

first instance he had heard of, in which the preamble has been adduced for such a purpose. In his opinion the preamble only states the objects of the confederation, and the subsequent clauses designate the express powers by which those objects are to be obtained—and a mean is proposed thro which to acquire those that may be found still requisite, more fully to effect the purposes of the confederation.

It is said, "there is a field of legislation yet unexplored,"—He had often heard this language—but he confessed he did not understand it.—Is there, said he, a single blade of grass—Is there any property in existence in the United States, which is not subject to legislation, either of the particular States, or of the United States? He contended that the exercise of this power on the part of the United States, involves, to all intents and purposes, every power which an individual state may exercise. On this principle he denied the right of Congress to make use of a Bank to facilitate the collection of taxes. He did not, however admit the idea, that the institution would conduce to that object: The bank notes are to be equal to gold and silver, and consequently will be as difficult to obtain as the specie. By means of the objects of trade on which gold and silver are employed, there will be an influx of those articles—but paper being substituted, will fill those channels, which would otherwise be occupied by the precious metals—This, experience shews is the uniform effect of such a substitution.

The right of Congress to regulate trade, is adduced as an argument in favor of this of creating a corporation—but what has this bill to do with trade? Would any plain man suppose that this bill had any thing to do with trade?

He noticed the observation respecting the utility of Banks to aid the government with loans—He denied the necessity of the institution to aid the government in this respect—Great Britain, he observed, did not depend on such institutions—she borrows from various sources.

"Banks it is said, are necessary to pay the interest of the public debt,"—then they ought to be established in the places where that interest is paid—but can any man say, that the bank notes will circulate at par in Georgia. From the example of Scotland we know that they cannot be made equal to specie, remote from the place, where they can be immediately converted into coin—they must depreciate in case of a demand for specie—and if there is no moral certainty that the interest can be paid by these bank bills, will the government be justified in depriving itself of the power of establishing banks in different parts of the union?

We reason (said he) and often with advantage from British models, but in the present instance there is a great dissimilarity of circumstances. The bank notes of Great-Britain do not circulate universally; to make the circumstances parallel, it ought to have been assumed as a fact that banks are established in various parts of Great-Britain, at which the interest of the national debt is paid—but the fact is, it is only paid in one place.

The clause of the constitution which has been so often recurred to, and which empowers Congress to dispose of its property, he supposed referred only to the property left at the conclusion of the war, and has no reference to the monied property of the United States.

The clause which empowers Congress to pass all laws necessary, &c. has been brought forward repeatedly by the advocates of the bill; he noticed the several constructions of this clause which had been offered; the conclusion which he drew from the commentary of the gentleman from Massachusetts, Mr. Gerry, was that Congress may do what they please—and recurring to the opinion of that gentleman in 1787; he said the powers of the constitution were then dark, inexplicable and dangerous—but now, perhaps as the result of experience they are clear and luminous!

The constructions of the constitution, he asserted, which have been maintained on this occasion go to the subversion of every power whatever in the several States—but we are told for our comfort that the judges will rectify our mistakes; how are the judges to determine in the case; are they to be guided in their decisions by the rules of expediency?

It has been asked that if those minute powers of the constitution were thought to be necessary, is it supposable that the great and important power on the table was not intended to be given? Mr. Madison interpreted this circumstance in a quite different way, viz. if it was thought necessary to specify in the constitution, those minute powers, it would follow that more important powers would have been explicitly granted had they been contemplated.

The Western Territory business he observed, was a case *sui generis*, and therefore cannot be cited with propriety: West Point, so often mentioned, he said, was purchased by the United States pursuant to law—and the consent of the State of New York is supposed, if it has not been expressly granted; but on any occasion does it follow that one violation of the constitution is to be justified by another?

The permanent residence bill, he conceived was entirely irrelative to the subject; but he conceived it might be justified on truly constitutional principles.

The act vesting in the President of the United States the power of removability has been quoted; he recapitulated in a few words his reasons for being in favor of that bill.

The bank of North-America, he said, he had opposed, as he considered the institution as a violation of the confederation. The State of Massachusetts he recollected voted with him on that occasion. The bank of North America was however the child of necessity—as soon as the war was over, it ceased to operate as to continental purposes. But, asked he, are precedents in war, to justify violations of private and State rights, in a time of peace? and did the United States pass laws to punish the counterfeiting the notes of that bank? They did not, being convinced of the invalidity of any such law—the bank therefore took shelter under the authority of the State.

The energetic administration of this government is said to be connected with this institution. Mr. Madison here stated the principles on which he conceived this government ought to be administered—and added, other gentlemen may have had other ideas on the subject, and may have consented to the ratification of the constitution on different principles and expectations—but he considered the enlightened opinion and affection of the people, the only solid basis for the support of this government.

Mr. Madison then stated his objections to the several parts of the bill: The first article he objected to, was the duration—A period of twenty years, he observed, was to this country as a period of a century in the history of other countries—there was no calculating for the events which might take place: He urged the ill-policy of granting so long a term, from the experience of the government in respect to some treaties, which tho found inconvenient, could not now be altered.

The different classes of the public creditors, he observed, were not all put on an equal footing by this bill; but in the bill for the disposal of the Western Territory, this had been thought essential: The holders of 6 per cent. securities, will derive undue advantages—Creditors at a distance, and the holders of 3 per cent. securities, ought to be considered—as the public good is most essentially promoted by an equal attention to the interest of all.

I admit, said he, that the government ought to consider itself as the trustee of the public on this occasion, and therefore should avail itself of the best disposition of the public property.

In this view of the subject, he objected to the bill, as the public, he thought, ought to derive greater advantages from the institution than those proposed. In case of a universal circulation of the notes of the proposed bank, the profits will be so great that the government ought to receive a very considerable sum for granting the charter.

There are other defects in the bill, which render it proper and necessary in my opinion, that it should undergo a revision and amendment before it passes into a law: The power vested by the bill in the executive to borrow of the bank, he thought was objectionable—and the right to establish subordinate banks, he said, ought not to be delegated to any set of men under heaven.

The public opinion has been mentioned: If the appeal to the public opinion is suggested with sincerity, we ought to let our constituents have an opportunity to form an opinion on the subject.

He concluded by saying, he should move for the previous question.

The previous question, "Shall the main question now be put," being determined in the affirmative,

Mr. Gerry rose to reply to Mr. Madison—but the house discovering an impatience to have the main question put—after a few remarks, he waived any further observations.

#### WARSAW, (Poland) February 1.

WE have received accounts that a body of Russians have crossed the Danube, near Ismail, in order to attack the army of the Grand Vizier at Schumla; and it is said that Gen. Ribas is on his way to Warna with his fleet. Reports state, that the Russian grand fleet at Sebastapole has sailed, in order to meet him, and that they will proceed to Constantinople.

#### PARIS, February 14.

A Schism, to all intents and purposes, reigns in this Republic; the non-juring clergy are countenanced by the minority, and the swearing priests are supported by the ruling party;—both equally contemning the ministers of the opposite creed.

The Pope has written a circular letter of condolence to the dispossessed Bishops of France;—he invites them into the papal dominions, and makes them a tender of his best offices.

An insurrection is ready to break out at Geneva; there are two parties: One wishes to see equal

ity reign among all the citizens as in France; the other would have the republic under the French government. The latter, it is thought, will prevail. M. de Mirabeau, the younger, had raised a company of volunteers at Yverdon, in Switzerland, which, in attempting to enter Neufchatel, was cut to pieces by the inhabitants of the town; he narrowly escaped with his life.

#### LONDON, February 8.

ACCORDING to letters from Amsterdam, by the last mails, a stop has been put there, by authority, to the loan which was negotiating by commission for a Northern Power.

We learn from Brest, that they have for these six weeks past, had very blowing weather, which sometimes might be called a hurricane; that the lightning had fallen four times upon the ships in the road, but happily no damage was done to any of them, most of the electric matter having been carried off by the conductors.

Feb. 17, Though the Impeachment against Mr. Hastings is carried in the House of Commons, and the same Committee as before appointed to conduct the trial, it still rests with the House of Lords, "Whether they think a dissolution of Parliament abates the Impeachment or not?" If they should agree in the affirmative, the trial drops of course, for then it will be the opinion of the Court.

We hear that the French Ambassador, agreeable to his instructions from the King of France, has applied to the Court of London, to release Lord G. Gordon from the pains and penalties of his sentence in Newgate, for his publication in 1786, reflecting on the then arbitrary government of France, the Bastille, and Letters de Cachet. The result of the Ambassador's application he has communicated to Lord George in his diplomatic quality; and we are very sorry to add, that the joint and direct request of the King of France himself and the National Assembly, the Representatives of a free people, in their great character of restorers of liberty, has been refused at St. James's!!

The settlement of the Canada business will not wait for the arrival of Lord DORCHESTER, who is not expected home so soon as has been generally stated; all the documents relative to that business have been already received, with his Lordship's opinion thereon.

The arrival of the Swallow packet from Madras, is looked for in the course of three weeks, with dispatches from Gen. Meadows, of the utmost importance; between whom and Tippoo Saib a decisive action was immediately expected when the Houghton East-Indiamen sailed for England on the 13th of last Sept. Tippoo was at that period coming down with his whole force from the Mysore country to attack the British army.

M. Brouillet, a member of the National Assembly of France, has proposed a scheme for the abolition of the barbarous custom of duelling—He proposes that the Assembly should issue a solemn declaration: 1. That honor, as well as virtue, being personal, no citizen can be deprived of it but by his own act, and that it can in no case depend on the caprice of another.—2. That every citizen, convicted of having given an affront to another, by words, gestures, or threats, will be prosecuted and punished as a disturber of the public peace.—3. That every person who shall strike another shall be declared infamous.—4. That the laws against duelling shall continue in force, and be executed with the utmost Rigour.—5. That those are to be considered as disgraced, who, in contempt of the law, dare to give a challenge.—And, 6. That it cannot be dishonorable to refuse a challenge, as true honor consists in submission to the laws.

An ingenious gentleman who owed a friend some money, invited him to dine with him, and plied him so briskly with good wine, that the creditor generously forgave the debt. The other calls this a new method of LIQUIDATING a debt!

#### Motion of Mr. Burke in the House of Commons, February 14.

"That in consideration of the long period of time elapsed in the trial of Warren Hastings, Esq. it is now necessary for the obtaining of speedy judgment, to carry up no further charges except such as relate to bribes, pensions, and presents."

Mr. Fox seconded the motion.

Several amendments being moved and negatived, Mr. Burke's motion was put and carried without a division.

After Mr. Burke's original motion was put and carried, the following were also carried:

Resolved, That a Message be sent to the Lords, to acquaint their Lordships that this House is ready to proceed upon the impeachment of Warren Hastings, Esq. late Governor Gen. of Bengal, now depending before the Lords in parliament, and to request that their Lordships will appoint a convenient day for the further hearing of the same.

Resolved, That Mr. Burke do carry the said Message.