

SENATE OF PENNSYLVANIA.
WEDNESDAY, Feb. 7, 1798.

The committee selected agreeable to law, to try the matter of the petition complaining of the undue election and return of Senator, for the district composed of the city and county of Philadelphia, and county of Delaware, and sworn or affirmed to give a true judgment thereon, according to the evidence—

REPORT

That, agreeable to the duty thus solemnly imposed on them, they proceeded to take the said petition into consideration, and examined the evidence adduced respecting the same; and from which it appears that no enquiry was made as to the right of citizenship of any person who voted at the Northern Liberties and Southward in the county of Philadelphia, whereby a number of persons were allowed to vote for Senator who were not entitled to elect members of the legislature, and that the number of persons illegally admitted to vote, as aforesaid, was greater than the difference in votes between the fitting member and the person next highest in vote, thereby rendering it impracticable to ascertain who was the person duly elected by the qualified freemen of the said district—they do therefore give it as their judgment, that the election and return of ISRAEL ISRAEL, as Senator for the district aforesaid, is illegal and invalid.

By order of the Committee.
MATTHIAS BARTON, Chairman.

FROM YOUNG'S ESSAYS ON REVOLUTIONS.

(Concluded from yesterday's gazette.)

Neither ought it to be forgotten that it is always dangerous for the common people to interfere in matters of this kind. I mean nothing dishonorable to the common people. I count it no disgrace that I am one of them, or that my father was so before me. But how can it be supposed, that men, who have spent their lives at the plough, at the loom, or at the needle; whose time has been occupied in providing, by the labour of their hands, a subsistence for themselves and their families; and who can scarcely, in many instances, find leisure to read their bibles, and to think about the weighty concerns of an approaching eternity—that such men should be qualified to erect forms of government or to manage the affairs of a nation? As soon should I expect to hear a man explain all the phenomena of nature who never knew the first principles of mathematics. When the multitude are once roused into fury, they know not where to stop, and, therefore, after overturning the existing constitution, they could scarcely fail to introduce such violence, anarchy and confusion, as would prove far more intolerable than the worst sort of government.

Our ancestors were aware of this. It was not by forming societies or associations among the common people, that our revolution was brought about. It was not by holding conventions in which journeyman tailors, barbers, and stocking-makers, sat as deputies chosen by their brethren—called themselves friends of the people, and consulted together for the good of the nation: The wisest men in the three kingdoms; the men, who by their rank in life, had the best opportunities of acquiring political knowledge, and the greatest degree of influence in the country, laid their plans among themselves, and concerted measures without the privity of those in the lower ranks of life.

All the above observations (the whole of Mr. Young's observations on this head would make it too lengthy for a newspaper) are fully confirmed and illustrated, by the recent example of our neighbours in France. Their first national assembly, in the year 1789, was convened with some measure of agreeableness to their ancient constitutions, which had been suspended for ages. Many of them were men of rank, of property, of learning, and political knowledge. Had they been left to the free exercise of their own judgements, there is no doubt, but that they would have given to their country a constitution, which might have proved the glory of France, and a pattern to other nations. But unfortunately, there were among them, a party of factious and designing men, who formed connections with the populace of Versailles and Paris. And soon, very soon, those beginnings which had given pleasure to every friend of liberty, and of mankind, gave place to the most gloomy and disastrous appearances. At first the common people took no active part, otherwise than in choosing their representatives; but no sooner did the events of the 14th of July 1789, show that popular favour might be the road to power, than the sans culottes began to think themselves capable to manage the affairs of the nation. From that time, the exclamations of the galleries declared the resolutions of the assembly; which was then deserted by its most virtuous members. The king was carried a prisoner to Paris, where he remained in the power of a mob now an organized mob. By this means a constitution was adopted, which, though professedly designed to have been a limited monarchy, yet actually gave an opportunity to those who courted the populace, and knew how to flatter their passions, to become the despots of the nation. The second national assembly was still more under popular influence; and the convention most of all. From the time of their meeting, all matters were carried by the votes of the Jacobin club, or by the sovereign mob of Paris. Then every thing went into confusion. Revolutions followed upon the back of revolutions—and still continue to this day to follow. Five hundred tyrants flared up instead of one. More blood had been shed by their democratic despots, in the short space of eighteen months, since the fatal 10th of Aug. 1793, than had been shed by all their kings together (if we except the massacre of St. Bartholomew, and which was the work of a faction more than of a king) since the days of Charles the Great. And now liberty, property, morality, and religion, are all annihilated at once; and France is become an execration, and a blessing, and a curse, among all nations!

From the COLUMBIAN CENTINEL.

THE CONSTITUTIONAL TEST.
No. III.

THE great principle recognized in the constitution of this state, and in that of the United States, is to separate the legislative, judicial, and executive departments in the government," is sanctioned by the history

of all free republics; innumerable facts to confirm this important truth, are exhibited in a convincing light in the defence of the American constitutions written by the learned and patriotick President ADAMS. In these volumes the reader may find ample proof, drawn from the experience of all ages and in every country, where republics have existed, that a free government cannot be durable unless the judicial department is guarded from the encroachments of the legislative; that if the legislative branch is not confined to the department of legislation, it will by degrees invade the judicial and executive departments, whereby the checks and balance of powers, will be lost, and all authority center in the legislature. Hereby the all-important safeguard of the rights, liberties and property of the citizens, an appeal to the judicial power for the interpretation of the laws, and a trial by a jury, is greatly impaired, if not entirely lost. The executive power in a free government cannot support its constitutional authority, unless the judicial department retains all its constitutional powers; for the legislative being naturally the strongest branch of the government by reason of its numbers, the constitutional force of the other branches is necessary to keep this within its just limits. Such a "balanced government," is the only "government of laws, and not of men."—In such a government only, are the rights of the people preserved, a trial by a jury, and an appeal to independent judges to interpret the laws. And such is the government of our country, by the constitution. But is it so in practice?

The constitution of this state declares, that "the legislative department shall never exercise the judicial powers." Yet have we not seen it exercise those powers every session?—It is also declared in the constitution, that "in all controversies concerning property, the parties have a right to a trial by a jury." But, does not the general court deny this right of appeal to a jury, to determine the claims of the citizens upon the government? Are not the dearest rights of the people hereby violated, and in a direct infraction of another clause of the constitution, which ordains, that "every citizen ought to find a certain remedy, by having recourse to the laws?" We have in a former paper noticed those infractions of the constitution; but as they are so destructive to the rights of the people, they ought to be held up often to their view. It may be asked, "As all the members of the legislature every year take an oath to maintain the constitution, do they not read it? And if they do, how comes it to pass that they do not obey it?"

We state the facts, and it is for the people to look for the cause, and find a remedy. Under the old royal government of the province, the general court exercised the dangerous power of determining all claims of the subjects upon the government; the wife farmers of the present constitution, knowing well from the history of all nations, that the rights and liberties of the people could not be secured, unless the citizens had the right of appeal in all matters of property, as well as life, to a judicial department independent of the legislature; and knowing also the natural propensity of this *branch* department to increase its powers they guarded this most essential right, "an appeal to the judicial power, and trial by a jury," by clear expressions, and repeated paragraphs. They knew the force of long custom, and old precedents, and therefore in the constitution they doubled and trebled the guards round this citadel of liberty, the judicial department, and the right of the citizens to appeal to it for the interpretation of the laws, and a legal decision upon their claims, *without exception*. Had they intended to except claims upon government, and to invest the legislature with the power of determining them, it would have been so expressed; but it is not.

The framers of the constitution of the United States, also apprehending the extreme danger to the rights of the citizens, from the interference of the legislative powers in the states, ordained that they should make no laws to "impair the obligation of contracts;" and consequently all such laws and acts are nullities.—But notwithstanding all the wisdom displayed by our wisest statesmen, in framing the constitutions, and guarding them by requiring an oath of all the legislators to "maintain them."—Do we not see a constant effort in some of the legislatures to increase their powers (or at least to retain what their predecessors exercised) by infringing those of the judicial department? Hence the proposal to alter the constitution of the United States, and take away the right of the people to appeal to the supreme judicial power to decide upon their legal demands against a state. The adoption of this fatal measure will destroy at one stroke the most essential rights which were secured to the citizens by the federal constitution; it takes away the great and all important right of every citizen to a trial by a jury, to ascertain his legal title to property when it is in the hands of a state; instead of demanding his property, which the laws and a jury would give him of right, he is reduced to the situation of a slave under the government of an absolute monarch, he must put off all the dignity of a FREEMAN, and position, and *beg, and make interest at court*, and perhaps *bribe*, to obtain the right secured to him by law; and after all, if delinquent of *friends at court*, or wanting in the courtly powers of address, he may "dance attendance from session to session, at the door of the legislature, praying their honours for justice," until his pockets and his patience are exhausted and *hope fails*; he returns home to spend the rest of his days in poverty and murmurs—tortured with the idea of suffering tyranny in a free government!

But, it may be expected that we should answer the objections, to the feasibility of a state or nation, (as we maintain that the government of both must be snable, or the rights of the people cannot be secured) it

has been objected, "that the judgment of a court and jury against the government, cannot be carried into execution;" "that the supreme legislature cannot (and ought not) be compelled to pay money, or fulfill any other contract or obligation." The legislature must have the power to determine the time when the government is able to fulfill its contracts; and this is power enough in conscience. The judicial department is to exercise the power of determining, according to standing laws, what the legal and just demand of the citizen is.

This, we conceive, is the constitutional line, between the powers of these two branches of government. If this line is not preserved, all power finally, runs into the legislature, whereby an *aristocracy* is first established, and then an absolute tyranny.—The corruption and fall of the ancient as well as modern republics originated in this cause. Americans may flatter themselves that they are too wise to suffer the like fate; but if they now permit the most important right secured to them by the constitution, *trial by a jury*, to be taken from them, what right have we to expect the long existence of freedom?—can any thing be more arbitrary or absurd, than for the legislature to appeal to the judicial power to ascertain its legal demands against the citizens, and at the same time permit the citizens to appeal to the same power to ascertain their claims? So extreme is the wrong in this arbitrary mode of proceeding, that the citizen is liable to be seized by the government for one hundred dollars, and thrown into jail for not paying the debt, when at the same time he holds a note from the government (due many years before the other) for three hundred dollars, which is refused in payment of the one hundred! (According to the *fundamental law of 1794*!) If this *species of aristocracy* was seen only in Europe, how would our state politicians strain their voices in exclamations against it; but as it is their own, they nourish it in their bosoms. The *Colossus* of political error must be destroyed by the reason of the people, or it will destroy their freedom. It is a ravenous headed monster in a free country, and poisons liberty at its source; it destroys the great principles in our constitution, trial by a jury, "a government of laws, and not of men;" and subjects the citizens to the *sovereign will* of an interested legislature, five hundred or a thousand miles distant; (see an act of *Georgia*) it teaches the necessity of adopting the language and manners of *flatterers*, to court the influential men in the legislature in order to obtain that justice which the laws of a jury would give as a right.

Sons of Massachusetts—do justice to your heads and your hearts, by reducing to practice, the *true* principles of the constitution, before grey-headed errors are too deeply rooted by ancient precedents, to admit of reformation. Will not all the experience of the living and of the dead nations, be sufficient to awaken our attention.

Where are all the free governments that once existed in different parts of the world; and what cause produced the universal ruin? It is clearly proved by all history, that the principal cause has been—one branch of government was too strong for the other departments, by which means it engrossed all the powers, and degenerated into a corrupt tyranny.

The judicial power is the central PILLAR which supports the temple of freedom; if it is impaired, liberty suffers; if removed, the building falls. CITIZENS.

LEGISLATURE OF MASSACHUSETTS.

SENATE—Jan. 26.

Mr. Treasurer Coffin, by letter, informed that he had discovered a box in his office, containing money and notes of some amount and which he had no previous account of. Committed to Hon. T. Dawes of Senate and Messrs. Willis and Devens of the House; and they were also directed to consider of an adequate grant to T. Davis, Esq. late Treasurer, for his services since he, agreeable to Constitution, left that office January 27.

A Bill for the purpose of lessening the danger of the canine madnes, was read twice. Two dollars tax on each dog, was ordered by the bill.

HOUSE—Jan. 29.

Considerable time was occupied in debate upon the Dog act, various sums were offered as the most expedient Tax—but no one was agreed to. It was however voted, that a Tax, should be laid on Dogs.

NEW-YORK, February 5.

COMMUNICATION

A member of Congress spit in another's face! And a "patriot," too! An act of bravery well worthy the knight of the wooden sword! A heroic son of Mars this! There is no making a gentleman of a clown! The lubber is made of too coarse materials ever to be refined up to the standard of a well bred man. If a creature is a beast, a real brute, you may shave him, pare his nails, cut off his horns, dress him in good clothes, and even send him to Congress, and yet he will still be a beast—he will not make bows—he is uneasy in good company—and every where shows an unconquerable inclination to get into the woods.

A pretty figure the character of the United States will make in European papers! The challenges of former sessions of Congress went far enough towards sinking our national reputation! But the motion to be excused from waiting on the President, and the spit in the face business, will really attach infamy to our character. What! say the Europeans, these Americans are such clownish fellows that they elect into the first places of government, the indented servants exported from Europe! And when in power, they spit in their faces! Not a bad story this, for the enemies of our government abroad! Even the French, tho' they often kick up riots in the councils, and sometimes let a mob in to assassinate a member or two,

yet they never let themselves down so low as to spit on one another!

Well; our patriots, the friends of the people and adherents of France, seem to be rising fast in public estimation! What with "precious confessions," free use of public money, letters to Mazzei, challenges to single combat, spitings in the face, projects to engage the British court and the well-worn Indians to drive off the Spaniards, and other signal and undoubted proofs of patriotism, we are in a fair way to Roman greatness and dignity of national character!!!

HALIFAX, (N. C.) Jan. 22.

PROCLAMATION.

Whereas between the hours of nine and ten o'clock last night, the room in the State house at this place, commonly called the Comptroller's office, was broken into by three villains, and a trunk said to be the property of William Tyrrel, containing sundry papers of said Tyrrel and others, taken and carried off; which said trunk and papers had been seized by the direction of the General Assembly, and deposited in said office for their safe keeping, and for the inspection of the Board of Enquiry; as the papers are supposed to contain evidence of the frauds and forgeries committed in obtaining military land warrants and grants.—At the same time was thrown out of the window of the said office into the yard, a large chest of James Glasgow, Esq. filled with papers appertaining to the Secretary of State's office, &c. deposited there for the above purposes; which said chest (an alarm being given) the villains had not time to bear off or plunder.

A Reward of FIFTY POUNDS currency will be given to any person or persons who shall apprehend and secure in any jail in this state the perpetrators of the aforesaid burglary and robbery, or shall discover them, and give such information as will enable the magistracy of the state to have them apprehended.

GIVEN under my hand and seal of arms, at Raleigh, the 19th day of January, A. D. 1798.

SAMUEEL ASHE.

By Moore, Mr. Roger Moore, Priv. Sec'y.

N. B.—days before the above burglary was committed, William Tyrrel and Young left Raleigh, and gave out that they were going to the state of Tennessee; but it is said that the morning preceding the robbery, Tyrrel was seen at, or near Hillsborough, and it was very evident from the tracks, that two horses went off very precipitately from near the window where the trunk and chest were thrown out.

C O N G R E S S.

HOUSE OF REPRESENTATIVES

WEDNESDAY—FEBRUARY 7.

Mr. Giles, from Virginia, appeared for the first time to day.

The Speaker suggested the propriety of sending a message to the Senate, informing them that the House of Representatives had appointed managers to conduct the impeachment against William Blount.

The question was accordingly put and carried.

Mr. D. Foster, from the committee of claims, made an unfavourable report on the petition of James Soyer, which was concurred in by the house.

Mr. Thatcher, from the committee on post-offices and post roads, to whom was referred a resolution of the 12th of January, proposing that the Attorney General should have the privilege of receiving and sending letters and packets, free of postage, moved that that committee have leave to report on this subject by bill or otherwise.—Agreed.

The order of the day being called for, Mr. Sitgreaves said, it would be recollected that he had yesterday given notice that the managers appointed to conduct the impeachment against William Blount, would to-day, at 12 o'clock, exhibit the said articles before the Senate. As that measure was near at hand, and as it was usual on all solemn occasions like this for the house to give sanction to its managers by an attendance at the time, he thought it would be better that the house should not resolve itself into a committee of the whole, until this business was done. It might be expected a message would shortly be received from the Senate on the subject.

After some conversation on the subject, it was resolved to go on with the order of the day, until the message from the Senate should be received.

The House accordingly again resolved itself into a committee of the whole on the report of the committee of privileges, Mr. Dent in the chair; when,

Mr. Dana rose and complained that the printers, notwithstanding the prohibition of the Speaker of yesterday, continued to report the evidence delivered before the committee, before it was corrected by the members themselves. He said it had been represented that he had said, the only cause of heat betwixt him and Mr. Lyon, had been the amendment of the gentleman from Virginia on the question respecting Foreign Intercourse; whereas he had stated there was other conversation which tended to irritate him, though, it was true, he did not say what the conversation was. He would now however state some of the particulars. Mr. D. was proceeding, when it was proposed that what the member had to add to his evidence should be delivered to the committee in writing.

Immediately after this proposition was made, a message was announced from the Senate, informing the house that the Senate would be ready to receive the articles of impeachment against William Blount, at twelve o'clock.

That hour being near at hand, the committee rose, and the house adjourned for half an hour.

The managers of the impeachment, ac-

companied by the members of the house accordingly went up to the Senate for the purpose of exhibiting the articles of impeachment against William Blount; when, being introduced, Mr. Sitgreaves made known their mission by an address to the President of the Senate; after which, the President having said the Senate were ready to receive the articles of impeachment; and the Sergeant at arms having proclaimed silence, the other managers having taken their seats appointed them, Mr. Sitgreaves proceeded to read the articles of impeachment; which having finished, the President of the Senate returned for answer, words to the following effect:

"Gentlemen, managers on the part of the house of Representatives, the Senate will take such order on the articles of impeachment which you have exhibited before them, as shall seem to them proper, of which due notice will be given to the house of Representatives."

Upon which the managers and members retired.

The house of Representatives then resumed their meeting; when Mr. T. Claiborne introduced a motion for providing the Senators who should if any time attend the debates of the house, seats on the right and left of the speaker. After some few observations this motion was postponed till the 30 of March, 1799.

The Speaker laid before the house a communication from the Treasury Department, including a report and sundry statements of expenditures in the military and naval departments, in consequence of three resolutions of 3d of March 1797, which were ordered to be printed; those which had relation to the naval department were referred to the committee appointed to enquire into the expenditure of money in that department; and those which related to the military establishment were referred to the committee of ways and means.

The house then again resolved itself into a committee of the whole on the report of the committee of privileges; when Mr. Varnum was called upon to give his testimony.

To attempt to follow the course of this examination would prove an unprofitable labour; it would fill our paper to no good purpose, since the proceedings upon it were very uninteresting, tedious and irregular, and the evidence itself unimportant; as it went only to prove that Mr. Lyon had told Mr. Varnum soon after the affray happened betwixt him and Mr. Griswold, that he had been provoked to the act which he had committed by Mr. Griswold's having twice repeated the sarcasm of the *Wooden Sword*—a circumstance on which there seemed to be little or no doubt in the minds of any of the committee.

The evidence of Mr. Varnum being gone through, and Mr. Van Cortlandt having been sworn, the chairman desired to know if any other evidence was intended to be called; if it was, it would be well to have the gentlemen named whilst the Judge of the District Court was present.

Mr. Lyon said, if any gentleman of the committee were present at the conversation which passed betwixt him and the Speaker, he would wish them to be sworn.—He believed Mr. Harper and Mr. Cochran were present.

Mr. Stanford said he also was present. The oath was in consequence administered to Messrs. Harper, Cochran and Stanford.

The committee rose and had leave to sit again.

Adjourned.

By this day's Mail.

NEW-YORK, February 7.

Died, on the 5th inst. Madame Desfources, the amiable consort of col. Desfources, of St. Domingo. Her remains, largely attended, have been deposited in the Roman Catholic church yard.

At a meeting of the society for the relief of the distressed-prisoners, held at the Dispensary, on Monday, the 5th Feb.

The President reported, that a person who did not wish to have his name mentioned, had presented him with thirty dollars for the benefit of the society, and Leonard Bleeker reported that he had received seven dollars and fifty cents from Jonathan Little in behalf of sundry jurors.

James Bleeker, Sec.

ALBANY, February 2.

COMMUNICATIONS.

"Under the Bankrupt Law of England the person of a debtor is liberated on the surrender of his whole property for the benefit of his creditors, even without the consent of the creditor, except in case of fraud which is punished as a criminal offence. Even in the most despotic countries of Europe this maxim is universally adopted—"that the creditor has a right to the property of the debtor—the state to his personal services." Many are, and are liable to be, imprisoned for debts due to British merchants. Is it not absurd that foreigners under a monarchial government, should exercise a power over the personal liberty of the people of this state, which they are precluded from doing over that of their fellow subjects, by the laws of their own country? Is it not a reproach to us, as a free people, that the maxims & edicts of monarchial and even despotic governments should, in this instance be more favorable to personal liberty (the most inalienable of human blessings) than those of our boasted-republican institutions? How shall monarchial and republican governments, in this respect, stand a comparison?"

In Mr. Nicholas's Speech in the National House of Representatives, on the bill providing the means of foreign intercourse, the reader will observe much *doleful* declamation about executive patronage, and the