



AND

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Ours are the plans of fair delightful peace,
Unwarped by party rage, tollive like brothers.

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PENNSYLVANIA POLITICS.

The Address of the Constitutional Society (Concluded.)

These, then, Fellow-Citizens, are the pretexts for raising an artificial tempest, in a season of calm and fruitful prosperity. With these pretexts, men deranged by Utopian theories or corrupted by foreign arts; men formed turbulent by nature, or become so from necessity, men, who delight in confusion, and subsist upon defamation, idlers without social attachments, and politicians by trade, gathering their scanty numbers into a malignant circle, have scattered envy and malice, fear and suspicion, throughout the land. It was not to be expected that indulging a more than Gothic fury; for the demolition of our public institutions, the malcontents would permit the venerable M'Kean (who had long laboured for their establishment and preservation), to close his patriotic life in peace. His services and his renown are, indeed, coeval with the dawn of American independence; for he is among the few (the lamentable few) surviving members of the illustrious Congress of 1765; and in every vicissitude of the war of 1776, he was the firm and efficient servant of his country. But neither these testimonials, nor all the assiduity since displayed by an enlightened mind, for the public good, nor the courtesy which age might attract, nor the gratitude which bounty should command; have furnished a shield to protect him from obloquy the most unjust; or from insult the most cruel! A new order of things required a new character of men. Those who had contributed to rear the fabric of civil government, could never sincerely be beloved, by those who seek to undermine and destroy it. The first election of Governor M'Kean was espoused with a zeal that graced the noblest motives; and the second election was distinguished by an unprecedented majority of the suffrages of a free people. In these movements however, the malcontents (as far as their co-operation extended) contemplated their own interests, and not the interests of the community. The well-known name of the Patriot, gave assurance of success on the day of election; and it was imagined, the unsuspecting nature of the man, would render him an easy victim to the arts of solicitation and intrigue. For a while, too, the malcontents seemed to reap the fruits of their speculation. Much was obtained for personal gratification; but more to indulge the vanity of a reflected patronage. To prove the first part of our assertion, we refer to the evidence of Commissions and Contracts, of Petitions and Testimonials, on the public files of the Secretary's office; and as to the second part, the lapse of time is too short, to have impaired the recollection of the pains which were taken to create a popular opinion, that the recommendation of the leading malcontents, was a certain, but an indispensable passport to Executive favor. During that period, every act that the Governor performed, every sentiment that he uttered, furnished a theme for adulation and applause. But the pressure of incessant importunity, the insatiable thirst for place and patronage, could not be forever tolerated or supplied. The leading malcontents were often here, as at Washington, solicitous for the same office; or advocates for different Candidates: All could not succeed, and all, by alternate disappointment, became discontented and hostile. Under these impressions, the designs against the fundamental institutions of our country were conceived; and at length the Governor had no other alternative, but openly to renounce the favor of the malcontents, or tacitly to permit the Constitution to be violated and supplanted, by successive acts of unauthorized legislation. The decision, prompt and unequivocal, was worthy of the Chief Magistrate of Pennsylvania; but from that moment his downfall was deemed by the malcontents, to be a necessary concomitant of the downfall of our government. The proper instruments for so ungracious an undertaking, were speedily put into operation.

Because Bills have sometimes been presented for his approbation, which he could not in his conscience approve; they have endeavoured to provoke an unwarrantable rupture, between the Legislative and Executive departments. Because the execution of the laws has been sometimes difficult, and the administration of justice has long been obstructed; they have endeavoured to involve him in the odium of such defects, concealing, that the Legislature alone can supply an adequate remedy. Those who before extolled him, are now industrious to debase him; and without enjoying the merit of invention, or feeling the shame of inconsistency, they assail him with a repetition of the very slanders which on a former occasion, they had themselves refuted and condemned. He has been surrounded with spies and informers, who crossing him in his walks of exercise, or obstructing upon his hours of domestic retirement, distort all his actions, and falsify all his words. In this progressive course the malcontents, finally reached the ground of action; and the borough of Lancaster witnessed in the same week, the invocation for a Convention, to abolish our Constitution, and the cabal of a ballot, to degrade our Governor!

It must be remembered that before the re-election of Governor M'Kean, in 1802, the malcontents had anxiously calculated the chances in favour of another candidate: but, however sanguine and bold they are in their political temperament, nothing, at that time, had occurred, which could afford the slightest encouragement for the attempt. Nor can it be precisely stated, when their confidence had so increased, as to produce a determination, to make an experiment at the ensuing election; since, in the very petition for calling a convention, they accompany their general objections to the Executive power, with these remarkable declarations: "We wish not to be understood, as insinuating, in the most remote degree, that this power has been abused by the present Executive Magistrate, &c." All we mean, is, that this dangerous power does exist, and may be exercised, whenever a less upright and virtuous Governor is in office, &c." It was manifest, however, as soon as the malcontents were defeated in the scheme for an immediate call for a convention, that their leaders, in a conclave at Lancaster, had resolved upon the opposition to Governor M'Kean. After the resolution was taken, the members of the Legislature who were also members of the cabal, appeared, more than usually solicitous to procure Justices' commissions for their friends and partizans; and it may be fairly presumed that the visits of Messrs. M'Kenney, Montgomery, Steele, &c. of the 21st of March (to which the public are indebted for the exploded Tale of the Clod-hoppers) was connected with the secret plot, to supersede the Executive Magistrate. But the first open display of hostility is to be found in the extraordinary spectacle which almost instantaneously followed the adjournment of the General Assembly. The Legislature had acquired a habit of electing some of its own body to the offices of Federal Senator, State Treasurer, and Bank Director; and now, the members who had conspired with the malcontents, on the present occasion (being repulsed in their repeated application to use the respectable name of Muhlenberg or of Heister) boldly determined, likewise, to make one of themselves a Governor! an example more dangerous to the rights of the People, more destructive to the purity and independence of the Legislature, than all the imputed imperfections of the Constitution! A meeting of the Republican members generally, was accordingly called. Several of the friends of Governor M'Kean had previously left Lancaster, but many of them attended the meeting. A request was urged, on their part, for information of the cause and design of the meeting; but none was communicated. It was suggested, that an open nomination of candidates should be made; but the suggestion was disregarded. It was proposed that the vote should be taken *vi-*

voce, and not by ballot; but the proposition was over-ruled. The truth is, that the members who were parties to the conspiracy, went to the meeting with their tickets prepared; and although they intended to give to the proceeding, the influence of their legislative character, they were so ashamed of the act, or so fearful of its consequences, that they could not be induced to add to it, the pledge of their legislative responsibility. The body of Governor M'Kean's friends retired in disgust, from this mockery and usurpation; this premeditated outrage upon legislative decorum, and the freedom of election. Though reason, as well as constitutional authority requires, that every vote given in a representative capacity, should be openly given; and though the vote on this occasion is described, as the vote of 42 representatives of the people, the members who remained, delivered a prepared and secret ballot, for a new candidate to fill the Executive chair; leaving their Constituents little more than a conjecture, to designate by whom the injury and the insult have been inflicted.

Having furnished this insidious instrument for promoting the designs of the Malcontents, the Members dispersed; but the sanction of the legislative character was still necessary, to complete the spell for ruin and detraction. A libel was prepared under the specious title of "An Address of the Members of the General Assembly," and circulated in the form of a pamphlet, subscribed only by John Steele and Jacob Mitchell. It was accompanied too with certificates of a conversation, noted the very day that it occurred with a view to the present use; but both of the certificates are inaccurate, and one of them is of doubtful authenticity, as it purports to be written and signed by a member of the House of Representatives, though it contains a material variance from another representation of that member (asserting here that the Governor said, he would consult "his own convenience" while it is asserted elsewhere, that the Governor said "he would consult his own conscience") and as the certificate of itself presents no character of similitude with the signature or style of a genuine letter from the same member, how in the possession of the public. On the 20th of May, 1805, this libel was ushered into public notice by a Philadelphia newspaper, with a preface, declaring "that it had been reported, and unanimously agreed to, on Thursday evening the 4th of April last;" and plainly intending to convey the idea, that it had been so unanimously agreed to, at a second meeting of the persons assembled the preceding day; when General John Steele was appointed Chairman, and Presley Sarr Lane (who, as a Senator, voting for the acquittal of the impeached Judges, is, himself, an object of the very slander, which, it is alleged, he approved) and Jacob Mitchell were appointed Tellers. But we beseech you, fellow-citizens, to peruse this extraordinary composition with attention, in order to be convinced, from the profligacy of its principles and the scurrillity of its language (as well as from the notoriety of other opposing facts) that it ought not to be deemed the work of any association of your representatives. In the face of the recent declaration of the Malcontent Petition, that there was no fault to be found with the official conduct of the Governor, the jaundiced author has represented his whole administration as a tissue of tyranny, favoritism and error. In contempt of a majority of 30,000 free suffrages, which gave the stamp of merit and approbation to his first period; nay, in immediate contradiction to the concession of the address itself, "that the administration of that period promised, upon the whole, to be beneficial to the state," the Governor's transaction, from the first to the last day, are brought into a faithless and malignant review, to decorate the black-book of the malcontents. Not only important facts have been suppressed, but the reasons assigned for his conduct, on particular occasions, have been garbed, perverted and misconstrued. Not only his public agency,

but his private honour has been impeached. Not only his distribution of public offices, but his intercourse in social life has been invidiously scrutinized. The temper of his mind and the habit of his manners (long fixed, known and respected by his fellow-citizens) have been made topics of public discussion and reproach. Nay, epithets have been formed and words have been selected, for the inhuman purpose of torturing his sensibility as a parent and a friend; till, in fine, the address of the malcontents has doomed the veteran patriot to lament (and others are yet doomed to feel) that although the carcass of Callender is no more, his spirit, ungrateful and vindictive, still survives!

We emphatically repeat, fellow-citizens, that such a composition ought not, without an express and individual avowal, to be ascribed to any set of men who are honoured with the confidence of the people. We believe that the address was never seen or read before it was published, by 20 members of the legislature; we believe that there never were 10 members assembled at any meeting which approved and adopted it; and we are confident, that there is not one member who is prepared to substantiate the criminal charges which it contains. We speak not here of charges, which impute to the Governor, as a crime, the conscientious exercise of a constitutional power. We speak not of charges, which, on the presumption, as it would seem, that the legislature has already absorbed all the powers of government, treat, as a menace against legislative authority, the simple declaration, that the judgment of the Supreme court upon a point of law, would be an authoritative decision. We speak not of charges, which confer a deference for legislative opinion, into a contempt of legislative dignity, where the governor has tacitly acquiesced in the enactment of a law, though he could not positively affix the signature of approbation. We speak not here of charges, which arraign the Executive for not returning bills with his approbation or dissent, where the bills were only presented for his consideration, on the eve of an adjournment of the legislature. We speak not of charges which decry a wish to transmit the constitution unimpaired, to his successor, as a system of aristocracy and despotism. We speak not of charges, which clamorously condemn the distribution of offices, manifestly because the authors of the charge were not the persons appointed. We speak not of charges, which (forgetting to be a Governor, is not to lose the affections of a man, nor to be the relation of a Governor, a forfeiture of the equal rights of a citizen) stigmatize, as extravagant, the grant of three commissions, to connexions, by blood and marriage, out of the unbounded patronage, which the executive, for another purpose, is idly said to possess. We speak not of charges, in which Messrs. M'Kenny and Montgomery, appear as arbiters of elegant matters, and polite conversation. But we speak of gross charges of official delinquency and corruption, for which, we trust, the libellous authors will be compelled, at a proper time, and in a proper place, to answer to the offended laws and justice of their country.

1. It is alleged, that an election ticket "was distributed from the Governor's coach, by two officers of executive appointment, who accompanied him, and daily held him up as the patron of faction. The attempt was frustrated by the force of popular suffrage, and he was driven to disavow, only after a defeat, what he had really taken pains to promote without success." The charge is denied. We demand the informer and the proof.

2. It is alleged that the authors and abettors of the address have seen the Governor "employing the whole weight of his opinion, and the influence of the officers of his appointment, besides an interference with private citizens, to procure the extrication of three Judges of the Supreme court from an impeachment, who had, under colour of the common law, exercised the most daring

tyranny, and violated the constitution and laws of the State." The charge is denied. We demand the informer and the proof.

3. It is alleged that the Governor asserted, that "he would not suffer a convention to take place." And, it is insinuated, that he meant "to employ arms or corruption to prevent it." The charge is denied. Let it be said, that the nonhonourable and enlightened informers, Messrs. Montgomery and M'Kinney, seem to prove, that he reprobated (as most honest men do) the call of a convention; and that he said, (as every citizen has a right to say) he would firmly resist it; but still we demand the proof, that, as an executive magistrate, he threatened the use of arms or corruption.

4. It is alleged, that "an address for the removal of Judge Brackenridge from office, was presented by more than two-thirds of each branch of the legislature; and that the executive has not even deigned to make any communication in reply." The charge is unfounded; for we answer,

[1] That the extraordinary nature of the case, merited a very serious consideration. Judge Brackenridge informed the House of Representatives, that he had concurred in the punishment of the offender (who had complained to the House) for a contempt of court; and observed, that it might be thought an effect of the bias of party by others, (not that he thought so himself) if his name was not comprehended, with the names of other Judges in the mediated impeachment. The House of Representatives considered the letter of Judge Brackenridge, on this subject, as a contempt. They admitted his own acknowledgment, as sufficient proof to involve him in the only punishment, which could follow a conviction on impeachment;—the removal from office; but they would not admit it to be sufficient, to give him the opportunity of explanation or defence, which upon impeachment they could not refuse. At the very time, therefore, that the House of Representatives were instituting a prosecution against the Judges of the Supreme Court, for punishing a private individual's contempt of court, by attachment, after a full defence, with a small fine, and a short imprisonment, the Senate and the House of Representatives concurred, in the design to punish Judge Brackenridge, without a notice, or a hearing, or a trial by Jury, or a trial by impeachment, for a contempt of the Legislature; degrading him from office: stripping an aged man and his family of their subsistence; and fining him to the amount of 2,000 dollars per annum, during his life! Let Mr. Steele or Mr. Mitchell, or all, or any of the authors of the address, who have called the conduct of the Supreme Court, "the most daring tyranny & violation of the constitution and laws of the State," find out a precedent or a name for such an act as this! But let us not be surprized, fellow-citizens, that Governor M'Kean, who had long administered justice, upon the maxim "that no man should be condemned unheard," deliberated, before he would acquiesce in an address, under such circumstances, for the removal of a judicial officer.

[2] That the Governor possesses a constitutional discretion, whether he will comply with an address for the removal of a Judge; and is no more responsible to the legislature, for the exercise of that discretion, than the legislature is responsible to him, for the motives of the application.

[3] That the application for the removal of Judge Brackenridge was not constitutionally made, and therefore, could not be lawfully granted. It is true, that the address asserts the application to have been made by two-thirds of each branch of the legislature; and it is, also, true, that the constitution requires the application to be so made: but, in point of real fact, two-thirds of each branch of the legislature did not make the application: Two-thirds of a House, and two-thirds of a branch of the legislature, are distinct things, in the language of the constitution, and in the meaning of the convention, as conveyed by their own journals. The branch is composed of all its mem-