

mutual and constitute law. What yesterday was doubtful, to-day is doctrine. — Examples, or precedents thus justify the most daring measures; and where they do not exactly suit, the defect is supplied by analogy; and a future House of Representatives, feeling no apprehension, will not scruple to follow a precedent which they did not establish; whereas the laws which protect us in our civil rights, must grow immediately out of the constitution, for we must fall or flourish with it.

It may be urged, that precedents which are in direct opposition to principles, will not support national injustice, nor a violation of positive right; yet we find, in all ages, power is correlative with right;—and here there is a power delegated by the mere vote of the House of Representatives, over the liberties of the citizens, unlimited and uncontrolled, except by the mere discretion of the committee; and as such, it establishes a precedent on subjects of general legislation, which stands recorded forever, as a proper resort in all and every case, where a compulsory process may be deemed proper by our representatives.—Or, when the House of Representatives wish to attain a favourite object, in direct opposition to the opinion of the Senate and Executive, they can resort to this as a precedent, and enter into a *Resolue*.

Under the corrupt and despotic government of Great Britain, uncontrolled by the definite rules and restrictions of a written constitution, the Parliament never have dragged, nor durst not drag their manufacturers before them, and compel them, on oath, to disclose every item as to their secret process of dyeing, stamping and finishing off their fabrics; their profits, loss, &c. and every other question, "concerning the present condition" of their occupation, which the insolence of a committee-man might prompt him to ask. Even in their long practiced dissensions as to their *corn laws*, the Parliament has only examined those who voluntarily presented themselves.

Yet we, who boast of our republicanism, hold our equal rights and equal liberty as a sacred deposit, and present our civil institutions as a model to the world, are obliged to obey the mandate of a mere Committee, clothed with power by a mere *resolue* of one branch of our Legislature, on a subject, too, of general legislation, and march from New-Orleans or Boston to Washington, and there, under the solemnity of an oath, divulge, if required, all the secrets of our machinery and occupation to this select Committee.

It matters not who are the men, to whom this power is given, or with how much moderation it may be used; it, if sanctioned by public approbation, forms a precedent unlimited in extent, and applicable to every subject. Assuming undelimited power is *tyranny*. The difference is but a name, whether it be in the form of an edict from the Spanish Inquisition, the mandate of military despotism, or the *Resolue* of the House of Representatives; and so long as our organized legislative bodies act in conformity to our constitution that created them, no such delegated power can exist. When such a prerogative is usurped by one house, to the exclusion of the other, and the executive, the constitution and the confederacy are at an end, at least as to republican principles and constitutional legislation.

This *Resolue* is more compulsory than a civil writ—it is as imperative as a criminal process—it requires immediate and unconditional acquiescence.—As the manufacture of *iron*, in all its branches, is one special object of this committee, let us realize its operation among ourselves.

Suppose a writ of attendance, from this committee, to be now served on Gen. Foreney, or Gen. Graham, or Capt. Brevard, or all of them, to attend at Washington, to answer all and every question on oath, this committee may deem proper to ask them, "concerning" their process in making castings, iron, nails, steel, &c.—the machinery used; then operative funds; together with an exhibit of their books, to see and gain, and the "present condition" of their near property, &c. &c. &c.

They must either immediately leave their families, farms, furnaces and forges, perhaps to their utter ruin, or—go to jail. If this be not the consequence, this *resolue* is void of power, and is not only perfect folly, but a direct insult to the nation. To jail they must go—what then? This *resolue* being a law of Congress, it becomes the supreme law of the land; "our Judges are bound thereby," "any thing in our constitution or our laws to the contrary notwithstanding." They, therefore, cannot issue a writ of habeas corpus and release them; but these old revolutionary veterans must there be held released by a Federal Judge, or by a *dispensation* from the Chairman of the Committee; thus fixing our rule of life and liberty on the temporary discretion, and fluctuating integrity, of a majority in our House of Representatives.

If this be the consequence of enforcing this *resolue*, the *sedition law*, with all its iniquities, never involved so wide a sweep of our personal rights, nor could it have been as destructive to the privileges and property of the citizens. Is

this the way our rights and privileges are guarded and secured to us by our representatives? Are these the limits of those rights and privileges, guaranteed to us by our State and Federal Constitutions? Or is this a prelibation of what we may expect, when misrule, morals, patriotism and integrity, shall have opened to that maturity of corruption, when the rights of the citizens will form no barrier to personal aggrandizement? But I trust there is now a fund of good sense in the nation, which cannot be deceived; and a spirit of republican patriotism, which will not be oppressed.

On this subject, not wishing, in the smallest degree, to prejudice any person, or to misrepresent the nature or operation of this *resolue*, but not having an opportunity of perusing the debates in Congress,—should there be any unfair construction or misrepresentations on the subject, I hope Mr. Bingham will conceive it his duty, as I believe it has ever been his inclination, as an Editor of a public journal, to append to this such a corrective, as will enable the citizens at large honestly and candidly to form an opinion for themselves, on this and every other important measure of our national affairs.

A CITIZEN.

Jan. 22, 1828.

From the Nat. Intelligencer.

In Mr. Johnson's Speech, (on the bill to abolish Imprisonment for Debt,) delivered in the Senate on the 19th December last, allusion is made to the fierceness and cruelty with which the alterations of debtor and creditor were conducted among the ancient nations. The laws of Rome allowed the creditor to seize not only the property, but the persons of his debtors, and of all the individuals of their respective families, and retain or sell them as slaves. Such, however, was not the case with our generous ancestors of the British Islands. A controversy for debt was there conducted with the most scrupulous regard, not only to the political right of the debtors, but to his feelings as a freeman. The King, as the fountain of justice, was supposed to be present in person, or by deputy, in every court of law. The King is so good as to interfere at the request of the creditor, and to send the debtor his royal mandate to do him justice within a specified number of days. In default of compliance, the same form of summons was repeated a second and third time, with a clause enjoining him, in case of non-compliance, to appear in the King's Court, and shew the cause of his refusal. And it is a remarkable fact, that, even at this day, no one can be legally imprisoned for debt in the realm of Scotland. Although the deed is done, it is only practicable by one of those pious or impious (as the case may be) frauds, called *fictions of the law*, for which we are solely indebted to the judges. When the debtor has disobeyed the mandate of his Majesty, to do justice to his creditor, or to show sufficient cause for not doing so, he is lawfully and rightfully declared to be a rebel to his gracious Sovereign, and is legally imprisoned; not on account of any civil debt, but because of his ungrateful contempt of the Royal mandate—that is to say, for constructive treason. His Majesty is never in presence in our Courts; either in person, or by deputy; Constructive treasons are not named in the third section of the 2d article of the Constitution. By what authority then have debtors been imprisoned in the Common Law Courts of this Country?

Duelling.—The following paragraph in Governor Clinton's late Message to the New-York Legislature, is worthy of attention:

"A prominent and besetting evil of the times is the practice of duelling, which frequently shipwrecks the peace of families and destroys the lives of useful members of Society. In these cases, false notions of honor are arrayed against the dictates of morality, the prescriptions of law, and the injunctions of religion. The extermination of this moral hydra has been found more difficult than the physical hydra of antiquity. The severity of the penal inflictions has been rendered nugatory by the want of certainty; and civility itself has prostrated the most sacred considerations. The failure of past preventives ought not to deter from the application of new expedients. If public opinion is unable to arrest this aggravated evil, the arm of the law ought to be stretched forth full of terror and replete with punishment. The most effectual prescription heretofore applied, was the requirement of an oath from every person entering into office, that he would not be concerned in duelling; but, this having been abolished by the new Constitution, other measures must be pursued.

"As most duels take place out of the State, might it not have a preventing effect, to direct all magistrates to make strict enquiry into the charges, and in their discretion to imprison the offenders, until notice can be given to the Executive of the State in which the crime was committed, so that he might make the constitutional requisition for their being delivered up to punishment? And if a homicide of this character be perpetrated, may it not be advisable to consider it so in the State where the person dies, as

well as that where the wound was inflicted?

"Most duels are brought to a fatal termination by the misconduct of seconds, who in the confidence of self security, and in the headlong career of demented quixotism, close the door against reconciliation; and they ought therefore to be visited by exemplary punishment, especially in challenges ending in duels, and when homicides have taken place out of our jurisdiction. What is now adjudged only a misdemeanor, or a breach of the peace, ought to be deemed a felony, and subject to punishment in our state prison. And by such energetic measures it is earnestly to be hoped that this disgraceful evil and high-handed offence may be expelled from our country."

TWENTIETH CONGRESS.

WASHINGTON, Jan. 18.—In the Senate, yesterday, the bill for increasing the pay of Lieutenants of the Navy, who have served for ten years and upwards, as such, was read a second time, considered and discussed, when it was postponed to this day. The Senate resumed the consideration of the bill for abolishing imprisonment for debt; and after considerable discussion and the rejection of some amendments offered by Messrs. Noble and Eaton, it was ordered to be engrossed for a third reading—Ayes 24, Noes 17.

In the House of Representatives, after the adoption of several resolutions, the House resolved itself into Committee of the whole, and took up the bill relative to disbursing officers, the bill making appropriation for the payment of certain revolutionary and other pensioners, and the bill making an appropriation for the support of Government for the year 1828; all of which bills were ordered to be engrossed, and read a third time to-day.

JANUARY 19.—In the Senate, yesterday, the Bill to abolish Imprisonment for Debt was finally passed—Ayes 25, Noes 16—and sent to the other House for concurrence. The Bill from the House of Representatives, making appropriations for the support of Government for the current year, and the bill making appropriations for the payment of Revolutionary and other pensioners, were taken up and committed.

In the House of Representatives, the House resumed the discussion of the Bill for the relief of Marigny D'Auvergne. The motion to recommitt the bill being withdrawn, Mr. Gurley renewed his motion to amend by inserting the amount of the claim for injury done to a slave. The amendment was then discussed by Mr. Kerr, Mr. Sutherland, Mr. Wood, Mr. Everett, Mr. Allen, of Massachusetts, and Mr. Haile. But no question was taken when the House adjourned.

JANUARY 22.—In the the Senate, yesterday, the Bill for regulating the process of the United States' Courts in those States which have been admitted into the Union since the year 1789, was discussed and laid on the table, with a view to further examination. The bill for increasing the pay of Lieutenants of the Navy was discussed and amended so as to apply to all the Lieutenants, and ordered to a third reading.

In the House of Representatives, a great number of petitions and resolutions were received from the Departments, and a message from the President, the contents of which will be found in our report of proceedings. A bill was reported by Mr. McDuffie, from the Committee of Ways and Means, making appropriations for sundry fortifications; the details of which will be found under our Congressional head. Mr. Smyth moved that the House resolve itself into Committee of the whole on the state of the Union, in order to take up his amendment to the Constitution, but the House refused by a vote 89 to 80. The House also postponed until to-day the further discussion of the bill for the relief of Marigny D'Auvergne, having ordered the whole of the evidence on this claim to be printed. Two private bills were passed through Committee of the whole, and ordered to be engrossed and read a third time to-day.

The Treaty of Commerce and Navigation, between the United States and Sweden, concluded at Stockholm, on the 4th of July last, has been ratified by the Senate; and the Ratifications were exchanged in this City on the 18th instant, by the Secretary of State on the part of the United States, and by Baron de Stackelberg, Charge d'Affairs of His Majesty the King of Sweden and Norway, on the part of his government.

Nat. Journal.

The House of Representatives refused yesterday to resolve itself into a Committee of the whole on the State of the Union, which was moved by Mr. Alexander Smyth, for the purpose of taking up his resolution to amend the Constitution. We perceive that most of the Opposition Members who were present voted for the motion; and had it prevailed, all the public business before the House would probably have been hung up for the next five or six weeks. We had woful experience in this matter during the first session of the last Congress, when nearly

two months were consumed in declamation on this subject, without any other benefit to the people, than what they might glean from a hundred and fifty columns of ten thousand times repeated assertions, assaults and arguments. We do hope to be rescued from such another visitation. We supplicate in the name of the people, in mercy to their purse, and in charity to their patience, that we may be suffered to go through the public business smoothly. Without interruption. When that is patched, if time shall be left for a flourish of a few weeks, let it be so directed; and we will not be very nice about the subjects on which the pseudo orators and patriots of the day may choose to enlighten us, and to achieve reputation for themselves.

Intelligence.

FROM EUROPE.

The packet ship Columbia, arrived at New-York, which left Cowes on the 6th of December, brings London dates to the 5th inclusive.

It appears from various accounts from Constantinople, in the French and German papers, that the intelligence of the Turkish fleet was received at Constantinople on the first of November. The city was instantly thrown into great agitation, and the Turks were furiously exasperated. No violence, however, was offered to the persons of the European residents, and at the last dates, which bring down the intelligence so late as the 10th of November, the Ambassadors of the allies still remained there.

On the receipt of the News from Navarino, it is said in an article from Constantinople, the Sultan was in such a passion, not even his confidential advisers, dared for some to approach him. At length the Reis Effendi was admitted, and on the 5d the Dragomans were sent for, who made their appearance in great consternation. The Sultan reproached them with treachery, and declared that he exceedingly regretted having for a moment believed their insinuations or the promises of the allied Ambassadors.

The Divan had been assembled to deliberate on the proper measures to be taken—they had asked farther time, and it was expected that their final decision would be announced on the 11th. Throughout the city of Constantinople it seems to have been generally believed at the last dates, that the decision would not be of a pacific nature, and that a general armament would be ordered. This inference, however, seems to be drawn from the exasperation which prevails among all ranks of the Turkish nation, rather than from any reflection on what may be the best policy of their government. What this policy is, there can be little doubt—and to our minds, the most probable inference seems to be, that the Porte will do as almost every other government has done before it—that is, submit with the best grace it can, to what it cannot help.

The Austrian Ambassador is said to be in constant negotiation with the Porte. The Reis Effendi answered the Ambassadors of Prussia and Holland, who offered to express their condolence on the late events, that the Porte would take a step suitable to its dignity.

The conduct of the Porte to the Ambassadors has been hitherto entirely conformable to the law of nations, and seems to be a pledge that the Porte, even in the worst case, does not design any thing violent towards them.

An article dated Florence, Nov. 13th, states that it had been announced to the Christian residents at Smyrna, that they might pursue their vocations with perfect security.

The French Admiral Rigny, was said to be off Smyrna on the 6th Nov. on board the Trident.

The late accounts of the entire suppression of the rebellion in Spain, seem to have been erroneous. Ballaster was executed at Tarragona on the 13th of November, and the standards of the insurgents taken with him were burnt by the hangman. The insurrection however is not put down—new bands of rebels are formed, which spread desolation through the country.

Letters from Portugal represent every thing to be perfectly quiet in that kingdom.

The riots in Paris, says the Gazette de France, have been rather of a serious description, some 20 persons lost their lives.

The Quotidienne represents the progress of the election, so far as ascertained, to be, opposition 208, ministerial 116.

The fortress of Erivan, in Persia, surrendered to the Russians on the 19th of October, after a siege of 12 days. The Governor, with several distinguished Kahns, and 3000 troops, were made prisoners.

FIRE.

WILMINGTON, Jan. 23.

Our town has been once more visited by the calamity of fire. The whole of that well built square, lying between Market and Dock Streets and between Front Street and the river, is destroyed.

About half after 4 o'clock on Saturday morning, fire was discovered issuing from the roof of a poultry house, near Cazaux's bake shop, situated near the

centre of the square. It was then so inconsiderable, that it might easily have been extinguished with a few buckets of water, if there had been a few persons only, to form a line to the river. The utmost expedition was used to sound the alarm, but the bell was rung so much in the style of ordinary occasions and so near the stated hour of ringing, that many persons, supposing it to be the usual summons to work, arose sluggishly from their beds. The inhabitants of the endangered square and those who had moveables within its limits, fearful from the progress of the fire and its situation in the midst of combustible matter, that its ravages would extend to the streets, turned their attention to their individual concerns and hastened to convey their furniture and goods, to a place of safety.

The Washington Engine had been taken to pieces, the day preceding the fire, and Engine No. 1, was out of order for the first time since the formation of the company. The hooks and the implements of the fire companies, had been sent within the last 24 hours to a workman for the purpose of being repaired; and the whole struggle for a mastery over the flames, devolved upon the Franklin Engine, which was kept in action for some time, but was, singly, found inadequate to cope with the increasing magnitude of the evil. At this juncture all hope of saving any part of the square, was abandoned; and the plan was adopted, of protecting the most exposed points of the adjacent squares and preventing the fire from crossing the streets.

It is impossible immediately after such an event to state losses with accuracy. The amount of property destroyed, is not less than \$100,000; of that insured about \$60,000.

Mrs. Urquhart and Richard Bradley Esq. are the principal sufferers, among the uninsured.—There are a few, no doubt, who have lost their all; and whose condition may call for the exercise of beneficence. Merchants and others, at points of the square, distant from the centre, were successful in conveying their goods beyond the reach of the flames, but all of them have probably suffered losses from plunder, not withstanding the vigilance of the military stationed for general protection.

Recorder.

A solemn warning to Parents.—It is seldom we have to record a circumstance, which calls so loudly on parents, to bring their children up in a becoming manner, as the following. A few days past, two small boys, aged 10 and eleven years, (sons of Mrs. Rogers, a widow lady resident of Herford county) commenced a grime at cards, when a dispute arose, about a walnut, which it appears was the wager. It seems that the eldest contradicted the other, and he was told if he repeated it, he would shoot him instantly; not supposing, perhaps, that he was in earnest, the eldest boy contradicted him the second time, when the youngest, unhesitatingly, stepped in the house, which was not far distant, brought out a gun, and put his diabolical threat into execution, by shooting his brother thro' the head, when he fell and expired in a few minutes. We are told that the boy has been safely lodged in jail.—It is not unfrequent that such consequences ensue, in what some are pleased to term innocent amusements. *Edenton Gazette.*

Centreville, (Md.) Jan. 12.

Tragical Affair.—We record the following melancholy transaction, which happened on Friday week, about 7 miles from Centreville, in the hope that it will prove a salutary admonition to the unthinking and youthful part of the community.

Some friends had been invited to a wedding, and the morning following two of them got possession of a gun and pair of horse pistols which were in the house; these pistols it seems, had been loaded about two years ago, by the owner, who belonged to the Centreville troop. The circumstance had entirely slipped his memory, and the young men without being apprised of the fact, commenced snapping them at each other; being but a short distance off, one of the pistols discharged its contents into the upper part of the head of one of the young men; he immediately fell to the floor, and survived but a few hours.

The name of the deceased was Benjamin Walters, he had attended the wedding as groomsman. It is said the young man who killed him is the subject of excessive grief.

Macon, Jan. 14.

Creek Affairs.—A full Council of the Creek nation of Indians assembled at their Council Ground, on Monday the 31st ult. and continued for several days. At this Council, the Treaty made by Col. M'Kenny with the Chiefs for the purchase of their remaining strip of land in the boundaries of Georgia, was laid before them by the Agent, and received their full assent. The Government is to pay them \$47,491—being \$5000 more than mentioned by Col. M'Kenny in his letter to the Secretary of War. Of this sum, the Indians have agreed to appropriate \$3000 for the support of the Kentucky school; \$4000, to be divided between the Tuckabatchee and Broken Arrow schools; \$20000 in erecting horse mills; and \$100 in the purchase of spinning wheels and cards. So it would seem