

# MARYLAND GAZETTE.

T H U R S D A Y, J U N E 26, 1800.

Annapolis, 23d June, 1800.

To the FREEMEN of the Fifth District of MARYLAND.

FELLOW CITIZENS,

THE period is approaching when you will be called on to exercise the invaluable right of suffrage in the choice of an elector of president and vice-president of the United States. This privilege is the more estimable as you will use it though not immediately in the election of the two most important officers of the general government.

At the last election I was honoured with your confidence as an elector, and I endeavoured to discharge the trust with fidelity, by voting for the men, who in my judgment were best qualified to fill those high stations. At the request of a number of respectable characters in the district, I have again offered myself a candidate for the trust, and have notified the same in the Maryland Gazette. This notice was no sooner given than I was called on to assign the reasons why Mr. Adams should be dismissed from office. I am not bound to assign the reasons of my preference to any anonymous scribbler. It is sufficient that I prefer Mr. Jefferson — To my fellow-citizens of the 5th district they will now respectfully be addressed.

The question is not simply whether Mr. Adams is to be dismissed from office; but whether the freemen of the United States are freely to exercise the elective franchise in the choice of a president and vice-president. If they are not freely to exercise this right, untrammelled by power, and untrammelled by the frowns or threats of the partisans of administration, and without regard to the person in office, in vain has our excellent constitution provided that a president shall be elected once in every four years.

It will readily occur to every discerning mind that in discussing the merits of the two candidates, they stand upon very unequal ground. The official conduct of Mr. Adams is screened behind the ramparts of the sedition act, whilst that of Mr. Jefferson is open to all the slander, abuse and scurrility, which envy, jealousy or malevolence can suggest. It is a strong evidence of the purity and integrity of his character, that all the calumnies which the wickedness of his enemies could invent, have never shaken the public confidence in his virtues and his patriotism.

Free thoughts upon political subjects are congenial with the spirit of our free republican government; yet when prosecution, fine and imprisonment may be the consequence of free and temperate discussion, however well supported the writer may be by fact and argument, he must naturally feel himself restrained by the reflection that he may be a sufferer in personal liberty and property, though in the cause of truth and justice. I confess that during the existence of the sedition act I consider the liberty of the press, (the faithful guardian of our rights,) as an empty sound. The right of giving the truth of the charge in evidence is a mere delusion. The difficulty, trouble and vexation of meeting a prosecution from the government, with the full and formal proof necessary in a court of law, are too well known to need illustration; and although the truth of a fact may sometimes be proved, who can give in evidence the truth of an opinion? All political writings contain not only facts, but also reasoning and deductions drawn from those facts; and the meaning of the writer must generally be illustrated by such reasoning and deductions, and not from the facts themselves; and the libel, if it be one, will consist generally, in what is contained in that reasoning and those deductions, and not in the facts. But as evidence can be given only of the truth of facts, and not of the truth of the opinions stated as arising out of those facts, the consequence will be that the person accused will be found guilty, because he cannot prove the truth of that which is incapable of being proved. Besides, if party should insinuate itself into the jury box, what chance of acquittal has a writer when he is to be tried for imputations on the conduct of the president by men who indiscriminately approve every act of his administration, and who conscientiously believe that he has never erred?

It will be admitted that the people of the United States are divided into two great parties, now usually termed, whether properly or improperly, republicans and federalists. I shall not admit that the republicans are not genuine federalists, nor will I contend that among the federalists there are not some genuine republicans. They have also been improperly called federalists and anti-federalists. I say, improperly, because it is too notorious to be denied that many of those who are most clamorous in their approbation of every act of administration, were most violent in their opposition to the federal constitution; and that among those who styled themselves republicans, were the most able and firm supporters of it.

Some insinuations having been made, in order to mislead the public, that I am opposed to the government, I think it proper to observe that they are contrary to truth. It is a fact well known that I was for and in favour of the constitution, as proposed, although I

wished some amendments; deeming it more safe to adopt it, and trust to the judgment and good sense of the people for necessary amendments, than to reject it until the amendments could be obtained. I was and still remain a friend to the constitution; and I love and revere it, because it is republican, and has for its end and object, the greatest happiness of the greatest number. No man who is not destitute of honour and veracity will hazard an assertion to the contrary.

The federal party has generally approved the measures of administration; the republican party has often opposed those measures. It may rationally be expected that each party will view with a jealous eye, the principles, doctrines and measures of the other. The most prominent measures of government to which the republicans have been opposed, are several late acts of congress which in their opinion are not warranted by the constitution. No constitution can afford any real or permanent security to liberty, unless it is considered as sacred and preferred inviolate. The constitution may be violated in different ways; the government may assume powers not delegated to it by the constitution; — or it may transfer powers to one of the branches which the constitution declares shall be exercised only by the whole government, or by two of its branches. The division of the power which is given is as essential as the limitation of it, to the preservation of liberty. The acts alluded to, are, 1. those which relate to the provisional armies. 2. The sedition act. 3. The alien act. These acts have agitated the minds and interested the feelings of the people of the United States. I shall remark on them hereafter.

The federalists have endeavoured, and with too much success, to seduce the people into a belief, that every variance of opinion upon the policy or propriety of any measure of administration became the test of opposition to the government. But the people have awoke from their slumbers, and they now see through the delusion. Every man of common sense knows, that whether a measure of government be right or wrong is no matter of fact, but a matter of opinion, about which men may very honestly differ — They have constantly inculcated the necessity of unreserved confidence in the constituted authorities; thereby giving a general previous sanction to misgovernment. I think it a sound maxim, that he who indiscriminately supports every administration subverts all government. Why this unlimited confidence, when the constitution and laws are full of distrust? Confidence is every where the parent of despotism: free government is founded in jealousy, and not in confidence: it is jealousy, and not confidence, which prescribes bounds to those who may be intrusted with power, under our constitution. I have a confidence in the constituted authorities of my country; but it is not an unlimited confidence. It may readily be conceived that the best administration must encounter opposition, and that the worst will find more support than it deserves. I am willing to believe that our rulers have pursued a course of measures which to them appeared well adapted to the exigencies of the country. But if those measures do not meet our approbation, it is our duty, as good citizens, to withhold our assent, and to use our endeavours to prevent the re-election of those who have given a sanction to them.

They wish to persuade you, that the present disapprobation of some of the measures of government is affected, not real; that it is nothing more than a contest between the taxes and the cuts. But this is merely an electioneering manoeuvre, calculated to lull that vigilant and anxious jealousy which should ever characterize a free people. We are certainly deeply interested in the fitness of the characters who hold the trust of every thing that is dear to us. We must be credulous indeed to think all men virtuous; and we must be truly malignant to believe all men equally wicked and corrupt. Professing ourselves to be republicans; it is incumbent on us to choose characters who are remarkable, not only for their eminent talents and private virtues, but whose republican principles have never been called in question. — After these few preliminary observations, I will proceed to examine the acts complained of. And first, the alien, and sedition acts.

The political situation of the people of the United States is different from that of any other people on earth. As citizens of the individual states in which we live, we are governed by the constitution and laws of the state; as citizens of the United States, we are subject to the constitution and laws of the general government. The states, prior to the adoption of the existing constitution, fully and completely possessed all the powers of legislation; not delegated by the confederation to the general government; — they now fully and completely possess all the powers of legislation, not granted by the constitution to the general government.

To know what are the powers of the general government, we must have recourse to the constitution, which provides, that congress shall have power, — To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common

defence and general welfare of the United States; but all duties, imposts and excises, shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the supreme court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war; grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular states, and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; — And

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.

Among the amendments to the constitution are the two following articles:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; &c.”

“The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

Now whether these acts, or either of them, is unconstitutional, remains to be decided by the immutable principles of reason and of truth. Before the adoption of the federal constitution, the states individually were competent to pass all laws which were deemed necessary and proper to secure the reputation, as well as the lives, liberties and property, of the people. Nevertheless a general government was deemed essential to the peace and happiness of the people of America; not because the state governments were defective, and required amendment; not because reputation, life, liberty and property, were sufficiently protected; but because there were many important subjects on which the state legislatures could not act, and over which they could have no control. They could not make effectual provision for paying the public debt; they could not borrow money on the credit of the United States; they could not regulate commerce with foreign nations; they could not establish an uniform rule of naturalization; nor establish a system of general defence. — These were the great objects which could not be obtained but by means of a general government, and for the attainment of these objects a federal government was instituted. The powers therefore, delegated to this government were special and limited, and from the state of things could not have been otherwise, without destroying the independence of the states.

The advocates for those acts, to justify them, boldly resort to the comprehensive doctrine of higher powers and general phrases. But as the general government possesses those powers only which are expressly granted, or are necessary to carry a power expressly granted into effect; and as the power of prescribing a punishment