ed the President to organise, in the recess of Congress, a government in the territory of Orleans. Then you made the law; he carried it into effect. The power given was more important than that proposed to be transferred in the present instance. The cases before cited and read, may again be brought to the notice of the House. In the year 1794, a law passed, empowering the President to lay, revoke, and reinstate at pleasure, during the recess of Congress, an embargo without any limitation or restrictions whatever. In 1799, the President was authorised by law to suspend during the recess, the law interdicting all intercourse with France, at his pleasure, without any qualifications of his power whatever; and in 1800, his powers were renewed in the same words. To all these, (except, perhaps the first) no serious objections were made on the ground of principle, according to the best information we have been able to obtain. But all at once it is discovered by some gentlemen, who are in the habit of acting with those who passed the said laws, that though at those respective periods it was perfectly correct and unexceptionable to vest in the Executive the power in question, in the most extensive latitude; yet at this time to give him the like power, though qualified and greatly restricted, would be dangerous, contrary to principle, and a violation of the constitution. I will not pretend to account for those extraordinary changes in the opinions of gentlemen, but leave it to themselves to account for them. But, to notice a more modern instance of an act passed by this House, similar to that now proposed. In the year 1806, a law was passed, authorising the President to suspend during the recess of Congress, at pleasure, without any restrictions, the non-importation act. So many instances of the same power being vested in the President without any limitation whatever, which is now proposed to be given him under very specific restrictions, would seem to require the most serious consideration, before the right to give it should be denied this House, and would seem to require of those who oppose the measure, to adduce very strong and cogent reasons indeed, before they would expect to convince either the House or the nation that in all those cases that have been cited, Congress had acted in manifest violation of the constitution. It has been attempted by the gentleman from Virginia, (Mr. R.) to make a distinction between empowering the President to suspend an act which has not commenced its operation, and empowering him to suspend one which has gone into operation. This is manifestly a distinction without a difference; a resort to a kind of reasoning which was hardly to be expected from that gentleman, with whom, it seems, nice legal distinctions are in great disrepute, and considered inconsistent with the enlarged views of a great mind. Let us for a moment, however, examine the difference between stopping the operation of a law, and preventing a law from commencing its operation. I should suppose it required the same power to do the one as it did to do the other. These laws were enacted by the same power; and must require equal power to stop or suspend their operation. In sound reason there can be no difference between suspending the operation of a law that went into effect yesterday, and preventing a law from going into effect which was to have commenced its operation to day. When the moment arrives at which a law is to take effect, it requires the same power to arrest it from going into operation, that it would to stop its operation if it had actually commenced—There can be no difference. If therefore it was constitutional to empower the President to suspend the non-importation law, which had not commenced its operation, it is equally so to empower him to suspend the embargo-laws which have gone into effect. There is certainly no legislative power necessary to be exercised in the one case that is not equally so in the other. I shall not pursue the examination of this extraordinary distinction further, as it was abandoned by the gentleman who advocated it, by saying that he was opposed to giving the President a power to suspend a law in any possible case, whether it had commenced its operation or not. Another discovery of an extraordinary nature has been made during this discussion—that Congress have no power by the constitution to lay an embargo. Although this question can have no relation to the case before you, or in any manner affect the decision thereon, (for whether we have the power to lay an embargo, or not, it has been laid, and surely those who deny us the power to lay it, will not contend that when it is laid we cannot remove it;) yet as it has been made and insisted on, we will briefly examine it. If this construction of the constitution be correct, our powers of legislation will be found to be confined within very narrow limits indeed, and so far as regards commerce with foreign nations, would be little better than a mere mockery. The only means we have to coerce foreign nations is thro' the medium of our commerce—particularly by withholding from them our productions, which consist of articles that are the necessaries of life and all important to them, without which some of them could not well subsist, and most of their West India colonies would certainly be reduced to a state of famine. But if in this respect our hands are tied up, and we have no power by the constitution to deprive them of the benefit of our produce—to keep from them those articles so necessary for their subsistance, they may impose what restrictions they please on our commerce, and laugh at our resentment, as we would be left without a remedy, without the means of retaliating the injury or compelling them, by making it their interest, to do us justice. If this construction of the constitution were correct, it would prove at once that those who framed that instrument did not know the true interests of their country; if they did, that they totally abandoned them. A fair exposition of the constitution, however, will authorise no such construction—there is no clause in it that would sanction it. In art. 1, Sec. 8. of the constitution, it is declared that Congress shall have power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." This is a general delegation of power and gives to Congress the right of passing all laws on the subject, which they may deem necessary for the public good, unless in the cases expressly excepted out of this general power, in the constitution. It may be material here to remark that in the constitution when general powers are delegated, if any exceptions thereto are intended, they are expressly made in that instrument. Without such exceptions the general powers delegated are considered unrestricted. Whence do you derive the right to prohibit the migration or importation of slaves from Africa? From the power to regulate commerce with foreign nations. Let us see if there be any exception from this general power to regulate commerce, that would support the objections made to laying the embargo. The first exception is in the 9th sec. of the same art. and prevents Congress from prohibiting the migration or importation of such persons as any of the states then existing should think fit to admit prior to the year 1808, &c. This exception was made, because when the constitution was framed, it was not intended that Congress should have the power to prohibit the importation of such persons as are stated therein until the time therein stated should arrive; and to take this out of the general power delegated, an exception became necessary. I state this case to shew that where any exceptions to the general power were intended they were expressly made; therefore in the case before you, if there be no exceptions made to the general power affecting the point in question, it is a fair construction, that the constitution never intended to restrict Congress from prohibiting the exportation or importation of any articles whatever, or the adoption of any other measures calculated to regulate and control commerce.

Another exception in the same section is, that "no tax or duty shall be laid on articles exported from any state, are no preference shall be given by any regulation of commerce or revenue, to the ports of one state over those of another," &c. These are the only exceptions made in the constitution of the power given to regulate commerce—and none of them in the least degree supports the position that Congress have not power to lay an embargo. On the contrary they prove that such a power was intended to be left with Congress, otherwise it would have been excepted. In particular the exception that prohibits the imposition of a tax or duty on articles exported, clearly proves that it was not intended to prevent Congress from prohibiting the exportation of those articles, but only from imposing on them a duty; otherwise it would have been so expressed. And although this exception was used as an argument against the power of Congress to lay an embargo, it certainly is, when properly understood, the strongest proof in favor of their possessing such power. This general power then given to Congress to regulate commerce, must include the power to determine to what nation our trade shall go, and on what terms and to what extent we will permit it to be carried on——without this power, the power to regulate commerce would be altogether nugatory. If you cannot prohibit the exportation of your produce in whole or in part, how can you regulate commerce? If you have the power to restrict your trade in any degree, you have the like power to restrain it to the full extent of an entire prohibition both of exports and imports. If gentlemen attempt to fix a point beyond which you are not to go, they will find it impossible. They would hardly venture to say that you could not by law prevent the exportation of a single article; and if you can prohibit the exportation of one article, you can of every article—there is no exception made in the constitution—the power is, as it ought to be, co-extensive with the exigencies of the country. There is another clause in the constitution, art. 1. sec. 8. which might be deemed sufficient, if it were necessary to resort to it, to warrant the laying an embargo. "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof. If therefore Congress consider an embargo necessary to carry into effect the power given to regulate commerce, they are by this clause empowered to pass a law laying such embargo. But it is not necessary to resort to this provision in the constitution, the general power given to regulate commerce, necessarily confers the the power to lay an embargo; and no reasonable doubt, I trust can exist on this subject.

(Mr. Campbell's Speech to be continued.)

WASHINGTON CITY.

FRIDAY, JULY 8.

Mr. Henry Whetcroft is appointed to the office of Treasurer of Washington City.

It will be seen by the London news in this day's paper, that the Osage was to have sailed from Falmouth about the 18th May, and was supposed to have been seen on her passage. She may of course be hourly expected.

At a numerous and respectable meeting of the Republicans of the Seventh Ward, of the city of New York, convened agreeably to public notice, among other things, it was

"*Resolved*, That we do cordially acquiesce in the nomination of James Madison for the office of President, and George Clinton for the office of Vice President of the United States: But notwithstanding we acquiesce in the nomination of James Madison for President, we do still entertain the highest regard for our venerable patriot, George Clinton, whom we consider eminently entitled to our esteem and respect."

For the National Intelligencer.

The Farmer—No. V.

Mr. Madison's election is, in the next place, recommended, because it will be the best fitted to the destruction of schism among the republicans.

Those divisions which exist among the republicans, have arisen either from local disputes, from a difference of opinion with regard to the extent to which our naval establishment ought to be extended, or from a difference of opinion with respect to the principles which ought to regulate appointments to office.

Before these topics are distinctly examined, it may be proper to notice two points which may be thought worthy of consideration; the Yazoo claims, and the opposition of the republican minority of Congress.

The atrocious character of the Yazoo speculation has most deservedly consigned it to universal execration. Dark as the shade is which it casts on its authors, the universal abhorrence it excited throughout America as soon as it was understood, is among the highest attestations to the virtue of the American people. It is, perhaps, impossible for any abhorrence to transcend that which at present reigns throughout the United States at this transaction. Can there, then under the existence of such a sentiment, be any rational danger that the general government will be so regardless of their constituents, or so lost to a sense of their interests, as to become *particeps criminis* in so unpopular an affair? Nothing short of the basest corruption can have this effect; and to suppose that such an effect can be produced, is to suppose that the House of Representatives, the Senate and the President, will be corruptible. Is there an American ready to avow this belief? If there be not, the danger apprehended is altogether ideal.

A stranger, unacquainted with the nature of our institutions, would suppose, from the controversies waged in our newspapers, that the whole power of the government resided in the President; that his will was the law, and that the representatives of the people and the states were merely so many registering parliaments. Whereas, the truth is, that if we except our foreign relations, a review of Congressional proceedings, since the commencement of the government, will shew that the President has rarely interposed by submitting any specific plans to Congress, and that when he has interposed Congress have most frequently followed their own ideas instead of those suggested to them. This has happened under all administracions, as well that of a Washington as an Adams; as well when the President was the idol of the people, as when he was the chief of a distinct party. To be convinced of this, we have only to recur to the journals of the two Houses. We shall there see recommended by the Chief Magistrate a national university, a peculiarly organized militia, a particular mode of laying up our ships of war, and various other recommendations, none of which have been complied with by the legislative body. The fact is, notwithstanding party declarations to the contrary, that Congress have invariably enjoyed, the the purest independence of the Executive, & have not, probable, in a single instance upon any point of national importance unconnected with our exterior concerns, been guided by his opinion at the sacrifice of their own.

With regard to exterior relations the case is certainly far otherwise. And why is it so? Because the constitution, which may be denominated a permanent expression of the will of the people, has so ordained. By it the whole legislative power over the interior is vested in Congress; but the regulation of exterior affairs is to a great extent vested solely in the President, or in the President jointly with the Senate. He nominates every foreign minister, instructs him to enter into treaties, which are ratified only with the advice and consent of the Senate. From the very nature, too, of foreign relations, he alone can ordinarily be acquainted with those circumstances which are indispensable to the formation of correct opinions. It is true, then, that the legislature as well as the people are, and must be in a high degree, dependent upon the Executive, with regard to the measures called for by our exterior concerns. But it does not follow that they are, in any wise, dependant upon him with regard to interior objects. Here the constitution has bestowed the entire power on Congress, and there is no candid man, uninfluenced by the illusions of party or personal prejudice, that will not acknowledge that Congress have been jealously independent. Under the administration of Mr. Jefferson, which, it is admitted, ought to be the model of all succeeding administrations, it is not alleged that the President has, on any one specific object, extended his influence beyond the open constitutional recommendation of a particular measure; while it is equally admitted, that in many cases Congress have, notwithstanding such recommendation, thought and acted differently. The truth is, that there is a strong and steady republican jealousy of the Chief Magistrate entertained by the legislature, and that the individual members feel infinitely more dread of being considered dependent on the Executive than of resisting his favorite measures. This is so emphatically the case, that the adversaries of the republicans in Congress have constantly reproached them with the want of a leader, of one who might be considered in the light of an organ of Executive ideas.

With regard then to the Yazoo claim, supposing, for argument sake, Mr. Madison friendly to it, there is not the least danger of his interposition in its favor in case he shall be elected President. He would be too sensible of the little weight of Executive influence on interior concerns to hazard it on so doubtful a die. In such a case it could not have the weight of a feather; in a case, in which every man's mind is made up; which has been so fully explored; and, in which, the popular feeling is all on one side. Why would he urge the claim? Not for corrupt motives. No one is hardy enough to allege this. Would it be to extend his popularity? To suppose this, is to deny him a ten thousandth part of the sense allowed by his greatest enemy. No, whatever his individual feelings might be, his official duties would not be tinged by them. He would have difficulties enough to overcome without outdoing the valorous knight of La Mancha in fighting wind-mills. He would not, like a mischeivous boy for want of employment, attack every hornets nest he met.

But there is no reason to consider Mr. Madison friendly to the Yazoo claim. The allowance of a claim is one thing; its compromise, another. The very act of compromise, indeed, attests its invalidity; and, in this case, may have been solely recommended by the wish to sell the lands of the United States at the best prices by removing all dispute as to their title. It is solely on the ground of expediency that the measure is recommended by the commissioners, who unequivocally pronounced the claims unsupported by justice. How then can he be said to be friendly to a claim, which he expressly declares unjust?

On this head, then, there is no cause for alarm. Mr. Madison is not proved to be friendly to the claim; and whether he is or is not, if elected President, the prudence with which he is allowed to be eminently gifted, will effectually restrain him from raising a host of enemies to his administration by urging a measure which would render him unpopular.

The opposition of the republican minority in Congress is next to be considered. In every point of light in which this opposition can be viewed, it must be considered as more an opposition to men than measures. There may be a few scattered instances in which different motives prevailed; but a recurrence to votes will shew that it has not been the offspring of any marked differences of opinion. It might not, perhaps, be going too far to trace it to a deliberate purpose to frustrate the election of Mr. Madison to the Presidency, by opposing every measure calculated to render the administration, of which he is an efficient member, popular. The most correct construction, however, perhaps is, to view the minority as influenced by the common ambition of raising themselves to power by the ordinary means practised by an opposition. Of this, the country from which we sprung gives us too many distinguished proofs, to be in the dark. The party, out of office, keeps up an uninterrupted fire on those in office, until, through the instrumentality of public opinion their purpose is answered. So, in the present case, we find a steady and indiscriminate opposition. Nothing is right; every thing is wrong. All the measures proposed are vehemently opposed. The necessity of doing something is admitted; but nothing is proposed. This is the grand touchstone, that exposes the character of a party. A body of men, uninfluenced by personal considerations, may oppose the measures of the dominant party; but, in a crisis of danger, they will boldly offer you *their projet*. They will not rest satisfied with exposing the weakness of the plan offered by their adversaries, but will come out with their own; thereby giving the people an opportunity of judging between the two. Has this been done in the present instance, notwithstanding the solemnity of the crisis? No such thing. Every thing has been opposed, and nothing proposed: I say nothing, because the propositions made would have been worse than nothing. They left those who offered them on their oars, and committed them to no specific conduct.

These considerations justify me in the belief that the present republican minority would continue in opposition under any administration of which they should not form a part. The only effectual way then to heal this division, is to give them the absolute reins of power. But could any thing be more absurd than to throw the government at the feet of men not forming a tenth, perhaps not a hundredth part of the people, thus exposing to their subjection the great body of the people themselves. This would be an *original* way in this country of healing divisions, where it is the fundamental principle that the will of the majority shall govern. We might, however, solace ourselves with the reflection of finding a happy prototype for it in Turkish and French story, where the will of one or a few is the only fountain of power.

Of these general remarks it is but an act of justice to make some qualification. Of those, who ordinarily compose the republican minority in Congress, it is admitted several are guided by the most honest and disinterested motives. There is a native independence in the mind of man, which is the greatest blessing bestowed upon him by a beneficent Being. This independence, whilst properly regulated by a sound judgement, leads to the most desirable results. It invites to an active exercise of our best faculties, and extracts the best affections of the soul; but unregulated, like every other estimable quality, it degenerates and be-