

it, that nations cannot admit cunning into their councils without it's shedding a malignant influence on their affairs. Experience teaches government, as well as men, that nothing is safe that is wrong. We have endured tender laws, and the pitiful expedients of a trickish policy. Our experience has cost us dear. The old Congress, however, were guided by other maxims—with little power, and scarce retaining the mock representation of it during the whole year, they professed the objects of an honest policy with a zeal, which repulses and despair could not extinguish. They could say with FRANCIS the 1st. after the battle of Pavia, *we have lost all except our honor.* They resolved against discrimination, and foreigners, as well as citizens, bought securities under the public faith—But when the Constitution was framed, adopting the debts as valid, restraining ex post facto laws, and laws impairing contracts—who entertained any suspicion? The speech of the President, and the resolutions of the House in favor of public credit banished it. Does this look as if public opinion was hostile to these purchasers? If it really is, it is more a duty on government to protect right when it may happen to be unpopular. That is what government is framed to do. If instead of protecting, it assumes the right of controlling property, and disposing of it at it's own pleasure, and against the consent of the owner, there is a cheat in the compact.

It will be admitted that there is a right vested in the purchaser—government cannot diminish it a farthing, says the gentleman—but he says we cannot pay both.—Then abide by your word of honor—prefer perfect rights by solemn compact to claims on your compassion.—The claims of the present holders you say are just—are the others more than just? Treat all just claims alike, and do not rob on the high way to exercise charity—why make one creditor pay another? He says, government is to get nothing by this—and yet he says, we owe these people, and our creditors shall pay them. Is paying a debt getting nothing? He talks of rival claims; there is no rivalry—the sellers agreed that there should be none.—If government is bankrupt, compound with your creditors—will this act of violence console the sufferers? Will they enjoy, as a favor, the violation of the rights for which they fought? The South Sea and Mississippi schemes have been adduced as examples.—In the former, government interposed to fulfil the contract; the Mississippi is not parallel—what the gentleman calls public justice, I am sure he would not practice in his own case.

I have chosen to consider the principle of the motion—but it cannot be carried into execution—we have seen that justice in the abstract will not be done, nor can the measure proposed be effected; we may very properly suppose that innumerable difficulties will arise in practice which cannot be foreseen—but so many appear as ought to deter us.—The detail will be endless—an account must be opened for each claimant, public offices must be opened, officers multiplied, and great expence incurred—there is no clue by the records to the cases of money deposited by agents for other people—I have enquired and am told that it is not possible. Will you admit oral evidence—and of persons interested—will you fill the land with discontent, corruption, suits and perjury? The new paper, if not transferable, will be no great relief—if transferable, there will be a new harvest of speculation—the after crop will be more abundant than the first cutting.—A purchaser keeps his note for 20s. By law, you make it a note for 10s. How many frauds will be practised on the unwary? If the mind balances on these points let policy turn the scale.

Will not this measure shake government? Instead of doing as it has promised, government is to do as it pleases.—Right is to depend, not on compact, and sacred faith, and the constitution, but on opinion, on a major vote, where nothing, not even right, is fixed, will not the government be liable to perpetual commotion?

How will it affect our national character? How will it effect public credit? We shall have to pay for meddling, if we in future should have any credit. The famous Colonel Chartres said, he would give one hundred thousand pounds for a character—not for its own sake, but because he could get two hundred thousand by it—Henry VIII borrowed money on his personal security, and his base parliament voted that as he had done great things for the realm and church, he should be discharged from those obligations. Charles the second shut up the exchequer—What was the consequence? King William paid 14 per cent. on annuities, and at the rate of 10 and 12 per cent. interest—but by good faith, in 5 or 6 years, money fell to 5 per cent. interest.—By breach of faith, we vote the government into a state of pupillage, and deprive it of its powers.

I have thus endeavored to shew that there is not a debt subsisting against the public in favor of the original holders, who have sold out—that the motion is chargeable with partiality—and is inadequate to its pretended objects—that it will do injustice to many, and violate the sacred rights of property—that the purchasers are secured by the contract, by the faith of government and by the constitution—that the measure is not practicable,

and will produce confusion, corruption and expence, and that it will weaken, disturb and disgrace the government and impair its credit.

I have made this recapitulation of my argument in order to bring it into one view—if it is just, or only plausible, let us ask what will be the effect? Is this what was expected under the new constitution? Did we expect it? Is there one here who has not told the people that an end would be put to tender acts and paper money, and the ruinous effects of government's interposing in contracts? Who, in or out of Congress, did not suppose that the letter and spirit of the constitution said as much? The spirit of the times said more.—Will not the people charge us with violating the constitution and the rights of property? If we plead necessity, they will demand, how came it that we were ignorant of it, and, if it exists, what is there that breach of faith can save, that good faith would lose? or what will that be worth which may be secured by a measure that will tarnish our national honor, and transmit to our children an inheritance of reproach? Is there no refuge but in dishonor? We have borne adversity before, and we had rather submit to the worst events of an honest policy—and this project is not to relieve any burdens, for government is to rob, not for plunder, but to get the reputation of justice.

If our own citizens say thus, what will foreigners say? They will not be restrained, either by the opinion of their fellow countrymen, or by attachment to our prosperity. They will detail their losses, and the arts by which their confidence was gained—they will think that we have been taught a species of immoral philosophy—that we administer government by a kind of cunning logic which confounds right and wrong—they will rejoice that the Mahrattas and Americans are at a distance; the ocean has not hitherto proved a barrier against our depredations.—An American abroad will be obliged to deny his country.

However, I still believe that justice is a law to Congress—but if justice and public faith and honor have ceased to be things, let them cease to be names—let them be blotted from the vocabulary of our nation. If they have no being, why should they be made use of to conjure up church yard terrors, to haunt the hypochondriac imagination?

I will not be so uncandid as to charge the worthy gentleman with such intentions. I think so highly of his probity and patriotism, that if he can be made to see that these consequences will follow, or only be apprehended, he will give up his scheme: but if government has this right, what right of private property is safe? In the East, government is said to be the sole owner of property and may resume it at pleasure.—This absurd doctrine will not find advocates—for it would not do for practice even where it may not be denied to be true, human nature revolts against it—It would shock the morality of Botany Bay, it would exasperate, beyond sufferance, the patient slavery of Indostan—and who can give good reason why one sort of property should be more sacred than another?

If we pursue another kind of policy, such as the preamble to the constitution declares to be the objects of the government; this government and this country may expect a more than Roman fortune.—The government may have more credit, the people more knowledge, and the blessings of peace a longer duration than the world has ever experienced. That gentleman helped to frame the constitution—I have no doubt it is the better for his eminent abilities—I hope that his love of his own work and his zeal for the cause which he has so ably supported, will induce him to abandon a measure, which tends so fatally to disappoint the first wishes of his own heart, and the hopes of his country.

WEDNESDAY, FEB. 17.

The bill for a uniform rule of naturalization, was read a second time and referred to a committee of the whole on Tuesday next.

The bill to encourage the useful arts was also read a second time, and referred to a committee of the whole on Wednesday next.

Several petitions were read from persons praying compensation for services.

Also a petition from John Ingraham, praying relief against the seizure of his vessel and cargo made in the port of New-York, he being ignorant of the laws relative thereto.

On motion of Mr. Sedgwick, the petition of Lucas Lincoln was read a second time, and referred to the Secretary at War.

Mr. Sedgwick presented the petition of Jehoika Thompson, one of the Oneida Indians, setting forth that he had served under General Sullivan in the western country, guided him in his marches, and fought by his side; that he had received a certificate for his services, but on his way homeward he was obliged to cross rivers, whereby he wet his pack, and lost the said certificate; praying, that as he believed Congress to be very wise and just, they would grant him an order on their money keeper, &c.

The order of the day was then called for: Mr. Madison's motion for a discrimination being under consideration—

Mr. Page advocated the motion; and Mr. Boudinot opposed it, in a speech of two hours and a half. The committee then rose, and the House adjourned.

THURSDAY, FEB. 18.

On motion of Mr. Goodhue, the petition of Hanrah Treat was read the second time, and referred to the Secretary at War.

The petition of Jehoika Thompson, was read the second time and referred to a committee consisting of Mr. Sedgwick, Mr. Van Rensselaer and Mr. Moore.

In committee of the whole on the Report of the Secretary of the Treasury; Mr. Madison's motion for a discrimination under consideration—A number of speakers *pro* and *con* this day—which terminated without any decision.

FRIDAY, FEB. 19.

A message from the Senate was received by their Secretary, with

the bill providing for the enumeration of the inhabitants of the United States—returned with sundry amendments.

In committee of the whole on the report of the Secretary of the Treasury—Mr. Madison's motion for discrimination under consideration.—Mr. Scot and Mr. Seney spoke in favor of the proposition—Mr. Livermore, Mr. Gerry, Mr. Bland and Mr. Burke against it—the discussion of the subject was continued till near the moment of adjournment—the committee rose without coming to a vote—and are to resume the business on Monday next.

A letter was read from the commissioners for settling accounts between the United States and individual States, respecting the diminished rate at which the Clerks were employed in this business are paid—compared with the salaries in the other offices, and requesting the interposition of Congress—that they may be placed on an equality.

The resolution of the Senate for appointing three commissioners pursuant to the memorial of Hon. Robert Morris, late superintendent of finance, was read—

After some debate whether it should be referred to a select committee, it was ordered, that it lie on the table.

Adjourned till Monday 11 o'clock.

ERRATUM.—In Mr. Sedgwick's Speech in our last, 5th paragraph from the top, for "latter species" read former species.

FOR THE GAZETTE OF THE UNITED STATES.

THE Legislature of every State have authority to act in a three-fold capacity.

1. They have authority to make laws for the good government of the people of the State, and to alter or repeal them as they may think fit.

2. They have authority as agents for the State, to grant or transfer public property in behalf of the State; and to make contracts binding on the State; but they have no authority to revoke, impair or alter any such grant or contract fairly made and obtained, without the consent of the other party.

3. When any question shall come before them respecting the construction or fulfilment of such contracts, they have authority to decide thereon in a judicial capacity: and are in duty bound to be governed in their judgement by the same principles as a court of law or equity, as the nature of the case may require; nor are the individuals composing the legislature, any more interested in such decision, than the judges of the courts of law. When a State or the United States are plaintiffs in a cause against an individual, the case is to be decided by a court of law; but when an individual has a demand against a State or against the United States, the claimant could not have an adequate remedy in the ordinary courts of law or equity, because their judgment could not be executed against a State or against the United States; therefore when no provision is made by law for the liquidation or satisfaction of such claims, the claimant has no remedy but by a petition of RIGHT to the legislature; and such cases often occur. The duty of the legislature in such cases is more fully pointed out and inculcated in the following extract from an election sermon delivered before the Legislature of the State of Connecticut, in May, 1787, viz:

"REMEMBER, Gentlemen, that while you are examining the rights of individuals, and their claims on one another, or on the public, you drop the character of legislators, and should act by the same fixed rules of law and equity, as the judge on the bench. In causes of a judicial kind, your high character of sovereignty will not excuse an arbitrary decision, or denial of justice, any more than the same may be excused in the lowest executive court.

"In granting favours, you are only to consider, whether they are equitable and consistent with the good of the community; but in doing justice you have no sovereign discretion. No wise man thinks his life and estate safe in the hand of a tyrant, bound by no restraint of law; Excuse me, gentlemen, when I add, that the discretion of a popular assembly, acting by no fixed and known rules of equity, is a different expression, but the same in effect, as the will of a despot. Sovereign power should never be perverted to acts of unrighteousness: Let not therefore the notion of omnipotence, and of being above controul, insensibly insinuate itself into your deliberations, and lead to a different determination, from what you would give in a different character. With deference to your high stations, I am warranted with all boldness to assure you, in the fear of God the Almighty and Eternal Judge, that the consideration of not being accountable to an higher court on earth, should be one of the most forcible motives, to engage you to the greatest uprightness and impartiality, not only between subject and subject, but especially between the subject and the public. Remember that as there is in this world an appeal from a lower to a higher court, so when the most sovereign and uncontrollable court on earth gives an unrighteous sentence and wickedly perverts judgment, there is immediately entered in the high court of Heaven an appeal, which in the great day of general assize, will be called, and must be answered. Then you, my honorable auditors, and all the kings and judges of the earth shall appear, and give an account of your conduct while you acted in the character of Gods on earth."

NEW-YORK, FEBRUARY 20.

Yesterday arrived here in 10 weeks from Plymouth, England, a Sloop of War, with dispatches for Lord Dorchester, and Sir John Temple.

Extract of a letter from Boston, February 3.

"I thank you for the Secretary's Report. I like it—and believe the House won't mend it—therefore with it may be adopted; at least, that Congress may not make any alterations, but such as the Secretary shall approve—that he may feel his responsibility, and exert himself accordingly. I like a HEAD to every department, and that every head should have ample powers, and be responsible. Such a system of government will at once be EFFICIENT AND FREE.—You will see by our papers the influence of certain volatile and giddy characters—their inconsistency and folly keep the ignorant members gaping, and waste the time of the Court, which ought to be employed in important business. Such conduct serves to evince the importance and necessity of the General Government. How wretched would be our situation without it.

☞ "THE REPUBLICAN, No. 3," "NECKAR," and a "POETICAL ESSAY" are received.

To be LET,

And possession given the 1st of April, for one or more years, (two miles and half from this city, on the Greenwich road.)

THAT New TWO STORY HOUSE—four Rooms on a floor; with six fire places; a new Barn, and Well of excellent Water; a young Orchard of Fruit Trees, with 7½ acres of Land, the most part Meadow. For particulars enquire at No. 7, Maiden-Lane. New-York, February 20.