

ON POLITENESS.

THE efforts of individuals to correct & reform society would be more efficient if it were not for the pertinacity with which most of us assume the exclusive right to examine our own faults. The propriety of erecting an independent tribunal to decide between persons indifferent to us, is never questioned; but touch ourselves or our favourites, and we instantly become hog-dunkled: errors the most glaring are readily covered by partiality, while we adore with the utmost subtlety, all that is engaging and meritorious. There are however those, who with becoming diffidence, lend their minds to the tutelage of experience; to such I address myself, since they may be operated upon, at a distance; degrees, by discreet and temperate reproof.

Every member of society has certainly a deep interest in promoting that quality, which we understand by the appropriate term POLITENESS. In the intercourse which necessarily subsists between individuals in affairs of commerce, politics, arts and science, so much of our pleasure depends upon the urbanity and good breeding of our companions, that no hint should be disregarded, which may, in the remotest degree improve our manners or refine our tastes. Some men have learnt to appreciate the advantages of genteel deportment and fluency of manners; and conscious of the influence they have attained by the respect which such qualities command, only because they are rare, have applied them to purposes of seduction; they have thereby too often stolen the affections of the people, & wounded their morals by examples of deception, which however specious, are disowned and disdained by the frankness of genuine politeness. In republics therefore, it is essentially important that we should cultivate affability and politeness. This would lead to an habitual elegance, and an agreeable equality of manners: an equality as desirable as that of intellect, and scarcely less important than that which our law of distributions was designed to promote. An interchange of civilities & a tender of reciprocal aid among neighbours, would win the heart of a yoman, that would take trouble to contrast them with such manners as are always the offspring of a rude and unpolished state of society; where a brutal intoxication & the horrible dexterity of pugilism are in the van; where the loss of an ear may disgrace us, or the loss of our eyes deprive us of all that is beautiful. Bereft of the most delightful sense, the parent may bear the voice of his beloved infant; but the angelic smile of innocence which touches the tenderest fibre in his heart is forever clouded from his view.—Let us then by correcting our manners, restrain by degrees that ferocity and licentiousness, which have afforded the enemies of democracy some plausible grounds of censure.

That we can all attain the same eminence in the various graces which ornament a truly polite man, is not to be expected. Claws and Coxcombs will fill up their circle and a few of them answer very well to form a comparison. There are nevertheless certain leading points, which every man of common sense may acquire: namely—patience in argument— forbearance towards the ignorant—a prompt attention to those with whom we have to transact business; the strictest delicacy and respect towards females—an unbounded attention to cleanliness; and above all: that dignified inattention which claims the reputation of our names before we can condescend to lend an ear, is indispensable. Above all; if you wish to retain the supremacy of your species—if it is no: your desire to degenerate into the most disgusting and swinish brutality, give yourself time to take your meals; pray do not employ both hands in serving your mouth nor labour till you perjure. Never be too busily employed in emptying your own plate, to assist the company to the viands that are near you. The ceremonies of the table constitute an important item in good breeding. I have frequently been disgusted with the habits of some of your ostentatious dispensers of flesh, vegetables, &c. They will insist upon it that you eat nothing; and altho' you earnestly contend for the contrary, persist in helping you to a nice little bit of their own choice. When we analyze this behavior, it stands thus: "Sir, you must feel some embarrassment, since you have not been accustomed to such company as that of which you are now a member; pray disengage yourself from the confusion which perplexes you; it destroys your appetite; I am truly sorry to see you under such restraint; choose for yourself; or, as I know what is good better than you do, I will choose for you; I assure you that you are heartily welcome; consider yourself at home." All this stuff is probably uttered with so little grace and sincerity, and merely because the upstart who repeats it has heard

something like it at those tables to which his dollars have been invited, that the person to whom it is addressed, if he has common sense, feels insulted and degraded by his visit, and too well assured that he is not at home. It is ridiculous to tell a man how free he may behave at your house; he can ascertain this by your manners; but if you want address to give him a complete idea of your hospitality, you had better let him guess at it than foolishly attempt to ornament beyond its bearing, that which he has the means of comprehending.—Every man can feel when he is welcome.

When the ceremonial of eating is over, the no less fatiguing routine of wine-drinking demands its due respect. Here most frequently, altho' brutal inebriation is avoided, enough is taken into the brain to produce

"A clash of argument, and a jar of words,  
Worse than the mortal brunt of rival swords."

When this happy point is reached, we are told in Bacchanalian language, to leave no heel-taps. In obedience to custom, and through respect to the benevolent gentleman who will not permit you to depart either sorrowful or sober, we take off heel-taps, till we have some very serious admonitions that they are transferred to the brain. This is a glorious point gained: we are now prepared to drink a toast, and a BUMPER! This punishment, for such it often is, is not prescribed by the company; the master of the house, who has requested his guests to act precisely as they pleased, dictates a toast, probably disgusting and offensive to three fourths of the company. By the bye, toasts lead to excess and irritation. Excess by keeping a party over the times of wine when otherwise, they would retire to a drawing room, and converse rationally and temperately. Irritation when an unpopular or ridiculous toast is given. For example—the first toast which you receive from an agent of the British government, is GEORGE the third! Unluckily, this gentleman is frequently out of his senses; we had as well drink PATER NICHOLSON. So, when General Wallington was President of the United States, have some of those characters drank his health at the house of the American minister, who had theretofore professed him as a traitor and a rebel.

There is a fitness in things, which should always be regarded. When we hear of a man eminent for his talents, integrity, and devotion to polite learning; when for instance, we read his speeches in some public assembly, and find them bold, nervous and beautiful; when we know him to be the ardent and zealous advocate of the rights of man, and disinterestedly risking health and tranquility for the good of his country; the generous mind lingers for an opportunity to offer testimonials of regard and veneration to one so highly entitled to them. The period at length arrives when the stranger is to meet with this object of respect and esteem.—With such qualities previously ascertained, he of consequence creates the accomplishments of easy deportment, of free access, and gentlemanly affability. These acquirements have frequently been seen together; and as a judicious writer has remarked, when two objects have been seen together, the imagination acquires a habit of pairing easily from one to the other. If the latter appears, we lay our account that the former is to follow, and we feel an inpropriety in their separation. We miss something that we expected to find, and the habitual arrangement of our ideas is disturbed by the disappointment. So it is at the first interview with the person just described. We seize the introduction, to cultivate an acquaintance with a man so eminently useful and of talents so brilliant. But to our mortification and chagrin, and in return for the compliment which our countenance upon such occasions never fails to express, a cold repulsive bow and a leaden hand require you to be more distant. They bid you approach the majestic sternness of democracy, with steps of caution and reserve. In conversation, contradiction however decently expressed produces a dignified silence. If you essay once more to ren the topic, a still revolution upon the heel, and some observations to a third person, closes for ever the debate. And gladly let it close says the disappointed stranger: so says every independent citizen. The talents of such a man may command respect, but the friendly vibrations of the heart, will seek for materials more congenial with themselves: they will not attempt to rest in a climate so cold and unpropitious to their growth. Hence a due regard to manners, somewhat more flexible, becomes an object of important consideration, even to minds which look down upon them as light and frivolous. We should consult our friends and correct habits in some degree immoral and injurious. Injurious, because the want of good manners must in some measure check the progress of exertions which would otherwise obtain a wider spread. Much depends upon the accessibility and engaging ease of him who wishes to give force and currency to his opinions. From the picture just drawn, we turn with delight to those great men, who have the art of uniting us to their hearts at once.—Who have attained the inimitable facility of interchanging ideas so completely, that they seem to impart all they know and all they feel; by such characters, we are imperceptibly elevated in our own opinions, and a stimulated to reach such excellence. They keep no-

thing under that mysterious reserve, which would seem to say to you, know not all; some qualities of my mind and some acquirements, have raised me above you; these I hold close.—When such people fall in my way, I know that they have gained a reputation to which they are not entitled, and that it must be supported by art. Fearful to lose a point of dignity and fame, because they feel that they have neither talents nor address to retrieve it, they humbly take refuge under a mysterious carriage of the body, to cover the defects of the mind.

EXAMINER.

Congress

OF THE  
United States of America.

HOUSE OF REPRESENTATIVES.

THURSDAY DECEMBER 6:

DEBATE

On the bill for protecting the ports and harbours of the United States, and preserving peace on the waters within their jurisdiction.

Continued from yesterday's American.

Mr. R. Griswold. The remarks of the gentleman have not proved to my mind that I was mistaken. He supposes in respect to the first idea I suggested, that congress has a right under the constitution to call out the militia to execute the laws of a state, because a state being part of the union, so are its laws a part of the laws of the union. If this proposition is true, if the laws of a state are the laws of the union, they must bind the union, for it is the nature of laws to bind those upon whom they operate. Now will that gentleman tell me that the laws of a particular state are obligatory upon the whole union? The constitution does not bear along his idea; it only means that the laws passed by congress, are the laws of the union. Of course no power is given by the constitution to call forth the militia to execute the laws of a particular state. He conceives that under that part of the constitution making provision against insurrections, congress might call forth the militia to suppress an insurrection against the authority of a state. Be that as it may this bill does not contemplate calling out the militia for that purpose. It merely confines itself to the execution of a magistrate's warrant; therefore that part does not authorize the passing of a law of this kind. Mr. Griswold was aware that the militia might be drawn out to aid the civil arm where it could not effect its object with the assistance of the posse comitatus; but he had always thought that the executive of the state authority was the proper organ to call forth militia to execute their own laws. And are the states to be now deprived of this power? By the constitution congress have the power of organizing, arming and disciplining the militia, and of governing such part of them as may be employed in the service of the U. States; but, to the states is reserved the appointment of officers, and training, and he had ever understood that the states had the right of commanding their own militia and calling them forth to execute their own laws. This being the case, where is the necessity for congress undertaking to legislate on this point? The state having competent authority for the purpose, why not leave it to the states? If any states should think necessary to call out the militia they could do it with as much dispatch and as effectually as the United States; and all of them, he believed, had laws for the purpose; if any of them had not, they would soon pass them if they saw their necessity.

To the second objection the gentleman has replied; but it cannot be conceived that a sheriff having a warrant can ever be justified in going out of his jurisdiction to execute it. He admits that the warrant shall not run into the state of Jersey; not because the constitution provides for reclaiming the offender, but because the jurisdiction of New York does not extend to the state of New Jersey. If this is a reason in that case, it must be a reason in this, and a sheriff cannot go within the jurisdiction of the United States to execute his warrant any more than he can go into that of the neighboring state. It is, perhaps, competent to congress to pass a law to return an offender that has fled from justice within their territory; but they cannot extend the state process beyond what the state itself directs.—They may, perhaps, be authorized under the authority of executive legislation, to pass a law directing officers, who seek an asylum in the district of Columbia, to be delivered up to an offended state; but that is not the object of the present bill, nor is there any provision of the kind contained therein. Entertaining the sentiments he moved to strike out the second section.

Mr. Nicholson. The gentleman does not consider the laws of the particular states as part of the laws of the United States, because they are not obligatory over the whole union. Mr. N. alleged that a law passed by a state conformably to its constitution was as obligatory over all the people of the union, who were into that jurisdiction, as a law passed by congress was obligatory over the whole people who resided within the United States. The laws passed for the government of the district of Columbia were

also binding over the whole union, though they did not operate upon any person but those who are within the ten miles square. So the laws of every particular state are binding on the union pro tanto, for as much as they extend to.—But the gentleman makes no remarks upon my second observation, that the United States have a right to allow the officers of a particular state to execute their warrants within the exclusive territory and jurisdiction of the United States. The constitution does not prohibit us from exercising this authority, any more than the constitution of any state prohibits its legislature from granting a similar indulgence to its neighbor. If Jersey was to pass a law authorizing the officers of New York to pursue an offender, and arrest him in the state of Jersey, could it be complained of, or would it be said that the act of a sheriff making such an arrest was illegal, and that resistance would be justifiable? In fact, Virginia and Maryland have actually such a mutual regulation, and a person escaping from justice may be arrested by the officer, under process from either state.

Mr. J. Randolph said there undoubtedly were difficulties arising out of this subject; but generally they had been satisfactorily answered by his friend from Maryland. (Mr. N.) The situation of the United States in relation to the individual states, it is well known, differs from that of every other government under the sun. The waters in our harbours are generally under the jurisdiction of the state governments, while the mouths of those harbours are under the jurisdiction of the United States.—And if the position is true that the United States cannot authorize a state officer to execute his process when an offender shall have escaped into the waters under the United States jurisdiction the case is irremediable. And it will be known that the most daring outrages committed within a state, are to be palliated with impunity, if the criminal escapes beyond the state boundary into that of the Union. This was a doctrine to which he never could accede. He saw no good reason why a state might not as well have the privilege granted of executing its process within the jurisdiction of the United States, as of reclaiming offenders flying from justice into other parts of the Union. He deemed it prudent to justify the arm of the state with the strength of the United States. There is, however, one part of the clause that had not been satisfactorily supported to his mind. He did not understand how the Congress could enjoin it upon a magistrate to call out the militia to execute a state warrant. He was not satisfied either as to the right, the constitutionality, or propriety of the measure. The constitution when it speaks of calling out the militia confines the object to three things, to execute the laws of the Union, to suppress insurrections, and repel invasions. Congress may call forth the militia to execute the laws of the United States, but not to execute the laws of a particular state. The states individually have the right to call forth the militia of their own states, to execute their own laws, and the United States have also the power to call forth the whole militia of the Union to execute the laws of the Union. He had no doubt of the propriety of giving the states authority to execute their process within the limits of the United States jurisdiction; but he doubted extremely the authority of Congress to call out the militia for the purpose mentioned in the bill; that he conceived to belong to the state authority, and the state alone was competent to its execution.

The doctrine of the Gentleman (Mr. R. Griswold) on another point was not so correct. It will be recollected that the individual states could neither raise an army, nor create a fleet; yet armed vessels may commit in our waters, and in our ports and harbours, the most violent outrages upon the persons and property of the citizens; and this miserable quibble is to enable them to elude a nation's justice; we cannot, we are told, extend the jurisdiction of a state nor aid her with the national force; surely the lives and fortunes of our citizens are not thus carelessly to be sacrificed.

Suppose murder to be committed in the harbour of New York by a citizen or a foreigner not belonging to an armed vessel. This may be considered as a crime against the state, and which the state authority is competent to punish. But if murder is committed by the crew of an armed vessel is not such an armed force equivalent to an invading foe? If a man came from Canada into Vermont, and was to commit a similar outrage, would not the civil power of the state apprehend him and punish him with death, if his crime was of such enormity as to require it? And shall an armed vessel be permitted to outrage the person and property of our citizens on the Atlantic shores, because he has the strength? He would be glad to see a remedy more complete than the one mentioned in this bill; he would like to see such a force not repelled by the civil arm, but force by force. He would like to see the armed vessels employed in disturbing our peaceable commerce blown out of the water. He would wish to see our American officers and seamen lying yard arm and yard arm in the attack, and the question of peace or war staked on the issue, if the conduct of such marauders was justified by the government of the nation to which they belonged.—This language may appear

different from what he had constantly used; but our situation was also different. Heretofore, he was not disposed to engage in hostilities for the protection of our navigation; but we then had no maritime force. We have since created one; if we had no navy, we could not meet them on the ocean; but having one he would apply it to the best purpose, that of efficaciously defending our ports and harbours and would struggle till the whole of our marine was annihilated, if in the contest Britain should not leave us a single ship; though we lost all, we should not lose our national honor; though we should not beat her on the Ocean we should save our reputation.—But to suffer insult to be added to injury is indeed a degradation of national honor, and ought never to be borne with, let it come from any nation whatever.

Mr. R. Griswold did not say that Congress had not power to authorize the individual states to send their process into the territory under the jurisdiction of the United States. That point could not be a question on this bill because that power is no where proposed to be given. The objection was, that without having given the state power to send its process within the United States jurisdiction, you say that if the person making the arrest the person intended to be arrested shall be killed within the jurisdiction of the United States it shall be justified, or if any person aiding the thief be killed by those resisting the civil authority, they shall be punished as in cases of felonious homicide. He was desirous that some efficacious mode of resisting or repelling the aggressions upon our commerce could be adopted and the peace and security of our country effectually secured for the future.

Mr. Elliot. The question has some traits of peculiar importance, and it would be desirable at all times to harmonize the conflicting claims of the state and general governments. He could have wished that the doubts upon his mind had been dispelled by the ingenious explanation of the gentleman from Maryland (Mr. Nicholson). But instead of being dispelled they were materially strengthened by his observations. We are told that the laws of the union embrace the laws of the individual states. That the constitution gives us power to call forth the militia to execute the laws of the union; but it no where says that we may call forth the militia to execute the laws of the particular states; are the state laws then, laws of the union? One gentleman affirms that they are, and another gentleman denies it. Let us enquire for a moment what is the meaning of the phrase on. The first paragraph of the constitution says, We the people of the United States, in order to form a more perfect union, again New States may be admitted by Congress into this union, and in section 4 article 4, the United States shall guarantee to every state in this union a republican form of government. Surely it means the combination of the whole, and these only are the laws of the union which are made by the representatives of the whole union. If the laws of individual states are laws of the union, because a state is a part of the union, then every bye law of every city, borough, town or corporation in the United States are laws of the union, for these also are parts of a state, in the union. How stands the question now? By the constitution you have no power to execute a state law; yet you affirm that power if you pass this bill. It is said the state laws are binding over the union. They are only binding on those who reside or come within the limits of the state, and not on citizens residing and remaining in other states without their limits. An inhabitant of Jersey is not bound by the laws of New York, while he remains on this side of the North river. You might as well say that the state laws were binding upon the Universe, for a state is a part of the Universe.

Mr. J. Clay suggested to Mr. R. Griswold to vary his motion, so as to strike out only that part of the section which related to the call of the militia by a state magistrate, and let all that relates to the army and navy stand. For although a state had the power of calling out its own militia to enforce the execution of her own laws, yet she could not call upon the regular troops or navy of the United States, and this force he considered as a necessary aid in the cases alluded to in the bill.

Mr. R. Griswold intended, if the section was struck out, to introduce a new one in its stead, declaring that the state process may be executed within the jurisdiction of the United States on the sea board, and then adding a permission to the state to call in the aid of the army and fleet of the union.

Mr. J. Randolph asked if he understood the gentleman right. Did he mean to authorize the state officer to execute his process within the United States jurisdiction, and make the killing of the officer or his assistant a felonious homicide?

Mr. R. Griswold meant to give the power to the state officer expressly, and in that case, if resistance be made, most indubitably it is felonious homicide.

Mr. Nicholson was not convinced by any thing which had been said, that Congress have not the authority, to call out the militia in order to secure the execution of the state laws, but he was not generally tenacious of his opinions, and he would be the last man in the world to give his assent to the assumption of powers not granted by the constitution, and if any reasonable doubt existed he would certainly refrain from pressing the question. He had no objection to the alteration propos-