LITERARY.

The First, or Introductory Volume of the Life of the late General GEORGE WASHINGTON, edited by General Marshall, is now in the press, in Philadelphia, and will be published on as early a day as its nature and extent will admit.

House of Representatives U. S.

Debate on the Amendment of the Constitution.

December 6.

Mr. RODNEY.—Notwithstanding the respect I entertain for the opinion of the gentlemen who support this construction of the constitution, it seems to me to be utterly without foundation. The ideas of the gentleman from Tennessee (Mr. Campbell) are I think, conclusive—That gentleman has asked by what authority we enquire into the proceedings of the Senate, of which they are exclusively the constitutional judges. It is replied that they are obliged to keep a public journal, and that it appears therefrom that this amendment has not received the votes of a constitutional majority. Is this a fair answer? By the constitution each House may determine the rules of its own proceeding. If the Senate then have a right to decide on their own rules, they are the only competent judges whether the amendment has been approved by the number which the constitution requires. On what foundation is this objection taken? Do we know the proceedings of the Senate but through the medium which the constitution has provided? We have received then this amendment to the constitution through their legitimate organ, the Clerk. He has in due form notified us of its passage. And to day we are told, on the evidence of his certificate that the Senate has not passed it at all, or what is the same thing, that they have not passed it by a constitutional majority. Now, are we to believe the information we have received from the Senate in the regular and established way, or are we to take their proceedings on a certificate given to a member of this House? Are we to take this information from them, or are we to send a committee to watch their proceedings, and are they to send a committee to watch ours. Surely there is a respect due to the Senate when they transmit to us a resolution declared to be adopted by them, by which we are bound to give credit to it. If this is not the case, all intercourse between the two Houses must be stopped. For if the Senate are to watch us to determine by what majority and in what manner our acts are passed, and we do the same in relation to their proceedings, we may consume the whole time of the session in discussing these previous questions, without reaching the merits of the measures proposed. These ideas appear to me conclusive. The Constitution is predicated on the existence of a principle of moral integrity in the two Houses, and without such confidence in them it cannot exist for a day.

But taking the fact as the gentleman from Connecticut has stated it, I think this resolution has passed the Senate by a constitutional majority. The gentleman contends that it has not, because it has not received the assent of two thirds of all the Senators elected; he says that when the Constitution requires the assent of two thirds only of the members present, we always find it expressly so stated, whereas when it requires two thirds of either House, it merely calls for two thirds of the members; and he contends that there is here a wide distinction and essential difference in the meaning. But all this arises from a mere play upon the term *House*. That term, according to the gentleman, is of wonderful import! He has now discovered that at the first organisation of the government, when every sentiment that gave it birth was fresh on the recollection, when we find among others two venerable members from the state of Delaware, members of the Senate and likewise members of the federal Convention, giving their assent to amendments to the constitution, all these proceedings were unconstitutional. How was the assent of the two Houses to these amendments given? Was it by two thirds of all the members of each House? The Journal proves the reverse to have been the fact. It expressly says they were adopted by two thirds of the Senators *present* concurring. It is said however that this is only the record of the Clerk, and that it shews no more than his opinion. But this is not so. For it is the practice of each House on the next day, to read the Journal of the proceedings of the antecedent day, and if there be errors to correct them. Now, if we look to this record, at a period immediately after the adoption of the Constitution, we shall find that in September 1789, it is declared on the Journal of the Senate that amendments passed, and which are now part of the constitution, were ratified by two thirds of the *members present*.

I have ever understood it to be a sound rule of construction, because a sound rule of reason, that a construction of an instrument once received shall not be changed, even if the construction be not so proper as might be given. As then it appears that such was the construction given to the constitution by many of the members whose labors contributed to its formation, and who may, therefore, be considered as the most perfect masters of its true meaning, shall we at this distant day undertake to give a different construction? Shall we say that we are wiser than all who have gone before us, and expunge from the Constitution those amendments, which have been proposed by two thirds of the members present of each House, and have been afterwards ratified by three fourths of the states?

I believe this construction to be the true one. In the constitution the term *House* means merely a majority of all the members; and an examination of that instrument will shew them that *House* and *Quorum* are convertible terms. "Each House shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner and under such penalties as *each House* may provide." According to the distinction of gentlemen a majority shall be a quorum. Thus a majority, being assembled, may proceed to business—Now let us see how we are to separate. We must, according to the arguments of gentlemen, work night & day until we get the whole members present. We have, therefore, been transgressing the Constitution every day we have met. We have, made rules—by a great quorum, it is true, but every member was not present—and if every member was not present it was not a House, and therefore we had no right to form rules? And yet every gentleman knows that some rules are indispensibly necessary. "The Yeas and Nays of the members of either *House* on any question, shall, at the desire of one fifth of those present, be entered on the journal." Therefore, we cannot have the Yeas and Nays entered unless every member be present!—"Neither House shall without the consent of the other, adjourn for more than three days."—In every clause of this particular section the term *House* is made use of. The *house* is to determine its rules, and to keep a journal. Gentlemen then must admit, if they are right in their construction, that, without the presence of every member there can be no house, no journal, and that though we are obliged to keep working without rule or record, yet we cannot adjourn. Is this, Mr. Speaker, possible! Do gentlemen seriously contend for such an absurdity?

Gentlemen have referred to a section of the Constitution where two thirds of the members present are required, and to other sections, where a different language is used; and have thence inferred that a different meaning was intended. But I believe we may use different terms and yet mean the same thing. In the case of treaties and impeachments different language is used to convey the same meaning. If then in these cases different language is used to mean the same thing, will not the like liberty be allowed in other cases? I do not know that the framers of an instrument are bound to use on all occasions the same words to convey the same idea, more than the members of this House are.

From the Aurora.

TO THE EDITOR.

SIR,

THERE has been among European manufacturers, for a great number of years, an uncertainty, which has arisen, sometimes to altercation and dispute, respecting the Chinese Nankeen color; one party affirming that it is a dye, and the other that it is the natural color of the cotton.

Until within a few years, I do not recollect any testimony having been produced on either side, worthy the attention of a mind capable of investigating into the nature of evidence. Holding my mind, therefore, in suspense on the subject; and finding that the European dyers were attempting a close imitation of that color, which has continued to please and be fashionable, longer, perhaps, than any other color that ever was presented to the eye; and although the English have approached so closely to the original, that nothing but a comparison will undeceive the beholder; yet it is certainly true, that no dye however pleasing in its tint, has ever been produced in Europe, that could deceive, even a careless observer, by comparison.

In 1794, a chinese drug fell in my way, which seemed to indicate, that it might be useful in dying. I therefore begin to make my experiments. First, I boiled it in pure water; it produced on cotton, well washed and without any mordant, a good red. A small portion of alkali made the red deeper, and greatly like the small streaks of red which are to be seen in every piece of genuine nankeen. I then took another portion of my dying drug and made an infusion; the water not boiling, but simmered over a slow fire, and without alkali: it then produced, on wool and silk, a beautiful buff color; and on cotton also a buff of inferior lustre. Neither of these colors were altered by an alkaline lixivium, but on immersing my samples in a diluted solution of tin, they immediately changed into the perfect nankeen color, as well the red as the buff. From that time I have inclined to believe that the nankeen is a dye, and not the natural color of the cotton.

At that period I forbore to communicate my discovery, or to avail myself of its advantages; because I had made up my mind to emigrate to America, and to bring with me all my observations and experience, which I did not doubt would be highly acceptable to an infant nation. When I arrived, however, in 1794, I found that the arts occupied no part of the attention of the American government. A few individuals indeed both foreigners and natives entertained the absurd idea, that by their own exertions without the assistance or attention of government, they would be able, in a little time, to complete with, and even excel foreign nations in the clothing manufacture and its dependent arts. This was never my opinion and for that reason, the nankeen dye has remained in my own breast from that time to the present; and would probably never have been mentioned, if I had not since seen, in Staunton's Embassy to China, and in the "View of South Carolina," the following extracts, which seem to confirm the opinion that the nankeen color is a natural production.

In Staunton's embassy, is said, page 17[illegible] Am. Edit.—"The land in the neighborhood was chiefly cultivated with that particular species or variety of cotton shrub that produces the cloth usually called nankeen in Europe. The down is of a white color in the common plant, but in that growing in the province of Kiang-nan, of which the city of Nankeen is the capital, the down is of the same yellow tinge which it preserves when spun and woven into cloth. The color, as well as the superior quality of this substance, was supposed to be owing to the particular nature of the soil; and it is asserted that the seeds of nankeen cotton degenerate, in both particulars, when transplanted to another province, however little different in its climate."

In Drayton's "View of South Carolina" we meet with the following passage "Nankeen cotton is principally grown, in the middle and upper county for family use. It is called from the wool resembling the color of Nankeen cloth. It is not in much demand, the white cotton having engrossed the public attention. Were it encouraged however, cloths might be manufactured from it, perhaps not inferior to those imported from the East Indies, it being probable the cotton is of the same kind."

Notwithstanding these authorities, I am inclined to believe, that the color is an artificial dye, and am happy to find that the time has arrived when the matter may be put beyond dispute; and if it be true that cotton of the true nankeen color is to be found in South Carolina it is hoped the planters will avail themselves of the discovery; for there can be no doubt that the English would be willing to pay more for that cotton than the white, every other quality being equal. It would save to England, and gain to America an immense sum annually, if the nankeens worn in England could be made from American cotton which would certainly be the case if they could be supplied with the article.

Notwithstanding my scepticism, it is certainly a matter worthy of investigation; for if it be true that the nankeen cotton is found in South Carolina, men of science engaged in the arts will have no occasion to look out for a colour as a substitute; and if it be not so I shall then communicate all that I know on the subject to the British manufacturers, seeing from a recent report of the committee of commerce and manufactures, that no encouragement is likely to be given to the clothing business in the United States. It is true I have seen cotton wool of various shades from a white to a colour approaching to that of tanned leather; but none that would bear a comparison with the nankeen color.

CATO.

EDITORIAL NOTE—Communications on the subject treated of in the foregoing essay will be cheerfully inserted in the Aurora, and it is respectfully suggested that such as possess information, wherever they may reside, should communicate it for the public welfare generally and for our manufacturing interests in particular.

From the Aurora.

The ratification of the amendment, on the part of N. Jersey, is a circumstance of considerable moment; we know that hopes were entertained of the negative of this state, and that no inconsiderable efforts were employed by federal influential characters for the accomplishment of this favorite object—like exertions were made in Vermont, but their failure in both instances affords encouragement to rely on the issue of the vote in those states which have not yet decided. At present the votes stand thus:

IN FAVOR.	OPPOSED.
North Carolina,	Delaware,
Maryland,	Massachusetts 2
Virginia,	
Ohio,	
Kentucky,	
Pennsylvania,	
Vermont,	
New York,	
New Jersey....9	

The states, which are yet to determine are:—

New Hampshire,	South Carolina,
Connecticut,	Georgia,
Rhode Island.	Tennessee...6

Of these six states four must ratify the amendment before it can become a part of the constitution. New-Hampshire and Connecticut, it has uniformly been admitted, will oppose the amendment: the legislature of the former state will not decide before October, and although no favorable issue has been looked for we may nevertheless be disappointed, as it is well known the republican interest never maintained such an erect attitude as it does at the present moment. To Connecticut we look for no change within the present year—the able exposition, of Mr. Tracy's politics and those of his friends, which has lately been made in that state, though it may not have an immediate effect will be gradual yet sure progress tend greatly to the dispersion of the astonishing cloud of ignorance of the real views of the federal leaders of that state, in which its citizens are obscured: that Connecticut would ratify the amendment has never been imagined, it is fortunate the issue does not depend on her vote.

The four remaining states, we have no hesitation in saying will ratify the amendment—Georgia and Tennessee are beyond question in favor of it. Doubts have been suggested by the federal prints respecting the votes of Rhode Island and South Carolina, similar doubts were raised with respect to those of Vermont and New Jersey, the result is well known. Rhode Island has a larger majority in its legislature than New-Jersey, the politics of its senators and representatives in congress, the vote of the state at the last presidential election, all these facts oppose the insinuations of the federalists that its sentiments are equivocal. With respect to South Carolina the facts are, its governor is a firm republican, there is very little, if any, federal opposition in the legislature, both its U. S. senators are republican and we firmly believe elected by the legislature under an expectation that neither of them would have opposed the amendment, a majority of its representatives decidedly republican—every circumstance, from which it is possible to draw a conclusion, warrants the assertion that South Carolina will follow the example of her sister states.

Notwithstanding the clamor about *small states*, of the *eleven* which have already decided but *one* small state has *opposed* the amendment, and *five* have determined in favor of its adoption—this is certainly the best argument against all the declamations in and out of congress on this fruitful topic, and the best data on which to form an opinion respecting the final issue.

It has been repeatedly insinuated that the object of the republican party, in being so desirous of the adoption of the amendment, is to secure the re-election of Mr. Jefferson—let any man review the state of the republican and federal parties in this country at the present moment, let him reflect on the majorities in congress and the majorities in the state legislatures, and answer is there a single reason why the federalists should hope to dis-