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National Intelligencer.

[It has been alleged, and ſtill is alleged with all the ſolemnity of truth, that the late removals by the Preſident during the receſs of the Senate, are violations of the conſtitution; and in the effort to animate the reluctant feelings of the nation, a ſpeech of Mr. Madiſon, delivered in Congreſs ſoon after the conſtitution was organiſed, on the propriety of declaring by law the power of the Preſident to remove, has been appealed to, and relied upon as concluſive. The reader of that ſpeech, on a careful peruſal of it, will find that it does not even touch the *conſtitutional* point involved in diſcuſſion. But what will the candid reader, and the ſincere federaliſt, ſay to the following ſpeech of Mr. Ames, delivered on the ſame occaſion? Mr. Ames's energetic federaliſm has never been diſputed; and yet his motives, as therein declared, will be found to be, in many reſpects, expoſitions of the motive of the Preſident. Thus we find Mr. Jefferſon equally ſupported by the Federaliſts of 1790, and the Republicans of 1801.]

Mr. Ames's Speech.

"The queſtion, ſo far as it relates to the conſtitution, is this, whether it has veſted the ſole power of removing in the Preſident alone; or whether it is to take place by and with the advice and conſent of the ſenate? If the queſtion of conſtitutionality was once diſpatched, we ſhould be left to conſider of the expediency of the meaſure. I take it to be admitted on all hands, tho' it was at firſt objected to by a worthy gentleman from South-Carolina, that the power of removal from office, at pleaſure, reſides ſomewhere in the government. If it does not reſide in the preſident, or the preſident and ſenate, or if the conſtitution has not veſted it in any particular body, it muſt be in the legiſlature; for it is abſurd to ſuppoſe that officers once appointed cannot be removed. The argument tending to prove, that the power is in the preſident alone by an expreſs declaration, may not be ſatisfactory to the minds of thoſe gentlemen who deem the conſtitution to be ſilent on that head. But let thoſe gentlemen revert to the principles, ſpirit, and tendency of the conſtitution, and they will be compelled to acknowledge, that there is the higheſt degree of probability that the power does veſt in the preſident of the United States. I ſhall not undertake to ſay, that the arguments are concluſive on this point: I do not ſuppoſe it is neceſſary that they ſhould be ſo; for I believe nearly as good concluſions may be drawn from the refutations of an argument as from any other proof. For it is ſaid, that deſtructio unius eſt generatio alterius.

"It has been ſaid, and addreſſed with ſolemnity to our conſciences, that we ought not to deſtroy the conſtitution, to change or modify it; nay, it has been inferred, that it is unneceſſary and dangerous for us to proceed in this enquiry. It is true, we may decide wrong, and therefore there may be danger; but it is not unneceſſary: we have entered too far in the diſcuſſion to retreat with honor to ourſelves, or ſecurity to our country; we are ſworn as much to exerciſe conſtitutional authority, for the general good, as to refrain from aſſuming powers that are not given to us; we are as reſponſible for forbearing to act, as we are for acting. Are we to leave this queſtion undetermined, to be contended between the preſident and the ſenate? Are we to ſay, that the queſtion to us indiſſolable, and therefore throw it upon the ſhoulders of the preſident to determine? If it is complex and difficult, it is certainly diſingenuous in us to throw off the deciſion; beſides, after ſo long a debate has been had, a deciſion muſt be made, for it never would do to ſtrike out the words; as that would be deciding, and deciding againſt the power of the preſident.

"It muſt be admitted, that the conſtitution is not explicit on the point in conteſt; yet the conſtitution ſtrongly infers, that the power is in the preſident alone. It is declared, that the executive power ſhall be veſted in the preſident. Under theſe terms all the powers properly belonging to the executive department are given, and ſuch only taken away as are expreſsly excepted. If the conſtitution had ſtopt here, and the duties had not been defined, either the preſident had had no powers at all, or he would acquire from that general expreſſion all the powers properly belonging to the executive department. In the conſtitution the preſident is required to ſee the laws faithfully executed. He cannot do this without he has a control over officers appointed to aid him in the performance of his duty. Take this power out of his hands, and you virtually ſtrip him of his authority; you virtually deſtroy his reſponſibility, the great ſecurity which this conſtitution holds out to the people of America.

"Gentlemen will ſay, that, as the conſtitution is not explicit, it muſt be matter of doubt where the power veſts.—If gentlemen's conſciences will not let them agree with us, they ought to permit us to exerciſe the like liberty on our part. But they tell us we muſt meet them on the ground of accommodation, and give up a declaration, that the power of removal is in the preſident, and they will acquieſce in declaring him to have the power of ſuſpenſion; but they ſhould recollect, that in ſo doing we ſacrifice the principles of the conſtitution.

"It has been frequently ſaid, that the power of removing is incidental to the power of appointing; as the conſtitution implies, that all officers, except the judges, are appointed during pleaſure; ſo the power of removal may, in all caſes, be exerciſed. But ſuppoſe this general principle true, yet it is an arbitrary principle, I take it, and one that cannot be proved; if it was denied, it could not be eſtabliſhed; and if it was eſtabliſhed, it is ſtill doubtful whether it would make for the adverſe ſide of this queſtion or not; becauſe it is dubious whether the ſenate do actually appoint or not. It is admitted, that they may check and regulate the appointment by the preſident, but they can do nothing more; they are merely an adviſory body, and do not ſecure any degree of reſponſibility, which is one great object of the preſent conſtitution; they are not anſwerable for their ſecret advice; but if they were, the blame divided among ſo many would fall upon none.

"Certainly this aſſumed principle is very often untrue; but if it is true, it is not favorable to the gentlemen's doctrine.—The preſident, I contend, has expreſsly the power of nominating and appointing, tho' he muſt obtain the conſent of the ſenate: He is the agent; the ſenate may prevent his acting, but cannot act themſelves. It may be difficult to illuſtrate this point by examples which will exactly correſpond; but ſuppoſe the caſe of an executor, to whom is deviſed lands, to be ſold with the advice of a certain perſon, on certain conditions; the executor ſells with the conſent, and upon the conditions required in the will; the conditions are broken; may the executor re-enter for the breach of them? Or has the perſon, whom he was obliged to conſult with in the ſale, any power to reſtrain him? The executor may remove the wrongful poſſeſſor from the land, though, perhaps, by the will, he may hold it in truſt for another perſon's benefit. In this manner the preſident may remove from office, though, when vacant, he cannot fill it without the advice of the ſenate. We are told it is dangerous to adopt conſtructions; and that what is not expreſsly given is retained. Surely it is as improper in this way to confer power upon the ſenate as upon the preſident; for if the power is not in the preſident ſolely by the conſtitution, it never can be in the preſident and ſenate by any grant of that inſtrument; any arguments, therefore, that tend to make the firſt doubtful, operate againſt the other, and make it abſurd: If gentlemen, therefore, doubt with reſpect to the firſt point, they will certainly heſitate with reſpect to the other. If the ſenate have not the power, and it is proved that they have it not, by the arguments on both ſides, the power either veſts with the preſident or the legiſlature; if it is in the diſpoſal of the latter, and merely a matter of choice with us, clearly we ought not to beſtow it on the ſenate; for the doubt, whether the preſident is not already entitled to it, is an argument againſt placing it in other hands; beſides the exerciſe of it by the ſenate would be inconvient; they are not always ſitting; it would be inſecure, becauſe they are not reſponſible; it would be ſubverſive of the great principles of the conſtitution, and deſtructive to liberty; becauſe it tends to intermingle executive and legiſlative powers in one body of men, and this blending of powers ever forms tyranny. The Senate are not to accuſe offenders, they are to try them; they are not to give orders, but on complaint to judge of the breach of them. We are warned againſt betraying the liberties of our country; we are told that all power tends to abuſe; it is our duty, therefore, to keep them ſingle and diſtinct. Where the executive ſwallows up the legiſlature, it becomes a deſpotiſm; where the legiſlature intrenches upon the executive, it approaches towards deſpotiſm; and where they have leſs power than is neceſſary, it approximates towards anarchy. We ſhould be careful, therefore, to preſerve the limits of each authority in the preſent queſtion: as it reſpects the power of the people, it is but of little importance; it is not pretended that the people have reſerved the power of removing bad officers. It is admitted on all hands, that the government is poſſeſſed of ſuch power; conſequently the people can neither loſe nor gain power by it. We are the ſervants of the people, we are the watchmen, and we ſhould be unfaithful in both characters, if we ſhould ſo adminiſter the government as to deſtroy its great principles, and moſt eſſential advantages. The queſtion now among us is, which of theſe ſervants ſhall exerciſe a power already granted? Wiſe and virtuous as the ſenate may be, ſuch a power lodged in their hands will not only tend to abuſe, but can not tend to any thing elſe. Need I repeat the inconveniences which will reſult from veſting it in the ſenate? No. I appeal to that maxim, which has the ſanction of experience, and is authoriſed by the deciſion of the wiſeſt men; to prevent an abuſe of power, it muſt be diſtributed into three branches, who muſt be made independent, to watch and check each other; the people are to watch them all. While theſe maxims are purſued, our liberties will be preſerved. It was from neglecting or deſpiſing theſe maxims, the ancient commonwealths were deſtroyed: A voice iſſues from the earth which covers their ruins, and proclaims to mankind the ſacredneſs of the truths that are at this moment in controverſy. It is ſaid, that the conſtitution has blended theſe powers which we adviſe to keep ſeparate, and therefore we ought to follow in completing ſimilar regulations; but gentlemen ought to recollect, that has been an objection againſt the conſtitution; and if it is a well founded one, we ought to endeavor all that is in our power to reſtrain the evil rather than to encreaſe it. But, perhaps, with the ſole power of removal in the preſident, the check of the ſenate in appointments, may have a ſalutary tendency; in removing from office, their advice and conſent is liable to all the objections that have been ſtated. It is very proper to guard the introduction of a man into office by every check that can properly be applied; but after he is appointed there can be no uſe in exerciſing a judgment upon events which have heretofore taken place. If the ſenate are to poſſeſs the power of removal, they will be enabled to hold the perſon in office, let the circumſtances be what they may that point out the neceſſity or propriety of his removal; it creates a permanent connection; it will nurſe faction; it will promote intrigue to obtain protectors, and to ſhelter tools. Sir, it is infuſing poiſon into the conſtitution; it is an impure and unchaſte connection; there is ruin in it; it is tempting the ſenate with forbidden fruit; it ought not to be poſſible for a branch of the legiſlature even to hope for a ſhare of the executive power; for they may be tempted to encreaſe it, by a hope to ſhare the exerciſe of it. People are ſeldom jealous of their own power; and if the ſenate become part of the executive, they will be very improper perſons to watch that department; ſo far from being champions for liberty, they will become conſpirators againſt it.

"The executive department ſhould ever be independent, and ſufficiently energetic to defeat the attempts of the branch of the legiſlative to uſurp its prerogative.—But the propoſed controul of the ſenate, is ſetting that body above the preſident; it tends to eſtabliſh an ariſtocracy. And at the moment we are endangering the principles of our free and excellent conſtitution, gentlemen are undertaking to amuſe the people with the ſound of liberty. If their ideas ſhould ſucceed, a principle of mortality will be infuſed into a government which the lovers of mankind have wiſhed might laſt to the end of the world. With a mixture of the excutive and legiſlative powers in one body, no government can long remain uncorrupt. With a corrupt executive, liberty may long retain a trembling exiſtence. With a corrupt legiſlature, it is impoſſible; the vitals of the conſtitution would be mortified, and death muſt follow on every ſtep. A government thus formed would be the moſt formidable curſe that could befal this country. Perhaps an enlightened people might timely foreſee and correct the error: but if a ſeaſon was allowed for ſuch a compound to grow and produce its natural fruit, it would either baniſh liberty, or the people would be driven to exerciſe their unalienable right, the right of uncivilized nature, and deſtroy a monſter whoſe voracious and capacious jaws could cruſh and ſwallow up themſelves and their poſterity.

"The principles of this conſtitution, while they are adhered to, will perpetuate that liberty which it is the honor of Americans to have well contended for. The clauſe in the bill is calculated to ſupport thoſe principles; and for this, if there was no other reaſon, I ſhould be inclined to give it my ſupport."

FOR SALE.

In purſuance of an order of the Orphans Court for the county of Washington, in the District of Columbia, will be expoſed to ſale on Friday the 23d of October Inst. at 10 o'clock, A. M. at Rock-hill, late the reſidence of Gustavus Scott, Esq. deceaſed.

A number of Negroes, houſehold and kitchen Furniture, Horſes, Cows, and a variety of other articles. The terms of ſale will be as follow:—Where the property ſold to any one purchaſer ſhall not exceed twenty dollars, caſh; but where the property ſold to any one purchaſer ſhall amount to more than that ſum, a credit of ſix months will be given, on the purchaſer's paſſing bond, with good ſecurity, for the payment thereof, with intereſt from the day of ſale.

And on Tueſday following, being the 27th day of October, at 10 o'clock A. M. will be expoſed at public ſale, at the farm called Strawberry-Vale, ſituate in Virginia, about nine miles from George-town,

A number of Negroes, Horſes, Mules, Cows, Calves, and Farming Utenſils, belonging to the eſtate of the ſaid Guſtavus Scott. The terms of ſale the ſame as above.

On the day of ſale at Rock-hill, will likewiſe be ſold at public vendue, one moiety of a GRIST-MILL, ſtanding on Rock-Creek. Likewiſe a number of well ſituated Lots in the City of Waſhington. Alſo, a number of Potomac, and Potomac Bridge Shares, belonging to ſaid eſtate.—The terms will be made known on the day of ſale.

ELIAS B. CALDWELL, Adm'r.

Waſhington, October 2. epts

The ſchooners Dolphin & Kitty,

now lying at Mr. Young's Wharf will conſtantly take freights every three weeks from this to Annapolis or Baltimore. For terms apply to BROHAWN and BOYS.

Waſhington, July 15, 1801. tf

The ſubſcriber reſpectfully acquaints

the public, that he has removed to the corner of Ninth and E ſtreets, where he continues to manufacture and ſell all kinds of Ornaments for Chimney pieces, Door Caps, Frontiſpieces Metal Saſhes, &c. which may alſo be had at his ſtore No. 51, Barclay ſtreet, New-York, and at Mr. Wild's ſtore, Market ſtreet, Baltimore.

GEORGE ANDREWS.

Who has gold leaf for ſale by the package or book.

May 8, 1801. tf