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The following extract from the London Monthly Magazine of July last shews the opinion entertained abroad of the motives and tendency of the measures of the opponents of the administration on that topic which for a year past has most deeply engaged the attention of the people. We perceive in the delineation it draws of parties the award of history.

" POLITICS.

" THIS is the grand subject which principally interests the minds of men in the United States of America. The form of the government, the habits of the people, and the wonderful revolutionary events which have occurred, both in America and Europe, within the memory of the present generation, serve to fix their attention more strongly on this object, and to make it dear to their hearts.

Comparatively, the few last months have passed away in remarkable tranquility. The general ascendency acquired by the Republican over the federal party seems to have extinguished much of that animosity which might have been expected to prevail if the contentions had been maintained with nearly equal numbers. The large, unshaken, and augmented majorities in favor of the republican interest, exhibited at most of the elections, evince a decision among the people concerning their political sentiments which does not appear likely to be speedily reversed.

The most fruitful source of altercation among the parties for the last six months, has been the proceedings of the national legislature and executive, on the subject of the dispute with Spain, concerning New Orleans. The sudden withholding of the right of deposit at that place, which had been solemnly stipulated by treaty, created a strong sensation in the minds of the people of the United States. A doubt, however, early arose whether this unwarrantable act originated from the Intendant of Louisiana, or from the Spanish court. While this question remained undecided, the government of the United States deemed it more adviseable to attempt a settlement of the difference by negociation, than abruptly to adopt forcible measures which might lead to war. They therefore determined to take such precautionary and preparatory steps as would provide against the worst, and at the same time to open a negociation.

But the opposition, observing the popularity of the economical and other salutary reforms undertaken by the present administration, and despairing of all means but of a foreign war to unhinge a system resting upon so deep a foundation, employed every means in their power to precipitate the nation into hostilities with Spain. For this purpose the discontents and murmurs of the people of the Western States, more immediately suffering the inconveniences and privations resulting from the suspension of the deposit at New Orleans, were warmly cherished and encouraged; and hints of no equivocal meaning were industriously thrown out, that they ought themselves without waiting for the concurrence or authority of the government, to provide a remedy, and that a hostile one, for the existing restriction on their trade. The suggestions, though well calculated to gratify the feelings of the moment, obtained no success. The Western States, strongly attached to the administration, to republican principles, to the authority of the constitution, to law and to order, refused to listen to propositions so destructive to every thing that freemen hold most dear. Thus the affair was quietly left to the operation of the remonstrances which the government had early transmitted to the court of Madrid.

At length the order of the king of Spain arrived, the conduct of the Intendant was disavowed, and the right of deposit entirely restored. Thus the business was terminated with much more dispatch than could possibly have been done by any arrangement of violent measures, and without any breach of the good understanding between the two nations.

The efforts of the Federalists to involve the United States in the calamities of war, were, on this occasion, prompt, bold, and persevering. Their disappointment indicates a degree of good sense, moderation and reflection, in the great body of the people which does them much honor, and which, unfortunately for mankind, is not always displayed by a nation when their passions are roused by a sense of injury.

It will not appear surprising that this dispute with Spain was the grand topic of discussion in the newspapers, and of debate in the national legislature, for several months. During this agitation a pamphlet appeared under very singular circumstances, intituled "An Address to the government of the United States on the cession of Louisiana to the French; and on the late breach of treaty by the Spaniards; including the translation of a Memorial on the war of St. Domingo, and the cession of the Mississippi to France, drawn up by a French counsellor of state." The object of this pamphlet was doubtless to increase the existing ferment, and to impel the nation to violent measures. By many it was considered to be a spurious performance; as the original, of which it purports to be a translation, though pressingly called for by the public, was never produced or referred to in any satisfactory manner. The same author soon afterwards, and probably with similar intentions, published "Monroe's embassy; or, the conduct of the government in relation to our claims to the navigation of the Mississippi, considered; by the author of an Address to the Government of the United States, &c."

CONGRESS.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 9.

Debate on the AMENDMENT to the CONSTITUTION.

(Continued.)

Mr. THATCHER. Mr. Speaker, My principal object in rising upon this occasion is, to examine some of those ideas which were suggested by gentlemen of the majority in the course of yesterday's debate. But before I attempt that examination, I beg leave to call the attention of the House for a moment, to a view of the subject which has convinced my mind that the proposed amendment cannot be adopted without materially impairing the rights of individual states—without in fact destroying the very basis of the confederacy.

Under the first confederation the states composing the union were equal and independent. They voted by states. This constitution was adopted by states acting in their corporate capacity. They relinquished certain important rights, and the United States by the constitution guaranteed to each state the enjoyment of other rights as an equivalent. The one was a consideration for the other. The states for example which held few or no slaves, consented to relinquish their right of equal representation in the House of Representatives; and that those states which possessed a vast number of slaves should be represented in Congress "according to their respective numbers, which shall be determined by adding to the whole number of free persons including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons.*" The number of electors of President and Vice-President is increased in the same proportion. Among other things in return, the constitution establishes a mode of electing the President and Vice President which gives to each state a share in the election, and in determining the number of electors, it has express reference to states in their corporate capacity. By the article which it is proposed to alter, each state is entitled to "a number of electors equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress." It provides that two persons shall be voted for without designating which is intended for President. It further provides that "if there shall be more than one" (person) "who have a majority, and have an equal number of votes, then the House of Representatives shall immediately chuse by ballot, one of them for President;—and if no person have a majority, then from the five highest on the list, the said House shall in like manner chuse the President. But in chusing the President the votes shall be taken *by states the representation from each state having one vote,*" &c. By this important article of the constitution a degree of influence in the choice of President and Vice-President is in fact guaranteed to each state, and the large states consented that the small should have a greater share of votes in the choice than they would have been entitled to by their population. It has been so clearly shewn, indeed it is so evident, that the constitutional mode of election is calculated to guard the rights and interests of each state, but most of all the small states, that I forbear to enlarge upon this point. *It is certain that the larger states would not have guaranteed to the small, rights so important, rights which abridged their own power materially, unless they had received an equivalent.* We cannot determine, with certainty, that one of these rights was solely a consideration for another, but it is sufficient for this argument to know that the rights guaranteed were a consideration for those relinquished. It follows that although we may modify the forms of the constitution, in such a manner as will operate equally upon all the states, we cannot, under the article providing for amendments, ingraft new principles into the constitution which will destroy the rights of individual states, without the consent of those states. There are certain rights inherent in states, as well as in individuals, of which they can never be divested without an express consent. Suppose two-thirds of Congress and the legislatures of three-fourths of the several states should adopt a resolution which in direct terms should declare that in future the other states should give no votes, or should have no share in the election of President and Vice-President, would any one pretend that they were authorised to do this under the article providing for amendments of the constitution? I consider it impossible to adopt a resolution which will impair the rights of some states—which in fact, will secure to a few states the power of chusing the President and Vice-President at pleasure, to the total exclusion of all the other states, (and it has been clearly shewn that with the present population five states may chuse the President and Vice-President, to the exclusion of the other twelve.) without making the constitution a *nudum pactum*; without destroying the very basis of the confederacy. I look forward, sir, with fearful apprehensions to the consequences, should this resolution be adopted. It will create the greatest dissatisfaction in the states injured by the alteration. It will furnish arguments to the enemies of this union, which may effect its destruction.

An honorable gentleman from Tennessee (Mr. Campbell) has founded his argument principally upon the position that the proposed amendment will carry into effect the public will;—that it will prevent a contingency, which under the present mode of election may occur, viz. the person intended by a majority of the electors for President may be supplanted by the person intended by them for Vice-President, and will fill the second office in the government. This argument has also been urged by other gentlemen.

It is scarcely within the compass of possibility that with the experience already had, an equal number of votes, and a majority should be given to two candidates for the Presidency. But it is demonstrable that whenever the right of chusing a President shall under this amendment, devolve upon the House of Representatives, the danger that the person intended by the electors for President will be excluded, not only from the Presidency, but also from the Vice-Presidency, will be increased in a ten-fold ratio. For under this amendment as adopted by the Senate, the House of Representatives may chuse the President not only from five candidates, as under the present mode, but from among the candidates who may have either of the three highest numbers. The number of candidates is, therefore, almost unlimited. Every state candidate, every ambitious man who can secure a few votes, will offer himself for the office, and knowing that his only chance of success will be in the House of Representatives, it will be the object of all his supporters to prevent a choice by the electors. The Vice-President will be impelled by the most powerful inducements to prevent a choice, because by this amendment, "if the House of Representatives shall not chuse a President whenever the right of choice shall devolve upon them, before the fourth day of March then next following, then the Vice-President shall act as President as in the case of the death or other constitutional disability of the President." If the Vice-President shall be elected by the Senate, the influence of the Senators may be added to prevent a choice by the House, for they will naturally prefer that the man of their own choice should act as President. Thus to the clashing interests of states, and of numerous candidates, may be added the influence of the Vice-President, and of the Senate, all tending to prevent a majority of states from uniting in one candidate.—Under the present mode, if, by possibility, the choice should devolve upon the House of Representatives, the responsibility for all the evils of an interregnum must operate as the most powerful inducement to make an election; but under this amendment the horrors of anarchy will not be dreaded, because in case of no choice the government will be administered by the Vice President. It is fairly to be calculated that no election will be made by the House of Representatives. What is the consequence? A man who from the nature of the choice will probably be unqualified for the office (as has been very clearly shown by my friend from Connecticut) a man who had not one vote for President succeeds in fact to that office. Thus the choice may be virtually transferred from the popular to the federative branch of the government.

The gentleman from Tennessee tells us that this argument drawn from the omission of the House to elect a President implies corruption. This cannot be admitted, for men will naturally disagree in their opinions of candidates, and may very honestly adhere to the dictates of their judgements and consciences. But, sir, if it did imply corruption, it would not destroy the force of the argument. With the growth and opulence of our country, we must expect corruption; with the progress of our government we must calculate upon intrigue.

To prevent the difficulties and dangers of a contested election in the House of Representatives, we hold out by this amendment to the large states the strongest inducements, we almost compel them by the principles of self-interest, so to combine that the right of choice shall not devolve upon the House of Representatives, as a few states may so combine as to secure to themselves the election of President and Vice President to the total exclusion of the other states, the greatest evils are generally to be apprehended from such exclusive combinations.

What, let me ask, sir, are the evils, the great, the impending evils which will induce us to brave all the dangers of this hazardous experiment? The worst that can be apprehended from the present mode of choice is, that two of the first citizens in the United States, each having a majority of votes—voted for by the same electors, if it should happen that they have an equal number of votes, the one preferred by the majority of electors for President may chance to fill the second office in the government, while the candidate intended by a majority of the electors for the second office, may, by the votes of a majority of states, be chosen President.

The gentleman from Tennessee conceives that the minority can have no share in the election, but by counteracting the will of the majority. Let it be remembered, sir, that it requires a majority of the electors to make a choice. All that is left to the minority, under the present mode of election, when they have any share in the choice, is, to vote for one of the candidates offered by the majority. Is there to be a line of demarkation drawn between parties by the constitution itself which will render the Chief Magistrate of the union the mere instrument of party? Is this calculated to secure the equal rights of the majority?

Mr. Speaker, several gentlemen in the majority have told us that the people call for this "amendment". My colleague (Mr. Taggart) has been accused of speaking disrespectfully of the people. I understood him only to say, that public opinion is mutable, and that the opinion of the people respecting this "amendment" has not been ascertained. How, sir, do gentlemen know the opinion of the "people" upon this question? By what evidence does it appear? It is said that some of the state legislatures have expressed a wish in favor of the "amendment." I know that two or three legislatures, at different times, have passed a vote in favor of the designating principle. But, sir, *no state legislature has ever expressed approbation of the various other alterations in this resolution.*

If the state legislatures had expressed their approbation of this resolution; will gentlemen say that it ought to be obligatory upon the members of this House? We certainly are under the strongest obligations to give an independent vote upon this question, contracted only by the dictates of our own consciences. The constitution has, in this instance made each House of Congress, and the state legislatures a check upon each other. Else why are two thirds of both House of Congress and the legislature of three fourths of the several states required by the constitution to concur in an amendment? If the opposite doctrine be correct, it would have been better to have decided questions respecting constitutional amendments by the state legislatures alone, than to have assigned to Congress a part in such a political farce.

In the course of this debate, various and repeated allusions have been made to party distinctions. We have, I believe, for the first time in this House, heard the terms federal and republican applied to members of this House, and contra-distinguished to each other. I have long seen these distinctions in newspaper publications, but I feel great regret that they should be introduced here, more particularly upon a question which demands of us to divest ourselves of all partial considerations, and to investigate this subject with candor and with coolness. What can gentlemen intend to effect by this *denunciation*. Is it intended to cast a reproach upon the name of federalist? Do they recollect whence was derived the honorable distinction of federalist? Do they not know that it is derived from an early and warm attachment to the federal constitution? If gentlemen claim the title of republicans let them not claim it exclusively. Let them remember that we are all bound by oath to support the same federal republican constitution.

Mr. Speaker, my mind is deeply impressed with a sense of the vast importance of rejecting this resolution. We are not discussing an ordinary, a party, or a local question, but it is proposed to adopt a material change in a fundamental principle of the national compact; an alteration which will affect the whole union—which will influence the condition of millions long after the present distinctions of party shall have passed away, and we shall have passed away with them. Whilst we endeavor to render the present principle of the constitution as operative and beneficial as possible, let us beware lest, under the plausible pretext of "amendment," we introduce principles destructive of the compact itself. On former occasions extracts have been read from the speeches and from the writings of eminent statesmen, permit me to quote a few sentences from an authority which once had great influence in this House. I trust it will now have an effect.

"Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also *that you resist with care the spirit of innovation upon its principles, however specious the pretext.* One method of assault may be to effect in *the forms* of the constitution alterations which will impair the energy of the system, *and thus to undermine what cannot be directly overthrown.* In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of government, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion."

These sentiments are from the "farewell address" of that most illustrious statesman and patriot who presided in the convention which formed this constitution.

Mr. Speaker, I have been highly gratified by the various motions which have been made, some of them by gentlemen of the majority, to recommit this resolution for the purpose of amendment. It is evident that some of the expressions are so extremely ambiguous and obscure, as to admit a great variety of construction. Such a variety of constructions have indeed been given in this House to some of the most important clauses, and so just have been the criticisms upon the phraseology of this resolution, that the necessity of amendment must be obvious to the friends of