

officers and soldiers of the late army--and whether we have ever paid them. If we have not, is it not justice that they should be paid. This is bringing the matter to a point; and I cannot but agree with my colleague, that we are as a Court of Equity, from whom these people have a right to expect justice; and we may remember, that however we may decide, there is a Judge who will do justice.

The time is now arrived when justice should be done: This time has been patiently waited for; and I don't see how we can avoid doing full justice to the utmost of our power.

He then observed, that it appeared to him much greater injustice would be done in paying the speculators the full sum; it was more than they ever expected, for they had often expressed their doubts of government's ever paying off the securities. Upon the plan proposed, they will gain a profit in general, besides the interest of their money. It has been said, the securities are a contract between the holders and the government: This is strictly true as it respects the original holders. The measure it is said will operate as an *ex post facto* law: He had recurred, he said, to the Constitution, and found the clause he had reference to Bills of Attainder: On this idea, government may not interfere in any case of fraud, for that unfair representations were used with the unscrupulous and needy soldier, cannot be doubted. He hoped that gentlemen would not be taxed with want of candor, for addressing their arguments to the heart as well as the head. When a case is doubtful, the heart is often the surest director. It is happy when they both concur in our decisions.

Mr. Boudinot: I consider the right determination of this question, as the key stone to the fabric of the public credit: As we lay this, will be the weakness or stability of the structure. He had thought differently, at different periods, on the present subject. He rejoiced that it had been brought forward, and hoped it would be discussed with candor and deliberation. He wished that the House should consider themselves as acting in the character of a National Legislature. If we lose sight, said he, of this idea, we shall do great injury to the subject, and every step we take we shall plunge ourselves into still further difficulties. He observed, that there appeared to be a coincidence in one particular sentiment, and that is, that the debt is just, honorable, and meritorious. It is also agreed that great part of this debt has been liquidated, and stipulated terms of payment given.

The incapacity of the United States was the only cause of that species of evidences of the debt's being given, which have from the same cause depreciated. [Here he read the Ordinance of Congress, empowering the original holders of certificates to transfer them; in which the transferees are considered as persons discovering "the most confidence" in the government.] He then observed that the proposition offered by the gentleman from Virginia, was brought forward in such manner, as to demand the most fair, candid, and decent investigation. [Here he read the several clauses into which the creditors are divided by Mr. Madison.] With respect to the first class, those who have retained their securities, he agreed with the gentleman. In regard to the second, those who alienated, he said he could mention many persons in this predicament, as meritorious as any description of sufferers that can be named; but as the gentleman had not held them up, as objects of future indemnification, he should say nothing more respecting them. He then adverted to subsequent parts of Mr. Madison's speech, and observed, that gentleman had used particular terms, in such manner, as to induce some confusion. He instanced Public Faith, Public Credit, and Public Justice, &c. With respect to the original creditors, he presumed that gentlemen would not contend that the persons, in whose names the securities are issued, are only to be considered as such; as it is demonstrable by incontestable facts, that far the greatest part of original holders' names do not appear in the certificates. He then defined the term justice, and observed, that Public Justice is distributive justice; and is often a different thing from private justice; the latter may operate partially, the former always generally--and in this way equally. He pointed out the precise ideas on which the public paper was issued--that the contracts were formed upon the idea of the transferable quality of the payments to be made; the transferee is therefore *ipso facto* the original creditor. He then adverted to the doctrine of insurance, and from a variety of deductions, shewed that the probable value of the securities had been paid in all the stages of negotiation. He quoted D'Avenant, and the Secretary of the Treasury, to shew, that stock on interest, agreeable to all the rules of calculation, is always less valuable than cash. Sir William Davenant says, that a capital of 100s. is worth only 75s. cash. He reversed the present situation of the country, and placed the purchaser of the public paper in the circumstances it would probably have been in, had the country lost its independence--and asked whether the sufferer who had confided in the final success of the country, would conceive that the seller was bound to indemnify him for his loss? He further insisted on the existence of the contract--and insisted on the common and universal practice of merchants, and others, in all transferable and negotiable business--and from all inferred, and insisted that the assignee stands precisely in the shoes of the assignor. From this he adverted to the objection, arising from its being an *ex post facto* business--and as we are expressly precluded from passing any such law, the proposition involved a most palpable violation of the Constitution. The gentleman last speaking in reply to this objection, says, that on recurring to the Constitution he found that the clause referred only to passing bills of attainder.

Mr. Boudinot then read the clause, and remarked that he conceived the gentleman had given the clause but a cursory reading--the passage runs thus, "Congress shall pass no *ex post facto* law--or any bill of attainder"--He then pointed out the particular operation of the measure--as being retrospective to the fullest degree.

He combated the idea that Congress has a right to set as judges on this question--and insisted that this would prove such a violation of the constitution as must make every man shudder at the consequences--Congress is not competent to determining questions of justice and equity between citizen and citizen--this is such a question--and our judicial courts are alone competent to determining the matter.--Mr. Boudinot dilated largely on this sentiment in this part of his speech--and represented the evil effects that would result, from Congress forming itself into a court of judicature.--He then entered into a consideration of the effects which such a measure would have on the public credit--he said in his opinion it would be a fatal stroke to its very existence--all public confidence would be destroyed--the public securities would immediately sink below any price they have ever been at.

He exhibited in striking colours the wretched predicament that all this property would be placed in; a situation that would totally frustrate all our hopes under the constitution--He repeated the observation respecting the imbecility of the late confederation--and shewed that tho the individuals who composed that body were persons of the strictest honor and probity--yet in the public character which they held as legislators, judges and executors, they were constantly discovering by their decisions that personal property and private rights could not be protected in such an assembly--a full conviction of this, brought about a revolution in the government--with respect to public opinion--he observed that what was said in a private circle or by eighteen or 20 persons in a neighborhood, could not with any propriety be considered as the public opinion--there is in my opinion said he, a better mode of ascertaining it--and that is by turning to the acts and doings of the people in the several state assemblies--several of them have been recently in session, and in consequence of the idea being circulated that their respective debts would be assumed by the general government--they have voted to provide for the payment of the interest on their respective debts, without saying one word about discrimination, from whence it was fairly deducible that the public opinion is not in favor of the measure.

He enlarged on this article by saying, that no evidence of any kind whatever has been offered to the committee, to shew that the

public opinion is in favor of this idea--on the other hand, the total silence observed on the part of the persons who are to be benefited, is a negative proof to the contrary--he replied to the reasons which had been assigned for this silence--and thought the dispersed state and poverty of the soldiers could not be considered as a sufficient reason.

He entered into a full consideration of the instance of the South Sea bubble, which had been adduced on this question--and said that the circumstance did not apply, but on the other hand was directly opposed to the present proposition--Mr. Boudinot here shewed, that the interference of the government on this memorable occasion was altogether in favor of the public credit, and to oblige the company to make good their contracts.

He took notice of the Mississippi scheme--on this he said he could not dilate so fully--but from the issue of that business, as exemplified in the conduct of the commissioners employed on that occasion, who plundered the public of millions--he deduced the pernicious effects to be apprehended from appointing commissioners as must be the case, to settle the business on this plan.

Mr. Stone, after an introduction which we did not hear--observed, that the members appeared to differ exceedingly in their opinions upon the most essential principles--on public justice said he we appear to differ very widely, the object therefore went to be produced as great a union of sentiment as possible--He went into a consideration of the constituent parts of a contract--and insisted that their validity depended altogether on the equivalent--where no such equivalent can be adduced, contracts even in England, have never been enforced--He applied this idea to the paper evidences of debt received by the officers and soldiers of the late army--no man will say that they have received an equivalent for their services--he supposed that no credit was due to the speculator for his confidence in the public faith--as to the risk--between buyer and seller, there was perhaps not more than one penny difference--Mr. Stone observed, that if the speculator purchased a security of £.100, for £.10, on the idea or assurance of obtaining the full payment, he was guilty of a fraud--therefore as this is not supposed to be the case, the speculator will have full justice done him, by being paid his own money with interest, and it surely would be as much against the feelings of the speculator to receive 10 for 1 for his money as against those of the soldier to be reimbursed what he had been so long deprived of--the inability of the country to do full justice is not to be admitted--as he observed, that if there were purchasers to be found, the property of the United States would sell for 600 millions, and we have only 80 millions to provide for--He enlarged upon the merits of the soldiers--and asserted that they had for years, suffered as persons who had been guilty of some crime--and this is the situation of men to whom America is indebted for her independence--if we do justice to these men we shall establish our character for humanity and we shall always be able to command the services of such persons; but if not, the defence of the country will devolve on mercenaries, who will be paid.

On the subject of discrimination he laid it down as a principle that the country could not stand the shock of a governmental interference in altering the nature of the debt, by paying a less sum than the securities specified--it would so contravene their habitual ideas on the subject that he was of opinion the most fatal consequences were to be apprehended, should the measure be attempted; still it is a proper subject of enquiry, to whom this amount is justly due--this appears to devolve upon the national Legislature as the only authority competent to doing justice.

(To be continued.)

WEDNESDAY, FEB. 24.

Sundry petitions were presented, read and laid on the table. The bill for regulating the Post-Office was read a second time, and referred to a committee of the whole House, to be taken up on Monday next.

Ordered that 100 copies be printed for the use of the House. On motion the memorial of Thomas Barclay was read the second time and referred to a select committee consisting of Mr. Clymer, Mr. Page, and Mr. Sinnickson.

Several other memorials were read and committed. In committee of the whole on the Report of the Secretary of the Treasury--The assumption of the State debts under consideration. Mr. Stone, Mr. Sedgwick, Mr. Madison, Mr. White, Mr. Ames and Mr. Fitzsimons were the speakers. Mr. Madison proposed the following addition to the resolution, viz.

And at the same time, That effectual provision be made for the liquidation of, and crediting to the States, the whole of the expenses during the war, as the same has been, or may be stated for the purpose, and that the best evidence of the same be taken, the nature of the case will admit.

This proposition occasioned some conversation, but the committee rose without coming to a decision. The House then went into a committee of the whole, on the naturalization bill.

Mr. Baldwin moved that the clause which prohibits foreigners from holding lands in the United States, should be struck out; this occasioned some debate, which consumed the time, without producing a decision. Adjourned.

THURSDAY, FEB. 25.

Mr. Gilman of the committee of enrollment, reported, that he had examined the enrolled bill, providing for the enumeration of the inhabitants of the United States, and found it correct: He then presented it to the Speaker, who signed the same.

Mr. Boudinot of the committee appointed for the purpose, brought in a bill for securing to authors and proprietors, the copy right of Books, Charts, Plans, Maps, &c. which was read the first time.

Mr. Thatcher presented a petition from the weighers, gaugers and measurers of Portland, Massachusetts.

The petition of David Cook was read a second time, and referred to the Secretary at War.

Sundry memorials were read and committed. In committee of the whole on the report of the Secretary of the Treasury; Mr. Madison's amendment to the resolution for the assumption of the State debts under consideration.

Mr. Huntington said that he did not object to the tenor of the proposition; but thought the last clause, "That the best evidence shall be taken that the nature of the case will admit" would afford a dangerous latitude, as it might open the door to innumerable impositions, and would swell the public debt beyond all conception; if there were any peculiar cases, such as lots of vouchers by fire, devaluations by war, and other casualties, provision might be made by Congress for such cases: he hoped the words would be struck out.

Mr. White after a speech of considerable length, moved that the following should be added to Mr. Madison's proposition, viz. Provided such assumption shall not exceed the sum which any state may have advanced above its just proposition, as the same shall appear upon its liquidation; this produced a debate which lasted the remainder of the day--and an adjournment being called for, precluded any determination on the motion.

FRIDAY, FEB. 26.

The Report of the Secretary of the Treasury, on the petition of Francis Bailey, was read the second time.

Mr. Burke moved that it be referred to a select committee for the purpose of bringing in a bill to provide for the particular case of the petitioner.

Mr. Livermore objected to a special committee. He observed, that Mr. Bailey is one of the last persons that needed a special interference in his favor, as it is impossible, according to his own words, for any person to find out his invention. He is therefore perfectly secure from being injured by counterfeits.

Several gentlemen spoke in favor of the motion, and a select committee was accordingly appointed.

Mr. Gerry, to whom the memorial from the commissioners on

the public accounts, respecting the salaries of the clerks in their office was referred, reported, that the salaries of those clerks should be raised to 500 dollars pr. ann. any law of the United States to the contrary notwithstanding.

Sundry acts and resolutions of the legislature of the State of South-Carolina were communicated by Mr. Burke, and read, among others--

An act to cede to the United States the Light House, &c.

In committee of the whole on the report of the Secretary of the Treasury; the assumption of the State debts under consideration.

Mr. Madison's and Mr. White's amendments were read; the debate was resumed and continued by Mr. Stone, Mr. Burke, Mr. Clymer, Mr. Ames, Mr. Patridge, Mr. Fitzsimons, Mr. Sherman and Mr. White: and the question being taken on Mr. White's motion, it passed in the negative--32 to 15.

Mr. Madison's motion being again read--after a short introduction, he moved, that the following proviso should be added to it, viz. Provided that in case a final liquidation and adjustment of the whole of such expenditures, and provision for the payment of the balances due from Debtor States to Creditor States, shall not be made before the day of the debts assumed shall be liquidated and adjusted, among the States, according to the ratio of representation, and effectual provision be henceforth made for paying the balances to the Creditor States, at the expense of the Debtor States. This will be the next subject of discussion.

The committee rose and reported progress. The committee on the petition of Francis Bailey, brought in a bill which was read the first time.

In committee of the whole on the naturalization bill: Some progress was made in the discussion; but the committee rose without finishing the business, and the House adjourned to Monday next.

IMPORTANT EUROPEAN NEWS.

Received by the latest Arrival.

CALCUTTA, (East-Indies,) May 20, 1789.

BY letters from Bombay we have been favored with a more particular account of the operations of Tippoo before Tellichery than has yet appeared.

On the 23d of March, Tippoo approached the neighbourhood of Tellichery with a force so considerable as to be seriously alarming. On the 26th, he encamped on Tandatenny, within sight, and not more than four miles distant from the town. One of the seapoys belonging to the garison, cutting wood on the banks of the stream which separates the districts of the English and Tippoo, was wantonly shot by a party of his troops. From the disposition of his army, and some threatening appearances, an attack was hourly expected; the inhabitants, to the number of two thousand, were, in consequence armed. Several deserters came in from Tippoo's army, and these he required to be delivered up in the most insolent and unbecoming terms. Very properly, his requests were treated with the utmost contempt. Among other deserters was a party of Frenchmen who belonged to Lally's corps; that these men should be delivered up, Tippoo was particularly anxious; however, to be out of danger, they were sent round to the government at Bombay on the Shah Syriah. On the evening of the 30th Tippoo, with his whole encampment marched off, avowedly for Pimlipatam, but as the vessel which brought this intelligence to Bombay left Tellichery the same night, it is uncertain where he has directed his route.

The Government of Bombay have given protection to great numbers of Nairs to whom Tippoo has shewn a most implacable hatred, and on whom he has indiscriminately exercised the most studied cruelties; many of these poor wretches has he again and again, marched into wide and extensive plains; there ordered their legs and arms to be cut off in his own presence, and in that mutilated state left them laying on the ground, prohibiting under pain of death any relief being afforded to the miserable sufferers. During the march of Tippoo from Seringapatnam to Tili-chery no less than five thousand have been sacrificed to the vindictive caprice of this unfeeling Tippoo.

MADRAS, May 10, 1789.

The letters from the southward, received yesterday and to day bring an account of an opposition to the detachment under the command of Col. Stewart, rather more obstinate than was expected at so early a stage; and of an action on the 14th instant, bravely maintained by the Murdoos, as they were called--Vellee Murdoo, in defence of the fort at Collungoody.

The following are the particulars mentioned in an extract of a letter from the Camp at Collungoody.

"This morning at six o'clock we began the attack, and I am very sorry to add, it was desperate and bloody, beyond conception; it lasted until near one o'clock in the afternoon, when the principal village was taken; but it was stormed once or twice before this could be effected, and our people were repulsed with the loss of some men; the artillery could not get up to support them, or they must have carried it the first attack. Lient. Taylor was shot through the thigh by a musket ball; Capt. Read slightly wounded in the leg; and, as near as I can guess, four or five of our grenadiers are killed, and twelve wounded, some of them mortally; many of the 72d are killed and wounded, but none of their officers. Mr. Freer is shot through the arm, and the bone dangerously shattered. Ensigns Macklerah, Ridge, and Cornack, are wounded, as is Lient Cuppage (slightly) in the hand. Several seapoys killed and wounded; the Nabob, who is with us, is also wounded.