

MARYLAND GAZETTE

THURSDAY, JULY 24, 1800.

To the FREEMEN of the Fifth District of MARYLAND.

[Continued from No. 2791.]

FELLOW CITIZENS,

It now remains to make a few remarks on the acts relating to provisional armies.

The constitution provides that "congress shall have power to raise and support armies." An act passed in May, 1798, authorising the president of the United States to raise a provisional army. This act gives the president power "in the event of a declaration of war against the United States, or of actual invasion of their territory by a foreign power, or of imminent danger of such invasion, discovered in his opinion to exist before the next session of congress, to cause to be enlisted and to call into actual service, a number of troops not exceeding 10,000 men; to be enlisted for a term not exceeding three years." The same act also provides, "that in addition to the aforesaid number of troops, the president is empowered, at any time within three years, after the passing of the act, if in his opinion the public interest shall require, to accept of any company or companies of volunteers either of artillery, cavalry or infantry, who may associate and offer themselves for the service, who shall be armed, clothed and equipped at their own expence, and whose commissioned officers the president is authorised to appoint; who shall be liable to be called to do military duty at any time the president shall adjudge proper, within two years after he shall accept their services, it may be truly said, that he has an unlimited power for five years to raise an army to any amount he may think proper, to be commanded by officers of his own appointment and to do such services as he, as commander in chief, shall direct. These volunteers cannot be considered in any other light than as select bodies of militia; and as by this act power is given to the president to appoint their commissioned officers, it violates that part of the constitution which "reserves to the states respectively the appointment of militia officers."

By another act passed in March 1799, giving eventual authority to the president of the United States to augment the army, he is authorised in case war should break out between the United States and a foreign European power, or in case imminent danger of invasion of their territory by any such power shall, in his opinion, be discovered to exist, to organize and cause to be raised in addition to the other military force of the United States twenty-nine regiments; but by this act he is enjoined not to accept of a greater number of volunteers than 75,000 men. By this act also the power vested by the constitution in congress "to raise armies" is by them transferred to the president; and he is made the sole judge of the necessity and propriety of raising this army. The power to raise armies must be considered as among the most important powers of legislation; yet it is transferred by the legislature to the executive magistrate, who already possessed as much as the framers of our constitution thought proper to intrust to him. Legislative power cannot constitutionally be transferred. The people of the United States by their constitution have vested all legislative power in congress, and by them only can it be lawfully exercised. This transfer of power from the legislative to the executive, from the whole to a part; is as dangerous to liberty, as an assumption by the whole, of more power than is given to it by the constitution. Why this unwarrantable transfer of power should have been made, no solid reason can possibly be given. If such an act be justified by a great and pressing emergency, experience has proved (if a doubt ever could have been seriously ascertained) that it was not warranted by the particular crisis which gave birth to it. The general officers, I believe, were appointed, but no attempt was made to raise a man of the provisional army directed by the act of 1798. Of the provisional augmentation of twenty-nine regiments, I believe, there was not an officer appointed, or a man enlisted. One reason alleged by the friends of these extraordinary acts was, the being an unnecessary expence.—Economy in public as well as in private life, is at all times laudable. But on a review of the measures of government, about this period, it will not appear that economy had any great share in their deliberations. By an act to augment the army of the United States; and for other purposes, twelve additional re-

giments of infantry, and six troops of light dragoons were directed to be raised, to serve during the continuance of the existing differences between the United States and the French republic, unless sooner discharged.—By another act, of the same session, the president was authorised to borrow, for the public service, five millions of dollars, without any limitation of interest. This loan was afterwards obtained at the enormous interest of eight per cent. The bill was carried through the house of representatives without any limitation as to the sum to be borrowed, but the senate concurring with the minority, they succeeded in limiting the sum to five millions. Without this restriction, the president would have possessed an almost unlimited and dictatorial power over the purse and the sword. A power vested by the constitution in congress, and which cannot be rightfully exercised by any other authority. When a transfer is made of such extraordinary and new powers to one of the three branches of government, it ought certainly to excite the vigilance and anxious jealousy of a free people. An abuse of power is common to all governments, though much less so in a republic than in any other kind. Constant experience teaches us that every man invested with power is apt to abuse it. "Is it not strange, though true, to say, that virtue itself has need of limits? To prevent the abuse of power, it is necessary, that, by the very disposition of things, power should be a check to power."

It has been contended by the friends of administration, that these extraordinary investments of power in the executive magistrate, were justified by the crisis of 1798. It is also contended by some that congress are justifiable upon any great emergency in committing a breach of a particular article of the constitution if they shall deem it expedient for the general welfare:—with the same propriety that a man may suffer the amputation of a limb to preserve the body. According to this declaration, it would follow, that if congress at any particular crisis, judging of the emergency, may deem it expedient to violate one article of the constitution, they may at a future period deem it expedient to violate another article; and thus may they break down every barrier which the wisdom of the constitution has reared against the encroachment of power.

When the result of the late mission to France was known, and it appeared that the directory, instead of manifesting a disposition to settle the existing differences between the two countries had treated our envoys with indignity and insult, an opinion universally prevailed that it was necessary to put the country in a state of defence. As to the nature and extent of the defence which the crisis required, a great variety of opinion prevailed amongst our rulers.

In addition to the measures already enumerated, the president was empowered, should he deem it expedient, to cause the frigates United States, Constitution and Constellation to be manned and employed.—He was authorised and empowered to cause to be built, purchased or hired a number of vessels not exceeding twelve, to be armed, fitted out and manned under his direction.—He was authorised to accept by way of loan twelve more vessels of a model and size which he should approve. These vessels were to be of the following rates: six of them not exceeding eighteen guns each; twelve, not less than twenty or exceeding twenty four guns each; and six not less than thirty-two guns each. He was also authorised, if he thought proper, to cause ten small vessels to be built or purchased and to be manned and equipped as galleys or otherwise.

At the ensuing session six ships of not less than seventy-four guns each and six sloops of war, of a size not exceeding eighteen-guns in addition to the naval force before authorised, were directed to be built under the orders of the president.—Hence large appropriations of money became necessary:—and hence the necessary supplies for the present and two last years, exceed the revenues of the United States for those years many millions of dollars.

Not having in possession the report from the secretary of the treasury, I cannot say with precision what were the sums necessary for the service of the year 1798. But it has already been shewn that by an act passed in that year the president was directed to borrow 5,000,000 of dollars, and a direct tax of two millions was laid on lands, houses and slaves. The whole amount of expenditures for that year must therefore have been great. In 1799, according to a report from the secretary of the treasury, the sums necessary for the support of the military department, including Indian expences; and for the navy department exceeded seven millions. The committee of ways and means reported that the amount of the necessary supply for the present year, agreeably to the estimate of the secretary of the treasury was 15,793,034 dollars and 11 cents; but deducting 1,600,000 dollars on account of the suspension of

further enlistments in the army, and a suspension of building the six seventy-four gun ships for the present year, would leave a sum to be provided for, of 13,793,034 dollars and 11 cents. To meet this expenditure the receipts of the present year were estimated at 9,301,258 dollars 51 cents. Deduct this revenue from the aforesaid expenditure would leave a sum to be provided for, above the revenue of the present year of 4,491,775 dollars and 60 cents. There remained in the treasury of the last year's appropriation 2,159,377 dollars and 10 cents: but as part of this would be wanted for contracts yet remaining due, not more than one million would be left on hand towards this year's expenditure, which deducted would leave a balance to be procured over and above the revenue of 3,491,775 dollars and 60 cents." The committee submitted a resolution to the house to authorise the president to procure by loan for the services of the present year the sum of 3,500,000 without limitation of interest, which was adopted.

How far these estimates were actually appropriated and expended is not material to inquire. The result is that there has been an increase of the public debt in the two last years, according to a letter from the secretary of the treasury to Mr. Griswold, chairman of a committee of the house of representatives, of the sum of 3,925,201 dollars and 48 cents. Add to this sum the loan directed to be procured for the services of the present year, and it will make the increase of the public debt in the present and two last years 7,425,201 dollars and 48 cents.—If it is a sound maxim that a progressive accumulation of debt must ultimately endanger all government, where is the security for the permanency of our own?

We have been told that the national debt was less on the first day of January last, than on the first of January 1790. This cannot be accurate; I will prove it from the most authentic documents. By a report from Mr. Wolcott, secretary of the treasury, read in the house of representatives on the 29th December 1796, the public debt on the 1st day of January 1790 was 75,414,427 dollars and 97 cents.—And on the 1st day of January 1791 it was 77,361,428 dollars 70 cents.—According to a report from Mr. Hamilton, late secretary of the treasury, on the 1st day of January 1795, the public debt was 79,424,668 dollars and 7 cents.—By Mr. Wolcott's report, before alluded to, on the 1st day of January 1796 it exceeded 85,000,000 dollars. Combine these statements with the increase of the public debt during Mr. Adams's administration, as before stated, and it may then be asked with what colour of truth can it be said that the public debt has been diminished since the year 1790? All these documents are now before me, and may be seen by any person who may wish to satisfy himself by ocular demonstration. I have no doubt of their accuracy: If they contain errors, they are the errors of the secretaries, not mine.

Having shewn that the public debt on the 1st day of January 1795 exceeded 79,000,000: that on the first day of January 1796, it had increased, and that during the present and the two last years it has been augmented many millions: no man in his senses can believe that on the 1st day of January 1800 it was reduced to 70,000,000. What the amount of the debt was on the 1st day of January 1797 and 1798 does not appear by any statement that I have seen; but it will not be pretended that the diminution, if any, could have been considerable in the years 1796 and 1797. The reimbursement of two per centum on the stock bearing an immediate interest of six per cent. under the act of March 1795 could not make the difference of a million and a half in those years.

Unfortunately for America there are too many among us who think all those measures right;—who advocate not only all the acts complained of, but who shew a strong predilection for standing armies and permanent and expensive navies. They tell us they must be right, as they have been passed by a majority of our rulers. It is true that they have been adopted and sanctioned by the highest constitutional authority of the people; but this does not prove the propriety or good policy of those measures. The decision of a majority can no more alter facts, or refute arguments than the decision of a court can change the immutable principles of reason.

I do not mean to enter into a discussion of the question how far the maintaining a navy by the United States, and to what extent, is dictated by sound policy. One reflection must have occurred to every man of observation: that it has increased too rapidly and far beyond the actual strength of our funds. If a stronger proof was necessary, than the expence of suspending the building the six seventy-four gun ships, it may be found in the direct tax of two millions, and the five millions loan without any limitation of interest.

I have already given the reasons of my disapprobation of the acts relating to provisional armies. Whether the act to augment the army, which directed twelve regiments of infantry and six troops of light