

The Gazette.

PHILADELPHIA,
TUESDAY EVENING, APRIL 8.

Justum et tenacem propositi virum,
Noo civium ardor prava jubentum,
Non vulnus insanti tyranni,
Mente quiet solidis.

THE CRITERION.

No. II.

NO reflecting person can cast an eye over the vast country of the United States, mark the enterprise of the people, their ardent love of liberty, attachment to property, and rapid population, without feeling a full conviction that a strong government is essential to preserve these extensive regions in UNION, and "liberty with order," as our great Washington remarked. To increase the powers of the legislature, might increase the danger rather than security. To add to the powers of the executive might create alarm, without use. To extend the powers of the judicial department, is obviously the only effectual and safe remedy for the evils we feel and fear. This department has in all countries, and in all governments, been the best guardian of legal rights; it is the most enlightened, the most independent (in public) the most responsible, and the last corrupted. To this department the English owe all their liberties, independence, security of natural rights and public credit; it is in fact the main pillar which supports all they hold dear. And is not such a department with equal powers more essential for this country than for that? It most evidently is, because our executive power is more limited. Such extensive powers in the judiciary, is not only necessary to guard the legal rights of the citizens, but is a check upon the other great departments. It is at once the safest and the most powerful check; it is the organ of law, it is in the habit of appealing to the letter of the constitution, to ascertain the rights of the people; its character and responsibility do not permit it, like twits legislative, who hold their office for a short period and therefore too often aiming to make the most use of it with sinister views, to pervert constitutional principles; it is influenced by the strong motives of honor and interest to preserve a straight line of conduct. It may therefore be properly called the natural friend to the equal rights of the people, and the true guardian of the constitution. Why then it will be asked are our leading men, our zealous republicans, our jealous sentinels in Congress, whose discernment is so keen, and whose ardour is so great as to start at the shadow of encroachment from the other departments, yet are perfectly quiet and fearless while the legislature exercises a judicial power which destroys the vital principle of a genuine republic, "a government of laws." It originates in the common feelings of men, that power is safe in their own hands. This is the germ of corruption and despotism, and is the most threatening danger that alarms reflecting men; it creates distrust in the legislature, which ought to possess high and universal confidence. Such a judicial power which embraces all the proper objects, would remove the distrust in the legislature, and thereby strengthen its hands, by increasing confidence in all its acts. To neglect this is to leave the door open for every evil work, and finally for the entry of a monarch. To this catastrophe things and events are tending; and seem to progress without any alarm or opposition. One section of Congress elapses after another, parties and debates grow warmer, one regard to "liberty and law," is removed from the constitution, by taking away the right of the people to appeal to the judicial department for a decision of their legal demands upon states. By this deadly stroke, the citizens have lost their best security, and the judicial powers are contracted to a degree totally incompatible with a "government of laws." No substitute has been offered, or even proposed (that we ever heard of) by Congress, or suggested by the professional republicans. Thus we have seen that the department most essential to equal liberty, which was at first too limited has been greatly contracted, and its powers absorbed by the legislatures. Do we not see a constant effort in some quarter to lessen the powers of the executive also, and to add them to the legislature? When men view the whole face of our government, do they not see a disorganizing tendency? It will, we believe, be conceded by all that the legislature, even if perfect in integrity, is wanting in many qualifications for a judicial court. Is it not evident then, that its continuing the exercise of powers for which it is unqualified, with all the before mentioned objections, has a disorganizing effect upon our whole political system, by weakening all ties, and all checks? Does it not lessen the respect and confidence of the people in it? How forcibly must all thinking persons be affected with the inconsistency of the legislature's erecting itself into a court to decide upon the demand of creditors founded upon its contracts, in which court they are not permitted to argue their cause, nor to employ counsel, or produce witnesses! Would not such a court appear to all persons not in the habit of trying it, as a mockery of justice? It is in vain to say, they may argue their cause before a committee. As well might a small committee from a jury hear the parties and report the case. Are the Spanish courts of inquisition, more irreconcilable to the principles of free government and proper judiciary? Why then do our republican members slumber over this limb of despotism, this bane to liberty and to legal rights? The legislature being so numerous, individual responsibility is next to nothing: hence the greater danger from its exercising the judicial power, as the in-

jured citizens cannot know who were the judges. If discovered, the dishonor being divided among so many, it produces little effect. Hence no political truth is more evident, than that the legislature should be confined to the department of legislation. Nothing is more certain, than that the ancient as well as modern republics, lost their liberties by an inattention to a proper division of powers; and not giving authority sufficiently extensive to the judicial department. It is equally certain that the same error now exists in this government, and portends its ruin.

Many facts have occurred within a few years, and are daily occurring, which forcibly urge these sentiments, and ought deeply to impress them. Even at this time we are told (but as we live near a remote frontier, and many hundred miles from Congress, we do not know the particulars) people residing by the Mississippi, are applying to have their rights to land ascertained, but by reason of legislative usurpations, there is no power in the Union to decide legally! Is it not evident that if the rights of the purchasers of that country are not immediately decided in a legal way, that the seeds of insurrection and war will be sown in that extensive and fertile region? That country being evidently destined to become the most populous part of the Union, and so many motives exist to draw emigrants to it, if the claims are not soon settled in a legal manner, the injured purchasers, and present occupiers, stimulated by the strong motives of interest, and sense of injury, may combine their efforts with enterprising citizens and foreigners to form settlements, and hold out inducements to all who wish to seek their fortunes or a settlement there, as will insure a rapid population. Is it compatible with any wisdom and foresight, to leave this vast concern to take its course without an amicable decision, conformable to law, and the constitution? Can any motives to procrastinate exist other than views of speculation in the lands? Does not the long existing and yet unsettled confusion in a large district of Pennsylvania, by reason of similar errors in government, read a serious lesson to Congress upon this subject?

The scale for the operations of our government is so extensive, if the minds of our legislators are not capacious, they cannot reach it. Little calculators may legitimate for an island or province, but the western world requires minds in proportion to its limits. Painful therefore is the appearance of pusillanimous measures unworthy of the high destiny of our nation.

ACIREMA.

From the Shop of Messrs. COLON & SPONDEE.

POLITICAL PORTRAITS.

From the SHAKESPEARE GALLERY.

REPUBLICAN QUALIFICATIONS FOR A STATE APPOINTMENT.

You are thought here to be the most sensible and fit man for the Constable of the Watch; therefore, bear you the lanthorn.

A RESEMBLANCE.

Sir, he hath never fed on the dainties that are bred in a bisk; he hath not eat paper, as it were; he hath not drunk ink; his intellect is not replete; he is only an animal, only sensible in the duller parts.

MR. DAN.

His reasons are sharp and sententious; pleadant without scurrility, witty without affectation; bold without impudence, learned without opinion, and spruce, without pretense.

A TENDER JUVENILE.

Had you been as wise as bold,
Young in limbs, in judgment old;
Your letter had not been intercold;
Fare you well; your suit is cold.

A MINIATURE.

To himself so secret and so close,
So far from sounding and discovery,
As is the bud, bit with an envious worm,
Ere he can spread his sweet leaves to the air;
Or dedicate his beauty to the sun.

To be continued.

The Legislature of Lower Canada are now in session, at the city of Quebec—On the 5th inst: his Ex. the Lieut. Gov. delivered a Speech to the two Houses; in which he congratulates "his Majesty's faithful subjects of that province, that they are enabled to enjoy with confidence the fruits of their industry, and to meet in tranquility to consult for the public advantage, at a period when many parts of Europe and other quarters of the globe, are afflicted by the miseries of war." His Ex. also notices, "among other causes of satisfaction, the very friendly intercourse which happily subsists between his Majesty's subjects and the citizens of the neighboring states; and that the communications which he has received contain the strongest expressions of desire that such good understanding may long endure."

The Legislative Council in their reply notice "this very friendly, intercourse: that it affords them the greatest happiness, and they express their sincerest hope that it may long continue."

The House of Assembly—"The prosperity of our Mother Country upon which our own depends, must even give us great satisfaction. Her increasing commerce and public credit, established on the firmest basis, must have the happiest effects on every part of his Majesty's extended dominions.

"The very friendly intercourse, which so happily subsists between his Majesty's subjects, and the citizens of the neighboring States, gives us the greatest pleasure, and we shall always be ready to co-operate in such measures as may be necessary for maintaining so desirable an understanding."

Extract of a letter from William Savage, Esq. Agent of the United States of America, at Jamaica, to the Secretary of State, dated Kingston, 28th February, 1800.

"On the day of the date of my last [12th February] there was a meeting of the Privy Council of this Island, when it was recommended to the Governor to permit produce to be taken off in American vessels to the amount of the value of the goods imported in the same bottom. I have enclosed a true copy of the Resolve of the Council."

IN COUNCIL,

12th February, 1800.

RESOLVED, that his Honor the Lieutenant-Governor be advised to recommend to the several officers of his Majesty's Customs, at the several Ports in this Island, to permit the free importation of Sheep, Hogs, Poultry, small flocks of all kinds, and all sorts of fruit, salted and all other provisions, and number of every description, as well in British as in all other vessels belonging to neutral and other States in amity with Great Britain, from the day of the date hereof until the first day of August, and until six months notice shall be given to the contrary upon the like terms, charges, and conditions, and subject to the same rules, regulations, visitations and searches as are observed with respect to vessels importing provisions to this Island.

Resolved, that all vessels belonging to the United States of America, importing the foregoing articles under the authority of the above resolutions, be permitted for the space of six months from the date hereof, to export from any port or ports, place or places, of this Island, such articles as may be exported to foreign ports, upon the like terms, stipulations, charges and conditions, as are observed with respect to British vessels, in the like cases, provided the produce to be exported shall not exceed the value of the goods imported by the same vessel, which shall be ascertained by the oath of the Captain or Master of every such vessel respectively, before he shall be permitted to clear out his said vessel at the Custom House."

M. ATKISSON.

Kingston (Jam.) Feb. 25, 1800.

I do hereby certify, that the foregoing is a true copy from the original, delivered me by the Collector of this Port.

WILLIAM SAVAGE,
Agent to the United States of America.

CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, April 7.

Mr. Page asked and obtained leave of absence for Mr. Bayard, for one week—ayes 57.

The following bills were read a third time and passed, viz.

An act to repeal the act laying duties on mills and implements employed in the manufacture of snuff.

An act to continue in force the act intituled an act to authorize the defence of the merchant vessels of the United States against French depredations—and

An act to make further provision for the removal and accommodation of the government of the United States—ayes 47—noes 32.

Mr. Gallatin presented a memorial of Thomas Leiper, of the city of Philadelphia, praying relief for six lots certificates of 1000 dollars each. Referred to the Committee of Claims.

Mr. Marshall called for the order of the day on the bill to authorize the President of the United States, to accept for the United States, a cession of jurisdiction of territory lying west of Pennsylvania, commonly called the Western Reserve of Connecticut.

Mr. Cooper moved that the further consideration of the bill be postponed till the first Monday in December next.

Mr. Marshall, Harison, Harper, Griswold, Gallatin, Kitter, C. Goodrich and Dana, opposed this motion, and Mr. Coopers, Bird, Randolph, Platt and Mason, spoke in favor of it.

The question was at length taken by yeas and nays—Ayes 30—Noes 57.

On motion of Mr. Gallatin the bill was then postponed till to-morrow—ayes 45.

Mr. D. Foster, from the Committee of Claims, made a report on the petition of Elizabeth Jameson, &c. who prayed for the allowance of an account for services, &c. said to have been rendered at an early period of the revolutionary war. This appears to be the first application ever made for a settlement of this claim, and the committee report that it cannot be granted. The house concurred.

A message was received from the Senate by Mr. Otis, their secretary, informing the House that the Senate have passed the bill to continue in force an act concerning certain fisheries of the United States; for the government of the fisher-men employed therein; and for other purposes as therein mentioned; with an amendment—and also informing the House, that the Senate have resolved that the bill for the relief of John Collet, sent from this House, do not pass.

The amendment to the bill concerning the fisheries of the United States, was taken into consideration—when

Mr. Clay moved a postponement of the question till the first Monday in December next—and called the yeas and nays upon it, which were,

Yeas 34—Noes 54.

The amendment of the Senate was then concurred in—and the House adjourned.

The friends of the Catch Club are informed, that in consequence of the Theatre opening this evening, their stated meeting is postponed until the next Tuesday evening, being the 15th instant.

By order of the President,

MR. BARKER, Sec'y.

April 8.

The following passage from the works of Edmund Burke not only resembles the style of Cicero but is as politically and philosophically just as any in the sterling productions of ancient wisdom. "It cannot, at this time, be too often repeated, line upon line, precept upon precept, until it comes into the currency of a proverb." To innovate is not to reform. The French revolutionists left nothing unchanged. The consequences are before us;—not in remote history; not in future prognostication: they are about us; they are upon us. They shake the public security; they menace private enjoyment. They dwarf the growth of the young; they break the quiet of the old. If we travel, they stop our way. They infest us in town; they pursue us to the country. Our business is interrupted; our repose is troubled; our pleasures are saddened; our very studies are poisoned and perverted, and knowledge is rendered worse than ignorance, by the enormous evils of this dread innovation.

The classical scholar will recognize the happy allusion of the orator of Beaconsfield to the famous passage in the Roman plea for Archias. "Delect domi, non impudent foris" etc.

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From the New York Mercantile Advertiser.

SIR,

On Saturday the 1st of March, I sailed from Savannah for Jamaica, and on the Wednesday following, at 6 P. M. in lat. 21° 50' long. 74° 50', my vessel was struck with a heavy squall, and instantly upset.—To this condition she lay until the next day when a brigantine standing to the southward, hove in sight; but the nor oberving us, we concluded to get into the boat and make for her. Our endeavours were ineffectual. The boat being very leaky, Mr. Mondy (the owner) would not venture in her, and we left him on board, with the two mates and four men. We continued our course, however, and got before the wind to the westward; when at 5 P. M. we were taken up by the sloop Catherine, S. Phillips master, who in vain gave us every assistance, for 12 hours, after the wreck, and brought us in safety to Wilmington, N. C.

JOHN M. TUFTON,
Master of the brig Phenix.

SURINAM, February 6.

"On the arrival of the fleet in the United States, that sailed yesterday, under the protection of the Maryland, capt. Rogers, it will be reported that American vessels are permitted to be laden here with any produce. I have it from his Excellency the Governor, that no such permission is granted.—The report, which I imagine will be circulated ought to be contradicted, to prevent any illusive speculations to this colony, which is yet gorged with almost every article of consumption, or use. Superfine Baltimore flour was this day sold at 20 guilders, or about 7 dollars payable in sugar at 4 dollars—the former paying a duty of 8 per cent., and the latter about 14 per cent.

You humble servant

T. TUFTS."

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CLEARED,

Ship Thomas Chalkley, Kenny St. Thomas

Brig Delight, Glazier, South America

Show Polly Lake, from hence, has arrived

at S. Sebastians in 26 days. Also ship

Atlanta, Buntby from Baltimore.

—

CHINA GOODS.

Imported in the ship Jean, Daniel McPherson commander, from Canton,

AND FOR SALE,

By JAMES LATTIMER, jr.

NANKENS, white and yellow

Black and colored Sattins

Mazarine blue do.

Satin Stripe

Dove colored Shawls

Black and colored Taffetins

Canton Long Cloth

Imperial, Hyson, Young TEAS of the first

Hyson and Souchong quality,

April 8.

dust.

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FOR SALE,

20 bbls. Halifax Herring

Haddock Shad, in barrels

150 bbls. Mackarel—Salmon

in pieces, bbls. and half bbls.

in good order.

A few quants of Dog Fish,

Spermacti and common Oil,

20 bbls. (Barlington) Pork,

Spanish Indigo,

Also,