

“ The President of the Senate shall, in the presence of  
 “ the Senate and House of Representatives open all the cer-  
 “ tificates, and the votes shall then be counted: the person  
 “ having the greatest number of votes for President, shall  
 “ be the President, if such number be a majority of the whole  
 “ number of Electors appointed: and if no person have such  
 “ majority, then from the persons having the highest num-  
 “ bers, not exceeding three, on the list of those voted for as  
 “ President, the House of Representatives shall choose im-  
 “ mediately, by ballot, the President; but in choosing the  
 “ President, the votes shall be taken by states, the represen-  
 “ tation from each state having but one vote: a quorum for  
 “ this purpose shall consist of a member or members from  
 “ two-thirds of the states, and a majority of all the states,  
 “ shall be necessary to a choice.” XII. Amendment to the  
 Constitution.

I believe it is a maxim which has never been denied, cer-  
 tainly never been controverted, that when a Judge is appoint-  
 ed, or a body of men constituted judges, to determine in the  
 last resort, that they should not pre-judge, or even express an  
 opinion upon the merits of the case, until it is brought fairly  
 and legally before them, in the proper form. Let us sup-  
 pose a case which may happen, that at the next Presidential  
 election, no one of the candidates shall have a majority of  
 votes, of the whole number of the electors appointed—in  
 that case the Constitution declares, that the House of Re-  
 presentatives shall, *immediately by ballot, elect the President,*  
 in what situation would those members be, who in conclave,  
 had nominated one of the candidates? Could they be sup-  
 posed to act a fair and impartial part? Have they not pre-  
 judged the question? Would not their judgments be biassed  
 by their former nomination?

I will not insult the public understanding by any attempt  
 to explain a proposition so self evident. A further remark  
 is suggested by the above constitutional provision—“ The  
 House of Representatives shall choose *immediately by ballot*  
 the President.” No time is allowed for intrigue—no oppor-  
 tunity given for pecuniary advantages or official preferments  
 to be gained by votes—no door is left open for the Demon of  
 Interest to shed his baleful influence, or to glitter his be-  
 witching bribes in the eyes of the members. How far the  
 knowledge and recollection of what had passed at the city of  
 Washington on a former occasion, influenced the framers of  
 this amendment, it is not now necessary to determine; one

thing, however, is perfectly clear, that the framers of the amendment were anxious to guard against improper influence and intrigue, and adopted the most effectual means, by commanding that the choice be *immediately* made.

You my fellow citizens will determine for yourselves, whether the plain intent and meaning of the constitution be not completely defeated if a portion of the members of congress, after two or three months private cabal, and we know not what, of promises and official arrangements, can make nominations to the *States* and the *People* of the persons whom *they* must elect as their future President and Vice-president: Lest however all this should not effect their purposes, they elect a committee from among themselves, men prohibited by the constitution to serve as electors; which committee in its range, embraces the whole extent of the United States whose business it is to carry into effect the nomination of this self-styled convention.

As one friendly to the independent sovereignty of the States and the Rights of the People, as a citizen of a yet free country, and having an interest in its prosperity and welfare, I have laid before you my thoughts. I *have* no means, I *wish* no means, to impress them upon your minds, and to influence your conduct, save what they derive from their intrinsic worth and truth, and from the support which they receive from the Great Charter of our Liberties, the Constitution of our common country.

MONTGOMERY.

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No. III.

IN former numbers I have attempted to prove, that the proceedings of the late caucus, at the seat of the general government, are direct violations of the letter and spirit of that constitution, which every member who composed that self-styled convention had sworn to support. In this number I propose to point out some of the libercidal consequences which may, and probably will, grow out of that proceeding, should you permit it to become an established precedent in choosing the chief magistrate of the United States.

Permit me, before I proceed further on this point, to call your attention to the constitution and its different provisions; be assured they are all the results of sober thoughts and manly reflection. They are the work of the people when neither party rage, undue influence or patronage, could bias their

judgment. They are the land-marks of liberty set up to guard against the effects of enthusiastic zeal, or the too often experienced grasp of executive power.

The President of the United States, when elected, is to serve for four years, and his salary, as established by law, is twenty-five thousand dollars per year. To bring my subject before you in the strong point of light in which it presents itself to me, I must suppose a case, and examine its consequences. Suppose a President should, contrary to the interests and wishes of a great majority of the citizens of the United States, wish to continue in the Presidency for life, and nominate his successor in office, I presume you will not think it time mispent to inquire what number of men he would have to engage to act under his directions, to accomplish his purposes, and to examine what means are placed in his power to reward those who would submit to become his creatures. It is scarcely necessary to remark so obvious a fact as, that a candidate put into nomination by such a caucus, as was lately held at Washington, will ever have creatures calculating upon his success, and that he will have as ample means in his power to reward their attachment and services to him as his predecessor.

In examining what those means are, it will not be necessary to enter minutely into the whole extent of the President's patronage. There may, and doubtless does exist, some difference in its extent in the several states; therefore for the sake of round numbers, to simplify the calculation, and keep strictly within bounds, we shall suppose that in each state and territory the President has in his gift six offices, each of which will enable the incumbent to live without labor, in ease and affluence, and that in addition to their emoluments they shall be considered honorable appointments. In this calculation, we exclude the patronage of the Army and Navy of the United States. There are 17 states and 5 territories; in these the President has the disposal of 132 places, rich and honorable, with which to tempt the cupidity of men not governed by principle, or attached to liberty.

I presume it will readily be admitted, that a man possessed of ordinary talents, ambitious views, and destitute of principle, with only a fourth part of this patronage, could so divide and distract the electors, in the respective states, as to prevent any one candidate for the Presidency, from having a majority of the whole number of electors. In that event happening, the election of the President, devolves upon the

House of Representatives, who, according to the constitution "shall choose immediately, by ballot, the President."

We shall enquire how many votes it is necessary to secure, in the House of Representatives, to make sure, the election of a favorite candidate, to be President of the United States, for the four succeeding years. We shall, to assist us, in this enquiry, recur to our old guide, the constitution.

"But in choosing the President, *the votes shall be taken by states*, the representatives of each state having *one* vote; a quorum for this purpose, shall consist of a member or members, from two-thirds of the states, and a *majority* of all the states, shall be necessary to a choice." It can scarcely escape notice, that *only* "a majority of all the states are necessary to a choice."

As I am anxious to put this subject in a clear point of view, I will rather risque an unnecessary multiplication of words, than hazard the probability of being misunderstood. The following table will, perhaps, present the subject, at one view, with more force, than by the adoption of any other mode.

The *first* column, exhibits the names of a majority of the states—the *second*, the number of members sent by each state, to the House of Representatives of the United States—the *third*, the number of Representatives necessary to constitute a majority of the representation of each state—the *fourth*, supposes the votes of the state of *Kentucky*, to have been previously secured, in favor of the candidate, which it is wished to elect; and also, that a member is absent from each of the states, marked thus\*—the *fifth* column, supposes the votes from the states of *Kentucky* and *New-Jersey*, to have been pledged, to support the favorite candidate; and also, that a member is absent from the states marked thus.†

New-Hampshire	5	3	3	3
Rhode-Island	2	2	* 1	* 1
Vermont	4	3	* 2	* 2
New-Jersey	6	4	* 3	0
Delaware	1	1	1	1
Georgia	4	3	* 2	* 2
Tennessee	3	2	2	2
Kentucky	6	4	0	0
Ohio	1	1	1	1
	32	23	15	12

From this statement it appears that the whole number of votes from 9 states, which is a majority of all the states, amounts to 32; the majority of which is 23, which 23 votes, under this provision of the constitution, can choose a President, even if every member of the delegation from every state in the union were to be present, and vote at the ballot. On the data on which the *fourth* column is predicated 15 members would elect the President, and on the supposition of the *fifth* column 12 members would choose the President of the United States for four years.

Let it not be said that these are all presumptions of extreme and improbable cases, of events which will never happen; be not deceived, there are other, and not impossible combinations, which might be made, and which would reduce the number necessary to constitute a choice still lower, and show in a stronger and more glaring light, the danger of sanctioning a nomination made by members of Congress—by men who by the constitution are precluded from being electors, and appointed judges in the last resort. It should never be absent from recollection, that the greatest and most ingenious efforts that have ever been made by human intelligence have been made for the purposes of distraction.

My fellow-citizens, to the best of my abilities I have attempted to shew, that the caucus at Washington is a flagrant encroachment on one of your most important rights, and a direct violation of the constitution of the United States. I have discharged my duty, do you discharge yours, and I hope and trust, that at this momentous crisis it will be found, that there is a redeeming spirit in the constitution, which will arouse the people to exercise their sovereign and imperishable strength, and snap the green wythes with which it is attempted to bind them. Be watchful, and weed out of this land of freedom, every poisonous plant which aristocracy would engraft upon our constitution and liberties, or they will, like the tares, grow so fast and take such deep root, as to choak the wholesome seeds which our fathers watered with their blood, and transmitted to their children.

\*MONTGOMERY.

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## AMERICANUS.

No. VII.

*Who is to be the next President?*

The Editors of the *Richmond Enquirer* and the *Weekly Register*, printed in this city, seem to be engaged in a seri-

ous conflict, each claiming the honor of doing the most to promote the election of Mr. Madison, while they are both belittling him and sinking each other.

It is really laughable to notice the course they pursue.— While one tells his readers that his patron never in his life acted with decision enough to have created a single enemy, the other tells us, that he was fool enough to place too much reliance on the information and integrity of his coadjutor, and signed, *without examination*, the *very* instrument which has kept the nation in an uproar for these four or five years past. I mean the recommendation for the compromise of the Yazoo claims. The very instrument which has engendered so much ill will, hatred, and animosity among the members of Congress. So much ill will, that there are to this day, in that body, those who have not been on speaking terms with each other for years, on account of the acrimonious expressions which have proceeded from the opponents and advocates of this very instrument—an instrument which has created such dissensions among the people, and even *between States*, as almost to threaten disunion—is acknowledged by the eulogising Editor of the Register, to be the studied and deliberate act of Mr. Madison! His words are, “that he (Mr. M.) would scorn to escape from a recommendation of the expediency of an adjustment of honest claims.” These are the very words of every advocate for the compromise of the Yazoo claims: all of them acknowledge corruption between the granting legislator and the original grantees: yet it is the contending for this same compromise, which Mr. Madison has recommended, and which his devoted eulogist says, Mr. Madison would scorn to escape from recommending as expedient, that has created the dissension and discord so much to be deplored.

I cannot avoid congratulating Mr. Madison on the acquisition of such a sapient pair of Eulogists. “Contending in the same cause,” one charges him with want of sufficient firmness ever to have created an enemy: the other charges him with folly and imbecility. “This brings the first up,” if I may use his own words, “seeing his brother soldier eagerly pressed, and yielding in the conflict, to hasten to his aid and retrieve him from the enemy.” To do which he claims for his patron the merit of being guilty of the very crime that is laid to his charge!

After all this I must give credit to the Washington eulogist, for the ingenious manner in which he claims for Mr.

Madison the merit of federal persecution. This may answer Mr. Madison *some* purpose, where this *sham fighting* between Mr. M's federal friends and this eulogist is *not* well understood. It is too well known here, that Mr. Madison *has not* a personal enemy among the federalists, to have this federal persecution considered in any other light than an *apology* for his friends to exclaim about federal persecution! It is too well known here that Mr. Madison has never *deserved* the enmity of the federalists. It is too well known here, that many of Mr. Madison's BOSOM FRIENDS are federalists; and that he suffers them to treat him with a familiarity which no republicans of equal standing would assume. It is well known, that when Congress are not in session, the federalists *almost exclusively* receive his invitations, and swarm round his festive board. It is well known, that the daily toast of the federalists is, "the next President," emphatically applying it to Mr. Madison. It is too well known, that republican merchants and mechanics get but little of the money he spends in this city. It is too well known here, that federal clerks in his office have, in the six years he has been secretary of state, received more than 40,000 dollars, while known republican clerks have received no more than six thousand dollars! It is too well known here, that he keeps an *English royal-federalist* in a *sinecure* place, or a place *next* to a *sinecure*, under the legal appellation of a *clerk* in his department, at the rate of fourteen hundred dollars per annum, while there are many needy republicans in the city, who would *rejoice* to do the duty for four hundred dollars a year!

It is well known, that in the paper called the Washington Federalist, the caucus election of Mr. Madison was announced with *high approbation* and *applause*; and that that paper, at the same time it was abusing Mr. Jefferson in the *basest terms*, was saying *soft* things of Mr. Madison.—It was thought necessary by Mr. Madison's *federal* friends, to check the natural current of that paper.—It was made to give way to the more politic course, and some federal friends of Mr. Madison have been allowed to commence a *sham war* of words against him by translating the objections of the republicans to his election into *federal language*, allowing him always to be a very great, a very wise, and a very good man, *carefully* avoiding to raise any new argument that might operate against his election!

It is not that the writer wishes to criminate Mr. Madison for his friendship and attachment to the federalists, that he relates those things. Mr. Madison may have *good reasons* for recommending the Yazoo compromise, and for conciliating the federalists, nor does the writer wish to deprive the federalists of the right the constitution gives them of aiding, by their "*talents and influence*" in the election of President and Vice-president.—No.—The whining manner in which Mr. Madison's friends call to their aid, the merit of his being persecuted by federalists, and by Yazoo oppositionists, the first of which I consider a mere counterfeit, *amicable* persecution, has led me to notice these things.

The same kind of hypocritical whining is practised by Mr. Madison's friends, since the caucus, about the division *they themselves* have created in the republican party.—A division which it belongs to Mr. Madison to *attempt* to heal, a division which he has at this moment in his power immediately to heal.—A thing which he ought to do before it is too late.—I mean a declaration, that he does not wish to supercede the venerable, the meritorious Vice-president.—A magnanimous declaration to the nation, that he wishes to take but *one* step at a time, will save him the mortification of exhibiting the very awkward appearance he must make, in vainly attempting to stride two or three steps at once, and that *too* over the head of Clinton, the great, the good, the virtuous and the wise.

That prudent course would probably save him from the danger of convincing the people of the United States, that he never was deserving the second place in the government, and it might save him from meeting the heart-rending denunciation of the American people to be pronounced by their votes, "That he who cannot wait patiently four years for his *due* turn, to receive the highest reward destined by them for their most meritorious, most skilful Patriot, never, *never* was worthy of such high Reward."

Washington City, February 27, 1808.

### No. VIII.

*Who is to be the next President?*

Among the many productions of genius on this important subject, a number of essays which smell strong of the *syco-phancy* of this city, have made their appearance in a New-York paper. They bear the signature of *Auscus*; and it is



pretty well understood that they have originated within the *purlieu* of one of the great offices.

This Amicus vainly endeavors to draw a veil of sophistry over the anti-constitutional attempt of a few of the members of Congress to force on the nation their *caucus President*.—Although I do not intend to follow him through all the changes in which he has sung the praise of his patron—although I intend to leave it to the good sense of the republicans of New-York to reward him for his surreptitious and insolent behaviour in breaking into that state, and endeavoring to palm himself on that virtuous people as their fellow citizen, weeping with more than crocodile tears over them for fear they should have a wish to see the patriot who has led them through trials and difficulties innumerable, indescribable, and almost insurmountable, to triumph, and to what is more than all the rest, to the honor of self-government. For fear I say that they should wish to see this patriot receive from the hand of a *grateful nation* that reward which is most pre-eminently appropriate for such great achievements for such a wise, fervent, and well directed zeal in the best of causes, I mean the clearing away the difficulties, and the laying the foundation of a powerful Republic, which is now the world's last hope, and long destined, I trust, to remain the residence of the arts, the nursery of science, and the asylum of virtue.

Although I intend to leave it to the friends of Mr. Monroe to chastise the insolence of this false Amicus for stiling them “a little factious junto in Virginia, who are laboring to spread dissatisfaction throughout the land.”—although I am sensible it will be labor lost to advise this rare Amicus to read the constitution, or to attempt to rouse his faculties sufficiently to understand that constitution, I will tell him, and the world, that Mr. Clinton derived his appointment as Vice-president from his own fair fame, which had spread far and wide, from Georgia to Maine, from the Atlantic to the Western Lakes; he derived it from a prediction of the American people to reward merit, and entrust those they have long tried and found faithful. He had no need of a Caucus. He had no need, like another gentleman, of *sycophancy and intrigue*. With shame it ought to be remembered there was a congressional caucus in the capitol at Washington four years ago for the *very purpose* of arranging for Mr. Madison's elevation to the Presidential chair, and the name of George Clinton was there, *without his knowledge or consent,*

made use of. He was at Albany in the execution of his duties as Governor of his native state, far distant from the walks of those who have for many years been planning and concerting for the succession of the Presidency to Virginia. He contented himself with the honor his native state was willing to bestow, and which had ever been given without anticipation. He however cheerfully obeyed the call of a grateful nation to accept the second office in the government, and now that the first office is becoming vacant, he has a right to expect that nation is disposed to give it to him. The caucus intriguers knew the nation *was* so disposed, and to divert them from that honest, that correct, that natural disposition, the caucus was held, and its doings solemnly published.

It is too well known in this city, and the nation will see it when the matter is explained, that the caucus in the capitol in 1804 was raised for the express purpose of promoting Mr. Madison's elevation to the Presidency in 1809!!! Although that gentleman's particular friends had raised the caucus, and had the moulding of it, or at least the majority of it, to their own views, such was their dread of the predilection the American people have for *rotation*, and the distribution of the great offices of the nation, that they dare not bring forward Mr. Madison for Vice-President while a Virginia President was expected to fill the chair. They knew very well, that notwithstanding all their high sounding words about the freedom of choice, about their superiorly exalted characters in Virginia and the constitutional right the people of the United States have to choose Virginian Presidents forever—they knew it would be considered an *insult* on the other states, to nominate a Vice-President, for the same term that a Virginia President would exercise the powers of the government. Notwithstanding all this clamor they know it will not do to take President, Vice-President, Secretaries of State, War and Navy; Judges of the Supreme Court, Ambassadors, and heads of other departments, from Virginia, or any other one state; they know and feel that in proportion as the appointment of public officers approaches that accumulation, in that proportion will the body of the people be disaffected. But they thought, in 1804, and still continue to think, that a *shadow of rotation* may be passed on the nation for the *substance*, and that by one kind of intrigue and another, the thing may be so *managed* that the state of Virginia shall always give the President. In order, therefore, that

Mr. Madison should be certain of the Presidency in 1809, his friends, the creators and managers of the caucus in 1804, after talking a long time about Colonel Langdon, of New-Hampshire, and Mr. Lincoln, of Massachusetts, and after roundly asserting (in such a way as to obtain pretty general credit, as they thought) that Governor Clinton's advanced age and bodily infirmity would prevent his friends from ever bringing him forward as a candidate for the Presidency, they concluded on his nomination. Perhaps some of Governor Clinton's friends were induced to seem to yield to this kind of policy. His ill state of health was so strenuously insisted upon, that many of his friends, even the writer of this essay gave credit to it. Some refused to attend the caucus on constitutional grounds, some because they would not be guilty of playing upon the feelings of the venerable Clinton, and even some of his most substantial friends voted on the one or other of these grounds, for Brackenridge, Langdon, Lincoln, or Granger. Notwithstanding all this, the venerable statesman, because his friends will not yield to see him caucussed out of the honor and confidence a grateful nation has in store for him, is now insultingly told that he owes his elevation to a caucus, and to that very caucus which was projected and collected for the express purpose of elevating Mr. Madison to the Presidency!!! Senator Bradley's *modest* invitation calls the invited to finish the business in 1808, which was commenced in 1804!—Mr. Bradley, when he brandishes his *caucus sceptre* in 1808, tells you it was given to him in 1804, and was he disposed to tell the truth for *once*, the public no doubt would be informed that that sceptre was at that time confided to him for the express purpose of *hoisting* Mr. Madison into the Presidential chair in 1809! Had he failed to brandish that sceptre, his employers would have despised him, and he probably would have fallen short of the reward due to zeal and perseverance.

I cannot but regret the pain this exposure must give Governor Clinton, to see how he has been treated, and to Mr. Madison, to see how he has been led to place dependence on this cobweb policy. The exposure has become necessary.—It has been provoked by the insolence of his friends in impudently imputing to the focus of their own artifices and intrigue Governor Clinton's elevation to the Vice-Presidency.

The exposure is due to the honest people of the United States. They ought to know how their sacred rights of electing their great officers, guaranteed to themselves by the

Constitution, has been attempted to be caucussed away from them by the aristocratic few.

We are told by this *Amicus* in a very *amicable manner indeed*, that the pen of *Americanus* has become "the discharge in the service of *calumny*." This writer, whose rancor seems to envelope the person who reads him, as if he was enwrapt in a cloud, overcharged with virulence, scattering its sprays on all that hear him read. This writer has the *impudence* to talk of *calumny*! Is it possible my dear *Amicus* to calumniate a self-created caucus, when attempting to rob the American people of the right of freely electing their own chief magistrate in a constitutional way? As well might the midnight robber cry out *calumny*! when you had caught him in the act of robbing your hen roost! Is it *calumny*, to expose the folly of Mr. Madison's eulogists in their tergiversations, in the weak manner in which they defend a *bad cause*? Or, is it *calumny* to say that George Clinton and James Monroe are more worthy to be entrusted with the high powers the constitution attaches to that office, and that they are either of them more capable, in my opinion, of performing the duties of that station than Mr. Madison?— If this is *calumny* I fear your rebuke is altogether lost upon me, as I am too far gone in all probability to be reclaimed by your *gentle* admonitions. In saying this—in repeating it, I mean not to criminate, or calumniate Mr. Madison. No. He may be a very good man, and all this be true. He may be misled by the sycophants around him. Neither do I charge the electioneering sins of those *sycophants* and *office hunters* at his door. They adore the power he is possessed of, they are deceived themselves by the glare of this power, and they deceive him. He ought to know that it is *power*, these creatures worship, not Mr. Madison. These things are necessarily connected with such a world as this we live in; indeed, I am so far from having any enmity or ill will towards the secretary of state, that in case he should be elected President (which by the way I think very far from being probable, at the ensuing election, and I fear the folly, the zeal and the pertinacity of his friends will destroy his future prospects,) I could set down with him, and in an *amicable* manner justify every syllable that has or may be written concerning this election, by the pen of

AMERICANUS.

Washington City.

*Extract of a letter to James Madison, esq. which appeared in the Baltimore Whig in February, 1808.*

SIR,

As it is not novel to see a letter addressed to you in a news-paper, I will make no other apology for this, than to assure you that it comes not from an enemy. Your eulogist, the editor of the Register at Washington, says, you never had a personal enemy for a cause that could be avowed. The writer of this ever scorned to entertain an enmity, the cause of which he would not avow: although, after more than thirty years critical observation of the American theatre, always keeping a Register by which to form a scale for my own estimation of the merit, talents and correctness of those who have been actors on that stage; I have not been able to raise you nearer the head of my list of eminent worthies, than the fifteenth; I am far, very far from being your enemy.

The design of this letter is, really, to point out to you the road to permanent, honest, and honorable elevation; to the verge of which, accident, more than extraordinary merit, has brought you. If you possess wisdom and fortitude sufficient to step forward in that road, your name may be recorded in the page of future history, among your nation's most deserving favorites.

It is a common place saying, that every man has it in his power, once at least in his life, to make his fortune. Almost every axiom which applies in private, applies also in political life. This common place saying has never been more strikingly verified than it is now, as it respects yourself. Be content with the station the nature of your pretensions, your talents and standing in the nation, entitle you to.

Seek not an undue elevation.

Recollect, Sir, that Aaron Burr, who has become a traitor, a convict, a bankrupt, an outcast—damned to the lowest pitch of degradation—commenced his career of folly and wickedness, in an untimely and improper attempt to force himself into the Presidential Chair. I do not mean to compare you to Aaron Burr. No Sir. That man sustained a distinguished character for greatness. He would be great in villainy, if he could be great no otherwise. The character attributed to you by your most intimate acquaintance, guarantees you from all danger of becoming a great knave. You may, however, by a like unseasonable attempt to climb to the Presidential Chair, meet with a fall, from which it will be impossible for you ever to recover.