying "I am authorised to declare that his majesty's orders in council of Janury and November 1807, will have been withdrawn as respects the U S on the 10th day of June next" Mr. Erskine spoke in the name of his government—"*Will have been* withdrawn on the 10th day of June." The time of their revocation was thus definitively fixed by his Britannic majesty's representative. Of course, a period was specified by G. Britain, when her edicts should be "*so* revoked as that they should cease to violate the neutral commerce of the U. States," and the President, as he was authorised, "declared the same by proclamation." The executive could not have done otherwise; he had no option, unless he had chosen to take upon himself a most enormous responsibility. As soon as the English ambassador, for his sovereign, announced that the orders in council would positively be rescinded on the 10th of June, it was the President's duty to proclaim it; and, accordingly he did proclaim it.

Independent of this elucidation, derived from the words of the non-intercourse law under which the chief magistrate acted, the subject is susceptible of a very conclusive construction from the circumstance that it was notoriously the intention of Congress that intercourse should be renewed with the belligerents respectively, whenever France or G. Britain should announce a definitive resolution to respect our neutral rights: and more especially if either of those powers should propose a *cotemporaneous* abrogation of the edicts and of the embargo. If the President was *not* to issue his proclamation till the orders in council *had been* withdrawn, that very circumstance would have afforded a pretext for the English to persevere, inasmuch as they could have said, that however willing they were to meet the U. S. upon *equal terms*, yet they could not consent to take the *first step*. Congress expressly wished to avoid giving the English ministry any room to hold such language; and, therefore they so framed the non-intercourse law, that its suspension should not depend upon a *past* but a *future* contingency; that is, upon a certain assurance of revocation, provided our laws were not suspended previously to the day on which the British orders were to be withdrawn.

So much for the first proclamation. Let me now examine the Presidential powers with regard to the proclamation of August last.

It will be admitted by all men of sense as very just reasoning, that if the Executive of the U. S. had issued his proclamation of the 19th day of April 1809, restoring commercial intercourse between the U. States and G. Britain, before the government of England had indicated its intention to withdraw the orders in council, that then the proclamation would have been illegal, and contrary to the provisions of the eleventh section of the non-intercourse law. This being granted (and no one, I presume, will dispute it) what difference is there between a revocation of the orders not promised, and a revocation promised but not fulfilled? Every person can see at a glance that there is not the smallest difference. Wherefore, as Congress, at their session of May, 1809, enacted no law to renew commercial intercouse with Great Britain, and the condition upon which the President's proclamation of April nineteenth 1809, was issued, having failed by the refusal of the British ministry to ratify Mr. Erskine's arrangement, that proclamation became null and void. It is impossible to conceive a case more clear and unequivocal. Congress granted the President of the United States power to issue a proclamation if a certain thing should in a certain way occur; that thing did occur, and was sanctioned by the solemn and official pledge of an accredited minister; the President then issues the proclamation; but eventually, the sanction and the pledge of the minister are not confirmed; and the thing whose occurrence was necessary to the issuing of the proclamation, is as if it had never happened. Of course, Congress having enacted nothing to the contrary, the state of things which existed previously to the issuing of the proclamation, recurs. My opinion is that if the President had never issued his proclamation of August 1809, the non-intercourse law, in all its original force, would have revived the moment the American government was officially notified that the British cabinet had refused to ratify Mr Erskine's arrangements; and that the annunciation of that refusal by the proclamation of the executive was a mere formality, requisite only as it tended to give consistency to the acts of our government.

What has confused the subject more than any thing else, is this; the president has been considered as renewing and stopping commercial intercourse by the mere force of his proclamations; but the fact is altogether different; the chief magistrate never had any power voluntarily to restore or to interrupt trade: it was Congress, who, by the non-intercourse law, provided for the prevention of commerce and for its revival. The President had no other power in the case than simply to proclaim that a certain event had happened; the eleventh section of the non-intercourse law then came in, and took the responsibility from him. The event did happen, in the very manner required by the act of Congress; but in the sequel, it was not consummated. Consequently, the first proclamation of the president was abrogated; and the President, very properly, in his second proclamation, confines himself to the declaration "that the trade renewable on the event of the said orders being withdrawn, is to be considered as under the operation of the several acts by which such trade was suspended."

It is not to be expected that Congress would ever provide before hand and by a positive law, for the failure of an arrangement of the kind, because that would be to express an opinion of the probable treachery of a foreign government before any circumstance had transpired to justify a doubt: it would also be such an affront as no nation could well overlook. But, if suspicion existed as to the fidelity of a cabinet, Congress would take care so to enact their laws as to leave room for the recurrence of such a state of things as they might wish to exist in case their suspicion should be realized. This is precisely what Congress did at their session of May last. They cautiously avoided passing any resolution or enacting any law about the matter. Whenever they have alluded to the subject, they have referred expressly to the provisions of the non-intercourse law; and it is remarkable, that in the "act to amend and continue in force certain parts of the act, entitled "an act to interdict the commercial intercourse between the U. S. and Great Britain, France & their dependencies, and for other purposes," the essential and vital provisions of the non-intercourse law are revived against England as well as against France, and it is declared that they "shall continue in force until the end of the next session of Congress" with this single proviso: "that nothing therein contained shall be construed to prohibit any trade or commercial intercourse which has been or may be permitted *in conformity* with the provisions of the eleventh section of the said act." Thus causing the whole question to rest upon the fulfilment or non-fulfilment of Mr. Erskine's arrangements with our government, by referring to the clause of that law, in virtue of which the President issued his first proclamation, and by declaring that the renewal of "any trade or "commercial intercourse" must depend upon its being "*permitted in conformity* with the provisions of the eleventh section of the said act." And, as the "*conformity*" was prevented by the British ministry, of course there is no permission to trade with England.

AMERICANUS.

Charleston, Sept. 5.

At a Meeting of the Citizens held in St. Michael's Church, agreeable to adjournment,

Dr. Ramsay in the Chair,
John S. Coodell, Secretary.

The Committee appointed at the Meeting of the 29th ult. reported sundry Resolutions; which being read by the Chairman, were unanimously agreed to, and are as follow:

WHEREAS it appears by the Proclamation of the President of the U. S. of the 9th ult. that the arrangement lately concluded by him & the Minister of his Britannic Majesty has been disavowed by the government of the latter, though the U. S. had performed with the utmost promptitude and good faith, the stipulations incumbent