NEWBRA OF THE SEV HAL STATE LECASLATURES. To the Resolutions of Kentucky and Virginia, of 1798.

STATE OF DELAWARE.

In the House of Representatives, Feb. 1, 1799.

Resolved, By the Senate and House constituted authorities of the United States, energy of power. Every act of the Feof the General Assembly.

ISAAC DAVIS, STEPHEN LEWIS. Speaker of the House of Test: John France, C. S. JOHN CALDWELL, C.-II. R.

STATE OF RHODE ISLAND AND mus of both, PROVIDENCE PLANTATIONS.

In General Assembly, Feb. A. D. 1799. Corrain Resolutions of the Logislature of Verginia, passed on 21st of the constitutionality of the Acts of the Federal last, being communicated to this Assem ral Government, still, teast their silence

1. Resolved, That, in the opinion of this Logislature, the second section of third article of the Constitution of the United Stores, in these words, to wit : The fudi tial power shall extend to all range aris ing under the laws of the United States. vests in the Federal Courts exclusively, and in the Supreme Court of the United States ultimately, the authority of decid ing on the constitutionality of any Act or Law of the Congress of the United States.

2. Resolved, That for any State Legislature to a some that authority, would be, 1st. Blending together legislative and staff inf powers.

2.l. Hazarding an interruption of the peace of the States, by civil discord, in case of a diversity of opinions among the that case, so resort for vindicating its own them especially entrusted by the people

31. Submitting most important questions of low to less emppetent tribunals; and of the United States, expressed in plain were threatened with actual tavasion, had effects, without any control over the causes said State, on the second Thursday of

public capacity, do not feel thems lves au simmonality of the Sedition and Alien Laws (so called:) yet they are called upon, b the exigency of this occasion,

ativo of the walfacer of the

from the very unwarrantable. Resolutions, one in whom this Constitution has reposed passed on the twenty-first day of Decem-

In Senate, February 9, 1799. The Legislature of Mussichusetts havng taken into serious consideration the Resolutions of the State of Virginia, passed the 21st day of December last, and communicated by his Excellency the Gover por, relative to certain supposed infractions of the Constitution of the United States, by the Government thereof, and being convinced that the Federal Constitution is calculated to promote the happiness, prosperity, and safety, of the people these United States, and to maintain that majon of the several States; so essential to the welfare of the whole; and being bound by solemn eath to support and defend that Constitution, feel it unnecessary to make any professions of their attachment to it, against every aggression, foreign or do

But they deem it their duty solemnly to declare, that, while they hold sacred the principle that consent of the People is only pure source of just and legitimate power, they cannot admit the right of the State Legislatures to denounce the administration of that Government to which the People themselves, by a solemn compact, have exclusively committed their beral and enlightened vigilance among the People is always to be cherished, yet annareasonable jealousy of the men of their choice, and a recurrence to measures of ex- ed, by the late Act of Congress. fromity, upon groundless or trivial pretexts, have a strong tendency to destroy cutive and judicial departments of Governall rational liberty at home, and to deprive the U. States of the most essential advanlages in their relations abroad : That this Legislature are persuaded that the decis-tion of all cases in law and equity, arising provers are granted in recoveral terms. under the Constitution of the United States, the people, to their General Government and the construction of all laws made in for the purposes of their safety and protec United States.

"No snowers were given by New Jersey, ereins, and Georgie.

tion as shall appear to them necessary to the interests or combremship to the widees, of the people whom they represent.

That, by the countraction of the Constitution, an amicable and dispassionate remedy is pointed out for any evil which experience may prove to exist, and the peace and prosperity of the United States may be preserved without interruption.

But, should the apspectable State of Vir ginta persist in the assumption of the right to declare the acts of the National Govern-Representatives of the State of Delaware, ment unconstitutional, and should she opin Geograf Assembly met, That they con, pose successfully her force and will to sider the Resolutions from the State of those of the nation, the Constitution would Virginia as a very unjustifiable interfer, he reduced to a mere cypher, to the form ence with the General Government and and pageantry of authority, without the and of dangerous tendency, and therefore deral. Government, which thwarted the not fit subject for the further consideration, views or checked the umbitious projects of a particular State, or of its leading and in fluential members, would be the object of People, convulsed and confused by the conflict between the two hosale impdictions, enjoying the protection of neither, would be erearied into a submission to some hold tender, who would establish himself on the

The Legislature of Massachusetts, although they do not themselves claim the right, nor admit the authority, of any of at hest into a d subt of the constitutionality, of the acts reserved to by the State of Vir ginus; and as the General Assembly of Virginia has called for an expression of their sentiments, do explicitly declare, hat they consider the Acts of Congress, oromouly called " the Alien and Sedition Acts." not only constitutional, but expediear and necessary; That the former Act respects a description of persons whose rights were not particularly contemplated in the Constitution of the United States, who are entitled only to a temporary protection, while they yield a temporary allegiance; a protection which ought to be witindrawn whenever they become bangerous to the public safety,' or are bound pullty of treasonable nachmation agross State Legislatures ; each State having, in the governments That Congress, having equitions, but to the strength of its own with the general defence of the nation, had not only the right, but were bound, to pro been driven by the unjust and ambitious

> not, were mady to co-operate in It compet he secondly be lieved that the

powers delegated to Con porguest but your born someth of hostility, and a justified by the invaria ble usuges of nations. Actual hostility bad sicate these Resolutions to the Supreme unhappily long beca experienced, and a entrusted with the exferming of it, as the

aforesaid, of the Legislature of Virginia, the executive power of the nated States. The Selliton Act, so called, or in the of their Legislature countly design sible. The General Assembly of Virgin in, in their resulve under consideration, COMMONWEALTH OF MASSACHD. observes that when that State, he are they are agents of the people. Its ob. Virginia, that it may be communicated to of the Government. Was it possible to the hands of the President; not that the Perpressly declared "That; among wher essential rights, the liberty of conscience and of the press eannor be cancelled, should d, restrained or modified, by any no thority of the United States," and from the extreme anxiety to guard these rights from

every possible attack of suphistry or mubition, with other States, recommunical an amendment for that purpose: which amend ment was, in due time, annexed to the Constitution (but they do! not surely expect that the proceedings of their State Convention were to explain the amend ment adopted by the Umon. The words of that amendment, on this subject; are, Congress shall make no law abridging he freedom of speech or of the press."

The Act complained of is no abridgment of the freedom of either. The genuine or of their firm determination to support it liberty of speech and the press, is the liberty to utter and publish the truth; but the constitutional right of the citizen to utter and publish the truth, is not to be confounded with the licentrousness in speaking and writing that is only employed in prop agating falsehood and slander. This freedom of the press has been expirettly se cured by most, if not all, the State Constitutions; and of this provision there has stitutional rights; for, while on the one been generally but one construction among onlightened men: that it is a security for National concerns: That, although a li the rational use and not the abuse of the their freedom, safety, and happiness, re- ted by the former. press; of which the courts of law, the juries, and people, will judge; this right is not infringed, but confirmed and establish-

> By the Constitution, the legislative, exement are ordained and established; and general enumerated powers vested in them respectively, including those which are powers are granted, in general terms, by

purwance thereof, are exclusively vested tion. The Gover ment is not only em the Prophs in the judicial courts of the powered, but it is made their duty, to repel invasions and suppress insurrections That the People, in that solemn compact to guarantee to the several States a republican form of government; to protect each of the land, have not constituted the State State against invasion, and, when applied Legislatures the judges of the acts or mea- to, against domestic violence; to hear and sures of the Federal Government, but decide all cases, in law and equity, arising have confided to them the power of pro under the Constitution, and under any treaty or law made in pursuance thereof and all cases of admiralty and maritime juri diction, and relating to the law of na

posing such amendments of the Constitutions. Whenever, therefore, it becomes findependent National Stovernment : And | dilearly bolloved, at this day is very go for the House of Representatives, 170. signated, it is perfectly consument to all just every government, that it have authority Which report being read and considered, rules of construction to infer that the utile to defend and preserve its constitutional was unanimously received and accepted, rules of construction to infer that the utile to defend and preserve its constitutional was unanimously received and accepted, incomery to effect any of the objects do whereas it is essential to the existence of norally seen and acknowledged. tainment of that object are also granted. fringement thereof tends to its subversion: But the Constitution has left no occasion. And whereas the judicial power extends to resort to implication for these ponciet expressly to all cases of law and equity it has made an express grant of them, in arising under the Constitution and the Laws the 8th section of the first article, which of the United States, whereby the interordsins "That Congress shall have power forence of the Legislatures of the partieu to make all laws which aball be necessary Jar States in those cases, is manifestly exand proper for carrying into execution the cluded; And whereas our peace, proper foregoing powers, and all other powers ity, and happiness, eminently de cod vested by the Constitution in the Govern; the preservation of the Union, in order to ment of the United States or in any 'de- which, a reasonable confidence in the con-

partment or officer thereof." made no provision for its protection, even weaken that confidence, has a tendency to against such improper conduct, in its pre-sence, as might disturb its proceedings, un-tioneries, and to excite jealousies equally Speaker of the Senate, opposition and of remonstrance; while the But as no statute has been passed on this planets good republican government; And subject, this protection is, and has been for whereas the Senate, not perceiving that nine years past, uniformly found in the ap- the rights of the particular States have plication of the principles and usages of the been violated, nor any unconstitutional common law. The same protection may powers assumed by the General Govern unquest combly be afforded by a statute ment, cannot forhear to express the suxie passed in virtue of the before mentioned to and regret with which they bluerve the section, as necessary and proper for carry inflammatory and pernicious sentiments ing into execution the powers vested in that and doctrines which are contained in the tional in their nature, and dangerous in department. A construction of the differ- Resolutions of the Legislatures of Virginthe State Governments, to decide upon the ent parts of the Constitution, perfectly just in and Kentucky-sentiments and doctrines and fair, will, on analogous principles, ex no bis renughant to the Constitution of the ality of laws made by the General Governtend protection and security, against the Phitod States, and the principles of their ment; this power being exclusively vester should be corretered note disapprobation, or offences in question, to the other depart- inion, than destructive to the Federal Co. in the judiciary courts of the Union; That ments of Government, in discharge of their vernment, and unjust to those whom the his Excellency the Governor be requested

respective frusts. The President of the United States is bound, by his oath " to preserve, protect. and defend, the Constitution," and it is expressly made his duty " to take the that would be impracticable by any created behose scandalous misrepresentations of hill neascres and motives, which directly tend General Government, to rob him of the public confidence. And

be seditious. ted easont be discharged by the govern thereof. ment to which they are committed, withat the power to restrain seditions practices and unlawful combinations against it self, and to protect the efficers thereof from teet if against internal as well as external abusive misrepresentations. Had the Confoes: That the United States, at the time stitution withheld this power, it would have 4th. An infraction of the Constitution of passing the Act concerning Aliens, made the government responsible for the Connecticut, holden at Hartford in the rear en's for which the Pante of the Assembly andry Resolutions of the Leg therised to consider and decide no the country the of aliens, who, that instrume that they establish the 1798, which relate to the measures of the non marriage of that they establish the 1798, which relate to the measures of the same, viz. a. To lotte portect un. General G veriment, and the said Resolution, establish justice, insure a settle true. on, establish justice, insure to the transition between the said I willity, provide for the common the transitions having been considered; it is delicented to Co.

> early accused, ar it mitigates the mursh, the aforegoid Resolutions. ment which that authorises, and admits of eer is to afford legal security to public the Legislature of that State. flaves and trusts created for the sufety and | Passed in the House of Representatives summass of the people, and therefore the unanimously. urity derived from it is for the benefit of Ale, and is their right.

They construction of the Constitution and House. the existing law of the land, as well as Act complained of, the Legislature of Via-suchusetts most deliberately and firmly believe, results from a just and full view of the several parts of the Constitution; and hey consider that Act to be wise and neessary, as an audacious and unprincipled pirit of falsehood and abuse had been too one unremittingly exerted for the purpose of perverting public opinion; and threatened to undermine and destroy the whole fabric of government.

The Legislature further declare, that in he foregoing sentiments they have expressed the general opinion of their constitents, who have not only acquiesced, with out complaint, in those particular measures of the Federal Government, but have given their explicit approbation, by re-clecting those then who voted for the adoption of them. Nor is it apprehended that the cit. zens of this State will be accused of supineness or of an indifference to their conand they regard with due vigilance the on luct of the Government ; on the other, quire that they should defend that Govern-

whether foreign or domestic. And, lastly, that the Legislature of Massachusetts feel a strong conviction that the judicial department. everal United States are connected by a ommon interest, which ought to reader their union malissoluble, and that this State to express an opinion on the Acts of the al ways co operate with its confederate states in rendering that union productive of mutual security, freedom, and happi-

SAMUEL PHILIPS, President. own for concurrence.

In the House of Representatives, Feb. 3, 1799. Read and concurred. EDWARD H. ROBBINS, Speaker. A true copy .- Attest, John Avery, Sec.

> STATE OF NEW YORK. In Senate, March 5, 1799.

Whereas the people of the United States

stituted authorities and chosen represents This Constitution has established a Su-tives of the people is indispensable: And reme Court of the United States, but has whereas every measure, calculated to as expressed in the section before recited. hostile to rational liberty and the princi-

Resolved, That, while the Senate feel testimony against such sentiments and and Council for their concurrence. the laws be faithfully executed." but this doctrines, they deem it a duty no less indispersable evaluately to declare their inug, if there could be no legal r straint of computency, as a branch of the Legislature concurred ununmously. of this State, to supervise the acts of the

Revolved . That his Excellency the Go. qually impotent would be every other versor be and be in hereby, requested to public officer, if thus left to the mercy of transmit a copy of the foregoing resolution to the Everntives of the States of Virginia It is holden to be a truth most clear, and Kentucky, to the end that the same hat the important trusts before enumera- may be communicated to the Legislatures

Ann. B. BAUCKER, Clerk.

At a General Assembly of the State of which naturally produce them, and would May, Anno Domini 1799, his Excellency 2. Resolved, That although for the conduct of the French Government into have essentially finited of noswering the the Governor having communicated to this partments, and he will at once perceive, fairs. then within the home | United States declare, in the first clause of relature of Virginia, and etcd in December vernment, foresaw the dangers which live-said, on this subject, " If the Pres

The take ble cross of liberty to corrected a tree with deep regret, and explicitly disavows, vided, therefore, that while the State, War, and Navy Departments, should be denominated. Seditions practices and unlawful combitton to the "Alien and Sedition Acts"outions are just the federal Government, fets which the Constitution authorized or any either thereof, in the performance which the exigency of the country renderthe time express to him that this had reason dody to expect. The law, speech and a three time express to him that this had reason dody to expect. The law, speech and a three time express to him that this had reason dody to expect. The law, speech and a three time express to him that this had reason dody to expect. The law, speech and a three time express to him that this had reason dody to expect. The law, speech and a three time express to him that this had reason dody to expect. The law, speech and a three time express to him that this had reason dody to expect. The law, speech and a three time express to him that this had reason dody to expect. The law, speech and a three time express to him that this had reason dody to expect. The law, speech and a three time express to him that this had reason dody to expect. The law, speech and a three time express to him that this had reason dody to expect. Legislature cannot contemplate, without therefore, was just and solutary, and to caute approbation of this Assembly.— should not appertain to the Treasury; but left for him to require with the common law in the centre approbation of this Assembly. extreme concern and regret, the many officer could with so much propriety be courts the Canad States, before the Act. They therefore, decidedly refuse to con that that officer should emphatically be of the strong box! He would be able passed. This Act then is our with the Legislature of Virginia, in an autelion ton of that law in favor of the promoting any of the objects attempted in And to make him independent of, and dis-

And it is further

Resolved, That his Excellency the Gowhich is regulated by truth. It is vernor be requested to transmit a copy of Congross itself, instead of the Prosedent, as he said, "We know well how much the and intended to protect men in office, only the foregoing resolution to the Governor of in the case of the Executive Departments dread from the accumulation of power

> JOHN C. SMITH, Clerk. Attest. Concurred unanimously in the Upper

SAM. WYLLYS, Sec'ry. STATE OF NEW MAMPSHIRE.

1799. The committee to take into consideration the Resolutions of the General Assembly of Virginia, dated December 21st, Congress after the adoption of the Consti-

ber, 1798, report as follows:

Resolved, That the Legisl ture of New Manison : Hampshire unequivocally express a firm resolution to maintain and defend the Con- this committee, that there ought to be esstitution of the United States, and the Con- tablished the following Executive Departstitution of this State, against every ag menta, to wit: A Department of Foreign gression, either foreign or domestic, and Affairs, at the head of which shall be an ofthat they will support the Government of ficer to be called Secretary to the United

neut and its constitutional measures against | proper tribunals to determine the constituthe open or insidious attacks of any foe, tionality of the Laws of the General Go-

> That if the Legislature of New Hampshire, for mere speculative purposes, were War, removable by the President." General Government, commonly called w the Alien and Sedition Bills," that opin rescalatives, 1789, vol. 1, page 39.1 ion would unreservedly be, that those Acts. are constitutional, and, in the present critical situation of our country, highly expe-

ably advocated and clearly demonstrated time. by many citizens of the United States, ments, to attempt further illustration of the the first time." have established for thomselves a free and propositions, the touth of which, it is con . [Our authority for this is the Journals 35.]

being present,

Joun PRENTICE, Speaker. In Senate, same day, read and conce Auga Suppand, President.

Approved, June 15th, 1709. J. T. GILHAN, Governors. A true copy .- Attest,

Jounes Phanson, Secretary. STATE OF VERMONT.

30th, A. D. 1799. The House proceeded to take under their consideration the Resolutions of the General Assembly of Virginia, relative to certain measures of the General Govern ent, transmitted to the Legislature of the tate, for their consideration : Where

In the House of Representatives, Octobe

Resolved, That the General Assembly of the State of Vermont do highly dimp prove of the resolutions of the General As sembly of Virginia, as being unconstitutheir tendency. It belongs not to State Legislatures to decide on the constitution people have elected to administer it; to transmit a copy of this resolution to the Executive of Virginia, to be communicated to the General Assembly of that State : themselves constrained to hear unequivocal. And that the same he sent to the Governor

> SAMUEL C. CHAPTH Clerk. In Council, October 30, 1799: Read and RICHARD WHITNEY, Secretary.

-000000 FROM THE N. Y. COURIER & ENQUIRER.

When our Executive department was established, it was intended to be simply what the word imports; and to aid the Executive in the discharge of, his duties, Congress established an Executive Department of Foreign affairs" (afterwards, changed to "Department of State,") " an Executive Department to be denominated the Department of War;" " an Executive Department to be denominated the Navy Department," and a "Treasury Depart | are each entitled " An act to establish as ment." Let the reader here mark the Executive Department to be denominate difference in the titles of the several De. the Department of (War or) Foreign af but the wisdom which organized our gov Mr. Jackson-not the present Rues ment arise from placing the purse strings dent has the power of removing all office of the nation in the same hands with the who may be virtuous enough to opport securive power, and most prudently curriled against it. They expressly pro-

chiefs thereof be required to perform such power of removing whom duties as shall from time to time be enjoin ed upon them by the President, and to rethe head of "the Treasury Department. partments, it was expressly provided that he should make his annual report direct to gnard more carefully against any interfer lear the exercise of it by a Washington enco on the part of the President with the but the time may come when venality si Treasury? Or could they have more subtilely insinuate and diffuse itself the clearly evinced, their determination to the system, and corrupt the whole conplace the Freamry Department beyond tution; destroying its beauty, consume the control of the Executive, and preserve its spirits, and subverting its fame; The its purity and accounts bility uncontaminated by Executive influence, by specially requiring that for all his measures, the chief of the Treasury should be responsible Lloyd's Debates, 1789, pages 544 s In the House of Representatives, June 14, to the Representatives of the people, and not to the President.

But to illustrate this subject more clearly, let us refer to the Journals of the first 1798; also certain Resolutions of the Le- tution. Congress assembled on the 4th gislature of Kentucky, of the 10th Novem- March, 1789, and in consequence of a ourrum not being present, they adjourced The Legislature of New Hampshire from day to day until the 1st of April; on having taken into consideration certain which day a quorum appeared, and the Resolutions of the General Assembly of business of the session commenced. On Virginia, dated December 21, 1798; also the 21st May, the following resolution was certain Resolutions of the Legislature of adopted and referred to a committee of Kentucky, of the 10th of November, 1798; eleven, among whom was the venerable J.

" Resolved, That it is the opinion of the United States in all measures warran. States for the Department of Foreign Af. That it shall be the duty of the Secret fairs, removable by the President; a Treat of the Treasury to digest and prepared That the State Legislatures are not the sury Department, at the head of which plans for the improvement and more tribunals to determine the constituto the United States for the Treasury De- public credit; to prepare and report vernment—that the duty of such decision partment, removable by the President; is properly and exclusively confined to the a Department of War, at the head of which lie expenditures; to superintend the co shall be an officer to be called Secretary to tion of the revenue; to decide on the United States for the Department of forms of keeping and stating accounts

Our readers will find the authority for mitations berein established, or to be this in the Journals of the House of Rep. after provided, all warrants for meni

On the 2nd June, we find the following: of appropriations by law; to execute " Mr. Baldwin, from the committee ap- services relative to the sale of the lands pointed, presented, according to order, a longing to the United States, as may be bill to establish an Executive Department, law required of him; to make report, That the constitutionality and expedit to be denominated the Department of War; give information to either brane ency of the Acts aforesaid have been very which was received and read the first Legislature, in person or in writing

" Mr. Baldwin, from the committee apmore especially by the minority of the pointed, presented, according to order, a Representatives, or which shall appeared Assembly of Virginia. The Le bill to establish an Executive Department, to his office; and generally to perform gislature of New Hampshire, therefore, to be demoninated the Department of Fodeem it unnecessary, by any train of argu- reign affairs; which was received and read shall be directed to perform,"

On the 4th Japa the following marle upon the Jonesala; " Mr. Baldwin, from the con

pointed, prescuted, according to sei bill to establish an Executive Depart to be denominated the Treasury ment; which was received and first time."- [See 1st col. of the of 1789, page 45.] The Bills organizing the War and S. Departments as "Executive" Departments were immediately passed and sox to a

Senate for concurrence, and each of the bills became a law in the following weeks Be it enacted, &c. That there shall an Experient Department, to be decom-mated the Department of War; and the aball be a principal officer therein, to b called the Secretary for the Department War, who shall perform and execute and duties as shall from time to time be a joined on, or entrusted to him by the Prosident of the Voited States furthermore, that mid principal officer de conduct the business of the said Depart ment, in such manner as the President the United States shall from time to the order or unstruct."

See Laws of U. S. vol. 1, chap. II cc. 1st, page 30.]

The acts establishing the War and Ste Departments " Executive Department passed without opposition, but the tills the act in relation to the Treasury Deput ment was changed, and all its proving fully and freely discussed and altered. A its reaching the Senute, it there pany through the same ordeal, and many amend ments were proposed and adopted, some of which the House of Represent tatives refused to concur; and in come quence, a committee of conference was as pointed, of which Mr. Manmon was me, This conference continued till the 200 August, when Mr. Madison made a report stating that the committee could not agree and introduced a resolution which, wa adopted, declaring that the Bouse was not recede from its position.

Ser Journal of House of Rep. 178 vol. 1, page 89.1 In consequence of this resolution Senate, after great consideration, vision to the House, and the Bill organizing the Treasury Department of the United States became a law on the 2nd September, 1789 under the title of is an act to establish the Treasury Department," whilst the laws a relation to the War and State Department

base measures, what would become Liberties of our people !- Your Tream that Department would dare to opposite the And again "If you again thing office, you will give him a complete co trol over the whole treasury departs support his measures, secure his elects will be the time that the patriotic heat will sincerely lament the legislative effe sions of an noguarded moment."-[8

We have already given the provis of this act, showing the dependence these Departments upon the Executive and will now quote the first and sec sections of the "act to establish the Tre sury Department." They are in the lowing words:

" Section 1. Be it enacted by the 8 ate and House of Representatives of United States of America, in Congre assembled. That there shall be a dement of Treasury, in which shull be following officers, namely : a Secretary the Treasury, to be deemed head of department; a Comptroller, an Auditor, l'reasurer, a Register, and an Assistant the Secretary of the Treasury, which h sistant shall be appointed by the said cretary.

SECTION 2. And be it further en mates of the public revenue; and they making returns, and to great under the he issued from the Treasury, in purs mny be required,) respecting all o referred to him by the Senate or Bour such services relative to the finances, of U. S. 1789, Vol. 1, Chapter XII, P.