

ought not his guardian who receives the income of an estate to pay the minor's debts, and not to apply the income to his own use whilst the debts were accumulating? Much had been said respecting part of the State debts being for State and not for federal purposes: but would any gentleman deny that almost the whole expenditures of the States excepting the expenses of their civil governments, were for federal purposes, or that the taxes of the States had far exceeded the civil lists and other expenses of the States? Is it not evident then that the existing debts of the States must be far short of their demands against the United States for supplies furnished by their citizens? And where is the force of this objection? It has been urged by another gentleman from Virginia (Mr. Moore) that an assumption is unconstitutional. He has mentioned the accounts of that State, which containing State and federal charges, obliged the State to discriminate between them. But how does this prove the unconstitutionality of the measure? The debts of the States are either debts of the union or not; if not, we have no desire to assume them; if they are, we think it unjust to avoid payment because of the mode in which they have been negotiated; and we conceive it is sufficiently evident that the existing State debts are for the property or services of individuals received by the union. But suppose we should refuse to assume the State debts, will not the injured creditors of the States be forever opposed to your government? Will they not consider this measure, explained as it will be in the progress of the debates as a State artifice to defraud them of their property? For altho' the integrity of the honorable mover is unquestionable, yet if his proposition, when examined has the tendency pointed out, it will if adopted be considered as artifice. The State creditors in a common cause will probably not confine their opposition to the collection of a federal excise, but will extend it to the impost, which will be considered as an unjust alienation of the State funds to pay the federal at the expense of the State creditors. Such policy instead of promoting peace and concord, will be a source of war and discord between the different classes of citizens and the United States. For these and other reasons that may be urged, Mr. Gerry hoped the proposition would be rejected.

Mr. Livermore said, that he seconded the motion (of Mr. White) because he supposed it would bring the subject fully before the committee: For I consider, said he, that it would be as absurd for Congress to assume the whole mass of the State debts, previous to a liquidation, and ascertaining the balances, as it would be to pay the account of an individual without first determining whether it was just or not. I always consider it bad policy to pay money first and then settle the account afterwards. It appears to me very strange how an individual, or a nation, deeply involved in debt, can raise its credit by assuming to pay the debts of others. But Congress according to some gentlemen, appear to possess the whole art of financiering; their power extends to extracting gold out of a rock. The States individually, know nothing at all about the business; they have however found measures to raise money sufficient in times past, and I have no doubt can do it again.—This assumption will be injurious to the State creditors; they have trusted the States, and Congress has no right to interfere in their contracts. For my part I should thank no man for offering to take my estate out of my own hands, to pay my debts: I should prefer handling my own money myself. With respect to the maxim out of debt, out of danger, I think it applies against the measure of assumption: For certainly going into debt, is going into danger, and we surely will not entertain less concern for the general, than for the State governments. I hope therefore the motion for a previous liquidation, will take place, for I do not conceive that we have any thing to do with the debts, further than the balances which may appear to be due after this liquidation. If the several State debts should never be paid, Congress has nothing to blame itself for: Congress has done its duty in calling upon the States from time to time—and the United States are therefore bound to pay no more than the surplus advanced by any particular State over and above its quota. He hoped therefore that if the original resolution should pass, it would be with this amendment.

Mr. White replied to Mr. Gerry, and observed, that the gentleman considered the States, as agents to Congress; but he considered them as agents to the people. The States have been called on, some have complied with the requisitions. I wish the business to go on till all have done their duty, and a settlement of accounts to precede all payment of debts. On the contrary supposition, the States that have already paid will be taxed to pay their debtors. The gentleman says, the Secretary contemplates a sinking fund; but this must be at a very distant date. He mentions nothing but the Post-Office as this fund; but this has never produced any thing yet. The State creditors never did look to Congress; still I should not object to the assumption on just principles: I should chuse to see what the exertions of the several States have been.

Mr. Burke said, that however the question may be determined at this moment, it must finally be adopted, for South-Carolina cannot grapple with her debt any more than a child with a giant. And she will consider herself in a wretched condition, if after being wheedled into the Constitution, and wheeled out of her impost, she should now be abandoned to her fate, with a debt incurred for the general defence which she never can discharge.

Mr. Livermore said, that the observations of the gentleman last speaking, had not altered the nature of the question at all. It is no fault of the United States if any particular State or individual, is in debt: It is their misfortune, but Congress is not obliged to make itself answerable for such debts. The gentlemen from South Carolina are instructed to urge this matter: They do right so far as their judgement is in the measure; but the delegates from New Hampshire expect different instructions upon this subject; and I shall think it my duty to follow those instructions, especially as they will accord with sentiments I have long entertained on the subject. As I said before, I am for doing strict justice, and when the accounts are settled I shall be in favor of assuming the balances that any particular State may appear to be entitled to.

(TO BE CONTINUED.)

SATURDAY, MARCH 13.

Sundry petitions were read. The memorial from the officers of the South-Carolina line of the late army, after some debate was referred to the secretary of the treasury.

A committee of the whole on the report of the secretary of the treasury—for providing for the support of the public credit.

The blank in the third proposition of the sixth resolve, was passed over by consent.

The seventh and eighth resolutions were agreed to, viz.

VII. "Resolved, that immediate provision ought to be made for the present debt of the United States; and that the faith of government ought to be pledged to make provision, at the next session, for so much of the debts of the respective States, as shall have been subscribed upon any of the terms expressed in the last resolution."

VIII. "Resolved, that the funds which shall be appropriated according to the second of the foregoing resolutions, be applied in the first place to the payment of interest on the sums subscribed towards the proposed loan; and that if any part of the said domestic debt shall remain unsubscribed, the surplus of the said funds be applied, by a temporary appropriation, to the payment of interest on the unsubscribed part, so as not to exceed, for the present, four per cent. per annum; but this limitation shall not be understood to impair the right of the non-subscribing creditors to the residue of the interest on their respective debts: And in case the aforesaid surplus should prove insufficient to pay the non-subscribing creditors, at the aforesaid rate of four per cent. that the faith of government be pledged to make good such deficiency."

A proposition similar to the one proposed by Mr. Boudinot, was moved by Mr. Gerry—but after considerable discussion it was withdrawn.—Adjourned.

On motion of Mr. Sherman the house went into a committee of the whole on the bill making appropriations for the services of government for the year 1796.

The bill was read. Mr. Smith (S. C.) moved to add after the fourth section a clause providing for the payment of expenses on account of the Light-House, at the entrance of the harbor of Charleston, previous to passing the act for making the cession thereof to Congress.

Mr. Sherman observed that Congress would doubtless pay such expenses as have arisen subsequent to the time of the cession, agreeable to the act of the legislature—but if any particular States have been remiss in paying off arrearsages, which existed prior to that period it certainly cannot be expected that such arrearsages should be paid by the United States.

Mr. Tucker observed that the expenses referred to by his colleague were incurred in consequence of the funds being diverted into a different channel which had been appropriated by the State for their discharge—the amount is not great—not more, perhaps than four hundred pounds sterling—he thought that it was a just and equitable allowance, as it was ceded to the United States in an unfinished situation, has been finished since, and the State has been precluded from paying this expence by the funds being absorbed by the United States.

Mr. Livermore observed that the present bill is a bill of appropriations, and not of grants, it refers to sums to be provided for by laws already past, the motion therefore appears to be out of order.

Mr. Tucker replied that he was aware of the difficulty, and meant to have moved for an addition to the whole sum, by proposing that it be increased two thousand dollars, a sum which he supposed would be adequate to defraying the deficiency.

Mr. Jackson advocated the motion, and added, he hoped the gentlemen from South Carolina would give their vote for certain improvements in the navigation of Savanna river, which he mentioned, and which he designed to move for.

Mr. Fitzsimons spoke against the motion, he showed its impropriety and unequal operation; that he thought it an inconsiderable object, in itself, and more so when contemplated as coming from a State, which the United States have agreed to pay five millions of dollars for.

Mr. Tucker replied to Mr. Fitzsimons, and said, that he did not conceive the assumption of the State debts had any thing to do with the present motion; if the debts of South-Carolina are to be paid, the will furnish the means, as it will be applying her resources to their proper object.

The motion being put, was negatived.

Mr. Jackson after some introductory observations, proposed the following amendment, after the words "Cape-Henry" to add "and for removing the obstructions in Savanna River, from that City to the Sea."

The same objections respecting the informality of the amendment, were made to this, as were to the motion offered by Mr. Smith.

Mr. Jackson after insisting on the propriety of bringing forward the present motion, when the house were specially engaged in voting monies for public expenses, and observing that according to the ideas of some gentlemen the house had no right to add to the appropriations proposed by the secretary, said, that according to this doctrine, the whole business of legislation may be as well submitted to him, so that in fact the house would not be the representatives of their constituents, but of the secretary—he further said, that as there appeared to be some weight in the objection, to introducing his amendment in this clause, he would withdraw it for the present.

A motion was then made by Mr. Livermore to introduce a clause for allowing the sum of one hundred and ninety-two dollars to Gifford Dalley for his services ninety-six days, during the recess of Congress, which was agreed to.

Mr. Jackson then observed that this appeared to be the proper time to bring forward his motion, he therefore moved that the sum of be allowed for removing the wrecks and obstructions in Savanna River, from that city to the Sea.

Mr. Bland objected to the motion as involving a principle pregnant with innumerable difficulties; for no man can tell to what extent it can be carried. Should this be granted, every member in this House will come forward with proposals for clearing rivers and opening canals to the sources of rivers.

Mr. Jackson observed, that the principle is already established in the bill, by the provision made for Delaware river.

He said that the revenue of the United States is to be derived from navigation and commerce; excepting the obstruction in our rivers and harbors are removed, commerce will be embarrassed, and our revenue will be lessened and destroyed, and in this view the measure appears to be founded in reason, policy, and justice, and not to do it will be impolitic and unjust.

The motion being put, was negatived.

The committee having gone thro the bill, rose and reported the same with sundry amendments.

The bill was then ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Jackson to take up the bill respecting the South-Western-Frontiers. The doors of the galleries were shut.

TUESDAY, MARCH 16.

The bill for making appropriations for the services of Government for the year 1796—was brought in engrossed, read the third time and passed.

A message was received from the President of the United States, by the secretary of the department of war, conveying information received from the supreme executive of the State of Pennsylvania, relative to the depredations of the Indians on the frontiers of that State.

Mr. Lawrence presented a memorial from the importers of hemp, and the manufacturers of cordage in the city of New-York, stating a variety of difficulties to which they are subjected from the operation of the revenue laws.

Sundry reports from the Secretary of the Department of War, on petitions referred to him, were read.

On motion of Mr. Ames, the petition of the Rope-Makers, &c. of the town of Boston was read, and with the petition from those of New-York, referred to a select committee consisting of Mr. Lawrence, Mr. Boudinot, and Mr. Heister.

The motion of Mr. Boudinot, for appointing a committee of 11 members, to whom petitions and memorials for claims should be referred, was read and taken into consideration.

Some gentlemen objected to this plan, and preferred the motion offered by Mr. Bland, for a direct reference to the heads of departments. An amendment was agreed to, that the petitions should be first read in the House.

Mr. Boudinot observing that this amendment being adopted, defeated the object of the proposition, he therefore withdrew the motion. But it being renewed by another member, was further debated; but on the question to agree to the proposition, it was lost.

The resolutions offered by Mr. Bland relative to the same subject were then taken into consideration.

After some debate the question on the first resolution being put, it was negatived, the other was lost of course.

Mr. Boudinot moved for the order of the day on the report of the committee to whom was referred the memorials of the people called Quakers. The motion was opposed, it was said that the order of the day on the report of the secretary of the treasury claimed a preference in the attention of the house; after considerable debate the question was taken, and passed in the affirmative. The report was then read.

A message was received from the President of the United States, with the ratification of the amendments to the constitution by the State of Pennsylvania.

The report on the slave-trade was then discussed. Mr. Tucker after premising several observations on the injustice, and unconstitutionality of the interference of the legislature in the business, proposed an amendment which should negative the whole report.

Mr. Jackson spoke largely on the subject, and in opposition to the report.

Mr. Vining replied to Mr. Jackson. A question then rose on the subject of order. The Chairman gave his opinion that the amendment, offered by Mr. Tucker, was not in order. This question was discussed with considerable ardor on both sides. The question being put, the Committee determined that the amendment was not in order.

Mr. Tucker then proposed to add the amendment immediately after the preamble of the report, after the word "opinion." The question of order was still agitated on this variation, and the committee rose without a decision, and are to sit again on this subject to-morrow. Adjourned.

ON THE LIBERTY OF THE PRESS.

(CONTINUED.)

OUR property, as well as life and liberty, is secured to us by our constitution of government. The man that ruins the reputation of his neighbor, may thereby, in a variety of cases, deprive him of acquiring or improving his property, and consequently becomes amenable to the laws of the land; for surely our constitutional rights are not to be wrested from us and sported with, according to the will and pleasure of an enraged slanderer, or a needy printer. I know that it has been observed, that the same press which teems with abuse against any man, affords him an opportunity of defending himself. The observation is specious; but let me ask is it not possible that the scandal may be more widely diffused than the reparation of it. Will not the man who has exerted himself to defame his fellow-citizen, use as great, or greater exertions, to spread abroad the defamation?

It is further asserted that good men are not afraid of a free press; that none but bad characters shrink from its lash. I assert in contradiction to this, that good men may suffer, nay, in this State, have suffered, from the bitter, unmerited severity of malicious scribblers, who have too frequently misrepresented characters. The same assertion might have been made with respect to the old comedies of the Greeks, which answered the purposes of our presses. In these, real characters were introduced, and real actions were represented. But let it be remembered, that the same Aristophanes who exposed the vicious man, the false patriot, or the ignorant pretender, exercised his satire, against that most virtuous and wise man, the amiable Socrates. This daring licentiousness was at length curbed by laws, and the same restrictions will be found necessary upon our printing presses, or no person's reputation can be safe.

Every man should be esteemed innocent, until there is proof to the contrary. No man can be punished for a crime, until he is convicted of it, by evidence before a jury of his Peers. Shall then an individual, from meer suspicion, inflict the most severe species of punishment upon his neighbor, the detestation and contempt of his fellow-citizens? If a man has been guilty of crimes, the press is not the proper tribunal before which he is to be brought. Let him be accused before the courts of justice, and if convicted, let him be punished. But to punish a man unheard (and is not the lash of the satirist punishment?) is the most cruel tyranny—but it may be objected, "there are crimes not cognizable in courts of justice," are not these fair game? If they are crimes, let laws be made to punish them—If they do not merit this name, and are only foibles, I still deny the right to attack an individual on account of them. Foibles which do not amount to crimes are the proper objects of satire and the drama. But let us "spare the person and expose the vice," most satirists have fallen into the error of attacking the agent and not the act. This entirely frustrates the end of satire. It should be general, not local. What applies to one only, can extend its effects to him alone—but when a vice is depicted in proper colours, the satire will apply equally to all persons who are guilty of it, and its effects will be not merely temporary, but perpetual—I have been led into these reflections, from observing the personal abuse, which has too long reigned, unchecked among us. It is much to be wished that the liberty of the press may no longer remain a vague term, which may be used to justify every species of defamation; but that its import be accurately defined—The French constitution establishes a free press, but with a proviso, "that the authors shall be responsible for the abuse of that liberty, in cases provided for by the law."—We have already suffered too much from the want of restriction. Domestic tranquility has been invaded. The wise, the virtuous man, the patriot, the philosopher, the statesman, and the industrious citizen, have equally smarted from the whip of calumny. Many a one has fallen a sacrifice to the malicious insinuations, or direct reflections of a murderer of reputations.—As we have shaken off civil and religious tyranny, if we have any respect to our good name, and inward peace, we shall now endeavor to free ourselves from the tyranny of the press, the effects of which are no less dangerous and fatal.

PHILELUTHEROS.