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FROM THE NATIONAL INTELLIGENCER

THE FARMER, No. II.

(Concluded from our last.)

So much for the objections urged against this caucus. Now for the grounds on which its necessity as well as expediency are established.

Is there, or is there not, a necessity for union and concert among the republicans in the election of a chief Magistrate? If there is, the means of obtaining this union and concert must be pursued. I will not condescend to argue the first point. Every rational republican admits the necessity. The times prove it. It is a necessity, too, which can never intermit; for the moment such concert is neglected, the opponents of the republicans have carried their point; they will adroitly and instantly seize the opportunity, the victory will be theirs, and it will be too late to remedy the evil.

What then are the means of obtaining this union, and concert? It is obvious that they must be co-extensive with the United States. Possessed of this indispensable trait they can only be found in a body of men collectively expressing the general sentiment of the republicans of the union. As for obtaining such an expression, through the medium of the public prints, or meetings of citizens in their respective districts, that is out of the question. To command harmony, union, and concert, and eventually to ensure unanimity, the nominating body must be able to draw the national sentiment they express to a point, and thus, and thus only, prevent the different parts of the union from being divided in different candidates. Without such a general representative body, an indefinite number of candidates might be named, of equal pretensions, each candidate having his active advocates; the local feeling of numerous districts would be inflamed; personal animosities ensue; all which circumstances collectively could not fail of producing defeat. To guard against these fatal evils it is indispensable that the local expressions of opinion should be waved until a general nomination took place. This is precisely analogous to the principles of our government in the exercise of other political rights and duties. In each election district there is generally a meeting of the electors called to nominate the representatives; and the voice of the nominating majority is sanctioned by the whole meeting. So, when the representatives are convened, in the enaction of laws the will of the majority prevails. Each particular law is not previously canvassed in every section of the country; but it is imitated and consummated in the general representative body. Were it otherwise the distraction and difficulty of transacting business would be endless and invincible.

How then can a general body fairly representing the republican party be obtained?

The republican members of Congress, it is admitted, constitute the best body of this kind of existence. It is not, indeed, going too far, to say that they were elected, if not for the discharge of this among other duties, at least with a perfect understanding of their constituents that it would be discharged by them. Such a duty having in fact been thus discharged invariably from the commencement of the government, and the object being too important to be overlooked, it is no strained inference to consider it as having been pointedly in the view of the people at the time of chusing their representatives. There is one circumstance, which unquestionably, has its weight, and ought not to be lost sight of in every such nomination. In the *federal* states, in which representatives are chosen by a general ticket, the republican minority have no representatives on the floor of Congress, and have, consequently, in such nomination no participation. An allowance ought therefore ought to be made in this case, and if it should be made to appear that the votes to which such a minority in Congress are entitled would turn the scale in favor of any candidate other than the one commanding the suffrages of the majority of the other republican members, such candidate ought to be preferred. But whatever abstract force there may be in this argument, it is altogether inapplicable to the nomination of Mr. Madison. The only federal states are Delaware and Connecticut; the republican part of the former of which has unequivocally declared itself in favor of Mr. Madison; and with regard to Connecticut, there is also every reason to believe the republicans there also in favor of Mr. Madison; but even supposing it otherwise, after the set-off of Delaware, but a difference of one or two votes would be the result.

It appears, therefore, that in the present instance the republican representatives were a body that fairly expressed the general sentiment.

What other body could be constituted?

It might be sufficient to shew the impracticability of forming such a body, to say that the opponents of the Congressional Caucus have themselves offered no plea for its formation. Their ingenuity has, no doubt been put to the rack, and they would unquestionably have proposed any plan calculated to obtain the support of the nation.

Such a body might, however, perhaps be composed of delegates chosen by the republican representatives of the several state legislatures; or by the several sections of the people.

Let us enquire how adequate such a body would be to express fairly the general sentiment.

If chosen by the several state legislatures, the first consideration that offers itself is whether the two branches, composing each legislature, should vote jointly or concurrently. Let not this be considered as a light difficulty. The usual feature of discrimination between the Senators & Representatives is the duration of their appointments. In the former it is for from one to six years, in the latter from six months to two years, but generally for one year. If, therefore, the election of the conventional delegates ought to be an expression of the existing sentiment of the people, ought the Senators, chosen so remotely, to have any voice whatever? much less ought they to have a power, collectively equal to the Representatives? The concurrent vote, in case of a collision of opinion, would altogether defeat the existing sentiment of the state; and the joint vote might itself have the same effect, by adding the votes of the Senators to a minority of the republican representatives, holding opinions at variance with the general sentiment.

The next point, to be decided, would be the number of delegates to be chosen. They must be equal to the whole number of Senators and Representatives of the states, or to the proportion of the republicans in each state to its whole numbers. Should the former rule prevail, it would directly destroy the prevalence of the will of the majority, by giving as many delegates, to a state not republican, as to one altogether so. This would be consequently inadmissible. Should, on the contrary, the other rule be observed, how difficult, not to say impossible, would it be fairly to graduate the measures of its application? Who would be called upon to decide the relative strength of the republicans in each state? The members of the two branches jointly or concurrently? Here the same difficulty, already noticed, would be to be overcome. How would the different parties calling themselves republican, decide the question? The motive of adding to their power in the national scale would induce them to unite their forces; but every other motive would lead them to disunion. It is almost certain that in practice it would be found impossible to produce a concurrence in the choice of delegates sent to the same Convention. It is almost certain that we should have as many conventions as there should be parties among the republicans in the several state legislatures. This would, probably, be equivalent to having no convention at all; nay, worse. For what chance could there exist of a particular party in the legislature of one state uniting with another party in a different legislature in sending delegates to the same convention; when the grounds on which each party was formed were principally local? To constitute such conventional bodies, it is therefore obvious, would be to multiply the chances of disunion, discord, weakness, and eventual defeat among republicans.

All these difficulties and objections, if possible, would be still more aggravated should a convention be attempted to be formed by the election delegates by assemblies of the republicans in different sections of the union. The difficulty of deciding who were properly qualified to vote would be insuperable, from which would result the consequent admission of every person that attended. Of the whole number entitled to vote but a small part would attend; and it is probable that the total want of any legal provisions for such meetings regulating the time, manner or objects of their assembly, would prevent the most prudent and respectable part of the community from attending at all.

When convened, the same, and even greater difficulty, than felt by the members of the legislatures, would attend the decision of the question of political weight to which the nominations should be entitled; and in many instances, such meetings would break up without coming to any decision.

Such too, would be the different and and hostile auspices under which these meetings would be called, that they would be confined to but few districts compared with the whole that compose the union.

Still further—what attestations, to be depended upon, could be given of the *bona fide* election of the Conventional delegates? Where would exist the power of deciding correctly on the contested claims of delegates from the same districts, when all the information possessed by the Convention would be received through prejudiced and *ex parte* channels? It is sufficiently evident that they would be compelled to receive none or all of the delegates that presented themselves.

These are *some* of the difficulties that would attend the attempt to constitute a convention, either the emanation of the state legislatures or of popular meetings. They are sufficient to demonstrate to any sound mind the futility of the attempt. The offspring of dissention, and composed of the most heterodecisions would only widen the breach of the republicans and to destroy all chance of concert. Such a result, however coveted by the opponents of the republicans, would have no charms for them; and unless they have discovered that they are incompetent to hold the reins of power, and have modestly resolved to transfer them to their enemies, they will refuse their ear to the advice, that, under the magic sounds of *independence* and *resistance* of *usurpation*, would deprive them of the staff without which they must inevitably fall and be soon trampled to death by their enemies.

I consider myself as entitled to assume it as proved that in the nomination of a President by the republicans, there is a necessity for union and concert and that this union and concert can only be attained by the course pursued on this occasion. What weight a nomination made under such circumstances ought to have is a distinct question.—This will be seen in the sequel of these remarks.

A FARMER.

BY AUTHORITY.

AN ACT

To authorize and empower the President of the United States to exchange certain lands, for other lands more suitable for fortifications.

BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he hereby is authorized and empowered, to cause the lands in Portland whereon the fort and batery now stand, and the lands at Ocracoc and Old Topsail Inlets, in North Caolina, acquired with a view to erecting fortifications to be exchanged for other lands more suitable for fortification and the protection of Portland, in the district of Maine, and Ocracock, and Old Topsail Inlet, in North Carolina.

J. B. VARNUM, *Speaker of the House of Representatives*,
S. SMITH,
President of the Senat, pro-tempore.
APRIL 25, 1808.
APPROVED,
TH: JEFFERSON.

AN ACT

Concerning Public Contracts.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the passage of this act, no member of Congress shall, directly or indirectly, himself, or by any other person whatsoever, in trust for him, or for his use or benefit, or on his account, undertake, execute, hold or enjoy, in the whole or in part, any contract or agreement hereafter to be made or entered into with any officer of the United States, in their behalf, or with any person authorized to make contracts on the part of the United States; and if any member of Congress shall, directly or indirectly, himself, or by any other person whatsoever, in trust for him, or for his use or benefit, or on his account, enter into, accept of, agree for, undertake or execute any such contract or agreement, in the whole or in part, every member so offending, shall for every such offence, upon conviction thereof, before any court of the United States, or of the territories thereof, having cognizance of such offence, be adjudged guilty of a high misdemeanor, and shall be fined three thousand dollars; and every such contract or agreement as aforesaid, shall moreover be absolutely void and of no effect: *Provided nevertheless*, That in all cases where any sum or sums of money shall have been advanced on the part of the United States, in consideration of any such contract or agreement, the same shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded, by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum or sums of money advanced as aforesaid.

SEC. 2. *And be it further enacted*, That nothing herein contained shall extend, or be construed to extend to any contract or agreement, made or entered into, or accepted, by any incorporated company, where such contract or agreement shall be made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any shall be ready for delivery, and for which payment shall be made at the time of making or entering into the contract or agreement.

SEC. 3. *And be it further enacted*, That in every such contract or agreement to be made or entered into, or accepted as aforesaid, there shall be inserted an express condition, that no member of Congress shall be admitted to any share or part of such contract or agreemeamnt, or to any benefit to arise thereupon

SEC. 4. *And be it further enacted*, That if any officer of the United States on behalf of the United States shall directly or indirectly make or enter into any contract, bargain, or agreement, in writing or otherwise, other than such as are herein excepted, with any member of Congress, such officers so offending, on conviction thereof before any court having jurisdiction thereof, shall be deemed and taken to be guilty of a high misdemeanor, and be fined in a sum of three thousand dollars.

SEC. 5. *And be it further enacted*, That from and after the passing of this act it shall be the duty of the Secretary of the Treasury, Secretary of War, Secretary of the Navy, and the post-master-general annually to lay before Congress a statement of all the contracts which have been made in their respective departments during the year preceding such report exhibiting in such statement the name of the contractor, the article or thing contracted for, the place where the article was to be delivered, or the thing performed, the sum to be paid for its performance or delivery, the date and duration of the contract.

J. B. VARNUM, *Speaker of the House of Representatives*,
S. SMITH,
President of the Senate, pro-tempore.
APRIL 21, 1808,
APPROVED,
TH: JEFFERSON.

AN ACT

Making appropriations for carrying into effect certain Indian treaties.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That for the purpose of carrying into effect a treaty between the United States and the Choctaw nation of Indians, concluded at Pooshapukanuk, in the Choctaw country, on the sixteenth day of November, one thousand eight hundred and five, the following sums be, and the same hereby are appropriated, in conformity with the stipulations contained in the said treaty, that is to say:

To the said Choctaw nation fifty thousand five hundred dollars, and the further annual sum of three thousand dollars:

To each of the three great medal Mingoes, Pukshunnubbee, Mingo Hoomustubbee and Pooshamattaha, five hundred dollars, and a further annual sum of one hundred and fifty dollars to each of the said Mingoes during his continuance in office.

SEC. 2. *And be it further enacted*, That for the purpose of carrying into effect a treaty between the United States and the Ottoway, Chippeway, Wyandotte and the Pottowatamie nations of Indians, concluded at Detroit on the seventeenth day of November, in the year one thousand eight hundred and seven, the following sums be, and the same hereby are appropriated, in conformity with the stipulations contained in the said treaty, that is to say:

Ten thousand dollars to be paid to the said nations in the following proportions:

To the Ottoway nation three thousand three hundred thirty-three dollars, thirty-three cents and four mills:

To the Chippeway nation three thousand three hundred, thirty three dollars, thirty-three cents and four mills:

To the Wyandotte nation one thousand six hundred and sixty-six dollars, sixty-six cents and six mills:

To the Pottawatamie nation one thousand six hundred and sixty-six dollars, sixty-six cents and six mills: and the further annual sum of two thousand four hundred dollars, to be paid to the said nations in the following proportions:

To the Ottaways eight hundred dollars:

To the Chippeways eight hundred dollars:

To the Wyandottes four hundred dollars: and to such of the Pottawatamies as now reside on the river, Huron of vicinity of the said rivers, four hundred dollars.

SEC. 3. *And be it further enacted*, That the several sums appropriated by this act, shall be paid out of any monies in the treasury not otherwise appropriated.

J. B. VARNUM, *Speaker of the House of Representatives.*
GEO: CLINTON,
Vice-President of the United States, and President of the Senate,
FEBRUARY 19, 1808.
APPROVED, TH: JEFFERSON.

AN ACT

Extending the right of suffrage in the Indiana Territory.

BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That every free white male person in the Indiana territory, above the age of twenty one years, having been a citizen of the United States, and resident in the said territory, one year next preceding an election of representatives, and who has a legal or equitable title to a tract of land of the quantity of fifty acres, or who may become the purchaser, from the United States, of a tract of land of the quantity of fifty acres, or who hold in his own rights a town lot of the value of one hundred dollars, shall be entitled to vote for representatives to the general assembly of the said territory.

J. B. VARNUM,
Speaker of the House of Representatives.
GEO: CLINTON,
Vice president of the United States, and president of the Senate.
FEBRUARY 26, 1808.
APPROVED,
TH: JEFFERSON.

Notice is hereby given,

THAT I intend to petition to the judges of Dorchester county court, or some one of them, for the benefit of an act of assembly, passed at November session, 1805, entitled, "an act for the relief of sundry insolvent debtors," and of the several supplements thereto, to release me from debts which I am unable to pay.

JOHN COOKE STEWART.
Dorchester county, June 21, 1808. 8

Notice.

ALL persons indebted to the estate of Mrs. *Elizabeth Kennard*, late of Dorchester county, deceased, are desired to make immediate payment to the subscriber; and all those having claims against the said estate, are requested to exhibit the same, properly authenticated.

ROBERT SULIVANE, Adm'r.
July 12, 1808. 5