

tion paid unnotified, he must have expired in half an hour.

Price of Provision, &c.
Fine Wheats have fallen in price *very* 25s. per quarter during the last week, and fine Dantzic Warrants, which were last week ready sale at 170s. per quarter, are now bid at 68s to 68s—Flour is a few shillings cheaper, but most other grain hold the prices we quoted in our last.

In several parts of the country new wheat has been already brought to market, and has occasioned the expected reduction of price.—At Lyon, the price in consequence of 110,000 to 90,000 quarters, and the state of the markets where we are favoured with returns, there are a depression during the week of from 10 to 20s. per quarter.

STOCKS—3 per cts. Consols 60 1/4 5-6 1/2—Junian 9 1-2.

Serious disturbances have taken place in the French army at Tunis, in consequence of the receiving there of Gen. Leval, and Mr. de Merle had addressed a *very fine speech* to them, wherein they exhorted them to obedience—and that they should receive their pay.

The Parue has broke out in Morocco, and prevails in the town of Sidi and among the garrison of Melilla.

The following article extracted from Les Dais Printz, give a disagree view of the Egyptian power.

LONDON, August 13.

Yesterday, after our paper was at press, the public were gratified with a denoufficial notice of pleasing intelligence having been received from Egypt.

Mr. Hodgson, a resident of Lord Minto, brought accounts of a messenger having passed through Vienna, who was the bearer of dispatches from Constantinople, containing an account of the surrender of Cairo. Government gave full credit to the reports, having received similar intelligence the preceding day from Mr. Foster, who had gone out with Sir Sydney Smith, and was called back to his country by some private concerns. He had just news of the fall of Cairo had reached Constantinople before his departure. In consequence the following notice was issued in the afternoon of the treaty:

A messenger arrived this morning from Lord Minto, at Lord Hobart's office, by whom we are informed, that the Grand Seignior had received dispatches from the Grand Vizier, containing an account of the fall of Cairo, with 6000 prisoners.

The note, and the grounds on which it rests, so far as the document goes, cannot be misinterpreted; but as ministers have not stated who is the author of the account, have forwarded the dispatches from Constantinople, the public are left to decide in the best way they are able between two reports, each of which are supported by the confidence of one of their reports states, that the messenger who passed through Vienna, was the bearer of dispatches from Lord Elgin; the other, that the dispatches were from Mr. Toole, at Constantinople for the India Company. No messenger has arrived from the former; he may perhaps fill come. A messenger did yesterday bring dispatches from the latter, but we do not find that he has brought any such account as has been published.

The public looked for an extraordinary episode to clear up all difficulties, but they looked in vain.

Our readers will be happy to learn, however, that Mr. Toole communicates to the India Company a piece of intelligence which many will think of as much momentous to the fall of Cairo. The account is the capture of 7 fall of French tra'sports and a menck laden with troops, which were making for Alexandria, and off this port. It is said he has also stated, that the fleet of Cairo had been put on board an account of the capture. The phrase, we may observe, might force the garrison of Cairo to surrender.

If Cairo has capitulated, to large a body of the allies will be: it they, and it fits will be the hope of the French left in Alexandria, that the city may be expected to surrender at no distant period.

Yesterday afternoon arrived the mail from Hamburg, which came direct. The intelligence from Constantinople, through Vienna, comes down to the 7th of June, but amounts to nothing. The letter from Paris gives circumstantial accounts of the landing of Gauthaume's troops in Africa, first at Derna, some day at a place called Bardi, near Alexandria. It will be almost needless to say, that the French are almost entirely kept in the dark.

A letter from Brussels, of the 22nd inst.

states, that all the armaments in the ports of Prandy and Flanders, are ready to put to sea at the first signal, and that French naval officers have arrived in conference from Bruch and Foulon, to aid in a grand expedition. The number of armed vessels now ready at Brulogne and Dunkirk are said to exceed 130 on board of which 25,000 troops will take their departure against Great-Britain with the first fair wind.

Many letters arrived from India by the ships lately received, agree in stating the probability of our attacking the Mauritius, and some of them speak in confident terms of our success.

The confidence, which the news of the surrender of Cairo, as it first believed is somewhat diminished. Government have had no advice of such an event from Lord Elgin; and Lord Minto merely congratulates Lord Hawkebury upon the intelligence which Mr. Hodgson, the East India Company's messenger, would bring him of the surrender of Cairo on the 20th of June. It is not stated, whether the French had killed and wounded, and how many thousand taken prisoners. Now it is certain that no such intelligence was brought to us, and that the East India Company's dispatch contained an account of the siege of Cairo having been deferred on account of the plague. It is probable that the allied armies in Egypt might, in consequence of the plague at Cairo, wish to defer the siege; but the prevalence of a dreadful disorder in the camp and population of Cairo, would induce the French to risk a battle in order to extricate themselves from a situation in which they would be exposed to the ravages of such a scourge, or would induce them to surrender.

His Majesty's ministers, we understand, are again in a great anxiety, and are sought, and that it has been followed by the surrender of Cairo. It is clear that Lord Minto believed such an event to have taken place.

The official dispatches from general Hutehinson and Lord Elgin are expected with the greatest anxiety.

(Courier.)

From Brussels, August 3, we learn, that all the armaments in the ports of Prandy and Flanders are ready to put to sea at the first signal; and that several naval officers have arrived in conference from Bruch and Foulon, to aid in a grand expedition. The number of armed vessels now ready at Brulogne and Dunkirk are said to exceed 130, on board of which 25,000 troops will take their departure against Great Britain with the first fair wind.

On board the seven transports taken in the Mediterranean were several hundred troops; but whether they formed part of Gauthaume's army, is not known.

By letters from Copenhagen, of the 4th inst. it appears, that many changes are about to take place in the Danish fleet, now estimated at 20 full of the line and 10 frigates, to be reduced to 30 full of the line and 16 frigates. The additional ships are to be built at Copenhagen, Gluckstadt, and Fredericksberg.

VIENNA, July 29.

This day's court gazette contains the following statement of the death of the Elector of Cologne:—In the night from the 26th to the 27th, died at Herzendorf, to the greatest affliction to their Imperial Majesties and the whole illustrious house of Austria, his royal highness the high grand master of the Teutonic order of Maximilian, prince and archbishop of Mainz, archbishop and elector of Cologne, Maximilian Francis Xavier Joseph, royal prince of Hungary and Bohemia, and archbishop of Austria, in the 45th year of his age.

The body of the deceased, which was brought to town yesterday, laid in state this day, and will be entombed this evening in the family vaults of the house of Austria.

The deceased has bequeathed his whole personal property, estimated at 18 millions, to the Imperial general archbishop Ferdinand, a son of the archbishop Ferdinand, formerly governor of Milan.

FOR THE NATIONAL INTELLIGENCER.

No. IX.

THE second class of powers, whose constitutionality has been questioned, are those which it is agreed inhere in the government; but which, according to different constitutions, are given to one or other of the several departments of government.

The first member of this class relates to the treaty-making power. On one side it is contended, that this power resides exclusively in the Senate; and on the other hand it is alleged that it is subject to the qualified control of the whole legislature.

There is not, perhaps, any article of the Constitution, whose ambiguity may not, and probably will not, in the course of events, be attended with more unfortunate effects than the one which relates to the formation of treaties. At present every thing respecting treaties is will and uncertain. It is not fixed to what extent the power may be carried; it is not fixed by whom its exercise ought to be originated; it is not fixed by whom, if abused, it may be controlled.

The extent to which the power has been constitutionally exercised, is sufficiently great to render it, if misapplied, an object of terror; and the extent to which it may be carried, if to be eliminated by an amendment, have been frequently urged on a recent occasion, upon a bill of power submitted without success.

We have seen on the conditions of opinion excited by the British treaty, a national sensation produced, which in its deleterious influence upon the peace of Society, has outlasted any day's ill. Warned by such an evil, is it not our duty to avoid the recurrence of it?

The discussions on this subject have been so recent, and so imprinted on the public mind are deemed likely to be so vivid, that I shall do little more than to state the varying opinions that exist, and the extent to which those opinions may be carried; and I shall confine myself to a general definition of the necessity of a more precise definition of this power.

The Constitution says, "The President shall have power by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur."

It declares farther, that "This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land."

We will first state the manner in which the treaty making power has been exercised, then to inquire in what, and the extent to which it may be carried, as the opinion of those who have been friendly to giving it the greatest latitude, and lastly the manner in which and the extent to which it has been carried in the opinion of those who are desirous of circumscribing it within prescribed limits, and rendering it its exercise judicial.

In a qualified degree, to legislative control. The manner in which it has been exercised is this: The President, without the advice or consent of the Senate, directs a negotiation to be entered upon, which may terminate in the formation of a treaty; after receiving the ratification agreed to by his agent and the agent of the nation treated with, he submits it, without passing any opinion upon it himself, to the Senate; the Senate or a majority of it, if it is agreed to, the treaty exactly falls to the ground; if a read to, the President then takes it into his consideration, and approves or disapproves; if disapproved by him, it is null, and all further consideration is at an end; if approved by him, he proclaims it as the law of the land. But it is, in all cases, whatever may be the stipulations of the treaty, the highest law of the land.

The framers of the British Treaty, and if the former administration say that it is in their opinion it is the supreme law of the land, whatever provisions it may contain, is null, and all further consideration is at an end; if approved by him, he proclaims it as the law of the land. But it is, in all cases, whatever may be the stipulations of the treaty, the highest law of the land.

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form of the constitution may be changed; a monarch may be established on the ruins of the republic; it is strange to tell, that the public agents of the republic are to be the active instruments of the subversion of the republic itself.

The foundation on which this inquiry superstructure may be erected, is that it is alleged that in the conflicts of nations all these acts, however implesent, may be required to be done to preserve our Constitution; and that, therefore, our Constitution, viewed in this light, is of the most important of all, has yielded power adequate to the insuring such an effect in the President and two thirds of the Senate, when it declares that it is authorized under the authority of the United States, that be the Supreme law of the land, without saying that they shall be conformable to the Constitution, or that they shall be subject to the same restriction which laws, which to be obligatory are expressly required to be made in pursuance of the Constitution.

Those, who are desirous of circumscribing the power of the President, and of rendering it, in its exercise, judicial, or legislative control, hold the following opinions:

That the Constitution has directed that the President should be authorized to negotiate, which may terminate in a Treaty, shall advise with the Senate, and obtain the sanction of two thirds of that body.

That when the treaty is agreed to by the Negotiators, the President shall submit it to the Senate. It does not appear, at all, to be settled, whether the President ought to form an opinion on a Treaty before he submits it to the Senate, or afterwards. The Constitution may, therefore, on this point, be considered as reserving a discretion in the chief magistracy.

That if agreed to by the votes of two thirds of the members present, and by the President, it becomes a Treaty, and is the supreme law of the land, so far as it does not interfere with the Constitution, or the laws, or with powers, which, though not exercised, may be exercised by the legislature or other department of the government, and so far as it conforms to, or avoids to violate, constitutional powers, so far it is acknowledged to be the law of the land, and no farther.

That at once he feels, that it follows from this exposition, that if the powers entrusted above to be exercised by the President, be in his exercise, it pledges the nation for the performance of any acts, which ordinarily require the sanction of the legislature or other department of the government, and so far as it conforms to, or avoids to violate, constitutional powers, so far it is acknowledged to be the law of the land, and no farther.

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