

certain powers, be not interpreted in any manner whatsoever, to extend the power of Congress; but that they be construed either as making exceptions to the specified powers, where this shall be the case, or otherwise as inserted merely for greater caution. The minority of Maryland declare the above amendment to be absolutely necessary for restraining the general powers given to Congress by the first and last paragraph of the eighth section of article first, and the second part of the 6th article; those dangerous expressions, by which the bills of rights and constitutions of the several states may be repealed by the laws of Congress, in some degree moderated, and the exercise of constructive power wholly prevented.

A careless observer must perceive a fearful distrust in these strong barriers. Waving for a moment any superiority, and putting the federal head on a level with the several state governments, would it not be a fair bargain to make this counter declaration, that every power, whose operation is not evidently confined within the affairs of a particular state, shall explicitly be deemed federal? The real truth is, that a very nice line cannot be drawn between the federal government and the states, especially in this early stage of the union.—The constitution has, therefore, in explicitly granting some powers, and expressly refusing others, traced this limit with all the accuracy that is practicable. It leaves, as it were, a small vacant place between the two parties, and says, "the federal government may in the necessary exertions for the general good, sometimes go out of its usual career; but it shall never trespass on the proper grounds of the states: in the same manner any state may occasionally step over its proper line into this common walk; but shall not touch the federal rights of the union."—This is right and generous: nor will it produce any contention, while both parties have a tolerable share of reason and equity.

I scruple not to assert, that, without some constructive power, the federal government will not be adequate to every emergency, and I will prove it by examples. Suppose the plague, or a similar epidemic distemper should visit this country: it is a national affair; because it is the interest of every state, that not only its neighbours, but the remotest states may stop the rapid contagion: the federal government must then concert general measures; rouse the indolent; and check the selfish, who might reap some benefit from the calamities of a sister state. How much have we already suffered from the Hessian fly, and what may we not suffer from its rapid progress? Should not the federal government offer premiums for an effectual remedy, or make other salutary regulations? The same reasoning might be extended to some other considerable national objects.

Congress ought then undoubtedly to have the power of "providing for the general welfare of the United States," 1st part, 8th sect. 1st art. Again, so far as the states grant certain specified powers, and others, which their exigencies may require, they necessarily grant all the requisite means for the execution of them; and the mode, quality and degree of these means cannot possibly be strictly defined. I cannot, therefore see any impropriety in the 18th part of the above section and article, "to make all laws which shall be necessary and proper for carrying into execution all the powers vested by this constitution in the government of the United States, or in any department or officer thereof." At the same time this constructive power cannot be very great. It is limited first by the plain sense of the words, "general welfare, laws necessary and proper," which express an object of great common utility, and the pursuit of it by means the best that can be had, the easiest, cheapest, most effectual. Secondly—by all the explicit stipulations of what Congress shall not do, sect. 9, art. 1. These are clearly and *bono fide* meant as checks on the federal power; to suspect them as lurking traps for the people, is indeed very unreasonable.

I verily believe, that if the federal constitution was charged with a minute regulation of what may be expedient, and how it should be done, in every possible situation, and with a scrupulous enumeration of all the rights of the states and individuals, it would make a larger volume than the bible, and yet give rise to more political schisms, than there have been religious ones in all Christendom, for near eighteen hundred years. A federal government, clogged with so many weights, confined in every motion, and lamed in every limb, would be an unwieldy useless machine; a gigantic monstrous pageant of the union—all the trouble and expence of it would be fooled away merely to gratify the fickle fancy of political dreamers, or the spleen of gloomy, choleric knights-errant.

After all, this childish jealousy would render liberty less secure, because a bold and artful Congress could safely invade the people through the holes they had forgotten to stop, without any legal charge of treason; as all that was not reserved in such exact detail, must be supposed fairly granted.

Every man of business knows, that he cannot employ an agent without giving him some discretionary powers. In domestic affairs, we cannot confine a servant to stiff minute rules: a blockhead or knave who wants them, is not worth keeping.

That the federal constitution should be "the supreme law of the land," is much complained of by the minorities of Pennsylvania and Maryland. It is however self-evident that two sovereign powers in the same country, are a flat contradiction; and that the United States, in reciprocally giving and receiving certain obligations, cannot keep their original sovereignty and independence separately, though they render the independency of the whole more respectable and happy.—It is indispensible, that "all the laws of the United States, made in pursuance of the constitution," should, in case of collision, prevail over "the constitution and laws of any state:" even laws made by constructive power for the general welfare, 6th art. 2d part; but the spirit of the constitution requires an impartial regard to the common good of the union; and by no means warrants a sacrifice of the essential interest of any one state to the some general but small advantage of the United States.

That either the explicit or constructive powers of Congress, may gradually abolish the state governments, is a chimera now almost out of date. Those who want more information on this head, may consult the well written address to the minority of Pennsylvania, signed a Freeman. There is, however, yet, a pretty general and strong reluctance among the states, to make the necessary concessions; and it seems requisite to fix a general, simple, and precise idea of the federal government. It is formed by the people, and for the good of the people; its first object is, therefore, to secure the grand interests of the individuals who compose the states; the second, to preserve the political powers of these states, is but of an inferior quality, and subordinate to the first. It is of the greatest moment to every citizen of America, to be protected in his life, property, liberty, family, and all other dear interests of human nature; but whether the state in which he resides, has such a particular constitution, is less material. If the confederacies did not exist, the several states would in process of time, undergo many capital changes in their legislative, judicial, and executive forms: probably the large ones would even be divided; why, then, should we stickle for the exact limits of the state governments, if they encroach upon the necessary federal government, which alone is capable of protecting us against foreign enemies, and a dangerous anarchy? The dispute whether the new government is national or merely federal, is therefore in a great measure equivocal, and has a bad tendency. To a certain degree it is national, because it acts directly on the people, without the intervention of the state governments, in all those cases which are necessary for the general safety and welfare. Indeed, the want of this direct operation, was the principal defect of the old confederacy, as will be seen in the examination of the proposed amendments.

[To be continued.]

#### FOREIGN AFFAIRS.

LONDON, JUNE 10.

ON the 12th of May last, Marshal Laudohn appeared at the head of the Imperial army, in Croatia.

Next day he sent a letter to the Turkish Pahas and Commandants, proposing a milder treatment of prisoners on both sides, and especially that the Austrian prisoners should not be mutilated, as he must make use of reprisals. But the Turks will not pay any regard to his proposals.

A letter from Ancona mentions, that the Russian fleet has destroyed the first division of the Turkish fleet, near the port of Warna.

Dispatches are received from Sir Robert Ainslie, his Majesty's Ambassador at Constantinople, which confirm the accounts that the Sublime Porte, under the new Sultan, is preparing to prosecute the war against Russia and her ally with the utmost vigour; but that they are endeavouring to cultivate the best understanding with all the other Christian powers.

JUNE 15.

The Duke of Normandy has been declared Dauphin by the King of France.

The Court of Denmark has received the answer of the Empress of Russia, in respect to the mediation of our Court, and that of Prussia to prevent the Danes from acting hostilely towards Sweden. The answer is said to be, "that her Majesty considers Denmark to be bound by every principle of honour, to support its treaty with Russia, that she has full right to rely on its being fulfilled with alacrity, and that Denmark should

furnish the assistance agreed upon between the two powers, particularly the succours by sea, as no just reason had, or could be assigned for a breach of faith and promise."

JUNE 18.

Tuesday the Marquis de la Luzerne, Ambassador from the Court of France, delivered to the Duke of Leeds, copies of letters written by his most Christian Majesty to the British Court, on the Death of the Dauphin. The mourning in France is to last only ten weeks; consequently it will be but of short duration here.

According to every account received from Paris, the number of the killed in the late riot, amounted to 400, a few more or less, which is a greater number than were killed in London during the riots in June, 1780, which lasted five or six weeks. But, as Yorick says, "they manage these things better in France."

#### AMERICAN INTELLIGENCE.

NEW-YORK, AUGUST 22.

The President of the United States has been pleased to nominate, and by advice and with the consent of the senate, to appoint the following persons to the offices in the revenue, affixed to their respective names; to hold their commissions during the pleasure of the President.

For the state of New-York.

New-York. John Lamb, collector.  
Benjamin Walker, naval-officer.  
John Lasher, surveyor.  
Sagg-Harbour. John Gellton, collector.  
City of Hudson. John Tenbroock, surveyor.  
City of Albany. Jeremiah Lanfing, surveyor.

For the state of Connecticut.

New-London. Jedediah Huntington, collector.  
Nathaniel Richards, surveyor.  
Stonington. Jonathan Palmer, surveyor.  
Middleton. Asher Miller, surveyor.  
New-Haven. Hezekiah Rogers, surveyor.  
Fairfield. Samuel Smedley, collector.

For the state of New-Jersey.

Perth-Amboy. John Halsted, collector.  
Burlington. John Ross, collector.

For the state of Massachusetts.

Newbury-Port. Stephen Cross, collector.  
Jonathan Titcomb, naval-officer.  
Michael Hodge, surveyor.  
Gloucester. Eps Sargent, collector.  
Samuel Whitmore, surveyor.  
Salem and Beverly. Joseph Hiller, collector.  
W. Pickman, naval-officer.  
Barth. Putnam, surveyor.

Beverly. Josiah Batchelor, surveyor.  
Ipswich. Jeremiah Stanford, surveyor.  
Marblehead. Richard Harris, collector.  
Boston & Charlestown. Benj. Lincoln, collector.  
James Lovell, naval-officer.  
Thomas Melvil, surveyor.

Plymouth. William Watson, collector.  
Barnstable. Joseph Otis, collector.  
Nantucket and Sherburne. Stephen Hussey, collector.  
Edgartown. John Pease, collector.  
New-Bedford. Edward Pope, collector.  
York. Richard Trevett, collector.  
Biddeford and Pepperellboro'. Jer. Hill, collector.  
Portland. N. F. Folsick, collector.

James Lunt, surveyor.

Bath. William Webb, collector.  
Wiscasset. Francis Cook, collector.  
Penobscot. John Lee, collector.  
Frenchman's Bay. Melatiah Jordan, collector.  
Mechias. Stephen Smith, collector.  
Passamaquody. Lewis F. Des la Dennier, collector.

For the state of New-Hampshire.

Portsmouth. Joseph Whipple, collector.  
Eleazer Ruffel, naval-officer.  
Thomas Martin, surveyor.

For the state of Pennsylvania.

Philadelphia. Sharp Delany, collector.  
Frederick Pile, naval-officer.  
Samuel Meredith, surveyor.

For the state of Delaware.

Wilmington. George Bush, collector.

For the state of Maryland.

Baltimore. Otho H. Williams, collector.  
Robert Purviance, naval-officer.  
Robert Ballard, surveyor.

Chester. John Scott, collector.  
Oxford. Jeremiah Banning, collector.  
Vienna. John Muier, collector.  
Snow-Hill. John Gunby, collector.  
Annapolis. John Davidson, collector.