

for libels is not expressly given, nor necessary to carry a given power into effect; it follows, as a necessary consequence, that so much of the sedition act as prescribes a punishment for libels, is not warranted by the federal constitution.

These questions have been so amply discussed, and learnedly handled, that no new lights can be thrown on them. I shall therefore select some of the arguments used on a late occasion by a great and virtuous patriot in a neighbouring state.

He contends, "that the federal government has in sundry instances manifested a spirit to enlarge its powers by forced constructions of the constitutional charter. That they have indicated a design to expand certain general phrases, copied from the articles of confederation," so as to destroy the effect of the particular enumeration explaining and limiting their meaning. 2. That this exposition would by degrees consolidate the states into one sovereignty. 3. That the tendency and result of this consolidation would be to transform the republican system of the United States into a monarchy.

1. The general phrases here meant are those of providing for the common defence and general welfare."

In the "articles of confederation" the phrases are used as follows, in art. 8. "all charges of war, and all other expences that shall be incurred for the common defence and general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in congress assembled, shall from time to time direct and appoint."

In the existing constitution, they make the following part of sect. 8. "the 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."

This similarity in the use of these phrases in the two great federal charters, might well be considered as rendering their meaning less liable to be misconstrued in the latter; because it will scarcely be said that in the former they were ever understood to be either a general grant of power, or to authorise the requisition or application of money by the old congress to the common defence and general welfare, except in the cases afterwards enumerated, which explained and limited their meaning; and if such was the limited meaning attached to these phrases in the instrument revised and remodelled by the present constitution, it can never be supposed that when copied into this constitution, a different meaning ought to be attached to them.

That notwithstanding this remarkable security against misconstruction, a design has been indicated to expound these phrases in the constitution so as to destroy the effect of the particular enumeration of powers by which it explains and limits them, must have fallen under the observation of those who have attended to the course of public transactions.

Now whether the phrases in question be construed to authorise every measure relating to the common defence and general welfare, as contended by some; or every measure only in which there might be an application of money, as suggested by the caution of others, the effect must substantially be the same, in destroying the import and force of the particular enumeration of powers, which follow these general phrases in the constitution. For it is evident that there is not a single power whatever, which may not have some reference to the common defence, or the general welfare; nor a power of any magnitude which in its exercise does not involve or admit an application of money. The government therefore which possesses power in either one or other of these extents, is a government without the limitations formed by a particular enumeration of powers; and consequently, the meaning and effect of this particular enumeration is destroyed by the exposition given to these general phrases.

This conclusion will not be affected by an attempt to qualify the power over the "general welfare" by referring it to cases when the general welfare is beyond the reach of separate provisions by the individual states; and leaving to these their jurisdictions in cases to which their separate provisions may be competent. For as the authority of the individual states must in all cases be incompetent to general regulations operating through the whole, the authority of the United States would be extended to every object relating to the general welfare, which might by any possibility be provided for by the general authority. This qualifying construction therefore would have little, if any tendency, to circumscribe the power claimed under the latitude of the terms "general welfare."

The true and fair construction of this expression, both in the original and existing federal compact, appears too obvious to be mistaken. In both, the congress is authorised to provide money for the common defence and general welfare. In both, it is subjoined to this authority, an enumeration of the cases to which their power shall extend. Money cannot be applied to the general welfare, otherwise than by an application of it to some particular measure conducive to the general welfare. Whenever therefore, money has been raised by the general authority, and is to be applied to a particular measure, a question arises, whether the particular measure be within the enumerated authorities vested in congress. If it be, the money requisite for it may be applied to it; if it be not, no such application can be made. This fair and obvious interpretation, consistent with, and enforced by, the clause in the constitution which declares, that "no

money shall be drawn from the treasury, but in consequence of appropriations by law." An appropriation of money to the general welfare, would be deemed rather a mockery than an observance of this constitutional injunction.

4. Whether the general phrases here combated, would not, by degrees, consolidate the states into one sovereignty, is a question concerning which there can be perceived little room for difference of opinion. To consolidate the states into one sovereignty, nothing more can be wanted, than to supersede their respective sovereignties in the cases referred to them, by extending the sovereignty of the United States to all cases of the "general welfare;" that is to say, to all cases whatsoever.

3. That the obvious tendency and inevitable result of a consolidation of the states into one sovereignty, would be, to transform the republican system of the United States into a monarchy, is a point which seems to have been sufficiently decided by the general sentiment of America. In almost every instance of discussion, relating to the consolidation in question, its certain tendency to pave the way to monarchy, seems not to have been contested. The prospect of such a consolidation has formed the only topic of controversy. It would be unnecessary therefore, to dwell long on the reasons which support the position. It may not be improper however, to remark two consequences evidently flowing from an extension of the federal powers to every subject falling within the idea of the "general welfare."

One consequence must be, to enlarge the sphere of discretion allotted to the executive magistrate. The other consequence would be, that of an excessive augmentation of the offices, honours and emoluments, depending on the executive will. Add to the present legitimate stock, all those of every description which a consolidation of the states would take from them, and turn over to the federal government, and the patronage of the executive would necessarily be as much swelled in this case, as its prerogative would be in the other.

[To be continued.]

PORTSMOUTH, June 12.

Extract of a letter from captain Asa Bodwell, of the ship Indus, who sailed from this port, the 8th April, 1800—to his owners in this town.

"In lat. 20, long. 55, 6 o'clock, A. M. a French national frigate Bourcau, commanded by capt. Jenies, from Guadaloupe, mounting 24 guns, came up with us, and ordered our colours down—then came on board, and took me and all my crew, except two, and put us on board the frigate, and then put a prize master on board, took some provisions, and ordered the ships for Guadaloupe—the frigate had captured (the evening before) brig Delight, capt. Glazier, from Philadelphia, loaded with dry goods, it being fine weather they unloaded her in about 4 hours, and delivered her to us, and took the principal part of our clothing, instruments, charts, &c. then sent us on board the brig, which we found in a miserable situation! her rigging cut, cabin windows and cabooses stove to pieces.—The next day we spoke the schooner Peggy, captain Montgomery, from Norfolk, who supplied us with water and provisions, for the French had left us but little of either (except flour,) but no small stores, in 6 hours after, we were chased by the privateer schooner Patriot, captain Rough, from Guadaloupe, mounting 14 guns, boarded us, took some flour, clothing, spars, sails, &c. then put on board the crew of the ship Commerce, from Portland, and the crew of the brig Mary, from Middletown, both of which were captured on the 15th May, on the next day we spoke the brig Drake, of Portsmouth from N. Carolina, bound to St. Thomas, who supplied us with provisions. On the 18th a privateer schooner from Guadaloupe, mounting 14 guns, hove in sight, and after hailing, boarded us, and took out some flour, then put on board us, the crews of the schooner Thomas, captain Hasty, from Philadelphia, and schooner Betty, captain Sillick, from New York, then left us with upwards of 40 people on board, and very short of provisions and water; we were then obliged to go upon a short allowance and endeavour to make the first port in America.

"The above frigate brought out Buonaparte's commissioners to Guadaloupe. The commander also informed us, that twelve privateers lately sailed from Guadaloupe together, and three of them bound to the American coast.

NEW-YORK, June 16.

Extract of a letter from a gentleman in Londonderry, to his correspondent in this city, dated April 28.

"It must give you pleasure to learn, that the misguided people of this kingdom, are nearly brought to a regular and orderly subjection to the laws by the exertions of government, combined with the assistance of the yeomanry; and we now feel a security in our dwellings, which the disturbed state of this country has deprived us of, for a considerable time past.

"Provisions of all kinds are extravagantly dear at present—best and mutton 6d. to 8d. per lb.—meal 2s. 8d. per peck—potatoes 10d. per stone, and even hard to procure at these prices."

CINCINNATI, May 28.

Extract of a letter from a gentleman at Lafras Heights, to one of the editors, dated March 21, 1800.

"The snow Adcon, captain Whitwell, from New York, laden with clothing and military stores, arrived at this place, on the 18th of last month, has discharged her cargo, and sails in a few days, homeward bound. The captain, who is also owner, is well supplied with the predictability of ascending the Mississippi, and the prospect of trade in this country,

that he talked of making another trip next fall to Natchez, which is about forty-five miles above this place. From the best information I can get, he is the first square-rigged vessel that ever ascended the river farther than New-Orleans. When the British were in possession of the Floridas, of which this is a part, schooners of small burthen have ascended as far as Baton Rouge, since which nothing but boats have made the attempt. I think this not a bad proof of the enterprise of the three nations. Spain sends boats, say of twenty-five tons burthen—Great-Britain schooners, say of seventy, and America vessels of one hundred and thirty, take into view, at the same time that America has been in possession of the country but about two years—either of the others much longer."

"A Spanish garrison on the Mississippi, about 80 miles below Natchez."

PHILADELPHIA, June 13.

The following is a copy of the petition of John Fries, To the president of the United States.

THE PETITION OF JOHN FRIES,

Respectfully sheweth,

THAT your petitioner is one of those deluded and unfortunate men, who at the circuit court of this district, have been convicted of treason against the United States, for which offence he is now under sentence of death.—In this awful situation, impressed with the just sense of the crime which he has committed, and with the sincerity of a penitent offender, he intreats mercy and pardon from him on whose determination rests the fate of an unfortunate man. He solicits the interference of the president to save him from an ignominious death, and to rescue a large and hitherto happy family from future misery and ruin. If the prayer of this petition should be granted, he will show by a future course of good conduct, his gratitude to his offended country, by a steady and active support of that excellent constitution and laws which it has been his misfortune to violate and oppose.

JOHN FRIES.

Philadelphia prison, May 1800.

The subscribers most respectfully recommend the petitioner to the president of the United States. They are warmly attached to the constitution and laws of their country, which they will on every occasion and at every hazard manifest their zeal to defend and support. But when they reflect on the ignorance, the delusion and the penitence of the persons involved in the late insurrection, their pity supercedes every vindictive sentiment, and they sincerely think that an exercise of mercy will have a more salutary effect, than the punishment of the convicts. It is on this ground that the subscribers, knowing the humanity as well as the fortitude of the president, venture to claim his attention on the present awful occasion, in favour of the wretched father of a numerous family.

June 14.

Excellent coffee has recently been made at Pearsburg from scorns, by roasting them till the shells fall off, and adding fresh butter to them till mixed. Coffee has also been made at Berlin from the betacids, after the sweet juice has been pressed out.

One of the Paris papers gives the following extraordinary account of an institution for the blind at Paris, in the Rue Denis. Those unfortunate persons are placed on a kind of theatre; "The curtain rises and presents to view, a quantity of hands guided by thought, move and perfect different works of different degrees of difficulty. Whilst one person sings an air composed by one of the blind, other persons continue their labours. A child drops her needle, her neighbour seeks for it with her finger and returns it to the child. A spinner feels her thread break; she stops her wheel, discovers the broken thread, joins it and continues to spin with all the ease of a person who possesses the best sight. A word, a calculation, are given to the blind persons; their hands fly over the case, and the words and calculation are composed. Two other blind persons, who are absent are called; they feel the characters; guess the figures, and running their fingers over the lines, read the words, and explain the calculation to the spectators. It is the same with the musicians; they have music books, the notes of which are traced in relieve, which they read as quickly by means of the touch, as if they had their eye-sight. The touch is the eye of the blind, and nature seems to have doubled the faculties of the one, to indemnify them for the privation of the other.

[See, pag.]

June 16.

Machines for the diminution of labour, which in this country is so very dear, from the deficiency of population; should ever command the attention of the farmer and mechanic.—In England, abounding with a superabundant population, and where consequently the value of labour is very trifling, we find the greatest variety of machines for the further diminution of its price, and for effecting a greater execution in a given time. It is remarkable and rather surprising that so few of these have been introduced into this country; the drills, machines for threshing, husking grain, and for the separation of the seeds of plants from the stalks which are in general use in England, are unknown amongst us.

Our societies of agriculture in these states would do well to turn their attention to the importation of these machines, instead of offering prizes, premiums for unusual exertions of human skill in the execution of difficult projects, which are seldom of much benefit to a country at large. A very capital improvement has lately been made upon the common machine for cutting hay and straw, by constructing it so as to feed itself, and to have three knives turned by a wheel instead of one, which is used with a hand, and the