## AMERICAN, AND

Property of the second second

Commercial Daily Advertiser.

Daife Paper 7 : Conette 5 Dolls. per Annuum

WEDNESDAY, OCTOBER 10, 1804.

John M'Kim, junr. No. 108, Market-street, Mas imported per the chip Diana, from Liverpool, A PART OF HIS

## FALL GOODS

Consisting of Rose, striped and point Blankets; superfine, second and coarse Cloths; Swandowns, Toili. nets, Cassimeres, men and women's cotton and silk Hose, yam stockings, durants, joans, bumbazets, flannels, baizes, half thicks and kerseys, all of which will be acld at the lowest prices to punduai men. september 3

Calhoun & Lammot, No. 9 . Beltimore-street, Mare reseived by the Diana, and Faire from Liverpeol, and Atlantic from Hull,

A complete assortment of Fall and Winter Goods,

And by the Acolus, from Bremen, Ticklenburgs, Osnaburgs, Hersians, Rouans, Platillas, Listadoes and Dowlass, which they effer for sale on the usual credit. A'so, on consignment,

Six small bales of best London superfine Cloths, and one b le of superfine coatings, which will be sold very low. settember 25 dlot eo10.

Fresh Drugs & Medicine.

M. Jambu

MAVING purchased the concern of M. Jumhe & Co. Druggists, will in future carry it on, for his own account, and offers for sale. a gere. ral assortment of fresh Drugs and Medicite, Patent Medecine, Surgeon's Instruments Perfumeries, Paints, Painters' Colors, Dye Stuffs, &c. &c september 21.

Just received, By the brig Supbia, from Tires e, and for sale by

the subscribers, Platilias, Checks, Hollands, Britannias, Bag. ging. Red Turkey Cottor, Yarn, Veivers, White and Marbled Castile Scap, Zante Currants, Iron Wire, Sheet Iron, and Pans. For terms apply S. SMITH & BUCHANAN, or JOSEPH YOUNG, two doors

H. A. Wilms,

september 14

No. 181, Market strete,

below the custom house.

Imported in the ship Juno, Captain P. Jacobs de Jong from Tonmingen, 2 boxes Bonten ? entitled to 1 d. assorted Cotton Strekings & drawback. He b. son band, and will dispose of.

An assertment of elegant large) and small Alabaster Figures Entitled to Marble Slabs drawback Mcrters, and Chimney pieces

Which he will sell very low-ard in particular, uncommonly low, if to be disposed of entirely. He is provided with an usual assortment of

GERMAN GOODS, to serve those who may favor him with their custom. september 10

## Abner Neal,

At bis Bonk-store. No. 1, Water-st-eet, HAS received, and ready to be delivered to subscribers the 2d part of the 3d volume of the Encyclor zdia. Also for sale.

The Wars of France, by Stephens

Payne's Ge. graphy Morse's ditt. Guthiew's ditto Welker's ditto Heron's ditto Young and Ainsworth's Latin Distionaries Johnson and Bailey's English do. Erskin 's works complete Slackhouse's history of the Bible Vierley's Sermons Family, school and proket Bibles A gene at assortment of School Books Blank Books Writing and Letter Paper Sugar blue

Sheathing Wrapping Wholessle and retail, 'n moderate terms. scrienter 17 - . . . 2a w 12t

> Payson and Smith HAVE FOR SALE,

100 pipes gin, imported in the ship Friend. thip, capit. Shermar, from Amsterdam 6 hhds. clayed sugar, entitled to drawback

40 do New Orleans and Trinidad do. 26 do mulasces 75 do and do barrets New England rum 30 pires 4.h proof Cogniac brandy

10 de Sicily wine 20 che-is in perial 10 ha'f and 10 gr. chests do. TEAS of the

50 chests hyson best quality so do. yourg hyson 70 ca hyzen skin 6 bales l'quorice root 9 casks spermaceti cil 100 be zes mould candles

100 de liew York prime do 100 do do do pork 100 quarter casks Sherry wine bei ice end prown soap, dipped candles, Calcutta a garin hage, pimente, pepper, atc.

500 harrels No. 1 and 2 Boston beef

octobe: 8 John M'Kim, junr. No. 106, Mirky :-street, Hos just imported in the ship Six Sieters, from

Liverpool, Low priced deep hive Cloths 7 Superfice do. f do. Assorted in Deep blue Cassimeres , bales. Scarlet White

Also per the ship Suffolk, via Nerfolk, from Lon-

Turkey red Pollicat handkerchlefe Threads, as-exted, white and colored Calier, checks, cotton and linen checks. And per the ship Orb, from Liverpool, Ginghanis, Dimities Pullicat and romal handkerchiefs Calico, conon and linen checks.

25 qr. casks Lisbon Wine 100 boxes Meuld Ca'd'es .....

180 half boxes Soap 20 baxes Playing Cards, assorted 2 cases Bandanna Handkerchiefs 200 small kegs Ginger, and 200 bbls Pork

Just received for sale by WALES & CLOPPER. No7, Bowly's wharf, Wbs bave in Store.

50 pipes 4th proof Cogniac Brandy, of the A. lexander Hamilton's cargo 8 pipes 1st proof Bordeaux Brandy ditto Holland Gin 40 do Teneriffe 50 qr. casks Sherry > Wine 50 do Malaga

40 hhds. New Orleans Sugar 10 chests Imperial Tex 200 bags Sumatra Pepper 200 cases Florence Oil

60 kegs Lard 200 barrels Boston and New York Beef. october 6

George Maris, Druggist, No. 140, Market street,

HAS JUST REGEIVED, 2000 wt. Glauber SALTS 500 wt. Fresh OAT .: EAL . 200 bettles fresh CASTOR OIL.

On band, A general assortment of Drugs and Patent Medicines. Medicine Chests, with suitable directions. August 29 law6t

Luke Tiernan & Co. Have received by the late arrivals from Lindon, Liverpool und Hu'l,

A CONSIDERABLE PART OF THEIR FALL Goods, Consisting of cloths, cassimeres, swansdowns,

coatings, flannels; rose, duffel and point blankets, fearnaughts, kerseys, kendal cottons, manchestry, stuffs, muslins, shawls, pic nic gloves and mitts, silk shag, hardware, cutlery, &c. &c. which will be sold on their usual low terms.

Also by the package, 4 bales low priced blue cloths 7 do. assorted colors 6 do. do, cassimeres 12 de, do. swansdowns

3 cases dimities 12 do. manchestry 60 bales rose blankets 12 do. point and duffel do. 6 do. bear skins

6 cases plated saddlery 6 trunks cardinals Fine and coarse Hats, in cases All remarkably well assorted in small packages and will be sold at a low advance for approved notes. They exped the remainder of their Fall

assortment by the first arrivals. On band. A grod assortment of India muslins, &c. Georgia cotton, hemp

74 barrels beef, Baltimore inspedion 135 do. rosin 58 do. spirits turpentine

240 do. and 100 half barrels Flour. N. B. They expect by the first vessel from Bremen, an assortment of German Linens. september 17 mw&f3ot

Removal.

I. BASSETT, Dentist, TAS Removed from Gay street, No. 25, to No. 24, South-street, where he still continues to clean, file, plumb and regulate Terth in the most approved manner. He also makes and sets artificial and natural Teeth.

BLEEDING, as usual. retober 6

ALEX. M'ILVAIN INFORMS his friends and customers, that he has been and is still engaged in selecting his

Fall and Winter Goods, And hopes his choice will prove satisfactory both to his old and new customers, the greatest part of which will be made up in wearing ap. parel, from a Mammoth great coat, down to a child's vest-all on the lowest terms, at his store,

No. 32. Calvert-street. N.B. He has a negro woman to dispose of for a term of years. Enquire as above. october 8

> TAN-YARD. FOR SALE.

A Valuable new I an Yard, fronting on a lane running back of Market street extended, and cprosite to Mr William Booth's, nursery and seedman. The yard is spacious and abundantly supplied with water. The buildings are brick, substantial and extensive-consisting of bark houses, mill house, beam and handling house,

and stable; also, two well finished sheds. The yard in point of situation, buildings and convenience, is not surpassed by any in the United, States. It is an object to any person desirous of carrying on a tannery on an extensive scale. A fereman may be now engaged, who can produce sa'isfactory recommmendation of his industry, s.briety, integrity and abilities. For Sale also with the Yard,

140 or 150 cords of BARK, in prime order .-A liberal credit will be given. To Leuse, with or without the yard, .

A Lot of Ground fronting on Market-street extended 193 feet, and 155 feet deep. Enquire · C. DESHON. E. FRLEMAN,

28, south Gay-street. tuxi

odober 5

Columbian Inn to Let. WILL be Let, for one or more years, those two large three-story Brick - HOTTERS two large three-story Brick HOUSES, with Cellars under the whole, and very extensive back buildings, now in the tenure of Mr. David Fulton, and known by the name of the Columbian Inn-fronting on Market-street a. bout 55 feet, and running through to Germanstreet ab-ut 172 feet, now in good orden. They have been occupied as a tavern for upwards of five years, and as it is presumed their situation is well knewn, it is scarcely necessary to say there is not perhaps, in this city, a house better calculated for a tavern on an extensive scale,

Ibere will also be Let, with the above, An extensive lot and stables, direally at the rear of it, situated on the corner of German and Howard-s reets, calculated to accommodate about 40 or 50 horses, and have been occupied for that purpose, by the late tenants of the Culumbian Inn. If a suitable tenart, to occupy the above as a cavern, should not offer, they will be let separately, for stores and private dwellings. Possessien may be had on the 10th December next. For terms apply to

CHARLES TORRANCE, No. 21, blarket street. oftsber 3 \* 5341\$

From the NATIONAL INTELLIGENCER.

TO THE PEOPLE.

THE DEFENCE .- No. IV.

IN reviewing the measures of the administration we shall divide them -according to their connection with the great departments of the government. By this course we shall be enabled to make some approaches to system, & to assign responsibility its proper limits.

Before we proceed to this enquiry, it is necessary to take a short view of the distribution of powers under the constitution, which appears in the discussions of the day, to have been entirely lost sight of, and which it is essentially necessary to understand to avoid running into error in the estimates made of Executive conduct. The Constitution establishes three

great departments of powor, the leg'slauve, executive and judicial. Con gress constitute the first, the President the second, and the judges the last. In the discharge of judicial functious the President does not in the least co-operate, except so far as to neminate the judges. In those of gislation he has a qualified agency. In the formation of treaties this agency is only I m'ted by the will of the senate; but in the enaction of laws it is extremely circumscribed. It is limited to a simple negative, which is unevailing in case two thirds of each House repass a bill. In Congress laws are initiated; there all their details are examined. That body is constituted for this express, and almost exclusive object. One of its branches is chosen directly by the people every two years, while the other is the representative of the states. From these considerations there can be no doubt that the responsibility of making good laws was intended by the Constitution to reside in Congress. Was it likewise the intention of that instrument that the chief magistrate should share it with them? To a certain extent, it certainly was; but to what extent is not so certain.—The theory of the British constitution, which appears to have been steadily in the contemplation of the Convention, vests this power, without any qualineation, in the King. Yet that magistrate, notwithstanding the monarchical structure of the government, and the little respect paid to public op.n:on, has waved the exercise of it for more than a century. It may be said that the President has stronger clems to participate in the enactionof laws than the king, from his being elected by the people; but to this it is a sufficient answer to say, that it is inadmissible in a republic, to consider one man, for the enaction of laws, as faithful a representative as many men, brought from every section of the union; and fürther, that the British Parliament, composed of an hereditary house of Lords, and a house of Commons, which have long since cessed to reprezent the people, cannot be considered as filling the same political sphere with an American Congress; inasmuch as the latter is the bona fide representative of the people and the states; while the former is little more than an pristocratic association. If, therefore, under such a government, experience has evinced the danger and impolicy of interposing the Executive veto; how much more dangerous and impolitic would its exercise be likely to be in frustration of the decided will of the nation, expressed through their immediate representatives. It will not be concealed that the consti-

tution requires the approbation of the president to every bill before it becomes a law. " If he APPROVE, he shall sign it." It is absolutely necessary, then, that he should approve before he signs a bill; it follows that if he disapprove a bill he shall not sign it. Of what nature are we then to consider this approbation?

It may be assumed as certain, that the same unqualified approbation is not implied as by the legislative body. The latter are called upon to pursue bills into all their details, to accept or reject different parts, and to introduce whatever modification they think proper.-The former is only permitted to approve or reject, in the whole, without the power of suggesting any amendment. Farther; -- before a bill can be submitted to him, it must have received the approbation of both branches of the legislature, the representatives of the people and of the states. When, therefore, s bill, under these circumstances is submitted to him, it is apparent that the case is essentially varied from that which existed during its progress through the legislature. All enquiry into its details arising from the desire of improving them is sereclosed. The opinion of the legislature, virtually that of the people,

ance, the chief magistrate, if since: ely devoted to republican institutions, will pediency of repealing the act of 1800. feel the necessity of restraining a disposi. to array his own individual opinion in hostility to that of the nation, as convened through their peculiar organs of legislation. He will habitually distrust the suggestions of his own mind when opposed to their will. While, therefore,

forego its exercise on all other occasions. His legislative responsibility will, whether, under all the circumstances attending the opposition of laws submitted to him, the public welfare will be promoted by his sanction.

on great occasions, in which the voice

of duty is loud and commanding, and

This view has been taken for the purpose of separating the legislative from the executive responsibility of the government. It is no less incorrect, commencation. than it is common, to consider the ex ecutive responsible for all the acts of the as purely legislative in its origin, as government. However this opinion may | well as nature; and of consequence, prevail among the friends of a monarchi. Congress, and not the President, are cal system, it is not the less a heresy | responsible for it. under ours. As neither the legislative or judicial departments are responsible to supercede the necessity of its investifor the acts of the executive department, gation. Viewed as a great question of so neither is the executive answerable policy, destined, according to its solufor theirs. The constitution forbids the | tion, to have a leading agency in its president except, in the prescribed orbit | effects on the public welfare, it becomes we have delineated, or by advice given | the duty of every intelligent citizen to to congress, to interfere with the powers | understand it. This shall be our apoloof the legislature. No less is all such | gr, for dwelling on it a few minutes longinterference forbidden by the jealous | er. independence with which every public In reviewing the voluminous discussiagent, equally with every private citizen, ons to which the repealing law gave rise.

executive duties.

this day. Even that ardor of mind, so | ful analogies. apt in the estimation of his enemies to betray him into an imprudent exposure legislature who devised these measures, quired that it shou'd be both. he must theresore be considered as Is it constitutional? friendly to them, and being friend wito It is allowed on all hands, that Conthe sins committed by others.

It is true that the general subject of ted. the judiciary was recommended, in the first message, to the attention of Congress. But in what terms? Not in inserior to the supreme court." those of hostillity to the new system; but in the following dispassionate lan.

guage: "The judiciary system of the United States, says the President, and especial. ly that portion of it recently vested, will of course present itself to the contemplation of Congress; and that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be prolay before Congres, an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts and judges were brought in to their aid."

or the tendencies of the new judiciary augmentation there is a constitutional system; information is only given on limit; but there is none to their dimithis, as on a variety of other objects, nution. There is no portion of the powviz. on the receipts of the several taxes, er, thus vested by law, that may not by their application to the various objects law be divested. If every portion of is declared in its favor. It only remains | designated by law; on the state of the power may be taken away, then may the to the president to decide whether, militia; on our foreign relations; on under these circumstances, the public our naval strength; on the establishment

good may be promoted or injured by his of the mint; on the fortifications, & maapprobation. The bill may be unwise | ny other objects. As well might it be or imperfect; and yet the public good inferred that from the mure exhibition be subserved by suffering it to go into of the situation of the various establisheffect. It may be advisable that the ments of the government, the President experiment should be tried, and the intimated the propriety of their destrucpublic profit by their own errors. But | tion or radical modification, as that, by paramount to these motives to forbear- this information, relative to the judeciary, he intended to inculcate the ex-

As his conduct is similar in all these cases, it is but just to ascribe to him a common motive applicable to them all. The constitution expressly commanding him to "give to Congress information on the state of the union"-and " to recommend to their consideration such he will not hesitate to exert the high measures as he shall judge necessary & prerogative, with which he is invested, expedient;" assigns two distinct and separable duties. In relation to the judiciary, he discharged the one uninterin which the public good unequivocally woven with the other. requires it, he will, with cautious wisdom,

In other cases where he judged certain measures necessary and expedient, he did not scruple to declare his opinion, therefore, be in a narrow compass; it as in the case of the internal taxes, and will depend upon the single consideration | the retrenchment of numerous sources of expence; thus evincing to every correct mind, capable of deducing a sound interence, that as on points where he expressed an opinion, he wished that opinion to operate as a recommendation; so on points where no opinion was expressed, he deliberately withheld all re-

This measure must then be considered

It is not the object of these remarks

is in this country accustomed to assert we perceive a mixed mass of eloquence, his rights. No doubt can be entertained, of party animadversion, and of a: guthat under the joint influence of these ment. Being the first important debate, considerations, the chief magistrate, who after the change of the administration, should attempt to usurp the legislative it was seized as the occasion of contrastpower either by direct or indirect means, ing, in all the features of dissimilitude, would soon learn that the high power of the two hostile parties. The minority, impeachment was not fruitlessly reposed | unaccustomed to submission, resolved to in the legislature. It is not then true, make a desperate effort to regain their that the president is absolutely responsi- powers, and fancied they say in this ble for all the legislative acls passed measure the means. This accounts for during his administration. The proba- this heterogeneous mixture; for which, bility is that many of these acls are such | however and her reason may be assigned. as he, in the character of a legislator or No c'ass of man are less competent to a citizen, would never have assented to. the discussion of great questions of po-Among these acts are two of the first licy than lawyers. In the habit of testimportance; the judiciary act, and the ing all contested points by precedent, amendment to the constitution; neither | they rarely bend the powers of their mind of which were recommended, or even to the developement of principle. Looksuggested by the president. It will be ingout of their own minds for every most regular to consider these measures, thing, it is not strange that they graduin this place, as they do not properly ally sink into the vehicles of the ideas of fall under either of the great provisions o'hers. Their faith insensibly, like that we have proposed; and as they have of the church, in proportion as it dislittle, if any necessary connection with | trusts its own powers, clings to that ef the saints: It may be added that the On no occasions, perhaps, has there routine of their duties, by exhausting been a more daring spirit of falsehood, their capacity on little things, necessathan on these. Both these measures | rily disqualifies them from taking these have, without the least resson, been enlarged views which national legisla. ascribed to the president. Whereas, the | tion demands. Of this description of truth is, that in his official capacity, he men the minority was principally comhas not, and could not even notice the posed. We are not, therefore, surprised one; and has no otherwise noticed the at minds thus feeble, instead of courting other than by giving his assent to a bill the distinction of a strut.g. plain and conpreviously passed by the two houses. cise view of the subject, endeavoring to Nor has any proof of his private opinions, develope it by a mass of inapplicable on either of these points, transpired to precedents, of crude opinions, and fanci-

Notwithstanding the volumes written upon this aubject, it is apprehended that of his opinions, has not furnished occa- its merits lie in a narrow compass. Two sion for a selitary charge. By a bold views have been taken of it, and it is assumption, that, inasmuch as his general | capable of no other. Is it constitutional? politics coincided with those of the and is it expedient? Its justification re-

them, must be considered as their author, gress possessed the power of modifying, an attempt has been made to make him | at pleasure, the existing judiciary laws, pre-eminently responsible for all their so far as they regarded the duties of the effects. Thus does party fury, as blind judges. The first words of the constituas headstrong, without discrimination | tion declare, that "all legislative powers seek its victim, and heeing once markethelierein granted shall be vested in a him, hunt him to dostraction, not to congress of the United States, which actually committed by him, but for all shall consist of a senate and house of representatives,"-- The power is unlimi-

A subsequent section says " Congress shall have power to constitute tribunels

The language is not imperative. They may, or may not, exercise it.

A subsequent section gives the further 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 office thereof."

On this point, therefore, the legislacured from the several states, and now | tive power is perfect, and commands as well details, as general principles. The tribunals, inferior to the supreme court are the creatures of legislation; as without legislation they could not have existed. The duties of those who fill them are defigned by law. They may by law, No opinion is expressed of the origin | be increased, or diminished. To their whole be taken away, which is but the aggregate of the parts. In such, an