

To the SENATE and HOUSE of REPRESENTATIVES of the commonwealth of Pennsylvania.

GENTLEMEN, I HAVE considered, with great attention, the bill, entitled, "An act to regulate the general elections held within this commonwealth;" and I now return it (having been prevented from returning it at the last session, by an adjournment of the general assembly, on the day when it was presented to me) with a declaration, that I do not approve thereof; and with the following objections, as the ground of my disapprobation.

I. Because the bill not only operates, in some of its provisions, *ex post facto*, enacting a species of evidence to prove the elective rights of a certain class of citizens, which was not contemplated at the time when those rights were acquired; but from the extraordinary, and, in many instances, impracticable, nature of the evidence itself, such citizens may often be deprived of their constitutional privileges, though they have never incurred a forfeiture, and are not chargeable with any negligence.

Thus, it is provided in the first section of the bill, "That no person, who according to the laws of the United States, is deemed an alien, shall be admitted to vote at any election within this commonwealth, unless he has been previously naturalized according to the direction of a law of the United States, passed the twenty-ninth day of January one thousand seven hundred and ninety-five; or shall have been otherwise naturalized previous to that time, and shall produce a certification thereof, under the seal of the court, wherein he has been naturalized, or if otherwise naturalized before that time, then such certification, or other written evidence thereof, as from the nature of such naturalization, such person may reasonably be required to produce by any judge, or judge of the peace, or by any two electors qualified to vote at any such election!" Now in order to shew that the objection, which I have stated, is well founded, it will be proper to take a retrospective view of the evidence of naturalization, which was originally established, for those cases that occurred, before the subject had been regulated by any exercise of the federal authority.

The 42d section of the Frame of Government, established in the year one thousand seven hundred and seventy-six, declared "that every foreigner of good character who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold and transfer lands or other real estate; and after one year's residence, shall be deemed a free citizen thereof, and entitled to all the rights of a natural born subject of this state, except that he shall not be capable of being elected a representative until after two years residence."

On the thirteenth of January one thousand seven hundred and seventy-seven, an act passed obliging the male white inhabitants of this state to give assurances of allegiance; the form of an oath or affirmation was prescribed; and the justices were directed to keep registers of the persons so sworn or affirmed, and to transmit the same to the recorders of deeds of the counties respectively, who were directed to record them.

In the years one thousand seven hundred and seventy-eight, and one thousand seven hundred and seventy-nine, other acts of a similar import were passed; but effecting no material alteration in the point of view in which the subject now offers for consideration.

But, on the thirteenth of March one thousand seven hundred and eighty-nine, an act was passed to repeal all the laws of the commonwealth, requiring an oath or affirmation of allegiance from the inhabitants; and by the fourth section it was provided, that nothing in this act contained shall be deemed to extend to, alter, or affect, the forty-second section of the frame of government of this commonwealth, but that every such foreigner as in the said section mentioned, who shall come to settle in this state, shall, after one year's residence therein, be entitled to the full enjoyment of the rights and privileges therein specified, upon taking and subscribing an oath, or affirmation, such as in the act is set forth. The mayor, recorder, each and every alderman and justice of the peace, before whom such oath or affirmation should be taken or subscribed, was directed by the act to keep a fair register of the names and addition of the persons so sworn or affirmed, and to transmit to the recorders of deeds of the counties respectively, lists of the names of the persons so sworn and affirmed, which lists were thereupon to be recorded."

It appears then, that from the seventeenth of June one thousand seven hundred and seventy-seven, to the twenty-sixth of March one thousand seven hundred and ninety, (when congress exercised the power of naturalization granted by the eighth section of the first article of the constitution of the United States) the rights of citizenship were to be acquired, and the fact of naturalization was to be recorded, in the mode thus designated by the forty-second section of the frame of government and the laws to which I have referred; but neither the frame of government, nor any of those laws will be found to contain a positive provision, as to the mode of establishing the fact of naturalization, in case the register of the magistrates and the records of the recorders should be lost. By the bill under consideration, it is indeed, contemplated, that every naturalized freeman actually resident within the limits of the United States, on the third of September one thousand seven hundred and eighty

three, should stand on the same footing with natives, in the exercise of the elective right; but between the third of September one thousand seven hundred and eighty-three, and the twenty-sixth of March one thousand seven hundred and ninety, many aliens were naturalized, according to the laws in force during that period.

Under these circumstances, a recurrence must be had to general principles; and it is a general principle, that if a record is lost, the facts, of which it was intended to be the memorial, may be proved by oral as well as by written evidence. No citizen can answer for the care and fidelity of the magistrate or recorder; nor can the magistrate or recorder guard against acts of Providence and the various casualties by which all human precaution may be defeated, and every monument of human art is liable to be destroyed. If exemplifications of the register or record are not produced, proof might reasonably, perhaps, be demanded, that the register or record is itself lost or decayed; but still it is a great rule of law upon this subject, that the best evidence only shall be required, which the nature of the case admits; or, in other words, that no evidence shall be received which supposes that higher evidence remains in the power of the party; to extend the rule further would lead, in my opinion, to create endless perplexity, and to subvert justice, when nothing could be attained but the gratification of a speculative hope, to guard against a possibility of deceit and imposition.

As, therefore, the only mode prescribed, during the period to which I immediately refer, for perpetuating the evidence of naturalization, was the register or record of the public officers; as the individual who seeks to exercise the rights of naturalization, could have no controul over those officers; and as the officers themselves cannot be responsible for accidents or outrages; I have ventured to question, whether it is reasonable or consistent with the principles of jurisprudence, that at the distance possibly of fourteen years, certainly at the distance of seven years, written evidence, and written evidence exclusively, should for the first time be demanded (and that too, at the instance of any two electors) from the citizens who have derived their title of citizenship, under the very different circumstances which have been stated? This rigor would at once exclude all evidence arising from the previous uniform exercise of the right of voting;—from the oath or affirmation of the party himself; and from the oral testimony of any number of the most credible witnesses; it would disfranchise some citizens, without the slightest imputation of blame; and, in effect, it would reduce many who have for years performed all the duties, and enjoyed all the advantages of citizenship, to the absolute condition of aliens.

II. Because the bill will, in its operation, unnecessarily embarrass the exercise of the rights of suffrage; and may deprive some of the most meritorious citizens of the privileges of election.

Thus, by the ninth section of the bill it is declared, that the alphabetical list to be furnished by the county commissioners to the inspectors of election, shall contain "the names and surnames of all the male taxable persons, inhabiting within the respective counties, who have been assessed for a state or county tax at least six months before that day, and not exonerated;" And by the eleventh section of the bill it is declared that "no person of more than twenty-two years of age shall be admitted to vote, whose name is not inserted in the list of taxable inhabitants, furnished by the commissioners, unless two reputable electors well known to be inspectors, shall depose that he possesses taxable property, keeping a house, or other circumstances, they firmly believe the said person hath paid a state or county tax assessed agreeably to the provisions in the constitution, and this act, and that he resides and hath resided at least seven months in the township, ward or district, in which he offers to vote; and the said person shall also depose to the truth of the same, or produce a receipt from the proper collector of the payment of a state or county tax, assessed as aforesaid."

New, the effects of these regulations are objectionable in a two-fold point of view:—1st. Inasmuch as the accidental, or negligent omission, to insert any citizen's name in the commissioners alphabetical list (a circumstance that has too often occurred) will condemn such citizen to the necessity of making proof of his right to vote, at the very moment when he tenders his vote, by two reputable electors; though in every other case, except treason, one reputable witness is competent to ascertain a fact, and tho' the fact may be known only to women, to persons who are not electors, or to citizens who are exonerated from the payment of taxes. These witnesses, moreover, must be well known to the inspectors, must know from the state of the party's property, or other circumstances, his capacity to pay a tax (tho' in addition to this, his own oath, or the production of a collector's receipt is imposed) and must attest his previous residence for seven months within the district, in which he offers to vote, though actual residence at the time of voting would alone be required, if his name had not been omitted in the commissioners alphabetical list.

2d. And, in the second place, inasmuch as it excludes from enjoying the rights of suffrage, all persons, who shall be exonerated, for any cause, from the payment of taxes. It is true, that the constitution of the state contains a declaratory article, that, "in elections by the citizens, every freeman of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed, at least six months before the election, shall enjoy the rights of an elector." But this is manifestly an affirmative, and not a negative provision;—It restrains the legislature from denying to a person, so qualified, the right of voting; but it does not preclude the legislature from exercising the power an exone-

ration; nor does it assent, or imply, that the exonerated from taxes, shall work a forfeiture of the rights of suffrage, the most valuable rights of citizenship. An exonerated, by the party entitled to receive, must be in this case (as in many cases that occur in private transactions) tantamount to a payment, by the party liable to pay. If, indeed, a different interpretation were given to the constitution how could elections have been held, or the advantages of representation have been enjoyed, by the inhabitants of those townships (forming in some instances a considerable portion of a county)—which have occasionally been exonerated; by law, from any pecuniary contribution towards sustaining the public burthens? Since, therefore, the constitution does not render the payment of taxes an indispensable preliminary to the exercise of the rights of suffrage, the principles of public gratitude and political justice, seem to require, that, at least, some discrimination should be made, as to the objects, whose exonerated from a pecuniary duty, shall be thus accompanied by the deprivation of a civil franchise. The remembrance of those scenes, in which the patriotism of many of the original public creditors, and the heroism of many of the veterans in our revolutionary war, were the causes of such penalty, or infirmity, as must incapacitate them, at this moment, for yielding a pecuniary aid to the state, can never be obliterated; nor will it, I am confident, be deemed politic, or just, upon reflection, that men, whose services and afflictions honorably entitle them to the exonerated contemplated, should, merely from that reason, be denounced, as unworthy of partaking in the administration of government, which they have assisted to establish, at the hazard of their lives, or by the sacrifice of their fortunes. THOMAS MIFFLIN. Philadelphia, 28th August, 1797.

A CAUTION

To SEAMEN and other CITIZENS of America. AT the last session of congress, a proposition was brought forward, whether a citizen of the United States might expatriate himself, or, in other words, forfeit his allegiance to his own country, and become a citizen or subject of another? It was proposed to pass a law for that purpose; but, on further consideration, it was agreed that the question should be left to the ensuing meeting of the house of representatives. The probability is, therefore, that it will again be introduced when congress meets. Every seaman and citizen of America, who possesses genuine attachment to his country, should avoid entering into any foreign service, whatever flattering encouragement might be held out for him to abandon his own country; for, if the law takes place, which is likely, it is expected to be so modified, that if a citizen of our country take the benefit of it, and surrender his allegiance to his own, and take it to a foreign nation, that he will never have it in his power to restore what he has voluntarily given up, and consequently never afterwards enjoy the privileges and benefits of an American citizen. Hence it ought to be a settled determination with him, to consider any one who is daring enough to hold out temptation to him to accept of foreign employment, as his greatest enemy. Many advantages may be painted to our citizens in glowing colors, to seduce their affections; but it will be found, if experiment should unfortunately be made, that it is mere delusion, and the advantages held out will be as unsubstantial as the visionary phantoms of a dream. No nation under Heaven affords such advantages to the industrious citizens as our own country. Let us therefore continue attached to it, as a part of ourselves, and not give up the rights of American citizenship, by taking allegiance to any other country, which can never again be recalled, and to be deplorable examples of our own folly.

AN AMERICAN CITIZEN, Baltimore, Sept. 13.

FROM A LATE LONDON PAPER.

Lord Malmshury and Letourneur. The following ludicrous account of the interview between Lord Malmshury and Letourneur, is extracted from *L'Impartial Europeen*, of the 9th inst. It serves to shew the high opinion entertained of the talents of the English Negotiator, as opposed to those of the President of the Negotiation on the part of France.

"The French Plenipotentiaries were no sooner informed of the arrival of Lord Malmshury at Lisse, than Letourneur sent to ask permission to wait on him. He had repeated his little lesson in the morning with some success, and flattered with the indulgence of his master, he longed to enter the lists with the English Ambassador.—The interview took place on the 6th inst. Lord Malmshury was in his Study, when his Excellency Letourneur was announced. The Lords who were with him as Secretaries, immediately arose; the folding doors were thrown open by the servants, and Lord Malmshury, advancing towards the French Minister, took him affectionately by the hand, led him to a seat, and said, that he was ashamed to have been anticipated in paying his respects where they were due, Letourneur.—My Lord—Your Excellency! You are very kind.

Lord M. (to the Lords of the Embassy.) Gentlemen, partake with me in the interview which I have now the honour to enjoy. You are the Envoys of Philip, and here (pointing to Letourneur) is the Demolisher of France.

Letourneur.—You are very kind. Lord M.—You know the pacific intentions of the King my master. As the Agent of his will, and invested with unlimited powers, I hope to find your Excellency disposed to return the amicable sentiments which I am commissioned to express. The reputation for probity and candour which you justly enjoy, convinces me that this will be the case.

Letourneur.—You are very kind. Lord M.—Restitution, Compensation, and Indemnity; such are bases on which the structure of Peace and of happiness for the two Nations, which we represent, is to be raised.

Letourneur.—That is a great deal. Lord M.—In the War which has destroyed the connection of the two Countries, fortune has distributed its favours so unequally, that the advantages, you must, from a consideration of facts, admit, remain entirely on our side. Letourneur.—True.

Lord M.—In possession of your Colonies in the Antilles, of your Factories in the East-Indies, Masters of the Sea, and of an immense Navy, with which no power can cope, and that too derived from almost the whole of your Navy, our interest has been silent at the voice of humanity.

Letourneur. (rubbing his hands)—And from the fear of an invasion, Ay?

Lord M.—Ridiculous apprehensions in any one who knows the state of your Ports and Dockyards. The register of your naval force makes it amount to twenty Ships of the Line and some Frigates, confined to your ports, and incapable of making a junction.

Letourneur.—To which are to be added the Navies of Holland, Spain, and Venice. Are they nothing too?

Lord M.—It is not the number of Vessels that confers superiority. A Navy consists of two parts, the more substantial part, as the Ships, and the essential part, that is the Crews and Commanders. Admitting that with the addition of the Venetian force you had established the substantial part of your Navy, you would yet be deficient in the essential part, and your Fleet would be kept in port by the third part of the naval force of England.

Letourneur.—While we have wood we can have ships; and the rest may be supplied by a requisition.

Lord M.—Your Excellency recollects, that at the Treaty of Peace of 1763, the French navy was in a deplorable state; that that Treaty stipulated the number of ships which France should build annually; that the observance of it was particularly watched by our commissaries, and that France only got over it in the American war. How many years are necessary to the restoration of a navy? Supposing all the Dockyards in Europe employed in the service, they could only have produced her forty ships per year, because the collection of materials must be regulated by the produce of nature.

Letourneur.—Hold.

Lord M.—But while your commerce is interrupted by our cruizers, where would you procure wood, hemp, sail cloth, &c.

Letourneur.—Hold.

Lord M.—But supposing France to furnish every material, you could never build more than 12 ships a year; and as to sailors, since the entire ruin of your commerce, of your fisheries, you have neither naval schools nor pupils, and soldiers compose but a very bad crew.

Letourneur.—My Lord, you must agree, that before the Quiberon expedition it would not have been impossible for us to have produced excellent officers; and you cannot contend that the best of your naval officers perished in that expedition.

Lord M.—The event was a little adverse to us; but if we are reproached with not having been very careful of spilling French blood on that occasion, we shall reply by citing the law which commends the massacre of prisoners.

Letourneur.—In fact.

Lord M.—Let us have done with this excessive policy, and proceed straight to the object of our deliberations.

Letourneur.—That is well said.

Lord M.—On what condition does France seek peace?

Letourneur.—I will tell you in a moment, my Lord. (Draws a paper out of his pocket.) These are my directions. She asks,

- 1. The restitution of her colonies. 2. The restitution of her ships, or the value of them in money. 3. The restitution of the Dutch navy. 4. The restitution of the conquests taken from Holland. 5. An indemnity of so many millions for the benefit of the French, for reasons hereafter to be assigned.

Lord M.—What would be the answer of your excellency, if England should adopt the principles on which the French Republic has treated with the House of Austria?

Letourneur.—I do not understand you.

Lord M.—France requires restitutions; but has it restored Holland to the House of Orange, the Low Countries to the House of Austria, or Savoy to the King of Sardinia? On what title would it found the privilege of keeping what it has gotten? On its victories? That would be contradictory to itself. On its power; its armies have not yet invaded our coasts. On the promise made to its allies? Ought England to submit to stipulations to which it has not consented.

Letourneur.—I think—I am of opinion—it may be—it is—I do not know—however—for consider—(Takes out his watch)—Two o'clock!—Pardon me, my Lord, I must leave you. My wife and my colleagues are waiting for me. I will state your Lordship's observations to them, and I have no doubt—but I must first consult the Telegraph: for I can do nothing without the Telegraph.—(Their Lordships rise.)—I beg you will not trouble yourselves—No ceremony—you oppress me—How do you do? (in English)—Good night (instead of good day): return, I beg of you.

AS LETOURNEUR went out, much laughter was heard, but from what quarter our correspondent does not inform us. M. LETOURNEUR returned to his colleagues, and told them that he was enchanted with Lord MALMESBURY; that things had taken the best turn imaginable, and that peace depended only on a thread.

Thomas Armat and Son, OF PHILADELPHIA.

INFORM their customers and the public, they have removed a part of their merchandize to Wilmington:—All, they have their store open in the city. At either place their friends can be supplied, and their orders carefully attended to.

By the Cumberland, from Hull, they have received a handsome assortment of articles, suitable to the approaching season; and expect to add to it by other fall ships.

Should the sickness prevail in the central part of the city, that branch of their business will be removed to Germantown.

The communication by post is open and regular as usual.

Sept. 18. thf

By this day's Mail. NEW-YORK, September 20.

By the Fanny, Braine, from Glasgow, in continuation—[From the Sun of Aug. 8.] The latest FOREIGN INTELLIGENCE.

FRANCE.

PARIS, August 3.

Extract of the report of DUMAS to the council of five hundred, in the name of the committee charged to examine into the resolution respecting the Constitutional limits, and the one relative to the movements of troops.

This eloquent report, which is in every respect worthy of its author, ought to prove to the little Club Machiavels, that those dreadful divisions, which they flattered themselves with having created between the Councils, exist only in their imagination. General Dumas has shewn himself at the Tribune of the Council of Ancients, what Pichegru has proved himself in that of the Council of Five Hundred—a friend to peace, and ready to make every sacrifice, except that of honour, to public liberty. He had no difficulty in proving, that these two resolutions were in every respect conformable to the text of the Constitution, and were called for by the critical situation of public affairs.

We are bound to state, that within some weeks the consoling appearance of public affairs has totally changed—Distrust has succeeded to hope, agitation to calm, Revolutionary appearances to the tranquillity which prevailed before.

The Executive Directory, deceived by chimerical alarms, appear apprehensive of the future, and fearful of relying on the support of the power which has been entrusted to them, or the exercise of its lawful means; they endeavour to appear apprehensive of an attack on the Constitution; but instead of retreating into a fortress, and defending it, they have recourse to arms, which the Constitution should break.

There are, doubtless, men in France who regret the old government, and there are others, no doubt, who have a partiality to the Revolutionary Government, so favourable to their malignant passions, and their insatiable avarice; but these sectaries of despotism and anarchy form but a small party in the Republic; and even supposing the number of them greater than it is, the Royalists have shewn the feebleness of their policy, the Anarchists the cruelty of their dispositions, too much to suffer us to fear that they will ever again be able to muster with success against the Defenders of the Constitution.

If the Directory would see the objects as they really are, and not attempt to represent the political horizon as charged with clouds which have blown over us, they would be convinced that the great majority of the country is devoted to them. Who then are the persons who favour one or other of these opinions? Are they those who first attack the power of Ministers when armed with Letters de Cachet and arbitrary power to act as they pleased? Are these the persons, who in different public Assemblies have proclaimed and developed the principles of Liberty and of Representative Government; it is this incalculable number of Administrators, of Judges, and of Public Functionaries who have entailed upon themselves the hatred of those who only wish for laws that they may profit by them; or of those who hope for advantage by the non-existence of the laws?

Can it be from our victorious Soldiers who have seen the Constitution rise cemented by the blood of their Brethren—who have perished in dangers in which they have partaken?—It is from them that we are to expect measures that are incompatible with the safety of the Constitution?

Let the directory frankly unite with the legislative body—Let it derive its power from its true source—Let them be convinced that there is a cessation of government when there is a cessation of harmony between the supreme powers. That authority, however extensive, is not sufficient for governing, if it is not supported by confidence, and that confidence is the prize given by public opinion—that ministers without esteem, are ministers without influence, and that they will meet with obstacles where others would have found assistance—

That peace, which is the common object of all our wishes, can only be obtained (whatever talents the negotiator may possess) by the strict coalition of all the first authorities.

That generals crowned with laurels, that soldiers and citizens having the most glorious prospect before them, the life of Pompey, and the old age of Timoleon, will never consent to sacrifice their brilliant destinies in such a Catalinarian attack.

OFFICE OF THE MARINE, AUG. 4.

The privateer Le Petit Diable, captain Salvetat, has taken, after a fight of three quarters of an hour, and carried into Delfzil, an English packet boat named the Dolphin, bound from Yarmouth to Cruxhaven; it had on board a courier, charged with dispatches, and 18 passengers.

The privateer Intrepid, of Nantes, has taken a ship under American colours, from Liverpool to Philadelphia, with a cargo of salt, coals, tin, and copper sheathing, for three frigates.

The privateer Le Desade, of Bourdeaux, captain Lufoce, has taken and carried into Corunna, the Portuguese ship the duke of Braganca, of 600 tons, laden with cotton, rice, coffee, cocoa, &c. &c. from Maragnan to Lisbon.

The privateer Le Chasseur Basque, capt. Dariban, has carried into Bayonne a fine English brig, called the Jean, from Quebec, laden with planks, skins, pot-ashes, &c. &c.

The privateer Le Coureur, of Rochelle,