

They magnify every hazard arising from a change in the direction of their employment, into certain and positive loss. Although, therefore, their opinions ought to have weight and produce caution; yet, they ought not to command a decision from others unattended with conviction. For if those of the committee, not of this description, be compelled to decide upon the present question, from extraneous mercantile indications, without requiring convictions from their reasonings; there are indications of the mercantile scene on the other side the Atlantic, operating in commendation of the propositions, with as much force, as those on this side the Atlantic, in opposition to them. It is remarkable that this whole description of men are actively opposed to the passage of the proposed measures: Their sensations upon this subject have been evidenced by their anxious attendance upon the progress of the business. If the propositions should eventuate in a national commercial conflict, the inference in general might be made, that what it is their interest to prevent it is our interest to enact. The British court are equally sensitive upon this subject. They have at several periods manifested their alarms. It may be concluded that these sensations have arisen from the opinion, that the effects of the propositions will be such as are calculated upon by the favorers of them. He was unwilling, however, to hazard a vote upon any extraneous circumstances and should look into the merits of the question.

He felt that some apology was due to the state and district whose immediate representative he was. Virginia is an exporting state, without vessels, and without a mercantile capital, equal to the employment afforded to capital. The town of Petersburg exports much in value and much in bulk; the surrounding country grows these articles; vessels and capital are wanting for the exportation of this produce. Hence the proposed measures will be particularly felt for some time by this part of the United States.

He relied however with confidence on the virtue and patriotism of the people, and should act from a belief, that they would even rejoice in a temporary inconvenience with a view to permanent good; and that their joy would not be diminished by the recollection, that the temporary ill which they may sustain, would produce a temporary advantage to their eastern brethren, without excluding them from a full participation in the permanent good to be expected.

He remarked, that he felt the more diffidence upon this subject: since he frankly acknowledged, that he did not possess an accurate knowledge of the details of commerce, and did not propose to make any material addition to the stock of mercantile information, now before the committee. He proposed to use the facts furnished by other gentlemen, and acknowledged an obligation, for the information they contain. He proposed to consider the subject, in the various shapes it had assumed since the commencement of the discussion; and to state the results, which had been formed, in his own mind.—In making the attempt, general principles will be referred to, and minute arithmetical calculations as much as possible, avoided.

The gentleman, who first favored the committee with his remarks (Mr. Smith of S. C.) admonished them of the propriety of separating political, from commercial considerations in the course of discussion. If this rule had been rigidly enforced, he remarked that perhaps, three fourths of the impressions made upon his mind favorable to the propositions, would have been lopped off without consideration. He could not conceive, for what cause, the political should be separated from the commercial part of the subject. The propositions may eventuate in a change in the direction of the business of one whole occupation in society—a change of the disposition of the nation, in so important a point, must have a very interesting political aspect, as it relates to the government internally: the present subject exhibits an important political feature, as it relates to the external connections of the government, with foreign nations. If therefore, it should be observed as a rule, to pass upon this subject, by excluding from view, all the political considerations connected with it, the rule would include an essential omission of duty. The gentleman himself, however, in the next sentence, furnished an example of the violation of the precept he had just prescribed, by

calling the attention of the committee to the political situation of the United States, at this delicate crisis, and urging this circumstance, as one reason against the adoption of the propositions. The gentleman then proceeded to present the subject in two points of view. The one, the relative conduct of France, and Great-Britain, towards the United States: the other, the conduct of Great-Britain towards the United States, comparatively with other foreign nations. To present the subject in the first point of view, the gentleman furnished an anonymous table, calculated to a date anterior to the commencement of the late revolution in France. As the only history of this table, with which the committee have been favored, was, that it was the compilation of a gentleman of considerable mercantile information, it is presumed the gentleman will not be surprised, if it should be deemed to be of doubtful authority; the rather as it was the ground of a severe and unmerited crimination of the gentleman, whose report is now under consideration, and who, it is believed, would not suffer in a comparison, in point of intelligence, accuracy, or patriotism, either with the laborious compiler of the table, or with the gentleman, who has been judiciously selected, for its interpreter.

He remarked, that the table bore upon the face of it, evident marks of partiality, and instead of having them effaced, they were aggravated by the commentator.

One irresistible evidence of the partiality of the table consists, in asserting that American flour is free, to the British West Indies, and excluding from view, the absolute monopoly of the carriage, and the monopoly of contracts for returns.

It is presumed that the gentleman at least cannot except to this criticism on the table, because one of his chief censures against the gentleman whose report is before the committee, which was even carried so far as to infer improper motives, arose from a suggested omission in the report, which will be found upon examination to be wholly immaterial. An evident partiality is observable in the interpreter of the table in an earnest attempt to establish this principle—That prohibitory duties on flour in Great-Britain afforded an equal encouragement of the article by commercial regulations, with a free importation into France, or at least with a duty admitted by the gentleman to be too trifling to be counted. The commercial arrangements of France in this particular, leave this article upon the true ground of competition in the growth of the article—this ground of competition is destroyed in Great-Britain by commercial restrictions. In the one case, competition in the market is all that could be reasonably expected, and that is granted—in the other case competition would be alike desirable, and there it is provisionally excluded.

Another evidence of the partiality of the interpreter of the table consists in the zealous attempt to establish it as a principle, that 1s. 3d. sterling duty upon tobacco per lb. is no discouragement to the growth of that article—this idea was grounded upon the suggestion, that the consumption is not thereby lessened, no substitute being afforded for it in Great Britain—Tobacco does not average to the exporter 2 pence sterling per pound: The duty is at least seven times as great as the prime cost of the article;—the great consumption of this article is by the poorer order of the people—the state of society is such in Britain at present, that hard labor during a whole year will hardly afford a scanty subsistence to the laborer, hence necessity compels this description of persons to economize in the use of the article, or to avoid the use of it altogether—of course the consumption is materially lessened, and the growth of the article is discouraged from the operation of the duty. The gentleman founded his fierce attack against the gentleman whose report is now under consideration, for omitting to insert in his report, that there was a higher duty imposed by Great Britain upon all other foreign tobacco than that of the United States, and hence inferred a friendly disposition from Great Britain to the United States. The insertion of the fact would have added to the bulk of the report, but could convey no additional useful information.

It is known that the high duties imposed upon all foreign tobaccos, took its rise during the colonial existence of these states; it is known that it has not been altered since their independence; it is known that

the tobaccos of the United States are furnished at so much cheaper rates, than those of any other country, that there would be no danger of competition if the duties in Britain were the same on each. It is likewise known that the United States furnished a sufficient, a redundant supply for the consumption of all Europe; hence Great Britain has not thought proper since the revolution to destroy this relic of colonial regulations, not because she wished to favor us, but because she would not thereby have benefited herself; hence too, the omission of this information could not be material, and the insertion of it would only have served to contradict the inference endeavored to be established, of the favorable disposition of Great Britain towards the United States.

There is one manifest impropriety in confining our enquiries to the date prescribed by the gentleman for this table: it would involve the absurd consequence of adjusting our laws to a retrospective, instead of a progressive state of things. It would be as ridiculous as an attempt by law to prescribe rules for the proper deportment of the ghosts of our forefathers. It is to be hoped that the date could not have been fixed upon from a wish that the United States should indirectly furnish a countenance for the restoration of despotism; and it was matter of regret that the gentleman should openly avow a distrust of the permanency of the French revolution as one motive for the conduct.

Mr. G. remarked, that he hoped the permanency of the revolution of France was as much greater than the permanency of the ancient despotism of France—as the great fabric of nature, than the petty plastic productions of art.

Here Mr. S. rose to explain—he said he had pursued a principle, adopted by Mr. Jefferson in his report: he read a passage from the report, from which it appeared, that the report had been calculated to the summer of 1792.

Mr. G. replied, that the principle was just reversed, the one had reference to a state of things posterior to the revolution; the other, anterior to the commencement of it during the existence of the ancient despotism.

If the table were to have any influence, it must arise from stating, the real relative dispositions of France, and Great Britain towards the United States; but if the epoch to which it relates is to govern, it will exclude some of the strongest testimonies of the inimical temper of Great Britain, and of the friendly temper of France.

Are these considerations to have less weight, or to be wholly excluded from the view, because they are more recent? Is it because we are now laboring under these aggressions, and from some late dispatches likely to continue so, that a remedy is to be withheld? He thought not; and therefore should proceed to state some of the evidences of the dispositions of the two nations, displayed since the epoch alluded to.

Great Britain has subjected our vessels upon the high sea, to seizure and search, and exempted those of Sweden and Denmark. He wished to press this fact, upon the gentleman who preceded him, because he had denied that Great Britain, had made any discriminations amongst foreign nations, injurious to the United States.

Great Britain has invaded our vessels on the high seas, and refused them the protection of French property—This is an acknowledged violation of the laws of nations; at least of the last convention of nations upon the subject.

Great Britain has prevented our vessels from conveying to our friend and ally, goods not contraband, and compelled them to make sales to herself, or some of her allies.

Great Britain has compelled our vessels to deviate their courses, and to their great hazard and loss, detained them for trial upon frivolous pretences.

Our vessels have been subjected in her courts, to the danger of subornation; to precarious and uncertain testimony.

Great Britain has been the instrument of letting loose the pirates of the Barbary states, upon our commerce. This fact however doubted upon the first report, is placed beyond doubt, by the late conduct of Portugal, towards our vessels in her ports.

Are these facts denied? If not, do they not operate directly and specifically upon our commerce. Is it not astonishing, after all these facts are known, and

often repeated, that gentlemen should be heard to enquire, what injuries have we received from Great Britain? And to infer that the United States are equally favored with other nations. In addition to these things, Great Britain has observed the most rigid silence upon the subject of friendly commercial arrangements.—The gentleman who preceded him, doubted her indisposition for a treaty; silence is a refusal to act; a refusal to act is a denial. The late dispatches do not furnish the most distant hope, of a change of disposition in this respect.

France on the other hand has offered a renewal of the existing commercial treaty upon the most liberal policy.

(To be continued.)

LEGISLATURE of NEW-YORK.

HOUSE of ASSEMBLY.

Saturday, Jan. 18, 1794.

A resolution of the house, "That in all suits in which this state is a party, it is the duty of the attorney-general, ex officio, to defend the rights and interest of this state,"—passed in consequence of a letter from the attorney-general, requesting instructions relative to the suit brought against this state, in the Supreme Federal Court, by Eleazer Oswald—having been non-concurred by the Senate; the following resolution transmitted by the Senate for concurrence, was taken up, and in the words following—"Resolved, if the hon. the Assembly concur therein, that the attorney-general appear for this state, in the Supreme Court of the United States, to the suit brought by Eleazer Oswald, administrator of the goods, chattles and credits of John Holt, deceased, and that he make the best defence therein the nature of the case will admit."—And after some time spent thereon, the house divided on the question for concurrence, ayes 12—noes 44.

The house adopted the following resolution—

"Resolved, as the sense of this house, that it is the duty of the attorney-general, ex officio, in all controversies in which this state is, or may be a party to appear and defend the interest of this state."

Friday, Jan. 24, 1794.

Mr. Havens from the committee appointed on the part of this house—to meet a committee appointed on the part of the Senate, to take into consideration that part of the Governor's Speech, which relates to the communications received from the states of Massachusetts and Virginia, relative to the suability of a state, and also relative to a suit brought against this state: Reported, That the committee had met the committee appointed on the part of the Senate, and that they had concurred in a resolution which he was directed to report to this house.—He read the resolution in his place and delivered the same in at the table, where it was again read, and in the words following, viz. Resolved, That the power of compelling a state to be made defendant in any court of the United States, at the suit of an individual or individuals is in the opinion of the Legislature unnecessary and inexpedient—and in its exercise may be dangerous to the peace—the safety and independence of the several states. Therefore resolved, that the senators representing this state in the Senate of the United States, be and they are hereby instructed, and the Representatives requested to adopt the most speedy and effectual measures in their power to obtain such amendments in the Constitution of the United States, as will remove any clause or article of the said Constitution, which can be construed to imply or justify a decision that a state is compellable to answer to any suit by an individual or individuals in any court of the United States—and the Governor is hereby requested to communicate the foregoing resolution to the supreme executive of the several states, to be submitted to their respective legislatures.

Ordered, That the said resolution be committed to a committee of the whole house.

NEW-YORK, Feb. 3.

We hear from Albany, that the Negro man and Wenches, who were to have been executed there on Friday the 14th inst. have been granted a respite for six weeks.