went about the barracks, and with particular condescension inquired about their grievances, and promised them redress. This caused great surprise among the Janissaries, who unanimously cried out, they demanded nothing but that the Grand Seignior (who was himself one of their own corps) would not suppress it.—The Sultan assured them he had no such design, but would only gradually reform their abuses; he exhorted them at the same time to obedience, and promised to continue them in his favor. This occasioned a general shout of joy, and they unanimously swore obedience to the Sultan. The Sultan then wished to know who had proposed raising an insurrection; they were immediately named, and by order of the Grand Seignior, 200 of them were immediately executed. The Aga of the Janissaries lost his place, and the captain Pacha, Seid Ally, was sent into exile to Brousse, in Asia. All this happened with remarkable tranquility.

May 4.—We fear that before a few months are expired, we shall see the Russians and Servians under the walls of the city. It is believed too, that the Saymens (new militia, formed after the European manner,) out of hatred towards the Janissaries, who caused their dismissal, may unite with the enemy; however, the anarchy which prevails in all the provinces will probably cause the Russians to meet with little resistance.

Augsburg, May 10.—One hundred and thirty waggons, crouded with wounded French, arrived at Augsburg on the 2d inst. Another escort, equally as numerous, arrived on the 6th; and it is computed that during the preceding fortnight, the wounded French, Wirtemburg and Bavarian troops conveyed thither, exceeded 14,000 men.

A Russian army is collecting on the frontiers of Poland, which is called the western army of observation, and prince Sergei Golizyn has been appointed to command it.

Jerome Bonaparte has confiscated the revenues of the chapter of Walkenein, at Hamburg, as also the property of the abbies and canonesses, for favoring the Westphalian insurgents.

Forty thousand French troops from Spain, and the southern departments of France, were to cross the Rhine at Huningen, between the 10th and 15th ult.

The king of Naples is forming a camp of 10,000 men near Eboli, and another at Lagonegro, under an apprehension of an attack from the British army in Sicily.

WASHINGTON CITY.

FRIDAY, AUGUST 4.

Gen. Turreau, the French minister, arrived in this city on Wednesday.

Defence of Mr. Jefferson's administration—No. III.

The abolition of what has been denominated the Midnight Judiciary—Among the closing acts of Mr. Adams' administration, was the creation and appointment of sixteen new circuit judges, with a tenure of office during good behavior. No measure of that unfortunate administration gave rise to greater indignation among the republicans of the U. States. Founded upon no plea of necessity growing out of judicial duties required to be performed, to them it appeared to have been taken for the attainment of two objects; the erection of tribunals calculated to control public opinion, and the creation of a reward for distinguished political favorites. The object, moreover, assumed vast importance from the bold assumption of the federal judiciary, by deciding, in the last resort, on the constitutionality both of state and federal laws, virtually to exercise the highest legislative functions. It is not then surprising that this was among the earliest topics that occupied the attention of the new administration. The most protracted and probably eloquent debate ensued in both branches of the legislature which has been known under the existing government. The opponents of the repeal raised a great constitutional question, and absolutely denied the right of a subsequent Congress to abolish a judicial office once created, or to diminish the compensation attached to it. Monstrous as this power was, and in case of flagrant abuse, incapable of remedy but by the total prostration of the Constitution, it was contended for with a zeal that evinced the great benefits that federalism expected to derive from its establishment. It may not be altogether useless perhaps, even at this time, to notice this point, which shall be concisely done in the co-temporaneous language of the writer of this article:

"It is allowed on all hands, that Congress possessed the power of modifying, at pleasure, the existing judiciary laws, so far as they regarded the duties of the judges. The first words of the constitution declare that "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."—The power is unlimited.

"A subsequent section says "Congress *shall have power* to constitute tribunals inferior to the supreme court."

"The language is not imperative. They may, or may not, exercise it.

"A subsequent section gives the further power, "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or office thereof."

"On this point, therefore, the legislative power is perfect, and commands as well details, as general principles. The tribunals, inferior to the supreme court are the creatures of legislation; as without legislation they could not have existed. The duties of those who fill them are defined by law. They may, by law, be increased or diminished. To their augmentation there is a constitutional limit; but there is none to their diminution. There is no portion of the power, thus vested by law, that may not by law be divested. If every portion of power may be taken away, then may the whole be taken away, which is but the aggregate of the parts. In such an event there can be but two results. Either the office of a judge is abolished, or it remains without duties. If abolished, by these means, which are, as we have seen, strictly constitutional, there is an end of the discussion. If it be not, by these means, abolished, it follows that the office remains without the judge having any duties to perform. On this point, as if its occurrence had been foreseen by the Constitution, it speaks an explicit language, and at once crushes the absurdity, by declaring that "the judges shall hold their offices during *good behavior*, AND shall, at stated times, receive for *their services*, a compensation, which shall not be diminished during their continuance in office."

"Thus does the constitution render inseparable the tenure of office with the rendering services, and the rendering services with receiving a compensation. The union is indissoluble. If there are no services, there can be no compensation.

"If the *alleged* officer is divested of duties, which is an equivalent term for services, and of compensation, what remains?

"It is no mean confirmation of this reasoning, that Congress are made the constitutional judges of the services rendered, by that article of the constitution, which provides that "no money shall be drawn from the treasury, but in consequence of *appropriations made by law*" By this provision and the antecedent one requiring service, Congress are prohibited from giving a cent to a judge except for his services.

"It may be said that this is an *indirect* way of abolishing the office. Let this, for the sake of argument, be granted. It cannot be doubted that the power, *indirectly* to abolish, by taking away by piece meal the parts which compose the office, until nothing remains, involves the power of *direct* abolition, which is no more than doing that, by one legislative act, passed at one point of time, which, in the other case, was accomplished by several acts, passed at different times.

"Other arguments in favor of the constitutionality of the repealing act were adduced; but this, of itself, is sufficient. In natural science, it has become a standing rule that no more causes shall be assigned than are sufficient to account for particular effects; it would be well if this fundamental rule were applied to moral disquisition. It would probably free it from much of the ambiguity in which it is at present involved; and it would certainly save much time at present unprofitably spent.

"It is not a little extraordinary, notwithstanding the use made of the term, that the word "independence," as applicable to the judiciary, is not to be found in the constitution. That wise system, so far from countenancing the independence of any public agents, legislative, executive, or judicial, has provided the most efficient checks to make them all dependent. By declaring that the judge shall hold his office during good behavior, it has made him independent of the executive; but that circumstance, so far from creating a claim to legislative independence, really produces a necessity in several cases for legislative interference."

The point of expediency was but feebly contested; for it was notorious that the new judges had no duties to perform, which had not been equally well discharged under the previous judicial system. Experience, the test of every thing human, has completely established the accuracy of this opinion; and is now universally conceded that the existing federal tribunals are fully competent to the prompt and faithful discharge of all the duties required of them.

From the zealous and even inflammatory opposition of the federalists to this measure, it is manifest, that they calculated upon it as the means of insuring their return to power. Their denunciations were uttered in a tone of thunder, and their predictions were of the most awful complexion. It was declared that the measure announced "a spirit of innovation, which had prostrated before it a great part of the old world;" which had prostrated "every institution which the wisdom and experience of ages had reared up for the benefit of man; a spirit, "which had rode in a whirlwind and directed the storm, to the destruction of the fairest portion of Europe, which had swept before it every vestige of law, religion, morality and rational government." "The wound (it was added) you are about to give the constitution will be mortal; it may languish out a miserable existence for a few years, but it will surely die."

It was, further, attempted to carry terror to the bosoms of the friends of the repeal.—

"The constitution, said one of the members, may have its enemies, but I know that it has also its friends.—I beg gentlemen to pause before they take this rash step. There are many, very many who believe, if you strike this blow, you inflict a mortal wound on the constitution. There are many now willing to spill their blood to defend that constitution. Are gentleman disposed to risk consequences? Sir, I mean no threats—I have no expectation of appaling the stout hearts of my adversaries; but if gentlemen are regardless of themselves, let them consider their wives & children, their neighbors and their friends. Will they risk civil dissention? will they hazard the welfare, will they jeopardize the peace of the country, to save a paltry sum of money, less than thirty thousand dollars!"

This vehement language was without avail. It was rejected with becoming decision. The new judicial offices were abolished—nature still pursued her ordinary course; the constitution survived its mortal wound; the government, in its several departments, progressed without obstacle; the public sentiment pronounced itself unequivocally in favor of the repeal; and not one of the dreadful predictions has to this day been realised.

The following statement of the population and revenue of the countries possessed by the House of Austria, is abridged from the Paris Moniteur of June 11.

Names of Provinces.	*Number of Inhabitants.*	*Revenue to the Prince.* Francs.
Upper Austria	670,000	12,500,000
Lower Austria	1,070,000	16,465,000
Bohemia	2,450,000	37,000,000
Moravia	1,137,000	12,500,000
Austrian Silesia	250,000	1,500,000
Galicia	3,900,000	32,000,000
Styria	296,000	14,700,000
Carinthia	294,000	5 965,000
Carnioli	412,000	5,000,000
Frioul	120,000	900,000
Salzbo rg	200,000	3,750,000
Hungary	7,350,000	
Transylvania	1,445,000	9,750,000
Bokownie	150,000	1,250,000
Sclavonia	280,000	1,340,000
Croatia	460,000	1,950 000
	20,402,000	201,570,000

The city of Vienna is stated to contain 6,500 houses, and with its suburbs 230,000 souls. The population of Prague is stated at 75,000; Gratz 30,000; Presbourg 27,000; Olmutz 11,000; Cracovia 24,000, &c.

On Saturday his Britannic Majesty's dispatch brig the Contest of 14 guns, Lt. Gregory, arrived at Norfolk, from Plymouth (Eng.) with dispatches, and upwards of 1,200 letters. She had 56 days passage, having sailed the 3d of June, seven days before the British packet arrived at Halifax.

Extract of a letter from a gentleman in Havanna, to his friend in Charleston, dated the 10th July.

"Every thing here is very peaceable, and what will astonish you, property in demand. There is a report much credited, that those persons sent off, will be recalled; whether this is so or not, I cannot say."

Norfolk, July 31.

We learn that the United States frigate, the Essex, Capt. Smith, has received sailing orders and is to proceed immediately to Boston where she is to receive her dispatches.

Natchez, July 1.

Governor Holmes, arrived in this city on Thursday evening last.

Knoxville, July 15.

We are informed that the Cherokee Indians have been invited to meet the commissioners on the part of this state and of the United States, at Highwassee, on the 20th of August next; we hope a treaty satisfactory to both parties will be the result of this meeting

Boston, July 21.

Last week the first of the premiums of fifty dollars offered by the *Massachusetts Agricultural Society*, was paid on the importation of a Spanish Merino Ram: He has since been purchased by a gentleman of this town, and sent to the District of Maine, to which part of the country he will be a valuable acquisition. The wool is very fine.

TRIBUTE OF RESPECT.

At a meeting of the Republican Citizens of Boston, on the 22d instant, voted to give a public dinner to the hon. John Quincy Adams, previous to his departure for Russia: and that the hon. David Tilden, Benjamin Austin, and John Brazer, esqrs. be a committee for the arrangement of the business.

The following note of invitation was presented by the committee:

"*Boston, July 24, 1809.*

"Sir,

"The republican citizens of Boston, desirous to express their estimation of your political character, and their approbation of your appointment as Ambassador to the Court of Russia from the United States, would request the honor of your acceptance of an invitation to dine with them at the Exchange Coffee House on Saturday next, at 4 o'clock.

DAVID TILDEN,
BENJ. AUSTIN,
JOHN BRAZER, } *Committee.*

His Excellency J. Q. Adams.

To which they received the following answer:

"*Boston, 25th July, 1809.*

"Gentlemen,

"Justly sensible to the good opinion, and grateful for the kindness of my fellow citizens, who have honored me with the invitation, which you have had the goodness to transmit to me, I have only to regret that the shortness of time and the pressure of my necessary engagements previous to my departure, will deprive me of the pleasure which I should have taken in accepting it. I request you, gentlemen, to tender to them, and accept for yourselves, my best wishes for your and their happiness, and my earnest desire, that the duties of the public trust which now calls me from my country, may be so discharged as to justify the confidence reposed in me by the government, and the approbation of my appointment to the mission, which the republican citizens of Boston have, through you, been pleased to express.

"I am, with great respect, gentlemen, your very humble and obedient servant,

"J. Q. ADAMS."

We are gratified to observe, that the subscription list for the dinner intended to be given to the hon. J. Q. Adams, would have contained many of the most respectable names in Boston, if the invitation could have been accepted. *Patriot.*

To the Editor of the Salem Gazette.

In the newspaper called the Boston Patriot, of the 22d inst. the Editor, Mr. Everett, has introduced the following paragraph:

"COL. PICKERING.

"A report (to which some of our public papers have given currency) is abroad, of deepest concern to Col. P. The charge is too serious for his silence, or our reputation. His friends at Baltimore seem to be of the same opinion. We are not so much his enemies as not to wish, at least for the sake of our country, to see the integrity of Col. P. freed from that suspicion which must rest upon it, while this charge is suffered to circulate without notice. Whatever may be the opinion of his friend who appears in his behalf in the North American, it is presumed he will not, at this day, so far mistake the mood of the public mind as to suppose that a repetition of his charges against our rulers, will be received as a proof of his own innocence. We extract the following from the North American, *a mouth piece of the British faction in Baltimore.*"

Mr. Everett then inserts two paragraphs from the Baltimore North American, in which the Editor, Jacob Wagner, esq. notices the "report" (as Everett calls the *libel* in the Baltimore Whig) to which he has reference, and which Mr. Wagner ranks among the "profligate accusations" made against me, and of which, he justly remarks, there is no end.

Mr. Everett, affecting some concern for my reputation, attacked by the "profligate accusation" in the Whig, intimates a wish to see my integrity freed from the suspicion which (he says) must rest upon it, while this *charge* (as he calls that infamous slander) is suffered to circulate without notice. Thus under the *mask of candor* he raises and gives currency to a *suspicion* that I have committed some crime of a nature so heinous that the charge is too serious for him to *repeat*—Yes, the charge is too atrocious, and at the same time too monstrously absurd, for him publicly to repeat. I do not find that one of the democratic newspaper editors in New England, with all their profligacy, has yet had the hardihood to re-publish the *libel*. To *hint* (as Everett has done) the *suspicion* of a heinous crime, will better answer their purposes. Still further to aggravate *suspicion*, this *candid* editor adds, that "a repetition of my charges against our rulers will not be received as proof of my own innocence:" as though I had ever exhibited any charges against our rulers which were unsupported by evidence, and evidence drawn from their own public documents.

The libel in question accuses me, through the agency of my nephew, Samuel Williams, in London, of forming an intrigue with the British minister, Mr. Canning, for the purpose of effecting a separation of the United States. This libel, which is FALSE, and without a shadow of foundation, and when on the face of it is stamped with imposture, Mr. Everett affects to consider as a *serious charge.* Mr. Wagner, in his remarks, calls it a *slander* and a *profligate accusation.*—Those remarks would tend to repel all belief that the charge had any foundation. But to frustrate this tendency, Mr. Everett denounces the North American as "a mouth piece of the British faction." And who is Mr. Wagner, whose newspaper is thus denounced? The same person who was many years chief clerk in the department of state—whom Mr. Madison found and gladly retained in that office as long as he would hold it—I think five or six years. Yet Mr. Madison knew that Mr. Wagner was a decided, incorruptible, unchangeable federalist: that very stability of character was a pledge of his fidelity. Accordingly, Mr. Madison, some two or three years since, speaking to Mr. Hillhouse and me of Mr. Wagner, commended him in very warm and handsome terms; summing up his character in these remarkable words, "In short, he is fit for Secretary of State."

And who is *Mr. Everett*, the editor of the *Boston Patriot?* An apostate *federalist.* While federalism was in fashion, he served under its banners, and zealously contributed federal pieces, which were published at Walpole, in New Hampshire, (where he then lived,) in the distinguished federal paper called the Farmer's Museum, edited by Joseph Dennie, esq. And now this *turn coat*, this *apostate* Everett, has the impudence to set himself up as the grave censor of federal men and federal papers!

One word more as to his concern for my reputation. By the gravity of his manner in noticing the "report" which he pretends to think so seriously affects my character, he doubtless intended to *point* its malignity, that it might inflict the deeper wound. Yet that "report," that "profligate accusation," is so monstrously absurd in its details, that it would be an impeachment of Mr. Everett's understanding to suppose that he believed one word of it to be true.

T. PICKERING.

Wenham, July 25, 1809.

New York, July 31.

A French paper of the 13th says, that "by accounts from Vienna, the garrison of that place is *very* numerous. The French troops in the environs have taken positions which they expect every moment to quit in order to repair to such places as are already fixed upon. These positions extend from Haimburg, four leagues West of Presburg, to Brugg on the Letha, Gritzendorf, Wiernerhorborg, Laxemburg, Grinstramsdorf, Baden; and from thence by Petramstorff Burkensdorff towards Closterneuburg and Zeismaul. It is said that a great number of troops have already collected:—perhaps it is intended to cross the Danube on that point. The duke of Rivoli's (Massena) corps continue to occupy the two islands in the Danube between Ebersdorff and Enhersdorff. We expect every day to hear of this river having been crossed anew."

The minister of state and foreign affairs (Champagny and Marat) were with the Emperor at Vienna.

M. Talleyrand left St. Gall in Switzerland, on the 28th of May, and intended to go to Schaffhousen, to assist at the opening of the Diet. Talleyrand is stiled in the French papers, "minister of France."

The following we received from a passenger in the Syren, who assures us that this list was handed about in private circles in France, and was believed to be correct.

List of the French killed & wounded in the battle of Esling, on the Danube the 21st & 22d May.

Killed.	Wounded.
Gen. Lasnes,	Marshal Massena, duke of Rivoli,
Monton,	Gen. Oudinot—since dead,
Clarier,	—— Clermont,
Fouler,	—— Peray,
Durasnel,	—— Dorsenna,
St. Hilaire,	——La Grange,
St. Sulpice,	
Lallemand,	
Moltor,	