National Intelligencer.

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FOR THE NATIONAL INTELLIGENCER.

The election of President of the U. States may be constitutionally made, either by electors, specially named for that purpose, or by the House of Representatives, on failure of a majority of electoral votes in favor of one candidate.

The last mode of election has a direct tendency to produce intrigue, faction and abuse of power; the first accords precisely with our political habits and institutions, and may, in effect, be the most popular election in the union; for as the extent of the power of the electors and the sole objects of it, are always foreknown, each individual voter may confer his suffrage on those electoral candidates alone, who shall engage to vote according to his own wishes.

Our security for the uniform and constant adoption of the desirable, rather than the mischievous mode of election, seems very intimately to depend on the first steps which are taken, to select and to nominate persons qualified, to sustain the high duties of the first magistrate.

It is not easy to conceive more than three ways, of commencing the first movements towards a Presidential election.

First. It may be left to the unconcerted movements of the people at large, in each state.

Now, when we reflect on the local attachments or prejudices of the people of the several states, the extreme difficulty of their combining in one enlarged view of characters and circumstances, as they relate to the interests or the approbation of the whole union, it will appear, next to certainty, that the number of candidates returned for the office of President, will be such, as forbids all reasonable hope that a majority of the popular voice will ever be in favor of any one candidate, and therefore that the dangerous power of election will constantly result to the House of Representatives, in their corporate and political capacity.

Secondly. The selection and nomination of proper candidates might commence with the members of the several state legislatures.

This scheme would open new sources of intrigue and discord in each state, or between several states, and from local circumstances would be as little likely in this, as in the former case, to afford a constitutional majority of electors, and therefore to shield the republic from the frequent recurrence of the power of election, to the House of Representatives.

Nor will the evils arising from the frequent recurrence of this power, be confined to the corruption and usurpation which it may engender in that body. A majority of them may make a wise choice, but will the animosities of the defeated minority (and we may always count securely on a contest more or less ardent) immediately subside? Or will they not combine into a regular body of opposition, who may thwart and impede the operations of government, merely because it is conducted by their adversaries.

Nor is this all—the contests in particular states, or in particular divisions of the union, arising in the struggles for favorite candidates, will necessarily create much dissention and party—the opposition in Congress will naturally embrace and foster such of them, as may serve to aid their views, and those in power may be driven, for self-defence to unite with others, and thus may the union become a scene of inextricable discord and confusion, to which we may foresee no termination, but under the sway of a military truncheon or a regal sceptre.

It is common in subjects of this sort, to get over much difficulty, by resorting to the sovereignty, the good sense, and the patriotism of the people—grateful indeed should we be, for the share of these attributes which justly belongs to us; but excessive confidence is excessive weakness; we should never put them to unnecessary trials, when experiment is rashness, and failure ruin.

The harmony the integrity of the republic, the great principles on which it is founded, are the eternal tests by which we should try whatever concerns particular men, offices or measures, and when the latter are found in collision with the former, it is right that they should shrink into comparative insignificance.

Thirdly. The members of Congress may assemble, as mere private citizens, may compare their several opinions, and may endeavor, with all possible unanimity, to agree on fit persons, to be presented to the general view for the offices of President and Vice-President.

The members of Congress, in their private capacities, have certainly as perfect a right to express their opinion on public affairs, as any other equal number of their fellow citizens; they come from all quarters of the union, in a respectable and responsible character; they are competent to form their own judgments, and knowing to a certain degree, the dispositions of the several states, from which they come, will no doubt give that knowledge due weight in forming their decisions.

It is essentially proper that *fit men* should alone be nominated, it is highly desirable to nominate the *most fit*: but when the characters of men are all estimable, to assign to each his just share of merit, by the concurrent opinion of a large number of other men, is extremely difficult; and when local or personal attachments and aversions are superadded, a concurrent adjustment of their respective deserts, is a prospect utterly hopeless—Yet the President is the officer of the whole union, and must be created, by a majority of the people of the union, through special electors, or by a majority of their representatives in Congress.

We may be as irritable, as high minded as we please, in maintaining abstract republican doctrines, and of inestimable value they surely are; but we shall still find, that as the constitution itself was, so the practice under it is, and must be daily a subject of mutual forbearance and compromise, especially when seventeen sovereign states, are to agree upon any one point of great common concern.

The nomination of President by the individuals who compose the Congress, may or may not be accepted by the people; at most it is but notice, coming from a general and respectable quarter; no authority is assumed, no coercion is attempted—but if in the progress of things, the members of Congress, so far forgetting themselves & their constituents, should aim at the usurpation of abusive powers, it is hoped that there never will be wanting in the republic, a chastening voice and arm, that will compel them, with contrite hearts, to retrace the path of duty.

A CITIZEN.

From the London Morning Chronicle.

The publication of the principal articles of the late American treaty, together with the accompanying note, has probably convinced even the ministerial writers themselves, how little foundation there was for their clamors respecting undue concessions. They have, indeed, made some objections, but these are a matter of course, arising solely from an unwillingness to make a public confession, that they spoke before without knowing any thing about the matter. The best informed among them, neither lay much stress on the generality of their own objections, nor expect that they should have any weight with those who are capable of thinking for themselves. And it evidently appears, that no one person, who either understands the subject, or has received instructions upon it, has ventured to advance an objection to the treaty concluded by the British negociators. The single objection that has been started in the Evening Papers, is an objection of total ignorance of the subject; for the 11th article, which the Courier says, excites "*contempt and indignation*" (curious emotions, by the bye, to rise in the breast together!) is that for which of all others Great Britain will feel gratitude to its commissioners. The substance of the clause is as follows:—

"By the 11th article, citizens of the United States may carry European goods to the colonies of enemies of Great Britain (from the ports of the United States), provided that both vessel and cargo be *bona fide* American property; that the goods shall have been unladen within the U. States; and that (in addition to that part of the duty already reserved from the drawback on exportation), the further sum of one per cent. *ad valorem* on such goods shall be paid. They may also export from the United States to Europe the produce of colonies of the enemies of Great Britain, provided they, being neutral property, shall have been unladen as before, and that two per cent. *ad valorem* be paid on exportation, in addition to what is reserved on the drawback. After the expiration of the treaty, all antecedent rights on these subjects are to revive."

The question of continuity of a voyage has been so much canvassed, and is so well understood, that it is not necessary for us to occupy much space in the definition of it.—It is sufficient to say, that previous to this treaty, the Americans did enjoy, and did exercise, the right, or the permission, to carry the produce of the enemies' colonies to the enemies' country, provided the voyage was interrupted by their being first imported into America. But this enjoyment was subject to such doubts and difficulties, that every case became a point of litigation, and a great harvest was accordingly reaped by the civilians in trying and judging of the merits of each case. Now, the article in the late treaty made no concession on this material point. The commissioners admitted no principle that was unusual, and gave up no right that either had been, or that could be, maintained. Our right to confiscate vessels trading *continuously* from enemies' colony to enemies' country remained just where it was; but instead of trying each case upon its particular merits (a practice advantageous only to the Admiralty Courts), the negociators of the late treaty agreed on the *circumstances* which should be admitted as evidence of the *non-continuity* of the voyage. They established, as far as it was possible in such a case to establish, a rule of practice where it had previously been left at large; and though it may be said, that it was subject to evasion, as the *circumstances* agreed on might be complied with, and yet the cargo, originally laden in the colonies, might be intended to be thus circuitously taken to the mother country, the question is not thereby altered. This is undoubtedly true—but, on the other side, it is true also, that goods taken to America, *bona fide*, for American consumption, might afterwards be conveyed to the mother country, in consequence of the state of the markets, without the clog of a duty: so if, in the first case, what was lawful prize by our general law might escape; in the second case, what was lawful trade in favor of our enemies, was by the treaty prohibited, and rendered liable to capture.

But the most material consideration as to the article in question is, that it only attempts to do what Lord Hawkesbury had before attempted to do: viz. *to settle what should be evidence of an interrupted voyage.* It insists on a criterion of such interruption being given by the Americans, much more satisfactory than that which Lord Hawkesbury, in a memorable letter to Rufus King, (officially communicated to him at the commencement of the war) promises should be received as evidence of the continuity being broken. That letter cannot be lost sight of in this dispute—for what is the fact? These ministers make a hasty and gratuitous promise to America; they then break it in a flagrant and vexatious manner; the Americans take fire, and remonstrate; and when the whole intercourse between the two countries is brought back to the state in which it originally stood before the expiration of the treaty in 1794, (a treaty always held to be very favorable to Great Britain by those who now govern America), these very persons cry out *concession and submission*, because their predecessors grant *in return for a treaty of commerce*, less than they *gratuitously*, and without being even asked, actually promised.

They say, nothing is given to our commerce by the treaty. To answer this, it is only necessary to say—Look to our exports; and to recollect that unless such treaty was in existence, the United States would be at liberty to give any preference to foreigners over us, and even to pass prohibitory laws, which, though very hurtful to themselves, would be much more so to us; and yet they might be such as we could not in justice make a ground of quarrel, and such as many governments have (in spite of their own interests) either at the suggestion of others, from false notions of the principles of commerce, or from political animosity, frequently adopted. To argue against the possibility of such policy being acted on by any commercial nation is peculiarly ill-timed, and absurd in the mouths of men, who are recommending us, at the risk of a breach with the country who takes near a fifth of our exports, to harass a trade with our enemies which can afford them neither ships nor men.

LONDON, Nov. 17.

At length the new system of retaliation is promulgated, and by the Orders of the King in Council, which we this day insert, the law established among civilised nations, by which the horrors of war were to be limited to the powers actually engaged, are almost totally abolished, and its hardships are to be extended to peaceable nations. This most lamentable condition of humanity is said to be rendered necessary—

1. Because the Emperor of the French began the desolation; and

2. Because neutral nations (meaning, we suppose America) did not oppose it.

The measure stands upon these foundations. Whether they are sufficient to atone for the horrors which our enemy attempted in vain to inflict, but which we, to a certain degree may execute, it will be for politicians and moralists to determine. There is a singular coincidence in this measure, which gives rise to an interesting problem in political science.

Two great powers, Britain and France, concur in one and the same measure, having in view opposite results. France means to affect, and, if possible, destroy our commerce—we mean to protect, and, if possible, extend it; and we both look for this, and by the same means. Time alone can tell which of us is in the right.

In the mean time, in viewing the probable operation of this measure, it is in vain to shut our eyes to the broad and clear fact, that America only is the neutral power to be affected by the measure; for we unfortunately have no longer any other neutral flag, except indeed such as those of Papenheim and Kniphausen. It is not to be inquired so particularly what right the Americans, who tamely acquiesced in the aggression of France, have to complain of a measure which you only adopt? But rather it is to be inquired, whether, by throwing an obstacle in the way of their carrying off your manufactures, you will not aggravate the calamities which you yourselves suffer; and by that means bring about the real object of Bonaparte, which is to excite a clamor in this country for peace? If example, provocation and violence the most outrageous, can justify the adoption of a system which the spirit of justice and humanity must condemn, we certainly shall be justified; but no precedent ought to reconcile us to oppression. If it be said that the world is in a raging fever, and this is an experiment to bring it to a crisis, for that there are paroxysms when all prescriptions that apply only to common disorders, must be thrown aside, that is another matter. In the last stage a patient will fly to any novelty for relief.

CONGRESS.

HOUSE OF REPRESENTATIVES.

DEBATE

On the proposition for the removal of the Seat of Government to Philadelphia.

TUESDAY, FEB. 2.

Mr. SLOAN rose to offer to the House a resolution embracing a matter of considerable importance. The purport of the resolution was brought before the House some days ago * by those whose fears gave them an alarm, which was further excited by common report. At that time he knew of no foundation but common report on which they could ground their apprehensions. It will be recollected, said Mr. S. that I was charged with riding about on hobby horses, one of which was the removal of the seat of government; I then considered myself called upon to make reply, and I avowed my sentiments, of which I have never been ashamed. And I now rise, impelled by the love of that country which gave me birth, and further impelled by the duty intrusted in me by a portion of the people of these United States as one of the guardians of their rights and liberties. As I have been charged with a design of effecting a removal, I now rise to lay a resolution on the table going to effect that purpose, considering the situation of the seat of government at this place as one of the greatest evils under which the people of the U. S. do now suffer. As it is a subject of great national importance, I have no desire in offering it at this time, to press a disscussion of it; but as it has become the topic of general conversation, we have considered it a duty to bring the matter from a state of suspence to a state of certainty—to let the people know that there are a number who are disposed to endeavor to effect that removal. Our view is to lay a resolution on the table that it may be committed to a committtee of the whole House, to give time for consideration, and to allow those opposed to it to convince us by reason if they can that it is improper; but in order to give a fair chance to those who shall oppose it, and afford a knowledge of the grounds on which we shall support the resolution, I shall briefly state them.

In the first place, there is nothing in the constitution giving Congress power to fix a permanent seat of government at any place whatever. Here then I draw a conclusion that it is radically wrong to fix a permanent seat of government; and for my own part I ever considered it unconstitutional and contrary to the principles of our republican form of government, as much so as it would be for Congress to fix a permanent representation. It is my opinion that the power of one Congress goes no further than the time for which they are elected; and as we return to the mass of the people at the end of every two years, we have no power to pass a law compelling our successors to sit in the same place that we do. If permitted to speak on this resolution, I shall state that that Congress which passed the law, or contract by which it is asserted we are bound to sit here permanently, in departing from their constitutional powers, brought into existence a non-descript being—a being which has not its likeness on the earth, in the Heavens above, nor in the waters underneath the earth. Although but 15 years of age, it is already evident to every observing mind that it is a being of the most voracious kind, and what is worse it is supported on the vitals of liberty; and from its meagre and wretched appearance, it must be evident that even in this country, blessed with the love of liberty and freedom, it must perish; and that it is our duty to cause it to perish, is a belief in which I am as much fixed as in any other moral duty.

But if I should even be wrong in this, permit me seriously to call the attention of the House to one other objection I have. If I am wrong in my premises, and a permanent seat of government be thought constitutional, I still conceive that I have another ground for removal, so strong that it cannot be shaken, that this is the wrong place; and this I believe from a variety of evident reasons which I hope some day to be allowed to state to this House, and for as many reasons I believe—that PHILADELPHIA is the right place. On this point I beg leave to state a plain and incontrovertible fact, which none will attempt to contradict, that in a great and flourishing republic, the seat of government ought to be fixed where provisions are the best in quality and quantity. That this place is Philadelphia is too well known to need proof.

But as I intend to say very little at this time I shall barely say that I have been compelled to bring forward this by those who advocate it. Believe me, that the safety, peace and happiness of the United States at this eventful period demand us to stop the growing evil, and to remove to a place of safety, where we can unite as a band of brothers—and, a consideration of no small importance to us individually, where we can enjoy society—and, what is more, where there will a chance for the preservation of health and life. Under these impressions, and from that sense of duty which always has and always will govern me, regardless of the frowns of the children of men, I offer the following resolution.

Resolved, That it is expedient and that the public goods requires, that the seat of government be removed to the city of Philadelphia for years, and that a committee be appointed to bring in a bill for that purpose.

On the motion to consider this resolution, being a question of course previous to disposing in any manner of any motion, and on which by the rules of the House there can be no debate, the question was decided by yeas and nays as follow:

YEAS—Messrs. Bacon, Bibb, Blake, Boyle, Carlton, Champion, Chittenden, M. Clay, Clinton, Cobb, Cook, Dana, Desha, Durell, Elliot, Ely, Findley, Fisk, Gardenier, Gardner, Gray, Harris, Heister, Helms, Hoge, Howard, Humphreys, Jenkins, Johnson, Kelly, Livermore, Macon, Masters, Milnor, D. Montgomery, T. Moore, Mosely, Mumford, Newbold, Nicholas, Porter, Pugh, Quincy, Rea (Penn.) Rhea (Ten.) J. Richards, M. Richards, Ritter, Rowan, Russell, Sloan, Smelt, Smilie,

(*Continued on last page.*)

* *Alluding to some words exchanged on the subject between Messrs. Sloan and Lewis in the discussion of the bill for prolonging the continuance of the mint at Philadelphia.*