

From the NATIONAL INTELLIGENCER. TO THE PEOPLE.

THE DEFENCE.—No. XVII.

(Subject of Foreign Relations, Continued.)

On the existence of these sentiments, as a foundation, the great negotiation respecting the navigation of the Mississippi commenced.

This object had ever been foremost in the thoughts of the President; it may not be incorrect to suppose that its vast political importance no less justified it to his judgement, than his affection for the people of Kentucky, principally taken from the bosom of his native State, recommended it to his heart.

It is certain that it determined the designation of Mr. Pinckney as minister to Madrid. The strenuous exertions of this citizen in the old congress, in promoting the free navigation of the Mississippi, were not forgotten. It has been said that it was eminently owing to them that the occlusion of the river for a long period was frustrated.

That a negotiation was commenced at an early period is certain; and that this negotiation rendered the minds of that cabinet and that of France familiar with the subject is extremely probable. About this period, the king of Spain ceded Louisiana to France, under a secret treaty.

This circumstance attending the cession has been variously interpreted; and in the period of alarm has been construed as evidence of an intention on the part of the French government to disturb the peace of the United States through the means of Spain who still retained possession of the country.

Two alternatives were presented to us; war, or negotiation. For on one point there was no difference of opinion.—The government and the nation were equally impressed with the necessity of measures for restoring our violated rights.

The administration clearly perceived the path of duty, and instantly pursued it. The suspension of the right of deposit occurred during the recess of the legislature. The constitution, in the distribution of the powers conferred on the various departments of the government, gives to Congress exclusively the right of declaring war, while it devolves on the President the duty of executing the laws.

There are certain acts of one nation towards another that necessarily constitute a state of war between them; but it is not pretended that the suspension of the right of deposit was of the number. Notwithstanding, therefore, that act, the pre-existing state of peace continued. An event may be said to have occurred leading to a state of war; but that essentially differs from war; one is the cause, and the other an effect, which may, or may not occur, and no reasonable mind ever thought of confounding things so essentially different.

It was the duty of the executive to preserve peace, which always exists when there is no war actually declared or waged. This conclusion is sustained by high federal authority, whose orthodoxy will not be disputed. Mr. Hamilton, in defending the proclamation of neutrality, expressly says, "If the legislature have a right to make war on the one hand, it is on the other, the duty of the executive to preserve peace till war is declared."

Peace is and always has been the predominant desire of the American people; and so solicitous is the constitution to guard it, and so fearful of its being hazarded by the ambition or mistaken policy of any one man, that while it gives to congress exclusively the power of declaring war, it likewise vests them exclusively with all those powers without which war could not be carried on.—To them alone is confided the powers— To raise and support armies, with the prohibition to appropriate money for that purpose for more than two years—

To lay and collect taxes, and borrow money, without which armies could not be maintained—

To provide for calling forth the militia—for what?—for the sole purposes of executing the laws of the union, suppressing insurrections and repelling invasions—

And for all these ends, no money can be drawn from the treasury, but on appropriation made by law.

Well then may we affirm, that no President, without a shameful and criminal violation of his oath "to preserve, protect, and defend the constitution," would have dared to usurp the legislative power, and have carried the nation into a state of war. The salutary terrors of an impeachment would have been dead had they not hurried the usurper from his throne.

But he had other duties arising from the obligation—"to take care that the laws be faithfully executed." In the language of Mr. Hamilton, it was his duty to do what "the law of nations, co-operating with the treaties of the country, enjoin in the intercourse of the United States with foreign powers." What were the constitutional means reposed in him for the accomplishment of these ends? None other than negotiation.—And this was instantly resorted to.

So far then the conduct of the executive is as clear as day light, as freight as a sun-beam. What he did, the constitution required; that from which he obtained, it prohibited.

At the ensuing session of Congress it devolved on them as the constitutional organ of the government, to decide on such measures as were required by the crisis of affairs. The conduct of the Spanish minister had in the mean time become the subject of explanation between the executive and the agents of the Spanish and French governments; and although there was undoubtedly no adequate motive apparent for his conduct, the strongest assurances were received from the Spanish minister & the French Charge des Affaires, that it was altogether unauthorized by either the government of Spain or France.

Under these circumstances, and during the pendency of a negotiation, the federal side of Congress made a vehement attempt to produce a state of war between the United States and Spain, with the prospect of extending it to France. They declared that the dignity of the government and the interests of the people demanded a resort to force; that this would give us immediate possession of our violated rights; that it would be the only effectual mean of their restoration. It was affirmed that the measure was the act of France, whose purpose was to embroil the United States, and who would pursue her purpose with a will as inexorable as fate; that the First Consul had fixed his eyes on Louisiana as the happy theatre of a new career of conquest; and that once possessed of it, he would apply it as a fever to destroy the government, the liberty and the independence of the United States.

Hence it was affirmed, that it became our duty to be before hand with him; and instantly to seize New Orleans, and place a strong army there for its defence. Louisiana was painted as a paradise; and its fertile soil, and commanding position in relation to the West Indies and the Spanish settlements, were held forth as assurances to national cupidity. It was said that nature having decreed to make it ours, it became not a feeble and pusillanimous administration impotently to attempt to over-rule her fiat; that the spirit of our countrymen would possess it, and that a wise policy ought to seize the present as the auspicious moment for gaining it. Its possession would shew the world, that America would not suffer her rights to be violated with impunity; and once possessed it would insure peace with European nations for many years! All this was said, not in the cool style of a dispassionate mind, but decked out with all the fervid eloquence of overwhelming passion.

But the friends of the administration stood on the rock of justice.—With the Roman sage, they might exclaim, *stat justitia ruit cecum!* They too cordially abhorred the preference of policy to right, to listen for a moment to the mercenary allurements of iniquity.—Their political creed had not taught them the policy of injustice as the best instrument of interest. They were not unmindful of the parting advice of an eminently good man.

"Observe, says he, good faith and justice to all nations, cultivate peace and harmony with all; religion and morality enjoin this conduct; and can it be that good policy does not enjoin it? It will be worthy of a free, enlightened, and at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence."

To the honour of a great majority of the representatives of the American people, to the honour of that people themselves, they threw from them with detestation the profligate advice that offered wealth and empire in exchange for justice.

Washington. (Subject of Foreign relations to be continued.)

A Tippet of Black Fox, WAS Lost last evening between Liberty-street and Federal Hill. The finder will receive two dollars reward on leaving it at this office. November 23

Congress

United States of America. HOUSE OF REPRESENTATIVES.

MONDAY, November 19

Mr. Speaker laid before the house a letter from Thomas McKean Thompson secretary of the commonwealth of Pennsylvania, enclosing the resignation of Mr. William Hoge, a representative from that State, a proclamation of the governor directing a new election and the return thereof, which was ordered to the committee of Elections.

Gen. Varnum presented a petition from a number of the inhabitants of Cambridge near Boston, praying for the establishment of a port of delivery at that town; it was accompanied by a recommendation from Benjamin Nichols, collector at the port of Boston.

Referred to the committee of Commerce and Manufactures.

Mr. Nelson presented a petition from Samuel Carlson, an alien, praying Congress to pass a law to enable him and his heirs to hold a real estate he has purchased in the county of Alexandria in the territory of Columbia.

Referred to a committee of three.

Dr. Mitchell called the attention of the house to a subject he considered of importance to the literary institutions of the United States. Understanding that an application was about to be made to Congress from the college of Princeton, for an abatement of the bond duties due on a recent importation of books and philosophical apparatus, imported for the use of that seminary, he undertook to foretell the fate of the application. The committee would probably report as had been usual—that the prayer of the petition cannot be granted. True, gentlemen felt it a painful task to report negatively, but such had ever been the case. Yet he would advocate a relaxation of that principle: he had himself when applied to on such occasions, replied that the United States wanted revenue and of course must seek it from the imports as well of literary institutions as of private individuals; but this reason has now less weight than heretofore. Laying out of the question all that relates to the importance of education, especially in a republican government like that of the United States. He would only remark that the president's message showed that such was the flourishing state of our affairs generally, particularly of our revenue, that we might now dispense with the collection of duties on these importations. Hereupon moved, that the committee of ways & means be instructed to enquire into the expediency of exempting from import, all such books and philosophical apparatus as shall be imported on account of colleges and universities for the benefit of the learned institutions, and that they report by a later opportunity.

The motion passed in the affirmative. On motion of Mr. J. Clay, the house agreed to the resolution requesting the president to make to captain S. Decatur a present of a sword, and the officers and crew of the ketch. Intrepid, two months pay, as an honorable testimonial of the sense which congress entertain of their services in destroying the Tripoline frigate of 42 guns in the harbor of Tripoli.

The words at the end of the resolution "late the United S. frigate Philadelphia," on motion of Mr. R. Griswold, were struck out.

The yeas and nays were demanded by one fifth of the members present, & were yeas 105, nays 2, v. z. Messrs. Wm Butler and R. Stanford; or led to be enrolled; it was afterwards bro't in and passed, and sent to the senate for concurrence.

The report of the committee on the subject of chaplains was agreed to with amendment; and the speaker alone has the power to allow chaplains to preach in the chamber of the house of representatives.

The petition of Ann Elliot, presented last session, was referred to the committee of claims.

The act of the state of Tennessee, ratifying the act of North Carolina, enabling the former State to perfect their title to certain lands reserved by the cession act, was referred to the committee appointed on the 15th instant.

Mr. Stanford moved to discharge the committee of claims, as some embarrassment had arisen in the appointment of their chairman.

A desultory conversation arose on this subject, which terminated in a motion made by Mr. Dawson, directing that the chairman of a committee, shall be in future appointed by a plurality of votes of the members constituting the committee, in cases where the chairman has been excused by the house from serving, or shall be absent.

Ordered to lie on the table as a matter of course, it being intended to vary one of the rules of the house.

Mr. Speaker laid before the house a letter from the secretary of the treasury, together with a report and estimate of the appropriations necessary for the year 1862, and a statement of the receipts and expenditures of the current year down to the 11th October.

Referred to the committee of ways and means, and ordered to be printed.

Adjourned.

TUESDAY, November 20.

Mr. J. Clay presented a petition from the directors of the library company of Philadelphia, praying to be exonerated from the payment of 498 dollars and 20 cents duties on the importation of a quantity of books, received by that institution as a donation from the Rev. Mr. Preston, of Chelwynd, in the county of Kent, in England; referred to the committee of commerce and manufactures.

Mr. Dawson's motion respecting the appointment of chairmen to the standing and select committees of the house, was referred to a committee of three.

Dr. Mitchell, from the committee appointed on that part of the president's message respecting the lead mines in Louisiana, reported a resolution authorizing the president to appoint an agent who shall be instructed to collect all the material information respecting the actual condition, occupancy and title of the same, and the agent to make report before the next session of congress. The resolution was read a second time, and referred to a committee of the whole—general Varnum in the chair.

Mr. Lucas suggested the propriety of altering the resolution so as to make it general as to all kinds of ore, and even to embrace salt springs and licks. He knew there were other ores in that territory, and had seen specimens of a very rich copper ore when he had gone into that country.

Dr. Mitchell said that the executive had anticipated the gentleman's object, and he expected the house would be soon gratified with an account of the discoveries now making by major Lewis and other agents on the Missouri, Arkansas, Red river, &c. as they respect the mineral, vegetable and animal kingdoms, on which account he preferred the resolution in its present state.

The resolution was carried without opposition, and adopted by the house after the rising of the committee, and ordered to be engrossed for a third reading to-morrow.

The committee appointed for the purpose, reported a bill declaring the assent of congress to the act of North Carolina, authorizing the state of Tennessee to perfect the title to land reserved by the cession act; the same was read a second time, and referred to a committee of the whole for to-morrow.

Mr. M. Clay reported a bill authorizing the Marine Insurance Company of Alexandria to insure against loss by fire.—It was also read a second time, and referred to a committee of the whole for to-morrow. Adjourned.

NEW-YORK, November 20.

A gentleman, or rather a rascal with the address and manners of a gentleman, lately passed himself in this city for a lieutenant Ogilby of the British ship Leander, and succeeded, under the assumed name, in swindling several persons of money, apparel, &c. The fellow pretended acquaintance with colonel Barclay and other public characters; and his infinite assurance and imposing behavior procured him a ready reception wherever he went, till an incidental circumstance let the cat out of the bag. One evening in a well known porter-house, the fictitious lieutenant was flating his titles and pretensions to the company, when the purser of the Leander, who was luckily present, smoked him, and gave him to know that he was under a mistake in saying he was an officer of the Leander, as no such name belonged to the ship. The fellow perceived his situation, and instantly sneaked away, and has not since been heard of.

On Sunday evening, the 18th instant, a charity sermon was preached by the reverend Dr. Linn, in the new Dutch church, and 591 dollars and 70 cents collected for the benefit of the Charity School, under the care of the Reformed Dutch Church.

Deaths, in this city, during the last week.—Of consumption 5, casualties 2, convulsions 2, diarrhoea 3, intermittent fever 2, flux 2, inflammation of the bowels 2, small pox 8, apoplexy, croup, debility, dropy in the head, dysentery, inflammatory fever, scarlet fever, hives, inflammation of the brain, perempnomy, sudden, and whooping cough, of each one.—Men 13, women 6, boys 8, and girls 12—Total 59. Two of the above were drowned, one in the East River, the other by accidentally falling into a cistern.

CHARLESTON, November 9.

Captain Campbell from Gibraltar, informs, that a dreadful pestilence raged in all the ports of the Mediterranean, from Cape de Gat to Cadz.

At Gibraltar about one thousand troops had died in the course of ten days, and the inhabitants had retreated to the vessels in the harbor for security.

At Malaga the distress was equally great; and all business, in consequence, was entirely at a stand.

The American squadron was off Tripoli; but no account had been received of their having commenced the bombardment of that place.

The Congress and Essex frigates were watching the Moors.

Notice. I hereby forwarn the public not to trust any of the crew of the Bremen ship Vigilantia, as I shall pay no debts of their contracting. H. B. MEYER, Captain of the ship Vigilantia. November 22

To THE EDITORS, Gentlemen;

ON a subject in which the individuals of society have a common interest, it is not only the right but the duty of every citizen to express his opinion. Without pretensions to a superior degree of information—without claims to a refined flowing diction or finished periods, permit me, in my own way, again to give you my sentiments on the all-important subject of banks. The more I reflect the more I am convinced that it would be impolitic and improper for the State to grant a charter to the Union Bank, agreeably to the articles of association. Since the incorporation of the Bank of the United States, which took place in February, 1791, all the other institutions of the kind have only been satellites to the original, and have revolved round her in perfect order and fertility. The alarm excited among the friends of liberty on this occasion, will not soon be forgotten. The plan of the bank was fully matured in the treasury department, of which Mr. Hamilton was the head, before it was made public—it obtained a charter by surprise, before the subject was well understood—and when, too late to alter it, the baneful influence was seen and felt.—Except the two millions reserved for the government, it was generally supposed that two-thirds of the balance of the stock was in the hands of the agents of the British government, in less than six months.—Agents I choose to call them, for they can be nothing more.—Though the federal prints would fain make the public believe that Sir Francis Baring held two millions of United States Bank stock, and eleven millions of Louisiana stock; for my own part I must question if he holds any of it—he is nothing more nor less than an agent of the government. The alarm justly excited by the influence of this bank soon began to be realized. In the State of Pennsylvania, the year following, a bank was brought into existence merely to counteract the United States Bank; and though Finley, Smilie and Galatin, were supporters of it, they did not foresee how their own weapons might be turned against themselves. All the State can now do, is to appoint six directors, which are of no more use than if they had none at all—for they are governed by a British majority. In the same year the Union Bank of Boston was incorporated, it was called into existence by the same party and for the same reasons—and shared the same fate. They are now both British property, and both violently aristocratic, and the paper jobbers are laughing at the duplicity of the founders.

In 1799, the republicans in New York, then almost annihilated by bank oppression, though the then legislature were federal, by the ingenuity of Mr. Burr, obtained a charter for a water company to water the city—they raised a capital of 500,000 dollars, and began a bank contrary to the intention of the legislature.—It was of infinite service for a long time—when the legislature, still federal, finding the dilemma they were in, added fifteen hundred thousand dollars to the capital. The British bought enough of the stock to answer their purposes—and it is now as antecedent as any other bank in the United States.

Do not let it be told that parties have subsided—that bank influence does not exist—that old prejudices have been forgotten—there is as much deep rooted enmity, and more unanimity among the federalists now than in '98. How can the united influence of the republicans of this town keep a republican in his seat at the board of the Union Bank, except by law—I say it is as impossible for a majority of them to keep their seats at that board, as it would be for the users, belonging to the Bank of Baltimore, to go to Heaven—and I believe many of them would go with great reluctance, while they can borrow money at 6 per cent. per annum, to have on at 3 per cent. a month.

The writer of this is under no obligation to any of them—he has nothing to hope or fear from any of them—he has seen with humiliation the effects of bank influence in the town of Baltimore—a town that at a distance is, called republican—though it is governed by men who hold the name in contempt—they would as soon be called Hortentots. More than one million of paper is now in circulation on usury in the hands of a set of rascals, who are rolling in luxury and making their fortunes on the distresses of their fellow-citizens.

One of the banks has been charged publicly with being a party in the nefarious business—and sits silent under the imputation—pockets the affront—while an old tory, who was in Nova, &c. during the revolution, goes to the legislature with saddle bags full of pamphlets, said to be the production of a poor subordinate frightful looking creature in the Bank of Baltimore, to keep the Union Bank from getting a charter. But the means were worthy the end—something like Paddy's gun that shot backwards.

If the legislature do not give a charter the interest of the town and state will suffer by it;—and if they give such a one, as is asked, they will give the death blow to republicanism in the town and state—and we may then get the Marylander to write its funeral dirge.

As for the threat thrown out—that if the charter does not please the present board, they will not accept it, and do business.