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FOR THE NATIONAL INTELLIGENCER.

The NEW WORLD.

No. VIII.

An enquiry into the National Character of the People of the United States of America.

The value and strength of this characteristic trait will occasion the adduction of more evidence of *the enlightened practical humanity* of the people of this country.

We shall acquire not a little proof, to the point under examination, in considering our penal codes. In the solemn and reiterated provisions against ecclesiastical tests and other infractions of religious liberty and in favor of the rights of conscience, we behold the humane and powerful arm of a free, a feeling and a thinking people, tearing from their penal codes the bloody catalogue of agonizing punishments, with which impious men in too many other countries, have for a season subverted religion, and afflicted humanity. Fines, imprisonments, proscription, exile and torture, are held by us to make uncharitable barbarians of every branch of the governments that inflict them, and of all the people, who can bear to witness their daily use.

The defence of the state has led to awful severities in other countries, in the punishment of treason. The rack, the wheel, fire and faggot, decapitation, embowelling, cutting out the tongue, and tearing out the heart of the criminal, entailing forfeiture upon the miserable family, and even the malignant corruption of their blood, are some of the punishments which barbarous man has inflicted, for this crime, upon his kind—often too upon his own kindred. In these states humanity has advanced so far as to leave it in the power of the national legislature to reject the punishment of even the least painful death for the most aggravated treason; it has forbidden to that legislature the ordaining corruption of blood, and does not allow it to direct any forfeiture to the injury of the widow and children. The offender alone may be punished by the deprivation of all estate during his natural life, but it is left in the discretion of Congress to determine the measure.

In several of the states the ancient punishments of the stocks, the pillory, cutting off the ears, whipping and death are abolished, except for murder of the first degree, and one or two other crimes, for which an execution by hanging may be awarded. It is firmly believed in this country, that the destruction of feeling, produced by public exposure at the stocks, the pillory and the post, occasions a desperation in the criminals, as to regaining character, and is therefore an unwise and inhuman addition to the minor punishments. Towards the culprit's family it operates as *a corruption of fame*, from which every principle of justice and philanthropy clearly exempts them. To the wound to the family character, which a wicked parent or husband has inflicted, the people of this country will no longer make a wanton and dreadful addition. Serious doubts, both religious and humane, have been raised against the punishment of death. The Americans are making a pious experiment of administering justice in greater mercy. No fatal evil can attend the trial of their new plan. No doubts have yet arisen from considerable experience. If unhappily it should be found, that the punishment of death cannot ultimately be excluded from our code, the people of this country will unfeignedly deplore the dreadful necessity. It is firmly believed, and it is humbly trusted that the humane citizens of this country will never cease to weep over the victims of the sword of inevitable war and of imperious justice.

An inestimable mitigation of the penal codes of all other nations has been adopted in the United States, by means of those provisions of the federal constitution, which expressly forbid all our legislatures, as well of the union as of the several states, to pass any bill of attainder and any law *ex post facto*. Laws made after the commission of a fact, for the purpose of punishing the commission of it, are against all notions of personal safety—all the rules of justice—all ideas of humanity. They have been a dreadful engine in the hands of many governments. They fraudulently reach the infliction of the severe punishment of exile, to which the humane policy of the United Americans is decidedly opposed. Some of the most virtuous and eminent characters in the world have been subjected to banishment or to agonizing, infamous and fatal punishments by these retrospective laws, and that too for parts of their conduct, which innocence permitted, which patriotism and philanthropy enjoined, and which no authority had previously forbid. The poorest citizen, nay, the unconnected alien, walking with decent confidence and order, under the beloved and venerable protection of known laws, cannot here be hurried from his wretched family to a death of anguish and of infamy by the inhuman contrivance of a retrospective statute.

It would be delightful to pursue the fruitful enquiry concerning this god-like characteristic of our beloved country. But this part of the subject will be closed after considering the topic of *the power to declare war*. The American people remembered that this power was every where else committed to the ecclesiastical or civil princes or aristocracies. The actual and immediate representatives of the people themselves, who are to endure the expences, the fatigues, the wounds, and the mortalities of war, had no share in the solemn declaration, no power to forbid such a declaration, though manifestly founded on light, transitory or unjust causes. The passions of princes involved unwilling nations in bloody quarrels; and the suffering people on both sides could only mourn for the madness of the crowns and the wanton effusion of human blood. It was surely honorable to this young and christian nation to remember the injunctions of our religion, and to devise new precautions to preserve peace. They have therefore given to those who directly represent the nation at large, and to those who represent the people (indirectly) of the seventeen subdivisions in the several states, the whole power of the public sword. The deputies in Senate, of nine of the states, can preserve us from a foolish, passionate or malignant declaration of war, though the co-ordinate deputies of eight of the states, the whole of the immediate representative body, and the Executive magistrate or President, with all his auxiliary officers, were ready to ordain and to make war. Thus have we sacrificed on the altar of humanity, at home and abroad, the worst passions of our nature. Thus have we avoided those war expences, which lead governments cruelly to grind the faces of their own poor, and to occasion equal miseries to the innocent poor among their enemies. Thus have we prevented the rich means of benevolent systems of education, employment and charity from being perverted to extinguish peace and good will among men. Thus have we resisted the barbarous prejudices, which have taught many great and neighboring communities to forget all the charities of life and situation towards each other, and in hollow peace as well as in real and infuriated war, to consider themselves as "*natural enemies*."

Feeble and inefficient as our government is represented to be, we have extended protection and justice, formerly unknown, to the remote aborigines. Eager as we are said to be for the profits of trade, we have abolished the commerce in the natives of Africa. Vitiated by the infusion of foreign criminals, as we are pretended to be, we alone have taught Europe what it is to exempt our fellow men from the unequalled misery of an invaded conscience. Ignorant and unwise, as foreign rivalship would describe us, we have collected the wisdom of every code of laws, sacred and profane, and of every suggestion of our minds to ameliorate the condition of our younger sons, our beloved daughters and the tender wives of our bosoms—and have cast, indignantly, from us the whole unjust and barbarous tyranny of retrospective legislation. We have arrested the degrading and bloody progress of the penal code, and carried the tender mercies of our perfect religion into the miserable prisons of convicted guilt, teaching the hopeless criminal, that mercy had softened the wonted rigor of justice, and afforded to him the unexpected opportunity of an availing repentance. By the new forms of our solemn and binding constitutions, by the care of the blood of our own citizens, by the sparing of the means of their daily bread, of their youthful instruction, and of their family establishment; by a wise forbearance towards our fellow men of other nations; and by so true an obedience to the injunctions of our mild religion, do we claim of an impartial and observing world the inestimable character of *practical humanity*.

COLUMBIANUS.

AMERICAN MANUFACTURES.

We hear from every part of the country favorable reports of the establishment and progress of different kinds of manufactures. Our fair sisters in this commonwealth have brought the manufacture of Chip Hats to a state of perfection which reflects the highest honor on their taste, industry and patriotism—and which saves to the country several hundred thousand dollars annually, which would otherwise be sent abroad for this article of common convenience and ornament.

The gentlemen Hatters are determined not to be outdone by their patriotic sisters in the country. They have associated into companies for the purpose of manufacturing and vending American hats on an extensive scale, and adopted such regulations as will prevent imposition, by establishing a uniformity of price to their hats proportioned to their value, and which while it secures a reasonable profit to the companies, will give them a preference to those imported.

Machines for spinning Cotton are increasing in number, while their proprietors find an increasing prospect of profit in their establishment. We may fairly anticipate the time as at no great distance when all our cotton clothes for which we have so great a demand will be supplied at home. Weavers from abroad will find their way to our shores as we have a demand for their labor—the yarn supplied at a small, but certain profit, by the spinning machines, will be bought by the frugal people of the country, and made into clothes of various kinds for family use. Thus will this raw material produced in such abundance by our country, (and which has principally been sent to foreign markets) become a vast source of national wealth, distributed through every part of the union through the medium of capital well employed, and of that domestice economy which seeks competence, ease and independence, by the sure means of industry and frugality.

It has generally been thought that the finer woollen clothes could be imported cheaper than they could be made at home. We perceive no objections to woollen manufactures that do not apply to cotton, except the quality of our wool, to which our farmers have generally been very inattentive. This objection bids fair however to be in a great degree surmounted by the rapid increase of the breed of Merino sheep in many parts of the country. The large quantity and excellent quality of the wool they produce, afford the strongest inducements to our farmers to procure and rear this highly useful animal, as the most profitable stock he can place on his farm. From the Merino wool, clothes are already manufactured in many parts of the country, which vie in quality, and are sold as cheap as the first rate superfine imported clothes. For the introduction of this valuable animal we are indebted to col. Humphries, who has done more by his patriotic example & indefatigable exertions, towards placing our independence upon the permanent basis of natural economy, than any other man of the age. Whenever our good sense shall have expelled from the state the harlequin speculators and mountebank politicians that have fattened on our folly, such a man will be acknowleged as a patriot.

In this sketch we have only glanced at a subject which we wish to keep in perpetual view. The perplexities of our commerce—the certainty that it can never expand, and flourish to its former extent—the abundance of raw materials in our country—the ingenuity of our citizens in the arts of mechanism and manufactures—the importance of domestic economy and productive industry to the nation, all combine to induce us to turn our attention to American manufactures, as an essential source of national wealth and a permanent support to national independence. We earnestly solicit those who have the means of information and the leisure to communicate, to forward us such information on the subject of our domestic manufactures and improvements, as they shall judge interesting to the community. These things are certainly of more consequence to us than the *wars and rumors of wars* that distract the old world and engross to much of the attention of the now.

Boston Patriot.

FROM THE ENQUIRER.

Shall the Minister of the Seville Junta be received?

This question is about to be brought home to our administration, by the arrival of his excellency Don Lewis de Onis at New York.

We shall pass over the machinery which Great Britain plays off in this transaction—the intrigues of *his excellency* Mr. Canning in the appointment of a Spanish minister, his hopes of dividing the people of this country, in case he should be rejected, and of embroiling us in a contest with France, in case he is received. We believe, that this question is of so simple a complexion, that it may be settled to the satisfaction of every liberal man in the nation—the arts of England to the contrary notwithstanding.

When Gen. Washington addressed certain queries to his cabinet, on the 18th April, 1793—among which "Shall a minister from the Republic of France be received? If received, shall it be absolutely or with qualifications; and if with qualifications, of what kind?" The state of France was materially different from that of Spain at this moment. There was *then* "an *existing* and *acting* government" in France; one organised government in *possession* of the power of the nation; which could depute ambassadors and other public ministers. But where is the existing or acting government of Spain? That unhappy empire is rent into pieces. A Junta rules at Seville; king Joseph at Madrid. There is no one government in *Spain*; on the contrary, there is a struggle for the government itself. Blood is daily shed. Armies are daily advancing and retreating; yesterday Wellesly claimed the palm of victory; to day Venegas retires in dismay before the cohorts of Soult.

Let us even review the powers of the President himself, as chalked out by the constitution of the U. States. The 3d section, article 2, declares, that "*he* shall receive ambassadors and other public ministers."

Who is an ambassador?

The representative of a foreign government.

Where is the government of Spain? Is it at Seville, or at Madrid? In the hand of a monarch, now a prisoner in France, of a self-constituted Junto, or of Joseph?

What is the fact? that there is no one government in Spain—that armies are now strugling for it—that there is no organised authority *in Spain at this moment*, whose deputies can be accredited as the ministers of Spain. How then can Mr. Madison receive any man as such, within the pale of his constitutional powers? Mr. Jefferson has accurately described this state of things, when in his reply to the inhabitants of Boston of August 26, 1808, he observes to them, "in Spain indeed *a contest for the government appears* to have arisen—but of its course or prospects, we have no information on which prudence would undertake a hasty change in our policy, &c.

Some light is shed on this subject by able letters of *Helvidius*, written in reply to Pacificus, on the President's Proclamation of Neutrality, in the year 1793, and ascribed to the pen of Mr. Madison. 'When a foreign minister presents himself, two questions immediately arise: Are his credentials from the existing and acting government of his country? Are they properly authenticated? These questions belong of necessity to the Executive; but they involve no cognizance of the question, whether those exercising the government have the right, *along with the possession*. This belongs to the nation alone, on whom the government is to operate. The questions before the Executive are merely questions of fact, Again: 'that the authority of the Executive does not extend to the question, whether an existing government ought to be recognised or not, will still more clearly appear from an examination of the next inference of the writers to wit—that the Executive has a right to give or refuse activity or operation to pre existing treaties."

These ideas encourage the construction, that events have not yet attained such a maturity as to permit the exercise of the powers of the Executive.

There is no 'existing and acting government of Spain.' There are as yet no persons, who can claim the supremacy of 'exercising the government.' 'The possession' is yet in dispute.

But should this question be varied into a new form; should it be asked why not receive the minister of a Junto, who is most likely to come into possession—the subject assumes a more complicated form. It is not merely, what would be the duty of our Executive in a given state of facts, but what these facts are likely to be? It is to weigh the fate of Empires—to gage the resources of contending powers—to fix the varying revolutions of war. But even under this view of it, the Junto of Seville are destined to kick the beam. Is there a man of any discernment, who weighs the victories of Bonaparte in Austria, and the power which they impart of pouring fresh detachments into Spain—who considers with what alacrity and spirit the French have maintained their position in that country, in spite of the Austrian campaign—who recollects the complaints of Sir John Moore of the incredible "apathy and indifference of the Spaniards," even at that time, and his even "risking his army to convince the people of England, as well as the rest of Europe, that the Spaniards had neither the power nor the inclination to make efforts for themselves—the complaints of General Blake of the cowardly flight of his own troops on the first sound of the French cannon—the complaints of Sir Arthur Wellesley's officer, that the Spanish troops were without discipline or skill—the resignation of Gen. Cuesta and some other Spanish officers of their command, into the hands of Wellesley, on the avowed ground that they "could not depend on their men"—the jealousy which the Spanish troops entertain of their English allies, and their complaints of their "tyrannical conduct"—the probability, that as the Spanish officers have left them, the privates will gradually imitate their example, and leave Wellesley alone; is there a man who can seriously scan these transactions, without despairing of the success of '*the Patriots*?' A nation that conducts itself with such spiritless indifference, is scarcely fit to be free. A nation that thus encounters so near and powerful an antagonist as France, cannot expect to be free—If then the question be, who is the most likely to be the proprietor of Spain, there can be little doubt as to our duties or our interests.

But let us apply the principles laid down, to a new case. Long and interesting negociations have existed in Spain, respecting various points of dispute between her and the U. States. Mr. Jefferson informed Congress, in his message of November 8, 1808, that these "important negociations with Spain, which had been alternately suspended and resumed, necessarily experience a pause, under the extraordinary and interesting crisis which distinguishes her intereal situation." If Don Onis were now received as the ambassador of Spain, would the President of the U. States think of renewing these negociations with him? No; for it would be useless to conclude a treaty with a party, that is even now struggling for its own existence, and may in the next moment be divested of a single foothold in the empire.

This subject presents itself in another point of view. The U States wish to be a neutral and pacific nation. But to recognise the minister of either of the parties, *as the minister of Spain*, would, on the contrary, be to take a side in the contest, and to compromit the peace and neutrality of the U. S. To receive the ministers of both, in that capacity, would be a direct solecism in terms.

A few months more will probably decide the disputed possession of the throne. In the mean time, let us extend to Mr. Onis all the rights of hos-