

the result of a liberal construction. I will mention but two. The first relates to the establishment of the executive departments and gives to the President the power of removing officers. As the constitution is silent on this subject, the power mentioned by the gentleman's own reasoning, is vested in the states or the people: he, however contended for an *assumption* of the power, and when assumed urged that it should be vested in the President, although, like the power of appointment, it was by a respectable minority in both Houses, conceived that it should have been vested in the President and Senate. His rule of interpretation *then*, was therefore more liberal than it is *now*. In the other case Congress determined by law, with the sanction of the President, when and where they should hold their next session, although the constitution provides that this power shall rest solely in the two Houses. The gentleman also advocated this measure, and yet appears to be apprehensive of the consequences that *may* result from a construction of the constitution which admits of a national bank. But from which of these measures is danger to be apprehended? The *only* danger from our interpretation would be the exercise by Congress of a general power to form corporations: But the dangers resulting from the gentleman's interpretations, in the cases alluded to, are very different; for what *may* we not apprehend from the precedent of having *assumed* a power on which the constitution was silent, and from having annexed it to the supreme executive? If we have this right in one instance, we may extend it to others, and make him a despot. And here I think it necessary to declare, that such is my confidence in the wisdom, integrity and justice of the chief magistrate, as that I should be at ease, if my life, liberty and property were at his disposal:—but this is a trust which I am not authorized to make for my constituents; and as his successors in office will possess equal powers, but may not possess equal virtues, caution with respect to them is necessary. Again—what may be the result of the precedent relating to the session of Congress? If we had a right by *law* to determine where the next Congress should hold their session, one Congress may oblige another to sit at Kentucky, or in the intended state Yazoo, under the protection of a Chickaw Chief, or his excellency Governor Tallan. It must therefore be evident, that the usage of Congress in both instances is against the gentleman, and that the dangers from the precedent of establishing a bank, are comparatively small to those resulting from the other measures referred to.

The gentleman from Virginia has endeavored to support his interpretation of the constitution, by the *sense* of the federal convention; but how is this to be obtained? By applying proper rules of interpretation? If so the sense of the convention is in favor of the bill; or, are we to depend on the memory of the gentleman for an history of their debates and from thence to collect their sense? This would be improper, because the memories of different gentlemen would probably vary, as they have already done, with respect to those facts; and if not, the opinions of the individual members who debated are not to be considered as the opinions of the convention. Indeed if they were, no motion was made in that convention, and therefore none could be rejected for establishing a national bank: And the measure which the gentleman has referred to, was a proposition merely to enable Congress to erect *commercial* corporations, which was and always ought to be negated.

The gentleman's arguments respecting the sense of the State conventions, have as little force as those relating to the federal convention. The debates of the State conventions, as published by the short hand writers, were generally partial and mutilated; in this, if the publications are to be relied on, the arguments were all on one side of the question, for there is not in the record which is said to contain the Pennsylvania debates, a word against the ratification of the constitution: Although we all know that arguments were warmly urged on both sides. The gentleman has quoted the opinions, as recorded in the debates of this State and North-Carolina, of two of our learned judges: But the speech of one member is not to be considered as expressing the sense of a convention; and, if it was, we have no record which can be depended on, of such speeches. Indeed had even this been the case, the union was at that time divided into two great parties, one of which feared the loss of the union, if the constitution was not ratified unconditionally, and the other the loss of our liberties, if it was. The object on either side was so important, as perhaps to induce the parties to depart from candor, and to call in the aid of art, flattery, professions of friendship, promises of office, and even good cheer, were resorted to: And when these failed, the *federal Bull* was published, denouncing political death and destruction to antifederal infidels.—Under such circumstances the opinions of great men ought not to be considered as authorities, and in many instances could not be recognized by themselves.

Mr. GERRY then observing that the sense of the States respecting a bank would be best ascertained by their legislative acts, shewed from the journals of Congress, that when restrained by the confederation from exercising any powers but what were *expressly* delegated, Congress had without any authority established a bank, whose capital might extend to ten million dollars; and had not only pledged the faith of the union not to erect any other, but had recommended it to the States to prohibit any State establishment of the kind, and had also determined that the bank bills should be receivable in the taxes and duties of every State: That the States did not remonstrate against or *tacitly* acquiesce in, but actually supported the measures of Congress relative to the bank, whilst the war continued and after the peace: That this was the strongest evidence the States could give, that they thought the measure salutary, and had no objection to it, on the ground of its being constitutional. He then urged that if the States and the people at large had no objection to a bank in that case, they certainly could not in this; and enquired whether there was any evidence of their disapprobation of such an institution in the debates of their conventions or propositions for amendments? To this he answered in the negative, and urged that whilst the conventions were silent on this subject, and had no objections to such a measure, several of them had proposed amendments to the constitution, for restraining Congress from establishing *commercial* corporations; which evinced their disapprobation of such institutions and admitted at the same time, in some degree, the power of Congress, under the existing constitution, to form them.

Mr. GERRY then shewed, that as a monopoly has been urged as an objection to the bill, no such consequence could result from it: For the bill does not restrain State or private banks, or even individuals, from negotiations of a similar nature with those permitted to the stockholders; nor does it restrain the States from forming similar corporations. This plan has not a feature of monopoly, and the gentlemen who oppose it, contend for a bank which according to its original institution was founded in monopoly.

He then answered the argument urged against the authority of Congress, to enable corporations to hold lands, when they had no power themselves of purchasing and holding land; and shewed that although Congress are restrained from purchasing lands (except in certain cases) and from exercising over the same *exclusive* legislation; yet that they may hold lands obtained by execution, conquest, and by other means as well as by those clauses of the constitution which relate to lands now belonging to the union; and that Congress had often invested others with powers which they themselves could not exercise.

He then noticed the argument, that, by a law of Virginia, notes payable to the bearer, or order, could not circulate in that State; and observed that this law could not be supposed to extend to bank notes; and if it did, it would be null and void, because the constitution of the union and laws, made in pursuance thereof, were paramount to the laws and constitutions of the several States. Having considered the arguments against the constitutionality of the bill, he entered into the policy and utility of the measure.—In his remarks on this head we shall not follow him.

*The foregoing Speech of Mr. Gerry is copied from the General Advertiser.*

LONDON, February 8.

LAST week, when the new Bishop of Versailles was about to take the civic oath before the National Assembly, on his promotion, with unpowdered hanging locks, a lady exclaimed "*What a nasty ill-combed Bishop!*" to which a gentleman near her answered "*The time is over, Madame, when W—s bestowed Bishoprics; they are now conferred on virtue, and virtue needs no ornament.*" Of all enemies, the Empress most dreads that of Prussia—and her officers and soldiers entertain similar apprehensions. To fix the Black Eagle on the walls of Constantinople is a common idea at Petersburg—but to mention Berlin, makes a Russian shrink within himself.

In the last year, woolen goods were manufactured in the district of Yorkshire, taking Rochdale (a space of ground not more than 30 miles square) to the value of three millions four hundred thousand pounds.

A quantity of ambergris, to the amount of 360 ounces (which has since sold for 19s. per ounce) has lately been found in the head and body of one whale. Hitherto the whales were supposed to contain little or no ambergris, and the quantity of this article brought to market was said to be found floating on the surface of those seas where whales were supposed to reside. The particulars of this very useful and valuable discovery have been attested before the privy council, and an account of it was read on Thursday night last at the Royal Society.

Col. Smith, who was one of the aids-du-camp

to General Washington, is now in London, and though he has not appeared in any public capacity, is supposed, in some measure, to supply the place of an Envoy from the United States.

Every one has heard of the voyage round the world, undertaken some years ago by Mr. Peyrouse, by order of the King of France, as well as of the misfortunes attending the ships employed in that enterprise; the crews of which not having been heard of, for these last two years, from any part of the world, it is imagined they may possibly have been shipwrecked on some island.

In this hope, an address was presented to the National Assembly by the Society of Natural History at Paris, petitioning that some new vessels might be fitted out for the double purpose of seeking those unfortunate men, if they yet exist, and pursuing the same researches in Natural History and Geography that the unfortunate Peyrouse was commissioned to investigate.

Mr. Pitt, to his honor be it recorded, has made the proceedings in the trial of Warren Hastings a government question, and the friends to the present administration will therefore support the vote of the House of Commons when taken into consideration by the House of Lords. The minister, with the rest of the impartial part of mankind, thinks, that if it was justice to bring Mr. Hastings to trial, it is but justice to finish that trial in a legal manner.

The Duke of Marlborough's book of Gems is perhaps the most valuable that ever was published—not so much for the fineness of the printing, as for the beauty of the copper plates. The book consists of two volumes, and contains 100 engravings, all of them done by Bartalozzi. Only 200 copies have been worked off, and they are so scarce, that 150 guineas have been offered for a copy.

The Duke of Marlborough has presented all the crowned heads in Europe with a copy of his book, which has likewise been sent to the two Universities here, and the principal Academies abroad. The explanation of the plates is in Latin and French.

Feb. 15—24. M. Conde and Artois are still absent from Paris, and the former is said to be making the tour of Italy, the latter to be stationed at Venice. They have refused to comply with the decree which enjoins them to take the Civic Oath on pain of forfeiting their pensions; and this circumstance, with their removal from Turin to the Southward, preserves the hopes of the Aristocrats that a counter-revolution will be attempted.

M. de la Fayette is nearly recovered, and is expected to appear soon at the Club des Jacobins.

Four millions due, though almost upon a dormant claim, to the family of Orleans, will it is supposed, be paid to the Duke by the National Assembly, upon a condition, that it shall be appropriated to the payment of his debts.

The murderers of the Abbe du Bois who was absurdly charged with a design of assassinating the Count d'Artois, are to be tried in the ensuing month.

The Cardinal de Rohan, once so much the topic of conversation, has written a silly letter to the National Assembly, who will shew very little resentment of his folly.

The late Archbishop of Paris has sent a seditious letter to the press, which has been returned by the Printer.

*Extract of a letter from Petersburg, Dec. 22.*

"An authentic list has been published here of the forces of the Russian empire, with a statement of the losses suffered, both by the land army and that of the sea, during the last three years. This loss, including the sick and deserters, is estimated at 130,000 men.

"The Russian army consists of four parts, the guards, the Campaign Troops, the Garrisons and the Irregular Troops. The Guards amounted to 9967 men, but the Swedish war has reduced them to 5036 men; the Campaign Troops were 48,441 cavalry, whom the war has reduced to 25,300; and 121,554 Infantry, which now amount to only 61,300. The garrisons, which were 103,226 men, are reduced to 69,100; the Irregular Troops were 127,000 strong, but now are reduced to 63,500. The army of the Empress, therefore, before the war, amounted to 409,978 men; her losses amount to 223,180; but as above 100,000 recruits have been raised, the army has not lost above 130,000 men, and of course there still remain about 280,000 men at present."

A case is said to be preparing to be laid before the Royal Society, of a person in a severe paroxysm of the hydrophobia, who was effectually cured by oil, taken internally, and applied outwardly, as an unguent, for three days, without remission.

Opinion of the Judges on the protesting of bills.

The court were clearly of opinion, that inland bills of exchange, drawn after sight, could not be protested for non-payment, as those only which were drawn after date were within the words of the statute of King William, by which protests were introduced, and for which, it expressly says, that sixpence only shall be taken.

The Court were also unanimously of opinion,