

that the words debts and engagements, here expressed, would comprehend as well the residue still due to the officers, soldiers, and other original creditors, as the claims of the present holders of alienated certificates; and that if the constitution created any obligation concerning debts, &c. it had equal force with respect to every description of creditors. But he apprehended that the constitution did not, by the words expressed, place any debts alluded to in a situation different from that in which they were previous to its adoption.

Great stress, said he, had been laid upon the practice of other nations. It had been frequently asserted, that the measure proposed was without a precedent in any country: it had been repeatedly recommended to us to imitate the British parliament as to measures touching public credit.

We however find, said he, a case was cited yesterday, by an honorable member from Virginia (Mr. Madison) in which they made a provision as to debtors, similar to the one now under consideration. If precedent is therefore to influence, we have one from the nation whose public faith is extolled. But it had been observed by an honorable member from New-York (Mr. Lawrence) that the precedent then cited was not applicable, because, said the gentleman, the British parliament and Congress are bodies very different as to power; the former is omnipotent and unlimited as to objects of legislation; the latter is not so, but restricted and confined by the constitution which constrains their power: That the British parliament can therefore do many acts consistent with their powers, which Congress cannot. This observation, said Mr. Seney, does by no means diminish the force of the precedent; because, although Congress possess not power as to all objects of legislation so extensive as the British parliament, yet, as to objects within their power, they were as much omnipotent as that parliament. It will not, he conceived, be denied, but that a provision respecting public credit was one of those objects; with regard, therefore, to the subject under debate, there can be no difference between the two bodies as to omnipotence.

It had been remarked, he said, by another member from New-York (Mr. Benson) that the adoption of the amendment would be improper, because it was unsolicited by those whom it was designed to benefit; and because there was reason to believe it would meet with disapprobation.

The gentleman, he said, had informed us of a resolve of the Cincinnati of this State disfavoring the plan, and cited their proceedings as evidence to prove this disapprobation. In reply to this, he would not then enquire how proper it would be for the committee, in their decision, to be influenced by any act of the Cincinnati, or other society; but believed, if the history of the proceeding alluded to was fully known, nothing could be inferred from it to effect that gentleman's purpose. That he had, since the publication of their resolve, been informed, that the meeting of the society, at the time it passed, was not a full one; that such a resolve was unexpected by many until proposed, and that it passed without debate, and, as it were, *sub silentio*; that he had since been informed that several of the body disapproved of the resolve, and believed that if a full meeting was had, a different determination would be the result. He had conceived that the worthy members composing that body had too much experience of their own sufferings to be opposed to a provision in favor of those creditors for whom the compensation was intended, and could not think that such a provision would be disapproved of by a society of the kind in any of the States.

It had, upon this occasion, been asserted, said he, that public opinion should have little influence on the conduct of legislatures. But, notwithstanding the plausible reasoning he had heard upon that head, he was satisfied a regard was due and must be had to the opinions of the people, and to their feelings. Government, he said, was formed for their benefit; under the present constitution, all the powers of it flow from them as the source; they have the means of carrying into execution their will; and under those circumstances he could not believe the legislature ought to be indifferent as to their sentiments.

Gentlemen, he said, had founded their opposition to the amendment principally upon the rigid rules strictly adhered to in the courts of common law; rules which had often been the means of stifling justice, to correct the rigour of which legislatures had often interposed. Such rules could not be proper fetters for the supreme power of government. The history of nations proves that legislatures are superior to them; their objects are extensive; and in all extraordinary cases they will make such provisions as may be requisite to effect general justice and equity. The case under consideration was certainly one of an extraordinary kind. He could not think that those, whose exertions had rescued them and us from despotism and slavery, were ever honestly paid those hard-earned claims they were so justly entitled to; and could not but believe, that as long as those claims existed, there would exist a stigma on the justice, humanity, and gratitude of this country.

Mr. Livermore said he was against any discrimination between the soldier, or other public creditor, who held a public security, and the speculator who had purchased one. He said the securities were made payable to the bearer, and consequently transferable, with intent that they might be sold, if convenience or necessity should require it. This had been well understood by all parties, as well in America as in foreign countries, and securities had been sold accordingly. The advocates for discrimination have not denied this; they have only alleged that the low rate at which the poor soldier, or other public creditor, had sold their securities, was a sufficient reason for Congress to interfere and set aside the sale. In opposition to this, Mr. Livermore observed, that persons had a right to buy and sell at such prices as they could mutually agree upon, provided there was no fraud.

A diamond, a horse, or a lot of ground, might be sold too cheap or too dear, and so might any other property; but government could not interfere without destroying the general system of law and justice. Esau had sold his birth-right for a mess of pottage, and heaven and earth had confirmed the sale. The distresses of the army, both officers and soldiers, at the time they received and sold their securities, had been painted in too strong a light. They were not so emaciated, by sickness or famine, as had been represented. They were crowned with victory and received with applause by their fellow-citizens; and although they had been paid in paper, their loss had been made up by large bounties and in other emoluments, so that, in point of property, they were equal to their fellow-citizens, that had borne the burden of taxes, under which many were laboring to this day. Let them be called BRAVE SOLDIERS, or PATRIOTIC SOLDIERS, but not POOR SOLDIERS. They ought to be governed by the same system of justice that governs others; but their contracts ought not to be set aside out of partiality to them. He said the case quoted from the statute of Queen Ann, was not applicable to this case, inasmuch as government had not originally made the debentures therein mentioned transferable. Neither, he said, did the case of the Canada bills apply; for, as he understood, those bills were paid to British merchants, or others, who had purchased them.

Mr. Livermore concluded, by saying that he should vote against the amendment, because no sufficient reason had been assigned that could operate in his mind against the general system of right.

(To be continued.)
WEDNESDAY, MARCH 3.

Mr. Ames of the committee to whom was recommitted the bill to provide for the remission or mitigation of fines, forfeitures and penalties in certain cases, presented a report, which was read—On motion of Mr. Lawrence the petition of Abraham Skinner, was read the second time—and referred to a committee of three.

Mr. Sedgwick of the committee on the petition of Jchoiakim Mtochkin brought in a report which stated, that the circumstances in the petition were substantiated—and proposed a resolve that the petitioner should be entitled to receive one hundred and twenty dollars out of the public Treasury, in full of his claims against the United States.

Mr. Carrol after a few introductory observations shewing that several members wished further time to digest the subject of the assumption of the State debts proposed that the committee of the whole should be discharged for a further attention to that part of the Secretary's report for the present, and made a motion to that effect, which was seconded: This motion was objected to by Mr. Smith (S. C.) Mr. Lawrence and Mr. Sedgwick—and supported by Mr. Seney, Mr. White and Mr. Madison—the latter gentleman proposed an amendment, so that the committee should be discharged, till the Secretary of the Treasury should communicate the information expected from him on the subject respecting the resources to be appropriated for the purpose of paying the debts to be assumed: This motion was considered as an indirect method of getting rid of this particular part of the report altogether—and those who considered this part as inseparably connected with all the rest observed, that if this was passed over they should be totally at a loss how to act with respect to the other objects of the report.

It was further said that if this vote was adopted, it would place the State debts in a less eligible situation than those of the continental—when, as it was contended they stood on equally meritorious footing—these observations were concluded with a motion that the committee should suspend the consideration of the whole report, and not have reference to any particular part of it.—All idea of getting rid of the business as had been suggested, was disclaimed by Mr. Carrol—He thought the observation uncandid.—The difference between the State and continental creditors was urged by those who were in favor of the motion—and the acts of the old Congress to that purport, were cited—It was said that no idea of opposition to this motion was expected, as the committee must see the propriety of waiting for the requisite information from the Secretary of the Treasury—The question on this motion being taken, was negatived.

In committee of the whole on the naturalization bill—the subject of admitting foreigners to the right of holding lands occasioned considerable debate—it was urged that the power of forming a uniform rule of naturalization is vested in Congress by the constitution exclusively—and cannot rest in the States, without involving the greatest absurdity—as every State has its particular mode—from which every difficulty was experienced—It is therefore necessary that Congress should determine upon a rule which should operate equally through all the States and go to effecting complete citizenship.—In reply to these observations it was said that the mode of admission to citizenship only, could be uniform; that Congress cannot interfere with the laws and regulations of the several States—their power extends only to the rule, but the subsequent parts of citizenship must depend on the regulations of the respective States—when a foreigner is naturalized, he will immediately enquire what rights he becomes entitled to by virtue of his new character—on motion

The second and third sections which related to foreigners holding lands were struck out.—The committee having proceeded through the discussion, rose and reported the bill with amendments—and the House ordered the same to be engrossed for a third reading.—Adjourned.

THURSDAY, MARCH 4.

Mr. Contee took his seat this day. The bill providing for the remission or mitigation of fines, forfeitures, and penalties, in certain cases, was read the second time, and referred to the committee of the whole house, to be taken up to-morrow.

Several petitions were read and committed. In committee of the whole on the bill to promote the progress of the useful arts. The bill was read, and discussed in paragraphs. The clause which gives a party a right to appeal to a jury from the decision of referees, it was moved, should be struck out. This motion was opposed, as depriving the citizen of a right to which he is entitled—as improper in itself, as causes of very great magnitude may be depending, which it may be highly improper to submit to the decision of three men only, two of which may be so differently interested, as never to agree—so that the decision may finally result from the influence of the person nominated by the Secretary of State. On the other hand it was said, that it appears highly improper that juries should be called to judge upon matters that they may not be supposed competent to forming a judgment of—these trials will always relate to matters of invention, &c. of which three persons may be found with much greater ease who are competent to judge, than twelve—that the right of trial by juries is not universal—and in the present case there will be a much greater probability of having justice done by arbitrators, who are men of science, &c. The motion for striking out was carried in the affirmative.

The committee proceeded further in the discussion of this bill—but rose without completing it—and the chairman reported progress.

A report was received from the Secretary of the Treasury, pursuant to orders from the House, and read.

FRIDAY, MARCH 5.

Mr. Foster of the committee on the memorials of the people called quakers respecting the slave trade brought in a report, which was read.

Mr. Gerry presented a petition from Catharine Greene—relict of the late Major General Greene—which was read.

Mr. Scot moved that the memorial of Richard Wells and J. Hart respecting the old paper money, should be referred to the committee of the whole House.

The question being taken the motion was negatived—it was then moved that it be referred to a select committee of ten members—which passed in the affirmative.

A memorial was presented by Mr. Tucker from the officers of the South-Carolina line of the late army.

In committee of the whole on the bill for the remission, or mitigation of fines, penalties and forfeitures in certain cases—the bill was read, and having made one amendment the committee rose, and reported the same to the House, who ordered the bill to be engrossed for a third reading.

In committee of the whole on the bill to promote the progress of the useful arts—Sundry amendments were made in this bill, which were reported to the House, these amendments with several others were agreed to, and incorporated in the bill, which was ordered to be engrossed for a third reading on Monday next.

A message from the Senate informing that they have passed an act to accept of the cession of certain lands in the Western Territory, made by the State of North Carolina—Also, that they have passed a resolve, for giving further instructions to the collectors of import in the United States, in which they request the concurrence of the House.

The bill to provide for the remission, or mitigation of fines, forfeitures and penalties was brought in, engrossed, read the third time, and ordered to lie on the table.

The act and resolve received from the Senate were then read.

The petition of Mrs. Greene was read a second time, and referred to a committee of five.

The report of the committee on the letter from the commissioners on accounts, respecting the salaries of the Clerks in their office was read—A motion for recommitting this report, and instructing the committee to bring in a bill pursuant thereto, occasioned considerable debate respecting the difference between a resolve and a law—the motion for recommitting passed in the affirmative—the subject of the south western frontiers being moved for—the galleries were shut.

Adjourned till Monday.

“TREASURY DEPARTMENT, March 4, 1790.

In obedience to the Order of the House of Representatives, of the second inst. The Secretary of the Treasury respectfully reports,

THAT in his opinion, the funds in the first instance requisite towards the payment of interest on the debts of the individual States, according to the modifications proposed by him in his report of the ninth of January past, may be obtained from the following objects:

An increase of the general product of the duties on goods imported, by abolishing the discount of ten per cent, allowed by the fifth section of the Act for laying a duty on goods, wares, and merchandize, imported into the United States, in respect to goods imported in American bottoms, and adding ten per cent. to the rates specified, in respect to goods imported in foreign bottoms, with certain exceptions and qualifications: This change, without impairing the commercial policy of the regulation, or making an inconvenient addition to the general rates of the duties, will occasion an augmentation of the revenue little short of two hundred thousand dollars.

An additional duty on imported sugars. Sugars are an object of general consumption: and yet constitute a small proportion of the expence of families. A moderate addition to the present rates would not be felt. From the bulkiness of the article too, such an addition may be made with due regard to the safety of collection. The quantity of brown and other inferior kinds of sugar imported, appears to exceed twenty-two millions of pounds, which at a half cent per pound, would produce one hundred and ten thousand dollars. Proportional impositions on foreign refined sugar, and proper drawbacks on exportation, ought of course to indemnify the manufacturers of this article among ourselves.

Molasses, being in some of the States a substitute for sugar, a small addition to the duty on that article, ought to accompany an increase of the duty on sugar. This, however ought to be regulated with proper attention to the circumstance, that the same article will contribute largely in the shape of distilled spirits. Half a cent per gallon on molasses, would yield an annual sum of thirty thousand dollars. Our distillers of spirits from this material, may be compensated, by a proportional extension of the duty on imported spirits.

Snuff, and other manufactured tobacco, made within the United States: Ten cents per pound on the Snuff, and six cents on other kinds of manufactured tobacco, would be likely to produce annually, from ninety to one hundred thousand dollars. From as good evidence as the nature of the case will admit, the quantity of these articles manufactured in the United States, may be computed to exceed a million and a half of pounds. The imposition of this duty would require an increase of the duty on importation, and a drawback on exportation, in favor of the manufacture. This being an absolute superfluity, is the fairest object of revenue that can be imagined, and may be so regulated, as in no degree, to injure either the growth, or manufacture of the commodity.

Pepper, pimento, spices in general, and various other kinds of groceries. These articles will bear such additional rates, as may be estimated to yield a sum of not less than thirty thousand dollars.