FOR THE NATIONAL INTELLIGENCER.

(From a learned correspondent.)

ROBINSON & BARRUEL.

In September, 1799, a letter containing a refutation of Robinson's proofs of conspiracy, and said to be written by professor Ebeling of Hamburgh to *Dr. Morse*, appeared in a number of the public prints in the United States—This letter, which, by accident, found its way to the press, has been totally denied by that *Doctor*. Averse to scrutinize the veracity of any individual minister of Christ, I shall say nothing respecting that denial:—But, a regard to truth, and a desire that the public may be correctly informed on this subject, constrain me to assert,

I. That *a number of clergyman in New-England* have written to professor Ebeling for information.

II. That he has answered them, with intention to destroy their belief in the books of Robinson and Barruel; and,

III. That the letter to *Doctor Morse*, above referred to, is genuine.

In support of the first and second assertions I shall give but a single extract from a letter written by professor Ebeling, and dated September 2, 1799.

"I am very sorry that the miserable books of Robinson and Barruel make such impression in America. I have written an ample refutation of Robinson, as to what regards his lies about Germany, to several New-England clergymen, who desired my opinion about it. Artfully some truths are interspersed, but the greatest part is misrepresentation of *real* facts, or *invented* facts brought forth as truth, with as great effrontery as ignorance."

To prove that the letter published in this country, and *denied* by *Doctor Morse*, was, in fact, written by Ebeling, I shall offer an extract of his letter dated Hamburgh, 8th July, 1800.

"I am sorry that I was introduced lately also on the scene of contest. The letter published by the Aurora was not intended to be printed at large. It was written in a great hurry, and it is printed exceedingly incorrectly in names, &c. My hasty writing made the letter not more legible. There should have been left out many free expressions on European affairs which, though all literally true, without any exaggeration, might be turned to my disadvantage by bad men, especially those of the Jesuitical pride: But I shall be glad if it served to open the eyes of your countrymen who believed in Robinson. About Barruel I can give you some information printed in the Mercury of Weiland, a monthly Magazine of long standing, published at Weimar. It is number V. 1800. page 89—92. and contained in a letter of a Nobleman at Vienna, who begins: "I am able to resolve the Enigma why Barruel could write so many false and ridicuously invented lies about German learned men. He was, from 1768 to 1771, in the *Collegium Theresiarum* at Vienna, wherein, every five years, are admitted four French Jesuits, and three from Belgium. He returned to France without having learned our language, went as *Pretre Refractoire** to London, and, to get his livelihood, enlisted under the banner of Gisborne, Robinson, and the author of the *Pursuits of Literature, (Chaplain Matthias)*—As such he wrote his *History of Jacobinism*, which lately, even in Vienna, has been generally *prohibited* as *libellous, scandalous*, and *calumniating;* being an abridgement of forbidden (it means at Vienna) German pamphlets, (such as Robinson quotes,) viz. Hoffman's Political Journal, and other Jesuitical performances."

Here, incorrectness as to names is acknowledged, and ascribed, by Professor Ebeling, to the haste in which he wrote, and the consequent illegibility of his handwriting:—But the genuineness of the letter to *Doctor Morse* is recognised, without the charge of misstating or disguising a single material fact.

It is well known that the clergy in New-England have in the *public sanctuary*, and private circle, zealously and diligently inculcated, on their people, the truth and importance of the works of Robinson and Barruel. In this, it is to be hoped, they have been, *generally*, sincere, believing what they taught. For information on such subjects they look to a *few conspicuous and influential characters* of their order.—In the integrity of these few they are apt, under the influence of christian charity to confide.

But what has been the conduct of these few?—They had industriously recommended these books: they had taught the uninformed and the serious, that an antichristian combination, organized in Europe, had extended to America—that it had embraced the democratic part of the United States—and that the man who was dissatisfied with the measures of the federal administration, was seeking the extermination of christianity, morality, and government:—They had disposed a great proportion of our citizens to regard, with jealousy and hatred, a proportion equally great and respectable, although with the harmony, and mutual love and confidence of the people are intimately connected the honor of our holy religion and the stability and happiness of our empire.

Some of the discerning friends of truth, at length, publicly called in question the respectability of those books. These *few influential clergymen* turned their eyes to that gentleman in Europe, who by the fame of his talents, and his sincere attachment to christianity, was most clearly entitled to their confidence. To *him* they apply for information—from *him* they receive an ample refutation of these books in the long, learned and pious letter, with several others referred to above.

If the propagation of truth, religion, and rational harmony had been the object of this *sacred few*, why did they not publish this information? Why did they not *undeceive* the multitude whom they had misled? Why did they not endeavor to extirpate the *jealousy* and *hatred* that they had planted in those hearts in which they are commissioned and charged to promote *brotherly love?* Why have they suppressed the letters of the learned Professor to whom they themselves applied for information? Why have they continued to propagate and recommend the writings of Barruel? an avowed *friend* of *despotism*—a bitter enemy of the protestant faith—a gross reviler of those persecuted friends of Jesus who maintained, in purity, his holy religion, throughout the dark ages of papal idolatry and papal tyranny, an insidious Jesuit, whose history of Jacobinism is an abridgement of pamphlets severely prohibited by government as libellous, scandalous and calumniating? Why have they concealed the evidence which, by their own application, they obtained from the celebrated Professor? Why have they persisted in recommending the proofs of a conspiracy which he had refuted? Proofs written by Robinson, a man distinguished by abject dependence on a party—by the base crimes of forgery and adultery—and by frequent paroxisms of insanity? Surely the cause of our DIVINE REDEEMER bleeds, when his *ministers* employ his holy sabbath and his ordinance of public worship in disseminating gross and malicious falshood; when men ordained to promote holiness and the salvation of souls, prostitute the influence attached to their sacred office, to the purpose of supporting a political faction at the dreadful expence of *truth*—of *justice*—of *charity*—and the approbation of GOD!

A FRIEND OF TRUTH.

* Refractory Priest.

FOR THE NATIONAL INTELLIGENCER.

To the HOUSE of REPRESENTATIVES of the UNITED STATES.

THE great interests this day at stake, occasion every form of *sophistry* to be offered to your consideration: but the public safety and your fidelity will occasion you to test every argument by reason and by law.

A recent publication in Alexandria, under the signature of *Civilis*, attempts to prove the vacancy of *the presidency*, which may occur by the *non-election* of a President and Vice-President, a vacancy occurring by a removal of Mr. Adams and Mr. Jefferson from office! The writer is not ignorant of law, nor does he want *the talent of perverting it.* No man can pervert law so dextrously as he who is versed in law.

"*The removal*" of a person from office is when he is taken by a superior authority from an office during the term for which he has been elected or appointed. He is not "*removed*," in the *appropriate* sense of the word, by an operation of Providence, producing his death; nor by his resignation, though in both cases he is sent out of the office. If the constitution had intended, as *Civilis* asserts, it would have been better expressed by confining its language to "removal and inability," or (if death be considered as ending the person's existence) by "*removal, death and inability.*"

But the construction of "*removal*" offered by *Civilis*, is certainly erroneous, because it would convert the President of the Senate into the successor of the President and Vice-President, in the case of an election. Mr. Adams and Mr. Jefferson, and indeed General Washington, have been, in the sense of *Civilis*, "removed" from the offices of President and Vice-President. The President of the Senate ought, therefore, to have taken their places, as it was a case of removal.

It is plain that Congress, in that important expression of the constitution, the *cotemporary* expression of the sense of that instrument, have not acted upon the idea of a vacancy at the end of the presidential terms; for *the Speaker* never could come in upon such an occasion; he *civilly* dies at the last moment of the third of March, and yet Civilis absurdly attempts to make it appear, that few removals were contemplated, but those at the end of the terms, which the Speaker cannot fill.

The meaning of the constitution is perfectly clear; it is as if it should have said, *and in case a person, being President, shall die, be removed, resign, or become incapable*, an officer, to be named by law, shall act as President.

The expiration of office has never been considered as a removal. The powers which have been vested in any citizen by election for a limited time, cease to exist in him when the limited time expires. His was not a right to the office; it was only a right to exercise the powers for four years. The powers *were* in him, but are no longer in him, being transferred from him to another. If that other be not to be found, they yet pass from the late incumbent *into the hands of his principals*—the People of the United States. But if he has been placed in the office for four years, and by *judgment on impeachment* has been removed from that office, then the Vice-President, the President of the Senate, or the Speaker (as the case may be) is to succeed him. His office is not the *perpetual* presidency; it is only the quadrennial presidency—He may be removed from his quadrennial presidency *by judgment on impeachment*, but he cannot be removed from it one second after his office expires. This office is strictly that of *temporary President of the United States.*

Another objection occurs against th plan of *Civilis*. As the presidency and vice-presidency will become vacant at the last instant of the third of March, and Mr. Adams will be President, and Mr. Jefferson will be in the chair of the Senate, until that last instant, *inclusively*, it is clear that there will be a vacancy in the presidency *before* there will be a President pro tempore of the Senate; or, in other words, when the vacancy of the presidency will occur, there will not be, in law and in fact, a President *pro tem.* of the Senate. The Senate cannot chuse a President pro tempore on the third of March; they must adjourn until the fourth—If they could meet in the first instant of the fourth of March, they would first have to find that they wanted a President pro tempore, and in that instant it would be true that the case of a vacancy of the presidency of the United States had occurred. The officer indicated by law, does not exist to take the place—One chosen after cannot fill the place, because it must be the President of the Senate "*then*," that is when the vacancy occurs. The office of President of the United States cannot devolve upon an unfilled office.

There is another and an *insuperable* objection to the presidential power being devolved on the President pro tem. of the Senate. That body cannot elect a President pro tempore in any but two designated cases [1. U. S. laws, p. 7.] The Vice-President must be "*absent*," or he must be in the "*exercise of the office of President of the United States.*" Now he will be neither in the one predicament nor the other—Absence implies and means "existence in some place other than the Senate." But no Vice-President will exist on the fourth of March, unless the house shall chuse out of the number of Mr. Jefferson and Mr. Burr: for the same reason (non-existence) no Vice-President will be engaged in the exercise of the office of President of the United States. This suggestion, it is respectfully conceived, is conclusive against the election of a President pro tempore of the Senate, on whom to devolve the power and office of President of the United States. It is also worthy of consideration, whether the Senate have a power given to them to chuse a *second* President pro tempore, in case their *first* and *existing* President pro tempore shall be called to act as President of the United States. Their making such original election does not result from their being a senate, a council, or a legislative body: it is *granted* by the people in precise and express terms, and only in two certain designated cases. No authority to chuse would have existed without the special grant. The electors elect the original and proper President of the Senate, and the people have given power to make only one substitute in either of two certain cases. If he be taken away, the Senate would seem to be dismembered of a necessary organ, without a possibility of remedy. The doctrine which applies to the election of prolocutor of the British senate proves, that the election of a chairman, speaker, or president pro tem. is not incidental to such bodies, according to our accustomed legislative rule—lex legislativa, or lex parliamentaria; nor does the presidency of our councils help us through the difficulty; nor will the rules in the British commons remove the embarrassment; nor will any relief be derived from the case of the federal representatives. No incidental right is contemplated in the case of their speaker; he is to be elected under an *express* provision too, [1. U. S. laws p. 6] and if a person being speaker of that house (or of the Senate) acts as President, such embarrassments arise, that it seems well to consider whether those two persons are the proper officers. In the case of a Secretary, the President would have power temporarily to supply his place under an existing law.

It appears then that the people have elected two persons as President and Vice-President, and the constitution enjoins on the state representations to assign one of the two offices to each of those two persons; and since a President of the Senate cannot be so chosen, either before or after the end of the third of March, as to fill such a vacancy as that made by a non-election of President, since a President *pro tempore* of the Senate cannot be chosen in the case of the *non-existence* of a Vice-President, and therefore cannot be created so as to fill the office of President, since there would then be a want of a chief magistrate, and a want of an organized *advisory* and legislative senate, and a house of representatives cannot even meet, because a number of the members will not have been elected; *it is plain* that the government of the United States will become dissolved on the fourth of March, 1801, unless Thomas Jefferson or Aaron Burr shall be chosen President by the state representations. In that case, the sixteen state constitutions will be and remain in full force and virtue, and the suspended or repealed law of *confederation* of 1781, will be revived, by the termination of the law (the federal constitution) which suspended or repealed it. Such are the *known* and *well settled*, and *long settled* principles of law.

AN AMERICAN.

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December 30. 3t1w

THE SUBSCRIBER

BEGS leave to inform the Public in general, that he has opened a Beef-steak and Oyster House, on Capitol Hill, City of Washington, in the House lately occupied by Brown and Snowden as a Printing Office, a small distance from the Capitol, where Gentlemen may be accommodated at any hour in the day or Evening, with Beef stakes, Oysters, Sausages &c. at the Shortest notice and on the most reasonable terms Likewise the Subscriber has taken particular pains to lay in a stock of Good Liquors, and flatters himself that by paying strict attention to the business to Merit the favour of the Public in General.

WILLIAM TONKIN.

December 28. sept.

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Loaf and Brown Sugar,
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Washington, Dec. 18. tf.