For the FEDERAL GAZETTE.

WELL Neighbor *Clearsight*, "What do you think of the congress now?"

You remember, no doubt, the call by the house of representatives of congress upon president Washington, for certain papers relative to the British treaty; and that the democrats on that occasion, both in and out of congress, maintained that the people were entitled to all information touching public affairs, and that of right there ought to be no secrets in a republican government.

This was the *theory* of the democrats when courting the people for power; *now* they have got the power *what is their practice?*

The president, Mr. Jefferson, in his message to congress, on the opening of the present session, observed: "The cession of the Spanish province of *Louisiana* to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations, which will *doubtless* have just weight in any deliberations of the legislature connected with the subject."

This information being thought too indefinite, vague and scanty to direct public deliberation to any determinate result, or on which to form any legislative act, connected with the subject, Mr. *Griswold* moved a resolution to request the president to favor the house with such information as he might deem proper, relative to the *stipulations, circumstances* and *conditions* under which *Spain had ceded Louisiana to France.*

Oh ho! said the great general, whose depth of judgment still continues to delight and instruct, we are not to be taken in so: "we have struggled hard to get the power we now possess, and don't intend to part with it, I assure you." Every body smiled and nobody said the general was mistaken.*

Gentlemen! quoth Mr. Randolph, not pettishly, nor arrogantly, but as usual with great modesty, I shan't give my opinion on this resolution with open doors. The doors must be shut before I will open my lips.†

I, said Mr. Smily, I am for the "widest publicity;" I have always been against executive secrets. A virtuous administration can have nothing to conceal from the people. But, but in this particular case: really I scarcely know how to express myself. You must excuse us. Indeed, honies, what you ask is not to be had ‡

Mr. Griswold's resolution was accordingly voted down, and by the very men who heretofore stunned our ears with the cry "that in a republic the people have a right to be informed of every thing."

But, neighbor, this is only one act of the comedy of Secrets lately exhibited at Washington. Secrets there succeed to secrets in as rapid succession as the figures of a magic lanthorn.

A secret from the president! Clear the galleries! Out with the sovereign people! The sovereign people scratch their heads and retire.

A secret from general Smith! Clear the galleries! Out with the sovereign people! The sovereign people gape and retire.

A secret argument to be delivered by Mr. Randolph, respecting Mr. Griswold's motion! Clear the galleries! Out with the sovereign people! The sovereign people stare, murmur and withdraw.

Men and things, neighbor, are greatly changed. Secrets are now kept in bottles, the corks of which are never drawn but when the president is pleased to deal out a small glass or two to his favorites, from whom it oozes in drops to the representatives; but as you see, not a taste of it is allowed to the free and sovereign people.

We must acknowledge, neighbor, that democrats have not the best of memories, and that the *sovereign people*, of all people in the world, are the most liable to be duped. This, however, is no longer a secret.

This bandying about of secrets might be tolerated to our democratic legislators, as a harmless sport, were it not for the pusillanimity, which it would seem calculated to conceal, and the consequent misfortunes of this pusillanimity.

Indeed, it is not possible to look forward to France, taking possession of Louisiana, without anticipating a train of evils to the United States, and drawing into question the soundness of that policy, which would *rely upon negociation alone*, to secure and maintain our rights on the Mississippi.

If the greatness and increasing prosperity of the United States is indissolubly connected with the complete union of all its parts, no one circumstance could be more fatal to that union and prosperity, than the possession of Louisiana by BONAPARTE. When that shall take place a large portion of our territory, a respectable and rapidly progressing population will cease to be useful to the United States; then will the people of that territory, on the ground of self welfare, have their affections severed or weaned from the United States, and become willingly, or unwillingly, the slaves, the subjects, or the instruments of a power whose magnitude already exceeds all just and reasonable dimensions.

We see this power preparing to approach our shores, and to extend his gigantic arms to the Alleghany mountains. To move him from his positions after he shall have once taken them, what expenditure of treasure; what long and bloody efforts will it require? and who can say that even these efforts will be made; or if attempted, persevered in to effect?

Under such circumstances, with such an enemy ready to plunge his sword into our vitals; and *yet* with the means in our hands to ward off the blow, shall we tamely suffer the death wound to be inflicted? Shall we send ambassadors to deprecate his wrath? Shall we offer him the spoils of our commerce, and half the product of our treasury for years to come, for a privilege protected by his cannon, when it is reduced to a moral certainty that nothing can or will satisfy the monster short of power, without limits and territory, without end? Or shall we, following the *impulse* of the law of *self-preservation*, which applies as well to *nations* as individuals, strike while we can, and *save* the United States *while we may*, or crouching, suffer the blow to fall upon us and expire like COWARDS?

Has not Spain secretly and shamefully *violated* her treaty with the United States? Has she not sported with our most estimable rights? Has she not given away these rights to the keeping of strangers and enemies? Has she not, by this act, taken in all its circumstances, declared war against the United States? The law of nations; the law of reason; the law of *self-preservation*, loudly proclaim the justice and policy of our *immediate* taking possession of the object of negociation, as indispensably requisite to its success, as well as to prevent its being pre-occupied to our absolute ruin.

A pamphlet has just fallen under my notice, entitled "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 cession of the Mississippi to France, drawn up by a French counsellor of state." This work is to be procured at the book-shop of Conrad and Co. in Baltimore. The matter of it is of the most interesting nature. It ought, and no doubt will be read and studied by every person in the United States, who can read and reflect. The crisis is an uncommon one, and the pamphlet grasps, opens, and displays designs against the United States, infinitely transcending in magnitude and danger all those to which they have heretofore been exposed. Shall logical disputes relative to a sedition act, be thought worthy to occupy, for months, the time of Mr. Madison, and shall this question be passed over as unimportant, or left to be settled by the feeble weapons of feeble negociators? Shall a knowledge of the best model for the roof of an arsenal, or the best plan for a dry dock (which is never to be built) have preference to a plan to defeat the project of Bonaparte, against the peace, interest and integrity of the United States? It would seem that the cession of Louisiana to France, quickly followed the advice given by the counsellor, to get it or to take it from Spain, and from every information received *since*, it is evident that the rest of this counsellor's advice has been fully adopted by Bonaparte.

We once had a Washington! Who does not heave a sigh to his memory? Where shall we find his fellow? Who will save our country?

PUBLIUS.

* *See debates, January 5.*
† *See debates, January 5.*
‡ *See debates, January 5.*

From the ANTI-DEMOCRAT.

The substance of the verbal address of the governor to the members of the legislature of Maryland, January 10, 1803.

Two letters addressed to the legislature of Maryland on the 10th of January last, the one by the governor and the other by his council in reply, and several mutilated extracts from the proceedings of the assembly, have been hurried into the common routine of publication: the agent who transmitted them to the press, has not noticed a subsequent note and address of the governor, nor the principal resolution which passed the senate and was rejected by the delegates, by the yeas and nays, and to which what have been published were only appendages: the motives for these omissions are perhaps immaterial, but the effect is unfavorable to truth.

A correct disclosure of the conduct of public functionaries is due to their constituents, and when a great constitutional question becomes involved, which can neither be explained, modified or decided, but after an appeal to the people, it would be criminal to withhold any information that may enable them to repress usurpation or correct abuses.

Until such a representation can be prepared, the facts which compelled a resort to a verbal address to the legislature ought to be made known: they were thus disclosed by the governor. "That his letter already published was written early on Monday morning, as soon as he was apprized of the transactions of the preceding Saturday evening; it was immediately read to the council by himself and transmitted by the clerk to the assembly: the members of the council disappearing except one or two, he remarked that he did not expect they would do any business that day and that he should retire home; this was done under the entire persuasion that if they should reply to his letter they could not fail to observe a conduct equally frank in communicating its contents to him; but notwithstanding the five members all concurred in, and forwarded to the legislature soon after his departure, the reply that has been published, the governor had not the slightest intimation of the transaction until late in the evening, when he attended expecting to sign the laws.

"Duty to himself and his constituents forbad an acquiescence under a statement calculated in his judgment to make erroneous impressions on the public mind; altho' on the facts disclosed in those letters, the question might perhaps be safely rested; and it might be asked under what part of a resolution worded—that the governor, by and with the advice and consent of the council *be, and he is hereby authorized and requested to appoint, &c.* the council without the knowledge and approbation of the governor and *indeed knowing that it was contrary to his opinion*, and in his absence, could make the appointment themselves? For admitting that the word *advice*, as they seem to imply, contrary to the common understanding of mankind, and contrary to the universal and received constitutional construction of the United States, is equivalent to a mandate, which the governor was not at liberty to disobey; yet in this instance he has not been even the degraded and mechanical instrument to execute their orders; he had in fact no agency whatever in an appointment, for the merits and consequences of which he was thus apparently responsible.

"Thus impressed, and by no means disposed to sustain so humiliating and dangerous a position for the ensuing twelve months; he found the usual and more eligible mode of written communication no longer practicable; as the legislature were then ready to rise, and it was already so dark as scarcely to admit his writing two lines, stating; that previous to the signature of the laws he was anxious to address a few verbal observations to the members of both houses collectively."

The two houses having assented to this request, he stated to them what will hereafter be fully detailed to the public with the proper references, but what can now be only briefly recapitulated, substantially was to the following effect.

"That with regard to the appointments under the resolution cited, he had on Saturday morning proposed in council, a selection of characters, above all suspicion of private interest, party prejudice, or predetermined opinion; whose high reputation and known attachment to the state, would secure the public confidence, and whose legal knowledge would protect the public interests; he named the three gentlemen mentioned in his letter published, but also added other names that would be acceptable to him, requesting a free communication of opinion on the part of the council; but when members of assembly were proposed, he had observed that the warm altercations during two successive sessions, had probably compelled the active characters to take certain and determined ground, from which it was not probable they could now be induced to recede; that with respect to the gentlemen whose names had been used, he could feel no personal motive but what was entirely favorable to them; he expressed his sense of their merits, and his unwillingness to hazard what might wound their feelings; but having been considered as the prominent characters, who had successfully opposed the various applications, and offers of compromise on the part of the canal company; their appointment on this occasion might possibly be attributed to party, and perhaps indecorous motives in the executive; and would probably induce the company through despair, to persist in an offer of their whole interest to Pennsylvania (a copy of which he had seen) and from which he apprehended pernicious consequences to this state; that although he could make no appointment without their advice and consent, yet in his opinion the council could make none without his concurrence; they were intended mutually to check each other, and that the responsibility must rest on the party preventing a proper appointment, as was the case in the constitutions of the states and in the United States, where the executives acted by the advice and consent of others—for his part he could not then consent to appoint both the members of assembly insisted on; the council rose, but it was by no means true that the governor desired a meeting in the evening; this was proposed by a member who said that he expected to leave town next morning, and the governor observed that if he could converse with certain members and satisfy his mind, he would meet them, but as he could only do this partially, he did not attend; and certainly that the council should proceed to appoint under a resolution so worded, and to notify those appointed, without the ceremony of sending the door-keeper to inform the governor; was equally inconsistent with his ideas of their powers, and the common respect due to his official situation.

"In fact the company and the canal itself had become secondary objects with him from the time Pennsylvania had questioned the right of Maryland to grant the half-toll; although the resolution has been cautiously worded to exclude this question from discussion, yet it might be *incidentally decided*, and a law had been actually proposed to the legislature involving this effect; it was therefore by no means so easy with the governor to select at once, characters to whose talents and address, such complicate and delicate interests could with safety be confided.

"That as to the general powers of the governor & council, altho' he had made every sacrifice of opinion during the last year that a sense of absolute duty would permit; yet he had early apprized the council of his construction of the constitution; that the governor by its express words is authorized to make every appointment but one, and to do every executive act but two, either by and with the advice and consent of council, or by his sole authority: that for this purpose and with this view the council were declared expressly by the constitution, to be *a council to the governor*—not a council to the state of Maryland. That instead of this they had completely inverted the order, the expression and the sense of the constitution. They had at first considered him only as a governor appendant to the council, the mere instrument thro' which their orders were to be executed; that they had next proceeded to act in every instance where the constitution required the concurrence of the governor and council without regarding his consent as necessary; and finally by issuing their orders through their clerk to act even without his knowledge; that the constitution had authorized them expressly to appoint *one officer* and *to do two acts as a council* without the concurrence of the governor"—But that these provisions must have been truly absurb and ridiculous; if the makers had ever contemplated that they were to appoint every officer of the state, and perform the duties of the executive, of their own mere motion, by their own authority, with and without the consent, or even knowledge of the governor. That every different article & part of the constitution, was perfectly reconcileable and consistent, under the interpretation of the governor, but the whole would remain a mass of absurdity & a tissue of contradictions under that of the council. That the technical terms, *by and with the advice and consent of council*, had been transferred into different constitutions of these states, from the words of the old royal and proprietary commissions to the governor of the colonies; that their meaning had been established from their earliest settlement by uniform usage, and had been practised under without a doubt, for many years after the revolution, in the sense given to them by the governor, by the different states of the union: that they had been lately adopted into the constitution of the United States, where their meaning had been considered both in theory and practice unequivocal, by the united opinion and admission of all the American union; that the president in making appoinsments and treaties was to act *by and with the advice and consent of the senate*; yet no one solitary suggestion amidst the wilderness of modern conjecture could be adduced, to authorise the senate to appoint an officer or make a treaty, without the consent or knowledge of the president. The practice had been for the president to propose equally the one and the other, and the senate were at liberty to reject or conform on their responsibility: that he had not been able to find a record of any civil officer of this state, being appointed in the absence of the governor, and he had examinded for several years after the adoption of the constitution: tradition was certainly against such a practice, and for the council to transact business at all, without the governor, unless he was absent from the seat of government, would be found on investigation a novel abuse: he had made these observations on the practice, although he never could admit the monstrous and dangerous doctrines, that that usage could controul the express words of the constitution: the governor closed his remarks by adding, that if the legislature should give a different construction to the constitution, to that which he maintained (and by an act to be confirmed at their next session they had a right to declare what the constitution should be) he was then ready to resign his authority into those honds from whom he had received it, as he could neither act against his conscience, nor would he act against their opinion; but if they should rise without declaring their opinion, he would continue to discharge his duties whilst in office, according to his solemn impressions of the meaning of that instrument, he had so sacredly pledged himself to support. Had the resolution which passed the senate (although it wandered from the line of conduct prescribed by the constitution) received the sanction of the house of delegates, a letter was prepared to be delivered, limiting the period of the official duties of the present governor, but from that resolution the house of representatives dissented.

A Civil Officer of Maryland.

In the House of Delegates, Jan. 11, 1803.

On the second reading of the resolutions relative to the governor and council, the question was put, that the house assent to the following: "And resolved, that it is the opinion of the legislature, that the practice that has long since prevailed, of indiscriminately nominating persons for appointments by the governor as well as by the council or any member thereof, is the safest and perhaps the best construction, that we can put upon the constitution, and that the person obtaining a majority of the council that constitutes a quorum, is constitutionally elected."

The yeas and nays being required, appeared as follows:

AFFIRMATIVE.

Mess. Hatcheson	Mess. Ferwood
Moore	E. Davis
Stansbury	Lythe
Love	Orrell
Lemmon	Hardcastle
S. Frazier	Dickson
Miller	Purviance
Alexander	Kershner
Veazey	Smith
Wood	Tilghman
Kemp	Swearingen,
Montgomery	23.

NEGATIVE.

Mess. Frisby	Mess. Van Horn
Harwood	Carr
Hall	Quinn
Blake	Ridgely
Somerville	Thompson
Bourne	Purnall
Lloyd	Wilson
Dashiell	T. Davis
Cottman	Selby
Hyland	Veatch
Goldsborough	Simkins
Keene	Tomlinson,
Steele	25.

So it was determined in the negative.

True extract from the proceedings.

WM. HARWOOD, Clerk.

☞ *A Lad of decent connections would be taken as an apprentice at this office.*

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES.

Transmitting a report made to him by the secretary of war, and other information relative to the affairs of the United States, with certain tribes of Indians,

Gentlemen of the Senate, and of the House of Representatives,

I enclose a report of the secretary of war, stating the trading-houses established in the Indian territories, the progress which has been made in the course of the last year, in settling and making boundaries with the different tribes, the purchases of lands recently made from them, and the prospect of further progress in marking boundaries and in new extinguishments of title of the year to come; for which some appropriations of money will be wanting.

To this I have to add, that when the Indians ceded to us the Salt-springs on the Wabash, they expressed a hope that we would so employ them as to enable them to procure their necessary supplies of salt. Indeed it would be the most proper and acceptable form in which the annuity could be paid which we propose to give them for the cession. These springs might at the same time be rendered eminently serviceable to our western inhabitants by using them as the means of counteracting the monopolies of the supples of salt, and of reducing the price in that country to a just level. For these purposes a small appropriation would be necessary to meet the first expences, after which they should support themselves, and repay those advances. These springs are said to posses the advantage of being accompanied with a bed of coal.

TH: JEFFERSON.

January 18, 1803.

A letter from the secretary of war, dated 17th January, 1803, accompanying a message from the president of the United States, received the 18th January, 1803.

WAR DEPARTMENT, *Jan.* 17, 1803.

The president of the United States,

SIR,

By treaties held with the Creek and Choctaw nations of Indians in the course of the last year, considerable tracts of land have been obtained, and there is reason to believe that additional cessions may be obtained on reasonable terms from the aforementioned and other Indian nations, in the course of the present year.

The boundary line between the state of North-Catolina and the Cherokees, has been completed, and the line between the Natchez territory and the Choctaws, is probably by this time established and marked, in a manner which it is presumed will be satisfactory to the United States, and to the Choctaw nation.

A boundary line has also been agreed on, to the tract of land on the Wabash river, including Vincennes, which will soon be run and marked; and likewise the lines around the two tracts on the portage between the head-waters of the Wabash, and the Miami of the Lake, including Fort Wayne. Some measures have been taken for ascertaining the boundaries between the Indians and the white people on the Mississippi, commonly called the Kaskaskia settlements, below the mouth of the Illinois river; but for want of authentic documents, it will probably be necessary to resort to a new convention with the Indian nation for establishing said boundaries, and for procuring some additional cessions for the purpose of affording means for increasing and strengthening that distant and exposed frontier.

In addition to the two factories, or Indian trading houses, heretofore established, it has been considered as adviseable to establish four others, viz. one at Detroit—one at Fort Wayne—one at Chickasaw Bluff—and one with the Choctaws. The surplus of one hundred and fifty thousand dollars, appropriated by an act of congress, of the 16th of April, 1796, and which had not been applied to the two factories heretofore established on the frontier of Georgia and of Tenessee, has been applied to the four other establishments recently made.

From an investigation of the accounts made and reported to congress at its last session, it was satisfactorily evident, that the funds employed prior to that period had not been diminished, and it is confidently believed that the sum appropriated to that object, may be employed not only without diminution, but with very great advantage to the public, not in point of commercial profits, but by attaching and securing the friendship and confidence of the natives, which cannot be sufficiently relied on, while their towns and hunting camps are constantly the resort of unprincipled foreign traders who make every exertion in their power to withdraw the confidence of the natives from the United States, and to inspire them with jealousies and unfriendly dispositions towards our frontier settlers, our public agents, and the government.

The greatest caution has been observed in selecting the agents for managing the several factories, and in the course of another year, it is presumed, that a satisfactory statement may be made of the state of the funds, and of the effects of their application.

An appropriation of ten thousand dollars* to enable the executive to embrace any favorable opportunity for obtaining any further cession of land from the natives; and a renewal of the act, authorising the establishment of trading houses with the Indians, with a renewal of the appropriation for that object, is submitted to the consideration of congress.

With respectful consideration,

I am, Sir, your humble servant,

H. DEARBORN.

* *This sum is in addition to the sum in the general estimate.*