will be produced by certain causes, which we believe to be naturally adapted to the production of such effects ! But how often are these expectations disappointed !-- Look into the volume of history, which records the transactions and the events of past times, and how frequently is it to be seen that one generation of men had experienced a state of things widely different from what had been expected by the preceding generation, and the very reverse of what the existing state of things in their time had seemed to promise them !

So long as man continues to be what he is, taken in a collective national capacity, revolutions of sentiment may be expected to attend him ; and in the administration of his goverment, one *uniform unvarying* course of proceedure is a phenomenon scarcely to be imagined—certainly never yet experienced for any great length of time : unless, indeed, it is to be found in the gloomy recesses of despotism. In countries, over which that species of government, or rather that abuse of all government stretches its iron sceptre, and by establishing a perennial system of universal fear, maintains an absolute control over the public sentiment—the despot, who by his nod rules every thing, may direct *his* proceedings in one uniform course. No where else is such an uniformity of proceedure to be found. In those devoted countries the springs of human action are bound down so closely on all sides, that no room is left wherein to move themselves—an universal dread of the tyrant stupifies and hushes the whole nation into a state of deadlistless quietism and profound apathy : consequently there cannot exist any external cause, by which the tyrant can be influenced to vary his course otherwise than according to his own will and humor. Yet even in those unfortunate regions the bandages of oppression are sometimes drawn so severely tight, and strained to such an excessive degree, that they are snapped, and afford a temporary relief to the wretched subjects. The springs of action for a moment recover a portion of their natural elasticity and expand themselves so far at least, as to produce a revolution in the government. Scarcely ever is any other sort of revolution produced in those countries.

But in a free country, a country really free, where public opinion cannot be repressed, where public sentiment cannot and should not be controuled, revolutions of that sentiment, as they will happen more or less frequently according to the ruling temper of the nation, influence the government, and occasion changes or alterations in the administration of it without affecting the existence of the government at all.

There is, however, to the American people a peculiar source of consolation in the rational and just principles of the system which they have been wise enough to establish. These principles serve as an elevated and luminous beacon, by looking to which those, who have direction of the vessel of state, may easily and safely guide it amidst the rocks and shoals whereon so many have been wrecked. These principles enlighten the paths that lead to public happiness, and render them infinitely plainer and more easily to be traced, than they are found to be on any other portion of the globe. This, then, is a great and singular advantage attending our admirable system—that the strictest adherence to its real principles is the easiest and most direct way towards promoting the general interests, tranquility and happiness of the people. It may perhaps be laid down as a correct position, that the duration of *public sentiment* in favor of public measures will generally be commensurate with the time, during which those measures are such as promote the general interests and happiness of the people. Since, then, of all systems in the world, the American system of government is the best calculated for an easy attainment of these objects, proportionably greater in this than in any other system, is the probability that these objects will be pursued in the administration of it. Hence also in the same proportion is the prospect that public sentiment will be less liable to fluctuation here, than under any other government where the public feelings are allowed to express themselves.

But, nevertheless, sir, is there an absolute certainty that the administrators of this system will be always invariably guided by its principles ; or that, plain and direct as is the way that leads to public happiness, they will never pursue any other course ? Is there an absolute certainty that every measure of every set of men, who shall hereafter succeed to the administration, will promote the general welfare in all respects, and be perfectly conformable to those rules of economy which are essential to the prosperity of a government like this ; and equally essential to the general happiness of the American people ? Can such an inference be clearly and undeniably drawn from correct views of human nature, or from a general experience of the political transactions of mankind ? No, sir ; and although from the principles of this system and from the virtue of the American people there is far better security for an easy attainment of every desirable object of civil government here, than any where else ; yet this security is not completely infallible. It cannot be expected that no vicissitude in the political affairs of this country—that no revolution of public sentiment will hereafter take place. Already have we experienced an important change. Already have we experienced a change amounting to a complete revolution of sentiment, as to a great portion of the American people—and to a complete reversal of the prominent measures of administration. I have rejoiced, sir, and do rejoice in this change as a grand amelioration of measures. I rejoice in the auspicious state of things which it has produced. I have trusted, I have believed, and I hope that it rests on a basis which will render it durable. Yet I have no right to flatter myself that it will always continue to be such. What has once happened may happen again. What has been once done may be done again, and may be expected to be done again whenever the same disposition shall exist in the agents, if the authority remains the same. The construction which has been given to the clause, I have read, in the cases alluded to, and under which construction such a latitude of power has been assumed, may be given again to that clause ; and the same, or even a greater, latitude of power may be actually exercised under such construction, if the clause remains as it is. It is possible that we may feel the lash of another sedition act, or something more terrible in its provisions. Indeed, sir, I wish there may be *no* reason to apprehend that the period may not be very far distant when we may experience a reflux, a sad reflux of things—and behold our political horizon again darkened and menacing.

That the clause, I have read, should be liable to receive a construction so broad and extensive is, perhaps, not very much to be wondered at when we consider the strong propensity existing in human nature to grasp at unwarrantable power ; and when indeed frequent experience manifests too much inclination to adopt meaures, which appear expedient, without strictly examining whether such measures are authorised by the consitution or not. There is something fascinating in the possession of power. When no limits are fixed to the exercise of it every thing within its reach is legalized according to the *will* of the possessor. This is to him the only standard of moral rectitude. In the scale of human actions those, which are forbidden by the eternal, indefeasible laws of nature and of reason, are confounded with those which these laws admit. These laws, which should be universally obligatory on all in power, and on all out of power, and which may be rightly called the great charter of the human race, are by this *arbiter*, this *will*, so construed as to have no binding force at all. The suggestions of this *arbiter* decide the fitness of every act throughout the scale. By these the life of a man and the life of an insect are often placed in the same degree of estimation. By the decisions of this tribunal all principles are confounded, and every thing is rendered lawful to the sovereign. As he wills any act, so it is to be done, as expedient to display his power and to maintain his dominion. Such is the case in despotic governments ; and hence, sir, it should be deduced, as an incontrovertible maxim, that in every government, intended to be limited in its powers, it is essential clearly to define those powers. This is necessary in governments, the powers of which are designed to be much more general and extensive than those of the federal government of these states. How important, then, is it that the powers of this government, limited as it is in so peculiar a manner, should be marked out with such clearness and precision, that those who administer the government, may not at any time, without manifest and glaring violation of its essential principles, exercise any power not intended to be delegated to them ! With a view to this object I wish to submit this proposition, believing, as I do, that under some general expressions, perhaps not sufficiently explicit, contained in the clause which I have read, a power has been exercised, which was never intended to be vested in any department of this government.

In submitting this proposition, sir, I solicit the indulgence and patience of the House, while I take a view of the nature, the powers and genuine principles of the federal constitution, as I understand them to be ; and of its relation to the states. In this view, I trust, those powers, those principles and that relation will be laid down not incompatibly with the general understanding of them by the American people. I believe I shall be strictly conformable to its essential principles when I say that this constitution does not extend its authority to the utmost limits of civil jurisdiction—that it embraces not all the objects of civil rule or authority—that it does not give to this government a right to exercise every species of power existing under the governments of these American states—that it conveys not to it an authority to perform all the functions of sovereignty—that it restrains, it confines, it limits the authority of this government to certain delineated objects—that it confers upon it certain particular powers, all which are distinctly enumerated and specified—that these powers, and these alone, it delegates to this government—that it does not assume the broad and extensive principle that all powers are granted to this government, which are not expressly reserved to the states or to the people of the states—that directly the contrary principle constitutes its very essence. This principle is that all powers are reserved, which are not expressly granted to the federal government, or expressly prohibited to the states. So far from leaving the states, or the people of the states in possession of no other powers or rights than those which are expressly reserved to them, this constitution contains no express reservation at all, except in one single clause, which reserves to the states the right of appointing the officers of militia and of training them according to the discipline prescribed by Congress. This, I conceive, was done, because such a right was deemed proper to be retained to the states, and inasmuch as it is a right incidental to that of providing for organizing, arming and disciplining the militia, which is expressly granted to the federal government, as a mean of enabling it to command the force of the nation for the common defence of all the states—this right might be construed to pass over to the general government along with the last mentioned power, were it not positively excluded from the grant. It were, indeed, entirely needless, unless it should be for the purpose of guarding against constructions no way compatible with the genius of the government, to make any such reservation. For, sir, the specification of particular powers is itself an exclusion of all other powers—it is a positive limitation of the authority of this government to those particular specified powers. This principle manifestly appears from the organization of this constitution. From the plan, from the scope, from the nature, from the design of it we may trace this principle too plainly & too distinctly to be mistaken. It is stamped on the face of the constitution in bright & shining colors—it is engraved on it in characters too strong and too splendid to be misunderstood.

I have taken this view of the constitution, because this great principle was co-existent with the constitution itself, and because the 10th amendment, which declares that "the powers not delegated to the general government, nor prohibited to the states are reserved to the states or to the people respectively," did not create this principle ; but is only a recognition of it, which has been deemed proper to be inserted, lest a spirit of innovation indulging itself in regions of wild, fanciful, extravagant theory might give a construction as to the *quantum* of powers delegated to the federal government by the constitution and as to the powers retained to the states, totally incompatible with the universal understanding of the American people thereon at the time of its adoption.

Why, sir, did the framers of this constitution so nicely construct its material parts ? Why was it drawn with such precision, such exactness in the limitation of its powers, and on such peculiar principles ? For this very manifest and important reason—That as little danger as possible might result from constructive interpretation—to guard it in the most effectual manner discernable by human foresight against such constructions as would give to it a consolidating tendency. But every act of the federal legislature, which invades the independence of the states, whether it assumes jurisdiction over objects of the greatest importance, or whether it assumes jurisdiction over objects of small consequence, will have that tendency ; inasmuch as both of these descriptions of acts are bottomed on the same destructive principle—both gravitate towards the same centre—both have a direct tendency to destroy the state institutions. The difference between them consists merely in the degree of rapidity with which that work of destruction would be wrought by measures of the first description, and the degree of rapidity with which it would be compassed by those of the latter description. A bold and gigantic stride of usurpation might at once totter the state-fabrics to their very *bases*, and soon level them with the face of the earth ; whereas encroachments commencing in smaller violations of state authority, and progressing step by step, would gradually and almost imperceptibly undermine and loosen their foundation. The operation in such instances, although it would be slower, yet perhaps, might not be the less sure of finally producing their total destruction. Indeed, sir, every act, which assumes a power not granted, is a step towards consolidation. It wrests from the state governments a portion of that *residuum* of authority which remained to them when the constitution was adopted. Such encroachments cannot be made without extreme danger. For one assumption always furnishes a precedent for another assumption ; this again becomes ground for further infringements on state authority ; thence ensues a regular progression of encroachment after encroachment, until at length the states are stripped of every species of authority, which can deserve the name of government. All these acts of federal usurpation, while they are drawing into its vortex this great accession of power, are weaving around the state institutions the web of destruction. Although dreadful may be the struggles—dreadful may be the scenes exhibited on the theatre of the American world before this will be entirely drawn over the States ; yet, sir, it may be done. After a continued series of such encroachments on their rights and authorities, from the state of insignificancy, into which they will then be sunk, they may be permitted to merge into the general mass. As institutions no longer worth the expenses requisite for their maintenance—as of too little consequence to merit any further support, they may be given up, suffered to lose all their energy, and at length their very existence, as waves, which appear for a while on the surface of the ocean, subside into its immense bosom, and disappear entirely.

*( To be continued. )*


WILLIAM MARBURY,

HAS received from Philadelphia and Baltimore, and for sale by

Mr. BREWER, next door above Mr. Elisha Riggs store on Bridge street.

A General assortment of Fall & Fancy Goods of the latest importations, and will receive a further supply in a few days, all of which have been purchased on the best terms for cash, and will be sold very low.

George Town, October 15—tawtf


# WASHINGTON CITY.

*MONDAY, DECEMBER 15.*

*Extract of a letter from a public character in Warren, Trumbull county and state of Ohio, dated November 30, 1806.*

Tyler, of the state of New-York, (who is supposed to be one of Aaron Burr's subalterns,) has lately been in this county in company with an English gentleman by the name of Constable, a man of science and well skilled in drawing charts and views of places ; he has engaged ——— our tavern keeper, and some others of desperate character and fortune in his service, who are now enlisting men to go down the Mississippi, but where is kept a secret from the Gulls. Boats and provisions are said to be purchased, and a number are to start next week from this county ; it makes a great rumor, and people are in gaping expectation of some wonderful event. For my part, I have not formed any opinion of the enterprise. It, at any rate has the prospect of doing us some good by ridding us of a parcel of idlers.

## *House of Representatives.*

*Friday, December 12.*

The Speaker stated to the House that he had received information from the Clerk of the public buildings that he was ready to proceed in securing the ceiling of the chamber of the House.

On motion of Mr. *Bidwell*, the House resolved itself into a committee of the whole—Mr. Basset in the chair—on the bill to revive and make permanent "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the U. S. and to compel the attendance of witnesses," and in addition to the same.

Mr. *J. Clay* remarked that in all the contested elections which had been conducted by ballot, a considerable difficulty had arisen in ascertaining from which of the candidates the votes given by unqualified persons should be deducted. For the purpose of removing, or at least lessening this difficulty, he had drafted a new section, which he purposed to submit for consideration. The objection heretofore made to examining the votes, to determine for which candidate they had been given, had been founded on the opinion that it interfered with the sacredness of the ballot. This, if a sound objection, could only apply to persons legally qualified to vote, as a principle fitted to save the rights of electors, and not of persons not legally qualified to vote. Mr. Clay said his object was to authorise a magistrate to examine on oath persons who had voted without being qualified for whom they had voted ; that votes thus given might be deducted from the candidate for whom they were given. This would obviate much of the difficulty at present existing. Intending to offer such a provision, he moved that the committee should rise and ask leave to sit again.

*Mr. Bidwell* observed that the principle of the gentleman from Pennsylvania was a new one, that they should undertake to decide by law what votes shall not be examined. It appeared to him useless, as it was settled by the constitution, and unless constitutional evidence was given to the House of the existence of unqualified votes, this provision would abridge its constitutional power. A decision on the qualification of electors was expressly vested by the constitution in the House. It, therefore, appeared to him improper by statute to decide this point, which was the proper province of the House. A provision of that kind would go to put a construction by statute on the meaning of the constitution, or to interfere with the constitutional powers vested in the House. Such being his present sentiments he felt a repugance to the proposition.

*Mr. J. Clay* said it was true that they could not by law decide what were the qualifications of electors. But he would ask, if in cases of voting *viva voce*, where the votes given for a particular candidate were proved not to be good, they were not deducted from him. His object was that the same process should be pursued where the election was by ballot. They had unquestionably a right to say that a man who votes, without being entitled, shall say for whom he voted. Such a provision would not be putting a construction on the constitution not at present attached to it. It would only require those not entitled to vote to declare on oath for whom they had voted.

*Mr. Smilie* said he had no objection to the committee rising for the purpose of more fully considering the subject. He recollected that in the state in which he lived this point had often been discussed. Where votes were given *viva voce* there was no difficulty. But where ballots were received, they could not compel the voter to say for whom he voted. He agreed with his colleague, that it would be no violation of principle to compel the unqualified voter to say on oath for whom he voted. The principle was so plain, it could not be denied. He hoped, however, that the committee would rise, that his colleague might be enabled to bring forward his proposition.

*Mr. Bidwell* said he was not disposed to precipitate a decision. He had, therefore, no objection to the committee rising that gentlemen might mature their ideas on the subject. He would, however, observe that he considered the proposition objectionable in one point of view, as giving a magistrate the right of determining who were qualified voters, a point only to be decided by the House.

*Mr. J. Clay* observed that before the question was taken he would suggest the propriety of recommitting the bill, either to a select committee or to the committee of elections, to determine the propriety of his amendment, where the subject might be canvassed, and the amendment so modified as to be unexceptionable. He hoped the gentleman from Massachusetts, who had brought in the bill, would make this motion.

The question was then taken on the rising of the committee, and carried without a division—when the committee rose and obtained leave to sit again.

*Mr. Holmes* moved that the Committee of Claims should be discharged from the further consideration of the petitions of Arnold Martin, and Sarah his wife, William Kincaid, John Hargisheimer, Philip Turner, and Ludwig Kuhn, all barred by the statute of limitations, and that they should be referred to the committee appointed to consider what provision should be made for such claims, to which motion the House agreed.

*Mr. J. Randolph* observed that during the last session several petitions from persons engaged in the collection of the public revenue, praying for an increase of emoluments, had been referred to the Committee of Ways and Means—likewise the report of the Secretary of the Treasury ; and that the committee under the instructions of the House, as well as from the general powers delegated to them, had taken up the subject in a general point of view, in order to modify the existing system as circumstances required. The subject had required much attention, and after a schedule had been made out, it by some means got mislaid. Mr. R. concluded by moving that the report of the Secretary of the Treasury, together with the petitions, should be referred to the Committee of Ways and Means, which motion was agreed to.

## COMMITTEES APPOINTED IN THE HOUSE OF REPRESENTATIVES.

Committee appointed to enquire what claims against the U. S. are barred by the statutes of limitation, which in reason and justice ought to be provided for by law.

Messrs Stanton, Tenney, Stedman, Chittenden, Dana, Tracey, Lambert, Pugh, Brown, N. R. Moore, J. Morrow, Vir. Stanford, T. Moore, Merriwether, Rhea of Ten. Bedinger, and Jer. Morrow.

## *SENATE:*

December 12.

The Senate took into consideration the bill, entitled "An act to suspend the operation of an act, intituled 'An act to prohibit the importation of certain goods, wares, and merchandize,' and to remit the penalties incurred under the same."

When the following amendments were agreed to without a division, viz. strike out at the end of the 2d sec. the following words : "This act shall take effect from and after the passing thereof."

Add to the end of the bill the following section :

*And be it further enacted*, That the President of the United States be, and he is hereby authorised, further to suspend the operation of the aforesaid act, if in his judgment the public service should require it : *Provided*, That such suspension shall not extend beyond the second Monday in December next.

The bill, so amended, was read a third time, and passed, without a division.

Leave has been given by the House of delegates of the state of Maryland, to bring in a bill, entitled "An act to tax *Bachelors* and *Bank stock* for the education of poor children in the several counties of the state"—Yeas 37—Nays 21.

The legislature of Virginia has confirmed the appointment of *Creed Taylor, esq.* as successor to the late venerable judge Wythe, in the high court of chancery.

*Richmond, Dec. 8.*

*Virginia Legislature.*

On motion, *Resolved unanimously*, as a testimonial of respect for the character of our illustrious fellow citizen, *George Wythe*, who to his latest moment devoted to the service of his country those pre-eminent talents and distinguished virtues, which at a most perilous crisis, were with manly firmness and incorruptible patriotism exerted to obtain for her the inestimable blessing of freedom—That the members of this house will for one month wear a badge of mourning.

*Richmond, Dec. 9.*

*Lewis Harvie, Esq.* of this city, was on Saturday last elected by joint ballot of both Houses of the legislature of this commonwealth, a member of the privy council or council of state, to supply the vacancy occasioned by the death of *Lyne Schackelford, Esq.*

*Baltimore, Dec. 11.*

From letters just received from Pittsburg, dated 28th ult. it appears that Comfort Tylor was then at that place, much engaged in putting up and securing a large quantity of provisions—that a number of boats well calculated for the transportation of men and provisions were just finished at Beaver, a few miles below Pittsburg—that a large quantity of powder had been taken by land from Pittsburg to Beaver—that a large quantity of salt had been brought