

election to the office of President. They will not say that Mr. Tracy was incapable of receiving the appointment. The violation of the Constitution, it has been violated, is therefore imputable to the Senate, in consequence of having permitted Mr. Tracy to retain his seat in that body, after it was known that he had accepted this appointment. If, however, the Committee intended to cast any reflection on the Senate, (which I do not suspect,) then they may be justly charged with the appearance of having usurped a power, which cannot be constitutionally exercised by the whole House of Representatives—that of judging of the qualifications of Senators.

The phantom raised by the imagination of the Committee will, however, vanish, when it is considered, that all officers of the United States are derived immediately from the Constitution, and created by legislative acts; that the agency entrusted to Mr. Tracy originated with the Executive Department, and that the authority to employ agents for a variety of purposes, results from the necessary exercise of power, and has never been questioned. If no distinction between an Executive Agency, and an Office, is permitted, the consequence must be, that all persons who perform services of any kind for the United States, for a compensation, must be considered as Officers. The perplexities, which such a construction would occasion, in administering the government of the United States, and the still greater perplexities in executing the constitutions and laws of the particular States, most of which have declared, that officers under the two governments shall be incompatible with each other, sufficiently evince, that the idea suggested by the Committee would be as mischievous, in practice, as it is unfounded, in principle.

The Committee were probably convinced, that the circumstances of the public service were such as rendered the employment of an agent proper. The military posts of the United States extended through an immense region: the communications between these posts and the government were uncertain, and attended with such difficulty, that it was reasonable to presume, that many of the advantages in respect to discipline and economy, which result from military subordination, had been but partially realized; it is notorious, that influential individuals of the party now in power, had continually represented the arrangements of the military establishment and the public factories, as being greatly defective. At no time had their complaints been more vehement than when the agency was instituted. Under these circumstances, it was the right, and it became the duty of the Administration, to ascertain through an impartial channel, whether there existed any just cause for the clamour which had been raised.

It is much reason to fear, that party prejudice against individuals has too frequently prevented a fair estimate of the merit of measures. The appointment of Mr. Tracy has accordingly been exclusively attributed to personal favor. It is true that Mr. Tracy has been a distinguished advocate for the system of the former administration; but it will be admitted by its opponents, that with the exception of a few persons having a direct relation to that system upon which a diversity of opinion has existed, that no person has given more uniform or decided evidence of a disposition to protect the public against improper expenditures. No one of his adversaries will assert, that on the score of information of the laws and existing arrangements of the government, and the views and wishes of the different parties respecting the military establishment, a more suitable appointment could have been made. All will agree, that being a stranger in the western country, and having no connection with the army, his representations were likely to be entirely impartial: every objection against the person designated, is therefore resolved into one—that he was personally esteemed by the members of the former Administration:—whether this ought to be urged, when the only object of the agency was to acquire information, to direct the future measures of that Administration, and for the propriety of which they were to be responsible to their country, the public must judge.

The most important fact on this subject, however, is, that the result has proved, that the agency was proper and was well executed. I assert, with confidence, that the report now in the possession of the Secretary of War, embraces important and various information, which must have been highly useful to him, in conducting the business of his Department. At the same time, the report proves, that the alleged abuses did not exist, and that what were represented as defective arrangements were necessary consequences of the unsettled state of the country, or of public establishments too slender for the objects proposed to be accomplished. That these establishments

were not more efficient, and of course more expensive, will not now be deemed an error of the former administration.

That there should appear, in the report of the Committee, any suggestion, however indirect, that the services mentioned in the instructions were not performed, is much to be lamented. It could not have been unknown, that these services were interrupted by a severe and dangerous illness: surely this is an excuse; surely the grievous consequence, a loss of health, ought to have excited so much sympathy, as to have prevented the committee from representing a personal misfortune as a political error.

On the subject of compensation allowed to Mr. Tracy, it is sufficient to say, that it was no greater than was judged reasonable, considering the nature of the service; that it is believed that a like inspection was never accomplished at less expense—and that, compared with an agency instituted by the present administration, it may even claim the merit of economy. The suggestion, that a double compensation was received, is unjust. The law directs that each of the members of the legislature shall be allowed, at the commencement and end of every session 6 dollars for every 20 miles, of the estimated distance, by the most usual road, from his place of residence to the seat of Congress. It is well known that this allowance has been constantly paid, although the members of Congress have continued at the seat of government during the whole recess; the allowance was established as a compensation for services in Congress, not for travelling, and an appearance in the House has ever been deemed evidence of a title.

The circumstances relating to the payment on account of Mr. M'Henry are, that this gentleman engaged a house at Washington for his family, and that a new appointment to the office of Secretary of War was made by the President before a removal. It was right that the proprietor should be compensated, having removed from the house, which he had leased. It was clearly inequitable that the compensation should be made by Mr. M'Henry; it seemed to follow that payment ought to be made by the public. If an error was committed, when the United States of America have lost two hundred and eight dollars and ninety five cents! Was this case really deemed important for the precedent it might hereafter furnish?

#### FROM THE BALANCE.

#### ON EDUCATION.

Favoritism, or partiality, in family government, has a baneful tendency and pernicious effects. The favorite child often suffers by the partiality that is shown to it. It is viewed with an evil eye and thwarted with a ceaseless malignity by the other children; whose affections, in the mean while, become alienated from their parents.

The tragical story of Joseph is an affecting illustration of this point. Joseph was abhorred by his brethren. Their diabolical malice against him was wrought up to such a pitch, that they at first conspired together to take away his life; but afterward, at the intercession of the eldest brother, commencing the punishment of death they seized him, and, totally unfeeling and deaf to his tears and entreaties, they stripped him and cast him into a horrible pit. From thence they dragged him out, and sold him to a company of Arabian Slave-dealers, who were travelling to Egypt; expecting and intending that he should consume his days under the most bitter bondage, in a strange land. The unnatural and atrocious cruelty of this deed was almost beyond parallel; and it was directly occasioned by parental partiality.—The cause of the implacable and murderous hatred, which Joseph experienced from his brethren, is briefly mentioned by the sacred historian, in the following words:—"Now Israel loved Joseph more than all his children, because he was the son of his old age; and he made him a coat of many colours. And when his brethren saw that their father loved him more than all his brethren, they hated him, and could not speak peaceably unto him." What a fund of useful instruction to parents is contained in these few lines! How exactly do they characterize human nature, which is weak in good men, and wicked in others!

The favoritism of pious Jacob towards his youngest son was irrational in its source. It seems to have originated, not in the real merits of that amiable youth; but in a circumstance wherein there could be no merit at all. He loved him more than all the others, because he was the son of his old age. This preference of the good-minded father, thus springing from a blind impulse, was marked by such overt acts of partiality, as could not fail to produce family discord; and which brought upon Joseph the hatred of his brethren, to such a degree, that "they could not speak peaceably unto him."

One instance of the favoritism of Jacob is particularly noticed by the sacred pen-

man. He made for the favorite son "a coat of many colours;" which distinguished him from his brethren, who had been clad in the plain and coarse garb of shepherds. This, alas! proved to be a fatal coat both to the wearer and the giver. It was this coat that Joseph wore when he went to seek his brethren, and found them at Dothan. It was the hated sight of his coat that stimulated their murderous rage. But for this badge of parental partiality, ferocious as they were, they might, perhaps, have relented toward the hapless youth, when they saw the bitterness of his soul, and when with bended knees, with folded hands and streaming eyes, he besought their compassion. This "coat of many colours," torn off with indignation and reeking with the blood in which it had been dipped, was finally a spectacle of inexplicable horror to the father. It pierced his soul with the deepest agonies, which were not transient, but lasting; inasmuch "that he refused to be comforted," and resolved "to go down into the grave mourning." Never, perhaps, since the first covering of our first parents, did a garment occasion so many tragical effects, as the gaudy coat of Joseph; by which his pious, but aging father, had imprudently distinguished him from his brethren.

This short sketch of sacred history is to parents a solemn warning against a partial treatment of their children. "Beware," it seems to say to them, "of distinguishing any one of your children from the rest, by a finer garment, or by any mark of favour which imply a superior attachment." Avoid partiality, that root of bitterness and mischief in families.

The particular kind of parental favoritism, which we have now been viewing, is remarkable, as well for its frequency, as for the family evils which it occasions. Parents, who are so far advanced in years, are often seen to manifest a preference for the younger part of their offspring, and for no other reason, than, "because they are the children of their old age." Thus they wound their children, as it were, with a two-edged sword; alienating and embittering the minds of those, who find themselves neglected, and, at the same time, weakening and beseeching the favorite, the darling child of old age, by overweening attentions, and a profusion of childish caresses. Another kind of partiality in parents, which is equally unreasonable and peculiarly cruel in its nature and effects, is that which arises from the circumstance of the sexual difference in their offspring.—Why should a greater portion of parental affection and care, than daughters? Why should the education of the latter be thought, comparatively, of small importance? Why should they be overlooked and neglected in the solemn Testament of their dying fathers? Why should they be denied an equal share in the distribution of patrimonial property? Why should they be left poor and dependant, while their brothers are enriched by bountiful legacies?—Does Nature dictate such distinctions?—No.—Parents are bound to their sons and to their daughters by the same ties of Nature. Their blood runs equally in the veins of each. The genuine feelings of Nature plead as powerful for the daughter, as for the son. But the voices of Nature is stifled by Pride. Natural affection and all the finer feelings of the human heart, in parents, yield to an absurd ambition, to bestow their principal attentions upon, and to place their property exclusively in the possession, of that part of their offspring, by which their own names are to be borne up in the world.

SENEX.

#### CAUTION!

SOME time in the month of November, 1800, as nearly as I can at present recollect, I entered into a obligation with a Mr. William Brown of Sumpter District, South Carolina, to deliver him at Statesburg, in the said State, about the beginning of January, 1801, a likely negro wench about 20 years old, and having a child about a year old, for which he paid me in advance 200 dollars in cash, and delivered me a horse at 140 dollars; and was at the time of delivering him the wench and child to have paid me the further sum of 125 dollars. Some time since, I understood that a certain Jesse Lee, then of Fayetteville, N. Carolina, purchased and took up the said obligation, and I did hope for the purpose of having the same discounted in part of his debt with me—but having understood that the said Lee has removed from his former residence, to some distant parts, and fearing that he may attempt to transfer the said obligation,—I do thus publicly forewarn all persons whatever from taking an assignment thereof, being determined not to settle the same with any other person than the said Jesse Lee, who owes me vastly more than that amount.

JAMES HOWARD.  
Fayetteville, November }  
8th, 1802.

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