

of credit—by inference, what cannot be done directly cannot be done indirectly. It therefore only remains to examine if a bank note be a bill of credit, to determine whether the charters granted to the banking companies by the state are valid. To try this question, suppose the states to issue a paper currency in the words of a bank note, would such paper be constitutional? As this question is answered, it will follow either that the charters are void, or the states have shamefully thrown a very important interest from the people into the hands of a monied few, and which indirectly violates the provisions of the state constitutions, which declares all laws shall be equal, and yet suffers these chartered stockholders to draw 8, 10 or 12 per cent, while other laws forbid more than 6, under the penalty of forfeiture and fine.

I cannot however think it necessary to consume time in proving what must be too clear to need proof; that a bank note, or any piece of paper purporting that the bearer shall receive the nominal amount, is a bill of credit, no matter what the words are—or that what a state cannot do in its capacity, as a state, it cannot do by third persons, and consequently that every charter granted is unconstitutional and void.

It then follows to enquire if such is the case, can Congress grant a charter, and ought Congress to do so.

The constitution has no where given, in express language, the power to emit bills of credit. But it has given impliedly all the powers which the states are debarred from using, and expressly the power to provide for the general welfare—to borrow money—to punish counterfeiting, &c.—Although it is clear the right of Congress is better than the right of the states, yet if a doubt existed, there is no doubt but an amendment might be had to give the power expressly. Because it is for the general and particular welfare that banking should go on—and it is an insufferable abuse to give corporate associations exclusive privileges at the expense of the people.

The sum which government could raise in this way would be adequate to build a navy—fortify the union—canal and turnpike the union, or give general education to the poor.

Shall then these very important national benefits all be neglected, or be sunk at the footstool of a monied aristocracy, already too proud, and who keep their property beyond taxation, and themselves most out of the way of public service?

Foreign Intelligence.

LATE and VERY IMPORTANT.

NEW-YORK, JUNE 25.

By the ship Virginia, captain Crockett, in 46 days from Amsterdam, the Editor of the Mercantile Advertiser has received an Amsterdam paper of the first of May, containing important news of which we have given a translation.

From this it will appear that the "dogs of war" are again let loose in Germany; and that a bloody engagement took place on the 20th of April at Rbor, between the French and Austrian army, in which the latter was defeated with great slaughter.

We learn verbally from Capt. Crockett, that the victory of the 20th was obtained by a *ruse de guerre*; the Emperor Napoleon, under cover of a feigned retreat, having drawn the archduke Charles into a very unfavourable position. The archduke John was advancing to meet the French at the head of 80,000 men, so that a second general engagement was daily expected.

The Emperor of Russia and the King of Prussia continued neutral.

The ship Mentor, captain Ward, arrived in Fe nce from New-York, about three weeks before the sailing of the Virginia.

Captain Crockett, we understand, has brought dispatches for Government from Mr. Armstrong, who it was reported in Amsterdam was about leaving Paris, and would probably return in the Mentor.

Nothing new had been received from Spain.

The embargo on American vessels in the ports of Holland was raised early in April.

The Emperor of Austria had returned to Vienna, from the army.

Translated for the Mercantile Advertiser from an Amsterdam Paper of May 1st.

DRESDEN, APRIL 19.

We have at present no other intelligence of the belligerent armies than that the French are concentrated on the banks of the Danube.

DONAUWERTH, APRIL 18.

The moment his majesty the Emperor arrived here he issued the following proclamation to his army—

SOLDIERS—We have fixed the territory of the confederacy; yet the Austrian General imagines that on appearance of his army we shall precipitately retreat, and leave our allies to his mercy. The bird of power, hovers around me; I am surrounded by my Soldiers.

When the sovereign of Austria visited our cabinet, you saw him depart with vows of eternal friendship. In three wars we have conquered Austria, and she has repaid with perfidy the debt of gratitude she owed us. Let us march. At the approach of our armies she will once more acknowledge her conquerors.

"NAPOLEAN."

BACH, APRIL 20.

"I have the honour to inform your majesty that during three days we have repulsed the enemy. Your troops have distinguished themselves."

APRIL 21.

This day the French Envoy at the Court of Sillingen made the following report public—

"It is this moment reported by the adjutant of the Prince of Neufchateau, that a great battle had been obtained yesterday by the Bavarian army, headed by his majesty the Emperor and King Napoleon, who has made from 10 to 12,000 prisoners, and the Austrian army is retreating. The fruits of this battle are many stands of colors, a great number of cannon. A general and a bloody engagement is soon expected."

LUDEWIGSBURG, APRIL 23.

We have this moment received the following intelligence:—

OFFICIAL BULLETIN.

The fire of heaven has struck the Austrian army, and its ingratitude and guilty perfidy are punished. All their cordons are destroyed. More than 20 Generals are killed or wounded. An Archduke is among the killed, and two others increase the list of the wounded. We have taken many standards, cannon, much ammunition, and a great quantity of provisions. This battle, in our opinion, has decided the fate of the war equally as much as the battle of Jena did that which preceded it. The Prince of Litchenstein is wounded mortally.

BRITISH PARLIAMENTARY REFORM.

In the London Morning Chronicle, of May 23, is published an account of a very large dinner at the Crown and Anchor Tavern the day preceding, of the friends of Parliamentary Reform. Sir Francis Burdett was in the chair. Mr. Wardle, the member of Parliament who conducted the inquiry into the conduct of the Duke of York, was present; and treated with the most marked and flattering attention. Maj. Cartwright, one of the most respectable, indelible & intelligent of English reformers, after a short speech proposed the following resolutions:

Resolved, 1. That it is "the grand principle of the constitution, that the people shall have a share in the government, by a just representation in Parliament."

2. That the long duration of Parliament greatly facilitates the corruption of the members, and removes that wholesome check or controul on their conduct, a frequent recurrence to the opinion of their constituents.

3. That in a petition presented to the house of commons, on the 5th of May 1793, it was offered to be proved at the bar "that 154 individuals did, by their own authority, appoint or procure the return of 307 members of the house (exclusive of those from Scotland) "who were thus enabled to decide all questions in the name of the whole people of Great Britain."

4. That this meeting believes individual patronage in Boroughs has increased since the year 1793—that the representation of Scotland is extremely influenced and unfree—that there are great defects in that of Ireland—and that in the English boroughs called *open*, the returns are for the most part obtained for money; wherefore, upon the whole, it is the opinion of this meeting that a great majority of the members of the commons house, are so returned that the nation is not constitutionally represented; while yet it is taxed to support an expenditure of seventy millions sterling a year.

5. That in the act (commonly called the act of settlement) which placed the house of Brunswick on the throne of these realms, it was asserted and recognized as the constitutional principle, that no person who "has an office or place of profit under the king, or receives a pension from the crown, shall be capable of serving as a member of the house of commons."

6. That it appears by a report laid on the table of the house of commons in June last, that 78 members sit in the regular receipt under the crown of £ 178,995 a year.

7. That in 1782 it was declared by Mr. Pitt in the house of commons, that "seven or eight members of that house, were sent there by the Nabob of Arcot, and that a Foreign State in enmity to this country, might procure a party to act for it under the mask and character of members of that house."

8. That such a state of representation is a national grievance.

9. That in every department of the State into which inquiry has been made, scandalous corruptions and abuses have been detected.

10. That the exclusion of the public voice from all influence in, and the consequent corruption of, the governments of the continental states, have been the causes of their subjugation.

11. That so long as the people shall not be fairly, represented, corruption will increase; our debts and taxes will accumulate; our resources will be dissipated; the native energy of the people will be depressed; and the country deprived of its best defence against foreign foes.

12. That to remedy the great and glaring evils of which we complain, it is not necessary to have recourse to theoretical speculations, or dangerous experiments in government, but to the principles handed down to us by the wisdom and virtue of our forefathers.

13. That the remedy is to be found, and to be found only, in a full representation of the people in the commons House of Parliament; a remedy equally necessary to the safety of the throne and the happiness and independence of the country.

14. That we therefore recommend to every town, city, and county to take the state of representation into consideration, and urge, but temperately, apply to Parliament to adopt such measures as shall secure to the nation the reality and uses of representation.

The resolutions were seconded by Mr. Maddocks, the member for Boston, and carried. If these resolutions have met the eye of any man in America, who from any cause whatever has been induced to think favorably of the government of England, we pray him to turn back, to re-read and consider their import; let him compare that government of debts, taxes, misrepresentation and corruption which they exhibit, with the government under which he lives, and he will find abundant cause for self congratulation and national pride.

The whole proceedings at the Crown and Anchor on the first of May, are marked with a more determined character and bespeak a loftier hope of success, than any thing of the kind which has occurred in Great Britain for many years. "The cause for which Hampden bled in the field, and Sidney on the scaffold," was drank with three times three.

Mr. Wardle read a letter from Sheffield, stating that 15,000 persons had affixed their signatures to an address in favor of a radical reform; he read another letter stating that a similar address had been passed at Paisley in Scotland, and signed by 4,000 persons. Liverpool, Nottingham and a multitude of other cities and towns have felt the same impulse, and pursued the same conduct; and Norwich and many others are on the point of proceeding *PASSIBUS AEQUIVUS*. At Liverpool, a piece of plate of £ 1000 value was voted to Mr. Wardle, with an appropriate inscription.

Demo. Press.

Congress.

HOUSE OF REPRESENTATIVES.

Thursday, June 22.

Mr. Gold reported a bill to authorise the Secretary of War, by means of commissioners, to settle the boundary line of the public lands at West Point, &c.—Twice read and referred.

Mr. Miller observed that it had been stated to the House, in the course of the debate, a day or two ago, that the Attorney General had given an opinion that the title to the Bature at New-Orleans was in the U. States. If that were true, it must be equally true (without deciding the correctness of the opinion) that the U. States must be entitled to other parts of Bature or alluvion on that river. He was against a partial investigation of a general right: He wished to know if there was not other property in the same situation, and therefore moved the following resolution, which at his suggestion was ordered to lie on the table:

Resolved, That the President of the U. S. be requested to take measures to ascertain the title of the U. S. to all the alluvions, islands, accretions and banks on the river Mississippi, designating particularly the title, to those opposite the city of N. Orleans and the several suburbs laid out and adjoining the same.

Friday, June 23.

A bill from the Senate authorising the Comptroller of the Treasury to give certain collectors of the customs for sums paid by them to the owners of fishing vessels, &c. and a bill for the remission of certain forfeitures and penalties, and for other purposes (inflicted on the sufferers from Havana who have unwittingly violated the law prohibiting the importation of slaves) were twice read and committed.

A communication was received from the Secretary of the Treasury, in pursuance of a resolution of this House of the 17th inst. enclosing copies of proceedings of the commissioners of the Sinking Fund and the correspondence between the Secretary of the Treasury and the bank of the U. S. in relation to a loan under the act supplementary to the act for the further support of public credit and the redemption of the public debt.

The engrossed bill concerning the naval establishment was read the third time.

Mr. Macon said he would take occasion at this time to notice the difference between the several statements received at different times from the Navy Department. He compared the reports made the 10th of December, 1807, and on the 6th of June inst. the latter report stating the expenses of the gun-boats at nearly double of the estimate in the former. He presumed that when the one was made, there was a zeal for gun-boats, and when the other was made there was a fever for frigates and fast sailing vessels instead of them. It was stated also that it required 45 men to manage a gun-boat with one or two guns. He could not conceive how it would require the same number of men for a boat with one gun as for a boat with two. These things he mentioned being an anti-navy man, to shew the inconsistency which always attended statements from that department.

The bill was passed without opposition.

The House again resolved itself into a committee of the whole, on the bill from the Senate to amend and continue in force the non-intercourse act.

Mr. J. G. Jackson modified his motion made yesterday, explanatory of the intention to admit the public armed vessels of Great Britain and France, by making it apply to the public armed vessels of any nation whatsoever.

The motion as modified was opposed by Mr. Ross.

Mr. Gold moved to amend the amendment by substituting for the word "whatsoever," the words "belonging to Great Britain," so to admit only the armed vessels of Great Britain.

Mr. Gold and Mr. Whitman spoke in support of his motion, and Mr. J. G. Jackson against it.

Mr. J. G. Jackson then withdrew his motion altogether.

Mr. Sheffey moved to amend the first section of the bill by adding, after the proviso, the following: "and provided also that nothing herein contained shall be construed to prevent any public vessel from entering the waters and harbors of the U. S. belonging to any nation with whom commercial intercourse shall have been permitted."

Mr. Sheffey spoke in support of his motion.

Mr. Eppes opposed it.

Mr. Taylor also opposed it.

Mr. Dana supported the motion.

Mr. Rhea spoke against the motion, and Mr. Cook in favor of it.

On motion of Mr. Varnum, the committee rose, reported progress and obtained leave to sit again, those opposed to sitting again being in favor of continuing the discussion in the House, with a view to obtain a greater attention to it than was paid in committee, many members being absent during the debate.

Saturday, June 24.

Mr. Johnson stated that he had been requested by a committee of citizens to make a motion that the House should come to the following resolution, to which he hoped there would be no objection.

Resolved, That if Congress shall not be in session on the 4th of July, the citizens of the District of Columbia shall be permitted to occupy the Representatives Chamber, for the purpose of attending the delivery of any discourse prepared for the celebration of that day.

The House agreed to consider the resolution, to 55 17.

Messrs. Lewis, Quincy and Lyon opposed the resolution on the ground that this hall should be set apart as sacred for legislative purposes; that the furniture might be injured by indiscriminate admission of persons; and that it would be improper in this House in any way to give encouragement to any party celebrations of that or any other day.

Messrs. Johnson, Burwell, Cook and Smilie, supported the motion. They observed that no building reared by mortal hands was too sacred for the celebration of that day; that there was no intention to foster party spirit; and that sufficient reliance might be placed on the good order of the citizens that they would not injure the furniture of the House.

Mr. Van Horne rising to oppose it, Mr. Johnson withdrew it to avoid occupying the further time of the House.

Mr. Cook renewed the motion: but the House refused to consider it.

Monday, June 26.

NEW-ORLEANS BATTURE.

Mr. Sheffey, after a speech of some length, in the course of which he examined the title to this much contested part of the alluvion, moved the following resolutions:

Resolved by the Senate and House of Representatives, &c. That if the President of the United States be requested to cause the several persons who were removed from the batture of the suburbs of St. Mary, in the city of N. Orleans, on the 25th of January, 1808, to be restored to the possession thereof, to be held with the same rights with which they held the same immediately prior to such removal, any subsequent act or thing to the contrary notwithstanding.

Resolved by the Senate and House of Representatives, &c. That if the President shall be of opinion that the U. S. have such a legal claim to the batture opposite the suburb of St. Mary in the city of New-Orleans, as will justify the expense of prosecuting the same, he be authorized, with the consent of the parties removed therefrom, on the 25th of January, 1808, to name three referees, who shall have full power to hear and finally to determine all right, title, claim and demand whatsoever, as well of the U. States as of the par-

ties removed, both in law and equity, and their award or that of a majority of them shall be binding as well on the U. S. as on the said parties.

Resolved, That if the President shall deem it most expedient, he may compromise the conflicting claims of the U. S. and the persons removed from the batture of the suburb of St. Mary, in the city of N. Orleans & cause the same to be tried in a court of the U. S. in such manner and at such place as will secure an impartial trial.

The House agreed to consider the first resolution, ayes 67.

A motion was made to refer it to a committee of the whole; which, after debate, in which Messrs. Love, Poydras, Smilie, Dana, Troup and Bibb participated, was agreed to, 60 to 21; and it was then made the order of the day for to-morrow.

The House agreed to consider the other resolutions, 48 to 41, which were referred to the same committee. On motion of Mr. Smilie, the House resumed the consideration of the report of the committee of the whole, on the bill from the Senate, to revive and amend certain parts of the act interdicting commercial intercourse; the unfinished business of yesterday (the report of the committee on the contested election of Wm. Baillies) having been ordered to lie on the table, 58 to 45.

The committee of the whole were, on motion of Mr. J. G. Jackson, discharged from the further consideration of the non-intercourse bill, ayes 70; and it was taken up in the House.

Mr. J. G. Jackson said he found that there was in the bill no provision authorising the departure of vessels charged with dispatches for France, and therefore moved such an amendment—Agreed to without opposition.

Mr. Sheffey said that when the bill had been before the committee he had the hope to move an amendment which he now renounces as follows:

"And provided also, that nothing therein contained shall be considered to prevent any public vessel from entering the waters and harbors of the United States, belonging to any nation, with whom commercial intercourse shall be permitted."

Mr. J. G. Jackson moved to amend the amendment by adding to the end of it the following: "Whenever a full and satisfactory adjustment of our differences shall have been made with such nation."

In a debate of about 4 hours, which took place on these motions, Messrs. Dana, Laversmore and Holland supported Mr. Sheffey's amendment, and Messrs. Taylor, Fisk, Bisswell, Johnson, Smilie, Cook and J. G. Jackson opposed it.

When Mr. J. G. Jackson closed, Mr. Sheffey, in order to obtain a direct question on his own amendment, adopted Mr. Jackson's rider to it, as a part of his own motion, and called for a division of his own question, taking it first on his own amendment as first moved.

Some doubt arising whether it was correct thus to act, according to the rules of the House, Mr. Macon produced a precedent, in which he had himself done the same in the case of a motion for the repeal of the second section of the sedition act, nine or ten years ago.

The question was then taken on Mr. Sheffey's amendment and negatived, 77 to 33.

This motion having been negatived, Mr. Jackson's amendment to it fell of course.

Mr. Taylor said that, as the House had decided that they should not discriminate between the admission of British and French public vessels, he wished to try the question on the resolution of both. He made a motion having in view that object, which was negatived without debate, 100 to 15.

Mr. Montgomery observed that the decision of the courts of the U. States had been, that after a law expired, they had dismissed all suits pending for the recovery of penalties incurred under that act. He conceived that this bill should have a saving clause that penalties and forfeitures incurred under it, should be recoverable and distributable after the act itself had expired. He therefore moved an amendment to that effect.

The amendment was agreed to without opposition.

Mr. Livermore said that he had an amendment to propose to the bill, which he conceived would essentially benefit the people of the U. States and could injure no one, not altering any principle of the present bill. It would be found by referring to the bill, that they were about to enact that it would not be lawful to import into the U. States or territories thereof any goods, wares or merchandises, from any port or place situated in France or its dependencies, or any goods of the growth of its colonies or dependencies. The *Island of St. Domingo*, Mr. L. said, was considered as a colony or dependency of France. Now, could any gentleman point out, what benefit could arise to the U. States from not importing any of the products of that island into this country? It certainly could not benefit France, who had no commercial connection with the Island, and would benefit the U. S. by returning coffee, sugar, &c. for our surplus produce. He expatiated upon the benefits of such a trade, and concluded by moving the following amendment to the bill: "and for the purposes of this act, no country or place shall be considered a colony or dependency of Great Britain or France, which is not in the immediate possession of Great Britain or France."

After a speech from Mr. Randolph and Mr. Macon, this motion was negatived, no one being for it but the mover.

Several other amendments were offered & negatived, and the bill was then ordered to a third reading to-morrow, without a division.

Tuesday, June 27.

A bill from the Senate for freeing from postage all letters from Thomas Jefferson, was twice read. [The act of last session only freed from postage letters to Thomas Jefferson.] Mr. Macon opposed the bill on the ground that the privilege of receiving letters free was sufficient, having himself an objection to the whole privilege on principle; and Messrs. Dana, J. G. Jackson, Laversmore, Taylor, and Montgomery supported the bill, because that it was proper to give to T. Jefferson the same privilege which had been heretofore granted to Geo. Washington and John Adams. The bill was read a third time and passed.

Mr. Randolph from the committee appointed to enquire into the expenditures of public money, &c. made the following report:

"REPORT in part of the committee appointed to enquire and report whether monies drawn from the Treasury since the 4th of March, 1801, had been faithfully applied to the object, for which they were appropriated, and whether the same have been regularly accounted for:—

"Your committee beg leave to lay before your honorable House such information as