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REMARKS on the Amendments to the Federal Constitution, proposed by the Conventions of Massachusetts, New-Hampshire, New-York, Virginia, South and North-Carolina, with the minorities of Pennsylvania and Maryland, by a FOREIGN SPECTATOR.

### NUMBER XIII.

Having viewed those amendments which concern the general powers of Congress with respect to the states and individual citizens, we shall in this paper consider the objections against two particular clauses. The conventions of Virginia and North-Carolina, by the 12th and 13th amendments respectively, would stipulate, *that the exclusive power of legislation given to Congress over the federal town and its adjacent district, and other places, purchased or to be purchased by Congress, of any of the states, shall extend only to such regulations, as respect the police and good government thereof.* The convention of New-York requests by the 11th and 12th amendment, *That the right of the Congress to exercise exclusive legislation over such district, not exceeding ten miles square, as may by cession of a particular state, and the acceptance of Congress, become the seat of the government of the United States, shall not be so exercised, as to exempt the inhabitants of such district from paying the like taxes, imposts, duties, and excises, as shall be imposed on the other inhabitants of the state, in which such district may be; and that no person shall be privileged within the said district, from arrest for crimes committed, or debts contracted out of the said district. That the right of exclusive legislation with respect to such places, as may be purchased for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings, shall not authorise the Congress to make any law to prevent the laws of the states respectively in which they may be, from extending to such places in all civil and criminal matters, except as to such persons as shall be in the service of the United States; nor to them, with respect to crimes committed without such places.*

On this matter this observation is first obvious, that the last mentioned body differs materially from the two others in regard to the federal town, permitting exclusive legislation with some exceptions; whereas they allow only regulations necessary for the police and good government. Secondly, I beg leave to remark that the amendments of both are not so definitive, as to prevent uncertainty and disputes. *Police and good government* implies a great deal, and extends to persons, manners, property, &c. The general clause that *no person shall be privileged within the ten mile district from arrest for debts contracted out of it*, cannot be meant to include the federal senators and representatives, who, by the 6th sect. 1st art. of the constitution, are entitled to this privilege; which is necessary for the due administration of government, and granted in all free countries.

The supposition, that the federal districts may become assylums for malefactors, is the more groundless, as a practice so dishonorable to the federal government would be an open infringement of the 2d par. of 2d sect. in 4th art. by virtue of which *a person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.* It is also explicitly declared in 3d sect. of 3d art. *that the trial of all crimes shall be held in the state where they have been committed.* As to debts, and any civil actions arising out of such districts, common sense dictates, that the federal government must observe the injunction laid on every state in the union, *not to pass any law impairing the obligation of contracts*—1st par. 10th sect. 1st art. Could it possibly be so foolish or wicked as to shelter the spendthrifts, knaves, and vagabonds, from every part of the union, such injury would create a general resentment from the states.

*As all duties, imposts, and excises, shall be uniform throughout the United States,* by 1st par, 8th sect. 1st art. the federal districts cannot claim any immunity in this respect; which, indeed, might be very prejudicial to neighbouring places, especially commercial towns. I apprehend, likewise, that all other laws which, by the constitution, must be uniform throughout the union, will extend to these places, as those on the subjects of bankruptcies, the privilege of the habeas corpus writ, trial by jury in criminal cases, &c.

In the progress of the federal empire, the seat of Congress, and the other districts in question, will be very important, by valuable magazines, naval and military stores, buildings and fortifications, with the archives and treasury of the confederacy. They should therefore be under the immediate management of the federal government, in every respect that may affect their security; and, though this may not strictly amount to exclusive legislation in all cases whatever, yet it would otherwise, in so many instances, jar with the authority of the state in which they are situate, and require so many exceptions from its general regulations, as to create great inconveniencies, if not contentions, between the parties. The federal town will, no doubt, in time, become very populous; there will, at all times, be a great concourse of people from foreign countries, and every part of the United States; this must require a peculiar legislation in many instances, and modes of administering justice different from the general rules of the state. This heterogeneous conflux of people, the importance of the place, and the accommodation of Congress, point out the necessity of a police very different from that in other American towns, and which, however just, may be less consistent with the general ideas of personal rights. An immediate command of the militia in this place, especially, is highly necessary; and it will save the expence of a considerable garrison. Without this, a mob may insult the Congress, rob the treasury, and burn the town. The federal government, and such valuable property of the union, should not depend on the protection of a particular state, which, with the best intention, is not sufficiently energetic in sudden emergencies; and which, from the fluctuation of human affairs, may on particular occasions be denied.

As several states are competitors for the seat of Congress, it is evidently regarded as a great advantage. Wherever it may be chosen, the state concerned will no doubt stipulate an adequate compensation; nor can the people of that district be disposed of without their free consent; as to any undue influence of the federal government, from these little domains, it cannot be very considerable. It must however be granted that the peculiar situation of the people in such districts

will raise the question, how are they to be represented in Congress? or shall they have no vote, even when their number may be 40 or 50,000? Probably the constitution may require some change before this happens; therefore I only start the subject, as the result of a novel institution, which yet, for very cogent reasons, appears indispensable.

The conventions of Massachusetts and New-Hampshire request *that Congress shall at no time consent, that any person, holding an office of trust or profit under the United States, shall accept of a title of nobility, or any other title or office, from any king, prince, or foreign state*, 9th am. resp. That of New-York expresses the same in the 30th am. *That the words, without the consent of Congress, in the second clause of the ninth section of the first article of the constitution be expunged.*<sup>(a)</sup> It is a general custom among all civilized nations to reward the distinguished citizens of each other by various marks of honour. Such liberality is the fruit of cultivated humanity, and happily promotes general civilization by eradicating national prejudices, stamping a general value on the talents and virtues that exalt human nature, and forming a connexion among all the eminent citizens of the world, pleasing to themselves, and highly beneficial to mankind. If all the great characters that are scattered over the globe, could be brought into a circle of correspondence, what an excellent improvement in knowledge, manners, laws, government, religion, arts, and all the great concerns of men, would result from this contraction of goodness and wisdom! I should therefore be very sorry to see this prohibition fixing a mark of illiberality on the people of the United States, who are the offspring of several great European nations, and have from them originally inherited all the useful, great and elegant arts of life. Shall an American ambassador be forbid to receive a ring, a portrait, or a book from any prince whatever? Why, because he ought to despise all princes and their presents? or because he may be corrupted by any toy whatever? Softly, let us not give the world such an opinion of our vanity or meanness! An excellent author, the inventor of useful machinery, or a superior medicine, are benefactors to all mankind; why should we then begrudge them a generous reward from any nation whatever! No, I wish the American philosophers, poets and artists may be rewarded, if possible, by the Grand Signior, the Great Mogul, and the Emperor of Japan.

A title of nobility may be received on the general principle, as an honorary distinction adopted in some countries, and really often conferred on great personal merit. It will be so rarely offered by any foreign power, that the example cannot create any improper ambition; but should it from any unexpected causes, produce a lust after domestic nobility, it must be absolutely prohibited.

In some particular cases persons may hold offices under two different governments: in some sea ports, for example, the same person is consul for two nations. Such a trust from another country is compatible with true allegiance to our own, when they have no opposite interests.

When two nations are in strict active alliance, a great character is frequently intrusted from both with the most important offices: how often does a general command a great body of allied troops? and how often do the public ministers of allies act in concert at a treaty of peace? I would by no means wish America to be intimately connected with any foreign power whatever; yet the general government should be authorized to do whatever is necessary and honorable for the United States. The amendments are meant to guard against foreign influence; but this can never be dangerous in such an open manner: whereas a man whom you forbid to receive a snuff-box, may, if he is a knave, take 10,000 pounds without the knowledge of a single fellow-citizen.

(a) *This clause runs thus: “no title of nobility shall be granted by the United States: and no person holding any office of profit, or trust, under them, shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince or foreign state.”* [Article I, Section 9, clause 8]

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