cannot be desirable to any real friend of the union.

Sir, this jealousy is not merely attentive to the preservation of the existing state authorities from unconstitutional encroachments by the general government: it is also averse to any constitutional diminution of those authorities. It considers the powers already vested in the federal government, as fully adequate to all the purposes of its institution. I confess, sir, I am one of those, who entertain this sort of jealousy; who have no wish that a single *item* should be added to the catalogue of powers already vested in the federal government; who believe that such a step would be dangerous—that the process once commenced might lead to more and more grants, until all real, efficient power would be accumulated together in the hands of the federal government, and the states be rendered perfectly contemptible. I confess too that I feel no satisfaction in seeing a committee raised on the idea of an addition to the existing powers of the federal government; and whatever may have occasioned this step, I cannot refrain from expressing my repugnance to it; on the contrary I am induced by it to bring forward this proposition thus early in the session, and to declare these sentiments on the occasion.

Important, sir, was the epoch when this constitution was proposed to the people of the several states for their consideration and adoption, if approved of. The world never witnessed a more august scene than what America then exhibited. Thirteen free and independent states engaged in the solemn act of deliberating on a system of general government, which should draw around them a band of political union; which should render this a firm and durable band, and yet so as not to impair the individual sovereignty of the states, presented indeed a sublime spectacle. To investigate the principles of a system so new, so unprecedented, so peculiar in its nature, the strongest energies of the American mind were brought into action. It was an object of the most anxious enquiry whether this system by providing, in the manner it does, for the great purposes of the union, to which the then existing confederation had been found inadequate, would not impair and ultimately destroy the sovereignty of the individual states. While the imbecility and inefficacy of that confederation became a theme of universal lamentation and produced a general wish that the ties of union between the states might be strengthened, every American heart felt itself deeply interested in preserving the state authorities: every heart glowed with ardour for the perpetuation of that species of political institution under which the people of the several states had maintained their civil polity during their arduous contest for independence. This great, this unprecedented act of sovereignty, therefore, which gave existence to this system, was not performed without a pause—solemn pause, an awful apprehension that possibly the powers to be delegated to the federal government by the proposed constitution might have a tendency to shake the foundation of the state governments, and finally produce a consolidation of all the states into one extended empire. Hope and fear alternately affected the public mind during this important *crisis*—hope that the system would operate the desired effect for the joint benefit of the union and of the states—fear that it might absorb all state authority, and eventually defeat the best ends of its institution. Its peculiar organization, its leading essential attributes cautiously examined, deliberately & solemnly traced, recommended its adoption. From its structure and its principles arose the prospect of its utility, and on these the American people rested their hopes that the system would promote the general interests of the union without abridging the independence or sovereignty of the states. May these hopes never be disappointed! May they be constantly realised!

That jealous affection for state rights and authorities, which I have mentioned, Mr. Speaker, has always existed. It is co-eval in existence with the states themselves. It is a laudable jealousy. It is founded in reason and in nature. It is a jealousy resulting from fixed attachment to a great and acknowledged principle. That small republics are most propitious to liberty, better adapted for its preservation, at the same time that greater security for good order in society is afforded, than in those which govern the inhabitants of very extensive territories, is an impressive maxim strongly inculcated on the American mind. The people of the several states, therefore, see in their state governments safe depositories of their civil rights and immunities—strong barriers against licentious interruptions of social order—convenient and easy modes of administering justice amongst themselves, and, indeed, of managing all their local affairs. Hence their fond, their invincible attachment to that species of government. Hence that jealous sensibility, which will ever be alarmed when this government makes any encroachment on their rights or authorities. Hence too those struggles, those melancholy scenes, which may be apprehended before the people of the several states would submit to a dissolution of the state institutions, or acquiesce in a series of measures tending to deprive them of their appropriate powers, should so fatal a policy ever direct the councils of the union. Should so fatal a policy ever direct the councils of the union, did I say? Would to God that such a sort of policy had not already mingled with its councils. Could not such a sort of policy be traced in the doctrine deduced from the last clause in the 8th section of the 1st article of the constitution (which I have read) when by the construction given to that clause in the cases which have been alluded to, it was contended that the federal legislature possessed a right to pass any laws whatsoever, which they should deem expedient for carrying into execution the powers enumerated in that section, and all other powers vested in any department or officer of the government, whether such laws should have any sort of relation to, or any manner of connexion with any of these powers or not? Such, sir, was the construction given to that clause in those cases—a construction involving a principle of the utmost latitude admissible in a government of the most unlimited extent of jurisdiction. Admit this principle, sir, admit that the Congress should possess such a latitude of power, and what then would remain to the states? Would there be left to them any real, substantial power? No, sir. All might be grasped by the general government. The plea of necessity and of expediency might be extended to any lengths whatsoever and applied to every possible subject of legislation: while nothing but the name, and hardly the name, of any power would remain to the states. Sir, can a construction, which expands the federal jurisdiction to such an amazing extent, be reconcileable to the true principles of the confederacy? Can a construction thus transforming the federal government, from a system of limited special powers, into that sort, which exercises every species of civil and political authority, be reconcilable to those principles? Sir, it would be the very height of absurdity to say that such contrarieties could be reconcilable; and should such construction of the clause, I have mentioned, become the established construction of it, not a trace of those federal principles would be left. The states would become states in name only, and all the properties of a consolidated government would spring into existence.

(To be CONTINUED.)

WASHINGTON CITY.

WEDNESDAY, DECEMBER 17.

HOUSE OF REPRESENTATIVES.

MONDAY, DECEMBER 15.

A message was received from the President of the U. S. laying before Congress a report of the Surveyor of the public buildings, stating the progress made thereon during the last season, and that which is proposed to be done during the ensuing season.

Mr. Early, from the committee to whom was referred that part of the message of the President, which relates to prohibiting the importation of slaves into the U. S. reported a bill to prohibit the importation of slaves into the U. States or territories thereof, after the thirty-first day of December, 1807, which was read twice and referred to a committee of the whole House on Wednesday next.

Mr. Dana submitted a resolution instructing the committee of Commerce and Manufactures to enquire into the expediency of making provision for a survey of the coasts of the U. S. designating the several islands, with the shoals, roads and places of anchorage within twenty leagues of any of the shores of the U. S.

Before offering the resolution Mr. Dana briefly noticed the importance of a comprehensive survey of the whole coast, as well with a view to the safety of our commerce, as to the designation of the extent of our territorial rights.

Mr. Crowninshield suggested the propriety of extending the survey to forty leagues beyond the coast.

The resolution was ordered to lie for consideration.

A message was received from the Senate, stating that they had passed the bill to suspend "An act to suspend the operation of an act, intituled "An act to prohibit the importation of certain goods, wares, and merchandise;" and to remit the penalties incurred under the same," with amendments.

The House having agreed to consider the amendments,

Mr. J. Randolph moved to refer them to a select committee.

Mr. Alston opposed the motion. He believed no reference necessary, as the subject was too plain to require any detailed investigation; if it should be referred, he would prefer a reference to a committee of the whole House, and, accordingly, made a motion to that effect.

Mr. J. Clay supported the motion of Mr. Randolph; and stated that the object of the reference was merely to introduce a provision to secure the payment of costs by those who had incurred the penalties of the non-importation act, which otherwise would be chargeable to the U. S.

Mr. Smilie opposed the reference to a select committee, and declared himself, under existing circumstances, hostile to the amendment of the Senate, vesting the President with a suspending power.

The motion of reference to a committee of the whole House having been disagreed to—Ayes 30—the reference to a select committee obtained without a division.

The committee are Messrs. J. Randolph, J. Clay, and Alston.

Mr. Elliot rose, and addressed the House in a speech of considerable length, on the critical and alarming situation of the country, and the commanding necessity of creating and organizing a system of more efficient defence; and concluded with giving notice that he should on Tuesday, the 23d inst. submit a series of resolutions to that effect.

The bill for erecting a Bridge across the Potomac was considered in committee of the whole, and reported to the House.

Mr. J. Randolph, from the committee to whom had been referred the amendments of the Senate to the bill to suspend the non-importation act, made a report, viz.

To agree to the first amendment proposed by the Senate, which is to strike out the following words at the end of the section—"This act shall take effect from and after the passing thereof"—with an amendment, viz.—to add after the word "remit," as follows—"on payment by the parties by whom such penalty, fine or forfeiture may have been incurred, of all costs which have accrued, or may accrue before notice of this act shall have been received by the attornies of the several districts of the U. S."

And to agree to the second amendment, authorizing the President to suspend the non-importation act till the 31st of December.

A concurrence with the first amendment was carried without a division.

Mr. Dawson moved to amend the amendment of the Senate by substituting the words "public interest," in lieu of the words "public service."

Mr. J. Randolph said he did not see how the public interest could be disconnected from the public service.

Mr. Dawson's motion was agreed to—Ayes 43—Noes 40.

Mr. Smilie said he was against the amendment offered by the Senate. He hoped that gentlemen who proposed concurring in it would shew its necessity at this time. The Message of the President had recommended a short suspension of the non-importation act, which had been done by the act passed by the House. If at a late period of the session, circumstances should justify the vesting a suspending power in the President, he might, perhaps, have no objection to the measure; but was there at this time any such necessity, when the probability was that the House would not rise until the 3rd of March; and when it could not be known whether important information might not previously reach them? If no necessity can be shewn, why now legislate? He was also opposed to the amendment, because it looked like holding out to England that we were tired of the non-importation act. For these reasons he hoped the amendment would not be agreed to.

Mr. J. Clay said, he did not know that the operation of the amendment proposed by the Senate would be to shew Great Britain that we were tired of the act. On the contrary, by making its further suspension conditional, it would shew that unless further arrangements were made between the two governments it would be carried into effect. It was very true, that further information might be received during the session, which might render a repeal of the act proper. But suppose an accommodation should take place between the two governments between the close of the present session and the commencement of the next—still, notwithstanding this, the law in question must go into force on the 1st of July, although every pretext for it was done away. Mr. C. said he was not very fond of placing this discretionary power in the hands of the President. But he did not perceive any other way in which the views of Congress could be accomplished. He was, therefore, reduced to the dilemma, either of giving the President power to suspend the act, or of suffering a measure confessedly hostile, to go into effect after a satisfactory adjustment of differences. The arguments in favor of the passage of the act were that it would induce Great Britain to suspend her depredations, and to recede from her injurious doctrines. If she abandoned these, and made reparation for her depredations, he apprehended all necessity for the continuance of the act would be done away. Why then continue it after the occurrence of these circumstances? If, however, the gentleman from Pennsylvania would point out any other less exceptionable mode, by which the views of the House could be effected, he would adopt it in preference to the amendment of the Senate.

Mr. Crowninshield remarked that, like the gentleman from Pennsylvania (Mr. Smilie) he could not give his sanction to the proposed amendment. He saw no necessity at this time for authorising the President of the U. S. further to suspend the non-importation act. What had the House done? A few days since they had sent a bill to the Senate to suspend the act until the first of July. They had received from that body an amendment further to suspend it until December; and on what grounds? They had received no additional communications from the President. The House, then, to be consistent, ought to pursue the same course they had followed a few days since. Mr. C. said he then voted against a suspension of the non-importation act to the 1st of December. He considered the proposition under consideration as nearly the same thing; the principle of both was similar. He did not know that he should object to passing a bill late in the session, empowering the President to suspend the act, provided the negociations were in such a situation as to promise a satisfactory issue; but he saw no necessity for precipitation. The bill would do as well without the amendment as with it. He should therefore vote against it.

A motion was here made to adjourn, in favour of which only four members rose.

Mr. Bidwell said he did not view the subject in the same light, in which it was seen by his colleague near him, (Mr. Crowninshield.) To him there appeared to be a material difference between the amendment of the Senate, now under consideration, and the proposition which had been negatived by the House, when the bill was before under discussion. The one was an absolute suspension of the act until next December; whereas the other was only the provision of a power to suspend it, if an occasion for such further suspension should occur, when Congress should not be in session. To the former he thought there were objections, which did not lie against the latter.

He could not agree to the observation of the gentleman from Pennsylvania, (Mr. J. Clay) that the prohibitory act is confessedly a measure of hostility. On the contrary he thought it a pacific measure. It was no more than a system of commercial regulation, which, consistently with the established laws and usages of nations, we have an undoubted right to adopt. It did no injury, & could give no just occasion of offence. It was indeed intended to press upon G. Britain. One principal object of it was to convince that government and nation, that we have the power and the determination, by granting or withholding our market for their manufactures, by peaceable means, to make it their interest to do us justice, and be on good terms with us. This was not a hostile, but a pacific and lawful policy.

He observed that when the bill was before the House on a former day, he had taken the liberty to express an opinion that the event of a treaty, intervening before another session of Congress, might be provided for by a separate section in this bill, or by a separate act, to be passed, if necessary, before the close of the present session. He had preferred the latter; but the reasons for that preference were not so strong as to induce him to dissent from the course which the Senate had thought proper to pursue.

He was generally not in favor of vesting discretionary powers in the executive. But in the present case, where the principle was contained in the law, the discretion was so limited in its object and duration, and the rule for the exercise of that discretion was so obvious, he thought the authority could not be dangerous, and the objection was not applicable.

There was, he said, one strong consideration in favor of the section. If a treaty should be made, during the recess of Congress, or at so late a date as not to be known here until Congress should have adjourned, one of three courses must be adopted; either the prohibition must be suffered to operate, from the first of July until December, which, in case of a satisfactory arrangement, would not be desirable; or Congress must be convened to provide for such a state things, which might be very inconvenient; or the executive must be authorized to suspend the operation of the law until the next ordinary session of the legislature. The latter course appeared to him to be attended with the least evil He was, therefore, in favor of providing such an authority; and, as the Senate had judged it most expedient to insert it in this bill, although he should have individually preferred a separate and future bill for the purpose, he would not refuse to concur in the amendment.

Mr. Smilie said he had but a single additional observation to offer, after making which, he would confine himself to giving his negative to the amendment. He had ever held it to be his duty not to grant legislative power to the executive but in cases of necessity. If such a necessity could be shewn to exist at present, he would consider whether it were proper to grant the proposed power. But when there was no such necessity, he would never vest such a discretion in the executive.

Mr. Dana observed that the principle laid down by the gentleman from Pennsylvania was worthy of attention; but it was extremely questionable whether it were applicable to the case then before them. If the amendment of the Senate went to acknowledge a general power in the President to dispense with the laws, a power once claimed as a prerogative by the King of Great Britain, all must be against it. But what was the power here proposed to be given? To authorise the President to continue the natural state of things in this country. The act of the last session went to change the general politics of the U. S. whose general political system was peace and freedom of commerce with the whole civilized world. That law impaired this principle, by taking away that freedom of commerce so far as respected G. Britain. Now the power we propose to give, is nearly allied to that exercised on a change from a state of peace to a state of war. Although the legislature should change the state of things from peace to war, yet the President would be authorized to agree to an armistice, which would, for a time, restore peace, and suspend the laws. In point of principle, therefore, the power at present proposed to be given was similar to that exercised in the case of an armistice. Further, in giving this power to the President, we do no more than what we have done already. The President has given us merely general information relative to our negociations with G. Britain; and on his responsibility we have passed the act sent to the Senate. He recommends a suspension of the non-importation law to a reasonable time, without specifying it. We fix the time. Perhaps the President may consider this reasonable time of suspension as extending to December. The language of the amendment is, if he thinks so, let him suspend it to that time. The same principle, therefore, is applicable to investing this power, as to the suspension we have already agreed to.

Mr. Dana said he agreed that the amendment of the Senate was in substance nearly the same with the proposition rejected in the House. He was in favor of this proposition, and still continued favorable to it, because he approved the extension of the suspension of the act to December, and because he believed, if the power of suspending it were vested in the President, he would not suffer it to go into effect before that day.

Without going into the question how far the commercial regulations were calculated to coerce Great Britain, Mr. Dana said he would undertake to say that the operation of the non-importation act was more injurious to ourselves than Great Britain; and that it imposed such burthens on our merchants, and was so extremely vexatious to them, that he had little doubt of its suspension by the President, if he should be invested with the power. It would be recollected that the resolutions adopted by the House at their last session were very general; that they had been referred to a committee to bring in a bill, who had, from the pressure of circumstances, reported a bill very promptly, and with no other specification than that contained in the resolutions. In the construction given to this law, he understood no regard had been paid to labor, but merely to the material; the consequence of which was extremely vexatious. He would state an instance. *Aqua fortis* could only be imported in glass or gold vessels. A quantity had been imported into New-York in glass vessels, and been refused entry because contained in glass. Mr. Dana here specified some other articles, similarly circumstanced. He added that the provisions of the act were of so dubious a nature, that the Secretary of the Treasury had given no instructions respecting them. For these reasons he thought the law would never be suffered to go into operation. It had, indeed, produced an effect, which the House, in passing it, had not contemplated. He would, therefore, have it done away altogether, and if they were to have any commercial prohibitions, he hoped they would be imposed in such language as all people might understand.

Mr. Bidwell said, before the question was taken, he would, in answer to the gentleman from Connecticut on his right (Mr. Dana,) just observe, that any doubt or difficulty which had arisen or might arise, in the execution of the law, from the general description of articles of manufacture, by their material of chief value, might be easily removed by a supplemental act. It was not strange, nor new, that in a complicated system of regulations, experience should point out practical defects in the details, and render legislative explanation or amendment necessary. It was no rational objection against the system. Notwithstanding any such imperfections in the present details of the prohibitory act, he had no doubt that, whether left to the executive or the legislature, the act would be ultimately carried into full and complete effect, unless rendered unnecessary by an intervening arrangement of the points in dispute.

Mr. Dana said that in the statement he had made he did not state many of the inconveniences that had been experienced. Half the goods imported into New-York since the non-importation law took effect had been refused entry. The law was indeed one which ought never to go into operation. As far as he was informed the government of Great Britain had as yet only given friendly assurances He considered the existence of this law as a bar to satisfactory arrangements; and was, therefore, willing to lay it aside for the sake of peace and accommodation, not considering it as aiding, but as impeding our negociations.

Mr. Chandler said, if he believed, with the gentleman from Connecticut, that the President would, under any circumstances, no matter what, suspend the act, he would not give his vote for the proposed amendment. On the contrary believing that he would let it go into effect, unless our differences were adjusted, it had his approbation. To remedy the evils mentioned, he would have no objection to doing away this act, after a proper time, and prescribing in a new act a double doze. He would pass an act prohibiting the importation of all goods from Great Britain. Believing the act had been attended with good consequences, and had brought the government of that nation to a sense of their interests, and that there was a probability of an early adjustment of our differences, he should give his vote for the amendment.

The question was then taken by yeas and nays, and the amendment carried—Yeas 82—Nays 23.

[Other business, of subordinate interest, was transacted, which shall be stated in our next paper.]

TUESDAY, DECEMBER 16.

Much private or subordinate business was done, which shall be given in detail in our next paper.

A message was received from the Senate stating that they had concurred in the amendments of the House to their amendments to the bill to suspend the operation of an act, entitled, "An act to prohibit the importation of certain goods, wares and merchandise, and to remit the penalties incurred under the same."

This bill, consequently, only requires the signature of the President to be a law.

The House considered the amendments made in Committee of the Whole to the bill authorising the erection of a bridge over the river Potomac, within the