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[Whole No. 204.]

Discourses on Davila.—No. 29.

(Concluded.)

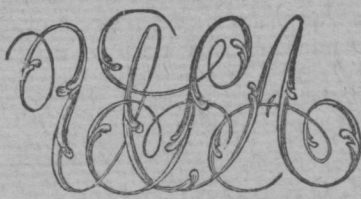
THE affairs of the Hugonots were in a critical situation. It was not doubted but that, after the death of the Prince, the Admiral would be chosen for their Chief, both because of the distinguished employments which he had held in the party, and the reputation which his prudence had acquired. After the battle of Dreux, when the Prince was made prisoner, the whole party, with unanimous consent, had deferred to Coligni the honour of the command. But at present there were several gentlemen, who, by their birth, their riches, or their other qualities, thought themselves not his inferiors. Some of these tore his reputation with flanders; some detested the austerity of his character, *manners* and *habits*. Unhappy Admiral! thy fortune however is not singular. Merit, talents, virtues, services, of the most exalted kinds, have in all ages been forced to give way, not to family pride, for this alone would be impotent and ridiculous, but to the popular prejudice, the vulgar idolatry, or the splendor of wealth and birth, with which family pride is always fortified, supported and defended. The Admiral had lost, by malignant fevers, his brother Dandelot and his friend Bourcard: deprived of these two, the party which interested itself in the grandeur and elevation of the Admiral, was considerably weakened. But Coligni surmounted all obstacles by his address—he began by renouncing in appearance those chimerical titles with which a vain ambition would have been satisfied, proposing however, in fact, to preserve all the authority of the command. He resolved to declare Chiefs of the party and Generals of the army, Henry Prince of Navarre, and Henry Prince of Condé, son of the deceased Prince. During the childhood of these, the Admiral remained necessarily charged with the conduct and administration of all affairs of importance. It was, among Protestants, as well as Catholics, in the cause of liberty as well as that of tyranny, the only means of repressing the ambition and pretensions, the envy, jealousy, malignity and perfidy of the grandees; the only means of answering the expectations of the people, and of uniting minds which the diversity of sentiment had already very much divided.

In this resolution, without demanding what he felt, he could not obtain—The Admiral intreated the Queen of Navarre to come to the army, representing to her that the moment was arrived for elevating the Prince her son to that degree of grandeur for which he was born, and to which she had long aspired. The Queen was not wanting in courage or fortitude: already resolved at all hazards to declare her son the head of the party, she came with all the diligence which a stroke of so much importance required, and appeared with the two Princes at the camp at Cognac. Discord reigned in the army, notwithstanding the necessity of union and unanimity, to such a degree that it was on the point of disbanding. The Queen of Navarre, after having approved the views of the Admiral, assembled the troops; she spoke to them with a firmness above her sex, and exhorted all those brave warriors to continue constant and united, for the defence of their liberty and their religion. She proposed to them for Chiefs the two young Princes, who were present, and whose noble air interested the spectators; adding, that, under the auspices of these two young shoots from the royal blood, they ought to hope for the most happy success to the just pretensions of the common cause. This discourse animated the courage of the army, who appeared to forget in an instant the chagrine caused by the loss of the battle, and by the diffusions which had followed it. The Admiral and the Earl of Rochefoucault were the first to submit, and to take an oath of fidelity to the Princes of Bourbon; the nobility and all the officers did the same, and the soldiers, with great acclamations, applauded the choice which their Generals had made of the Princes for *Chiefs* and *protectors* of the reformed religion. This in human imaginations is considered, and in human language is called, DIGNITY! The greatest Statesman, and the greatest General of his age, must resign the command of his own army, even in the cause of religion, virtue and liberty, to two beardless boys, because they had more wealth, and better blood.

Henry of Bourbon, Prince of Navarre, aged 15, had however a lively spirit, a great and ge-

nerous soul, and discovered a decided inclination for war: animated by the councils of his mother, he accepted without hesitation the command of the army, and promised the Hugonots, in a concise military eloquence, to protect their religion, and to persevere in the common cause, until death or victory should procure them liberty. The Prince of Condé, whose tender age permitted not to express his sentiments, marked his consent only by his gestures. Thus the Prince of Navarre, who joined to the superiority of age the prerogative of first Prince of the Blood, became really the head of the party. In memory of this event, the Queen Jane caused medals of gold to be struck, which represented on one side her own bust, on the other that of her son, with this inscription—*PAX CERTA, VICTORIA INTEGRÆ, MORS HONESTÆ—A safe peace. complete victory, or honorable death.*

Coligni remains charged with the conduct of the war, by reason of the youth of the Princes—he divides his troops, and throws them into the cities which adhered to him. The Duke of Anjou pursues his victory, and forms the siege of Cognac, which he is obliged however to raise, by the vigorous resistance of the besieged: he takes several other cities. A new army of Germans, commanded by the Duke of Deux Ponts, enters France to assist the Hugonots. Wolfgang of Bavaria, Duke of Deux Ponts, excited by the money and the promises of the Hugonots, with the aid of the Duke of Saxony and the Count Palatine of the Rhine, at the solicitation of the Queen of England, had raised an army of 6000 infantry, and 8000 horse. In the same army was William of Nassau, Prince of Orange, and Louis and Henry his brothers, who, after having quitted Flanders, to avoid the cruelty of the Duke of Alva, supported the interests of the Calvinists of France, whose religion they professed. This army marches towards the Loire, takes La Charité, and passes the river. The Duke of Deux Ponts dies of a fever, and is succeeded in command by Count Mansfeld. The Princes, and their Mentor the Admiral, march to meet this succour. The Duke of Anjou, for fear of being surrounded by these two armies, retires into Limousin. The Hugonots, combined with their allies, follow the royal army. A spirited action at Roche-Abeille. The sterility of the country forces the Hugonots to retire. The Queen Mother comes to the camp. The resolution is taken to separate the royal army, to leave the forces of the Hugonots to consume by time: it is separated, in fact, and the Duke of Anjou retires to Roches in Touraine.



CONGRESS.

HOUSE OF REPRESENTATIVES.

SATURDAY, Feb. 7.

The BANK BILL under consideration.

MR. GERRY'S SPEECH CONCLUDED.

THE third rule of the Judge relative to the "subject matter" of a law, it is unnecessary to apply, because the members agree in their ideas relative to the meaning of the terms taxes, duties, loans, &c.

The fourth rule which relates "to effects and consequences" is important; and here the learned Judge observes that "as to effects and consequences, the rule is where the words bear none, or a very absurd signification if literally understood, we must a little deviate from the received sense of them." In the present case the gentlemen in the opposition generally, as well as the gentleman first up from Virginia, give the whole clause by which Congress are authorized "to make all laws necessary and proper, &c." no meaning whatever; for they say the former Congress had the same power under the confederation without this clause as the present Congress have with it. The federalist is quoted on this occasion, but although the author of it discovered great ingenuity, this part of his performance I consider as a political heresy. His doctrine indeed, was calculated to lull the consciences of those who differed in opinion with him at that time, and having accomplished his object, he is

probably desirous that it may die with the opposition itself. The rule in this case says, that where the words bear no signification we must deviate a little, and as this deviation cannot be made by giving the words less than no meaning, it must be made by a more liberal construction than is given by gentlemen in the opposition. Thus their artillery is turned on themselves, for their own interpretation is an argument against itself.

The last rule mentioned relates to the spirit and reason of the law, and the Judge is of opinion "that the most universal and effectual way of discovering the true meaning of a law when the words are dubious, is by considering the reason and spirit of it, or the cause which moved the legislature to enact it." The causes which produced the constitution were an imperfect union, want of public and private justice, internal commotions, a defenceless community, neglect of the public welfare and danger to our liberties.—These are known to be the causes not only by the preamble of the constitution, but also from our own knowledge of the history of the times that preceded the establishment of it. If these weighty causes produced the constitution, and it not only gives power for removing them, but also authorizes Congress to make all laws necessary and proper for carrying these powers into effect: shall we listen to assertions that these words have no meaning and that this constitution has not more energy than the old? Shall we thus unnerve the government, leave the union, as it was under the confederation, defenceless against a banditti of Creek Indians, and thus relinquish the protection of its citizens? Or shall we, by a candid and liberal construction of the powers expressed in the constitution, promote the great and important objects thereof? Each member must determine for himself; I shall without hesitation chuse the latter and leave the people and States to determine whether or not I am pursuing their true interest.—If it is enquired where we are to draw the line of a liberal construction, I would also enquire, where the line of restriction is to be drawn? The interpretation of the constitution, like the prerogative of a sovereign, may be abused; but from hence the difuse of either cannot be inferred. In the exercise of prerogative the minister is responsible for his advice to his sovereign, and the members of either House are responsible to their constituents for their conduct in construing the constitution. We act at our peril: if our conduct is directed to the attainment of the great objects of government, it will be approved and not otherwise; but this cannot operate as a reason to prevent our discharging the trusts reposed in us.

Let us now compare the different modes of reasoning on this subject, and determine which is right, for both cannot be.

The gentleman from Virginia (Mr. Madison) has urged the dangerous tendency of a liberal construction; but which is most dangerous a liberal or a destructive interpretation?—The liberty we have taken in interpreting the constitution, we conceive to be necessary, and it cannot be denied to be useful in attaining the objects of it: but whilst he denies us this liberty he grants to himself a right to annul part, and a very important part of the constitution. The same principle that will authorize a destruction of part will authorize the destruction of the whole of the constitution, and if gentlemen have a right to make such rules, they have an equal right to make others for enlarging the powers of the constitution, and indeed of forming a despotism.—Thus, if we take the gentleman for our pilot, we shall be wrecked on the reef which he cautions us to avoid.

The gentleman has referred us to the last article of the amendment proposed to the constitution by Congress, which provides, that the powers not delegated to Congress or prohibited to the states shall rest in them or the people: And the question is; what powers are delegated?—Does the gentleman conceive that such only are delegated as are expressed? If so, he must admit, that our whole code of laws is unconstitutional. This he disavows and yields to the necessity of interpretation, which, by a fair and candid application of established rules of construction to the constitution, authorizes, as has been shewn, the measure under consideration.

The usage of Congress has also been referred to; and if we look at their acts under the existing constitution, we shall find they are generally