

before the adoption of the constitution, and some affecting the property of citizens of another state in a very different manner from that of their own citizens.

But I do not think it necessary to enter fully into the question, whether the United States are liable to be sued by an individual citizen? In order to decide the point before us. Upon the whole, I am of opinion, that the constitution warrants a suit against a state, by an individual of another state.

A 2d. question made in the case was, Whether the particular action of assumpsit could lie against a state. I think assumpsit will lie, if any suit; provided a state is capable of contracting.

The 3d. question respects the competency of service, which I apprehend good and proper; the service being by summons and notifying the suit to the Governor and Attorney-General; the Governor, who is the supreme executive magistrate and representative of the state, who is bound by oath to defend the state, and by constitution, to give information to the legislative of all important matters which concern the interest of the state; the Attorney-General who is bound to defend the interests of the state in courts of law.

FROM THE GENERAL ADVERTISER.

TO METELLUS.

"All souls have still an itching to deride, And Jaiu would be upon the laughing side."

ALTHOUGH you did not intend to be civil, I feel myself highly complimented by what you supposed wit; and had you been acquainted with Balaam and his ass, you would not have borrowed an allusion, which must put you to shame and confusion.—I will inform you, for you are certainly ignorant of it, that Balaam's long eared companion saw the danger to which he was exposed, when his wife master fancied himself in perfect security—and by his remonstrance saved his master from destruction. As you have placed the "remonstrators" of this country upon a footing with this ass, you have, without your knowledge, shown the justice of their cause, and that the Deity himself has inspired assine remonstrators to proclaim the danger of the community. There must be real necessity when Balaam's asses speak, and you have confessed this necessity, not from design but from ignorance, and they will benefit by the disclosure. The assine tribe, by which you, no doubt, mean the people, are supposed incapable of judging of their true interests, and such wissures as you are, wish to have the power of acting as well as judging for them; but if this was permitted you, your allusion would soon apply in full force, for you would goad the ass to remonstrance, and to save you from the sword of Heaven, he would crush your feet if not your heads against the wall.

It is a happiness for this country that the cause of aristocracy has such defenders as you; for your defence is a more profitable exposure of your cause, than all Balaam's asses put together have effected.—I would not insult that or indeed any species of brutes so much as to class you with them; for asses have given, at least, one specimen of wisdom, but your first essay is yet to come.—You must be a mongrel production, which, for the honor of human nature, ought to have neither class nor place allowed it.

I am glad that you feel so tickled with your wit, as to cause another paper to blaze with it; you are in the right, sir, for the more extensive the circulation of it, the greater will be the ridicule and contempt.—I have a better opinion of the understanding of the nobles whose cause you have attempted to vindicate than to suppose that they will employ you again, I shall therefore give this as a requiem to your cashiered spirit.

JUBA.

FOR THE GAZETTE.

TO JUBA.

IT is perfectly true that my former essay was not calculated to flatter you and your companions in iniquity—your conjecture therefore on that head is well founded. That Balaam's long eared companion told the truth, (a thing unheard of among his successors) is a fact which I have already insisted upon—in joining with me therefore in bearing testimony to the bright side of your progenitor's character, you could have been influenced by no other motive than vanity. There is one thing however, which appears to have escaped us both, and which unfortunately detracted from the merit we had too hastily ascribed to the Ass.—It is, that he did not advise Balaam of his danger until compelled thereto, by some very powerful arguments addressed to his sides through the organ of a lusty cudgel! If this kind of practical logic so immediately directed to the feelings was productive of good in one instance, who knows but that a similar experiment skillfully performed on our modern remonstrators, might not work another miracle. Pray favor me with your sentiments on the subject, in your next argumentative performance.

Whatever may be my private or public opinion with respect to the views or acts of a few discontented individuals—I have never permitted myself to think, much less speak disrespectfully of nations or any collective bodies of people.—Be assured then, that when I deduced the pedigree of the remonstrators of the present day from Balaam's Ass, I had only reference to Juba and his friends.—Indeed, if there was any thing wanting to support the assertion, I should adduce your hideous braying as conclusive evidence, that the well poised javelin had reached the intended mark.

If I was so depraved as to insult the understandings of my fellow-citizens, it would be impossible to adopt a more effectual mode of

doing it, than by admitting, that they had commissioned you and your virtuous associates to think and act for them. And yet it would seem (if we were willing to give full credit to your elegant essay) that Juba, &c. and the People are synonymous terms.—Gracious Heaven! What? The Citizens of the United States represented by the Jacobin Club of Philadelphia.—The bare idea involves an offence of a very heinous nature.

Among the other numerous acts of wickedness and Numidian perfidy, common to you and your party, may be ranked the establishment of societies for the purpose of engendering a spirit of persecution, that in its progress will out-herod the Inquisitions of the old world. If a man, for instance, observes a profound silence on political subjects, or discusses them with moderation—if he condemns acts which appear to be unneccessarily true—if he laments the stabs which the cause of liberty is daily receiving through design or mistaken zeal—if he revolts at the impious doctrines which disgrace the age we live in—and lastly, if in this land of freedom he dares to think for himself, he is immediately branded with the epithet of Aristocrat. Alas! if to be deemed a thorough paced democrat, it is necessary to possess opposite qualities, I shall not hesitate a moment in making my election. These societies to which I allude, whether termed Republican, Jacobin or Democrotic, are well known to have different objects in view. Some of them are merely calculated to answer the purposes of an election—while others again are formed for the avowed purpose of obstructing the operations of government—perhaps to subvert it. It is a fact still fresh in the memory of every body, that the tumultuous meetings or popular societies had during the year 1786, in a sister State, and of which the notorious Daniel Shays was president, had for their object the destruction of the existing constitution. To the honor of those people however, it ought to be mentioned, that they soon saw through the pretended patriotism of their leaders, and that they are at this moment the most industrious and peaceable inhabitants of the United States. If such therefore was the conduct of a few desperate demagogues in 1786, it cannot be deemed unfair to impute similar views to those men, who advocate the present unnecessary and dangerous institutions.

It would indeed be happy for this country if all political opinions, call them Aristocratical, Democratical, or any other unmeaning name you please, were discussed by those only, who having some property, or what is tantamount, some reputation, are necessarily interested in its welfare.—It would be but exercising a right to which every man is entitled from the excellent form of government under which we live.—But when a few factious individuals who have nothing to lose, derogate so far from the dignity of freemen as to volunteer the cause of calumny, or become the servile tools of a party, they justly incur the appellation of Asses.—Who if not goaded by the whip, are at least instigated by bribery or flattery to bray upon topics far above the reach of their slender capacities.

I shall only add, that in condescending to address myself to you, sir, I am influenced by no other consideration, than an attachment to a government for the establishment of which I have fought, and to defend which against the machinations of the evil disposed, shall be directed the uniform endeavors of

METELLUS.

Foreign Intelligence.

PARIS, May 12.

THE day before yesterday at the time of opening the theatres, an attempt was made to seize on all the carriages of the citizens found in the streets, or at the doors of the theatres themselves, to employ them in conducting the volunteers to la Vendee. A considerable number escaped, and the rest remained in the possession of those who seized them. On this occasion a remonstrance was made by the Section des Piques; and the Council General of the Commons came to the following resolutions:—

"That the carriages and horses should be instantly restored to their proprietors, who, however, shall be bound to produce them when needed;

And, secondly, that all the horses which shall have been seized on for the use of the Republic, shall be branded with a hot iron with a bonnet of Liberty."

The Council besides charged one of its own body to repair to the houses of the ci-devant nobles and others, to seize on all carriages fit for the conveyance of the military from St. Dennis to Orleans.

Yesterday the Council of the Commons decreed, that in future their acts should be dated, "the first year (and so in continuation) of the tyrant's death." To-day they have annulled the decree, which they say would only tend to perpetuate the tyrant's memory.

NATIONAL CONVENTION, MAY 10.

The Convention resumed the discussion on the Constitution, and de-

creed the preamble and first Article in the following words:

"The French People, founding their Government on the Rights of Man in Society, which they have acknowledged and declared, adopt the following Constitution:

"The French Republic, &c. is one and indivisible."

Letter from the Commissioners with the army in the North.

Valenciennes, May 8.

Gen. Dampierre this morning made an attack in the wood of Rheme and Vicoigne, to dislodge the enemy.

It was very vigorous and the firing continued the whole day. The soldiers of the Republic shewed an ardour worthy of the highest praise, and carried several entrenchments with the bayonet. We had about 50 men killed, and several wounded, but we are certain we occasioned very great loss to the enemy. We still possess some of the intrenchments which we have taken from them; but nothing consoles us for the melancholy accident which befel Gen. Dampierre, our Commander in Chief. His bravery having induced him to advance too far, his thigh was carried away by a ball. We have conferred the provisional Command in Chief, on Lieutenant-General Lamarch, who commanded the arm of the Ardennes, but it is of importance that the Executive Council should, without delay, appoint a Commander in Chief to the two armies. Four of us were present at this affair—the two others were detained at Valenciennes, partly by indisposition and partly by the necessity of forwarding these dispatches.

We have taken several prisoners. The 17th battalion of infantry commanded by Lieutenant-Colonel Beclair and the 10th battalion of la Mayenne, commanded by Lieutenant-Colonel Malherbe, having at their head Generals Heliere and Deroque, effected, with unexampled intrepidity, a slow and well ordered retreat, under the fire of several formidable batteries, which were unmasked upon them in the woods. Nothing could have been expected but that they should have been cut to pieces. They however lost only six men killed and wounded. A soldier who had his arm carried away, cried out, when he returned to the town, "I have still one left to serve the nation!" Our brave General, while lamenting his disaster, cried out, "This is nothing! Vive la Nation! Vive la Republique!" Signed, &c. &c.

Another letter from the same Commissioners.

Valenciennes, May 9.

General Dampierre, who had his thigh carried away yesterday by a ball, died this morning. The whole army regret in him a brave soldier, an able General and a sincere friend to the Republic. The confidence which he inspired in the troops by his noble Proclamation, at the time when the treachery of Dumourier was discovered; his military life always glorious and unfulfilled; and his death ought to be called to the remembrance of those who may endeavor to tarnish the splendor of his justly-acquired reputation. To-morrow we shall go, with all the good citizens, to moisten with our tears the laurels and cypress which will cover his grave." Signed, &c. &c.

The National Convention, deeply affected by the death of this brave General, charged the President to testify to his widow, their regret for this unfortunate event.

FRANKFORT, May 8.

The French set fire to Cosheim to cover their retreat, but they returned to the spot where they erected a redoubt and some batteries. On the 3d the Prussians made an attack upon them, and they were repulsed, after a sharp contest. The French again returned, however, with a reinforcement of four battalions, and re-took the place. Gothy's hussars and carbiniers suffered much in this business.

The King of Prussia had a very narrow escape. A ball fell near,

and frightened his horse so much that he was very near falling on the King.

On the 6th, the French made a sally from Mentz, and burnt the village of Mofbach.

On the 7th, the French moved from Cosheim, and attacked the Prussians, but without effect.

The French have been completely driven from Deux Pons by Prince Hohenlohe.—In the action, however, the Austrians lost Gen. Laudimont, a very brave and experienced officer.

The bridge between Mentz and Cassel is broken, and the latter place is on fire.

May 9. On the evening of the 7th, his Prussian Majesty directed an attack on the remaining French batteries between Cosheim and Cassel, which were carried by assault, destroyed, and two guns taken.

Last night and this morning a cannonade was kept up on both sides, the French endeavoring to re-construct their batteries, and we on our side to prevent them. This morning we seized from them a great number of Mentz arquebuses, which carry to a very great distance.

On the other side of the Rhine, the Imperialists at St. Croix set fire yesterday, with bomb shells, to a French magazine at Mentz, at that part of the city entitled Gau Thor.

The cannonade on the bridge of Mentz has not as yet had much effect. The French troops of the line, some of whom desert daily, say that the affair of Dumourier was not known at Mentz till within the two last days. That General is now at Mergentheim.

The first division of Cassel set out from hence on Monday last, under General Wormb. It is thought that the Duke of Deux-Pons will supply his Prussian Majesty with a regiment.

The Saxons are to be supplied with three guns taken from the French, and the Prince de Conde 8. The circle of Franconia has consented to grant provisionally two battalions of musqueteers, and one of grenadiers.

The day before yesterday the Prussians granted three hours to the French at Mentz, to bury the dead they lost on the 5th. On that occasion the latter, quitting the trenches they have cut above Cassel, wished to try the effect of a stratagem, by calling to us that they were troops of the line who wished to desert. On their approaching very near, their treachery was perceived, and about six hundred of them killed, almost all of whom were drunk. The battalion of Bender, which was to have proceeded to the Netherlands is to act against Mentz.

LONDON, May 21.

By yesterday's mail we learn, that eleven sail of English merchantmen have been captured in the Mediterranean; they were principally carried into Marseilles.

A dispute which occurred during the troubles in Brabant, in 1799, between a Mr. Macfarle, a Scotch gentleman, whom some pecuniary embarrassments exiled from this country, and an inhabitant of Louvain, was lately decided in the neighborhood of that city.—It being agreed to fire at the same instant, they did so, at eight yards distance; Mr. Macfarle's ball entered the breast of his antagonist, the contents of whose pistol he received in the lower part of his stomach; they fell at the same instant; sensible of their approaching dissolution, they forgave each other, conversed some minutes, and died nearly at the same instant.

KINGSTON, (Jamaica) June 22.

The advocates for the Americans, assert that all the respectable people on the continent are decidedly averse to the fitting out privateers against the English, and that those who had taken French commissions are mere adventurous rabble, such as are to be found in all countries, and whose sole object is plunder, be the means employed what they may.

By a Spanish vessel arrived on Monday evening, we learn that provisions, wine and specie were land-