

The power of contracting and providing for debts incurred by war seems to be an incident to it—it would not be safe to concede that the power of levying war belongs to Congress, and yet to assert that the power of providing for it is necessary for their security to be vested in the States. If this, however is not asserted, the objection will be untenable—For if it is now necessary to the States, it will always be necessary. All future war debts will be contracted by Congress—the objection therefore supposes, either that the State debts will be extinguished, in which case there is only a temporary security against a perpetual danger, or that they will be kept perpetually in being to secure the States against it.

The objection plainly leads to this conclusion—If it is improper and unsafe for Congress to exercise this power, then the constitution is wrong, and it ought to have been vested in the States. The power of providing for war necessarily draws after it the right of declaring it, and the whole power of the sword. The people of this country will know that this power vested in more than one body might soon be turned against themselves. There would be neither constitution nor union in that case. But we are to administer the government according to the frame of it. The real check against the abuse and the security for the being of both national and State governments is the knowledge of the people. The assumption will not render the constitution obscure, nor strengthen the right of this government to raise armies which is already given, nor will it make the State governments obnoxious, but rather the reverse, as it will throw upon the United States the odium of levying taxes. Besides, as soon as the accounts shall be settled, this danger will occur. The objection applies equally against the liquidation of the accounts.

Let us however take the argument simply as it is stated, it proves too much. For if so much power follows the assumption as the objection implies, it is time to ask is it safe to forbear assuming? If the power is so dangerous, it will be so when exercised by the States. If the assuming tends to consolidation, is the reverse, tending to disunion, a less weighty objection? If I am answered that the non-assumption will not necessarily tend to disunion, I reply, neither does the assumption necessarily tend to consolidation. An unreasonable clashing of jurisdictions cannot be friendly to the present frame of our republics.

We are told that the accounts are in a train of being settled. We are advised to wait that event. But in the mean time what is to become of the state creditors; most of the states claim balances, will they provide for their creditors, while they expect to receive those balances? Will their citizens submit to taxes cheerfully, while this expectation lasts? The value of the debts would be fluctuating. If this settlement should be long delayed, their value would sink to a mere trifle, suppose that by assuming we bring the states, or some of them, into debt to the union, by not assuming the union is certainly in debt to the states. Is it more wise or just to be debtors than creditors? But if the states are to have credit for what they have done and paid, and to be charged with what they have received from the United States, most of the states will be creditors, and as the war was a common charge, and ought to have been entirely supported by the union, the debts of the states are debts which they ought never to have incurred, and therefore, the assumption restores things to their just foundation.

It is said leave the states to pay their own debts; are they to do it by direct taxes? It is well known that in estimating the product of taxation, as much depends on the mode of imposing and collecting as on the wealth of the persons taxed. Perhaps direct assessments are, of all taxes the most unproductive and uncertain. They are besides arbitrary and burdensome: Will any single fund especially such as I have just mentioned be sufficient? Or if it should, would it not banish the husbandman from some of the states? Independence is a common acquisition, and ought to be enjoyed upon equal terms. But to some it will prove ruinous, while others living in another state, and divided by an imaginary line will enjoy their lands almost tax free.

Or shall the states fund the debt on excises? Have the states a right to excise imported articles? Without deciding that question, it is not supposed that they have the power of regulating the importation of goods. The checks upon the dealers in dutied goods of consequence will be imperfect. Neither have they a right to prevent the transit of goods through a state. The extent of frontier is another impediment to state excises. Massachusetts has a frontier line to watch of many hundred miles, and it will not be possible to prevent the introduction of goods charged with less duties, or not dutied at all, from the neighboring States. If a State excise law should militate against the law of the union, both cannot operate—perhaps neither. The right of the States to collect excises, if such right exists, is deduced from the silence of the constitution—The right of Congress is expressed in positive terms—If then the right of laying excises by the States either does not exist, or exists under several limitations and disadvantages then the provision which they can make for their debt becomes proportionally inadequate and precarious. The burden is equally borne, and under the wisest and most efficacious system of revenue, is supposed to be heavy enough. How then shall it be endured, if borne unequally and under such inconveniences?

If it is urged that the United States cannot provide for the State debts, I answer the States are still less able.

But with debts you take funds—and even on pecuniary calculation the public will gain.—Not assuming is paying twice over. For the people of a State will be unequally burdened to pay their debt, and then as citizens of the United States will be liable to be taxed to make retribution.

But how is this retribution to be made? Taxes must be uniform—you cannot therefore make a requisition upon the debtor States—you cannot sue for the debt in the federal court—for the money is due to the creditor States, and not to the United States; will you wage war to enforce payment? The balances must be paid by the United States—if Virginia is found to be a creditor, the union must pay it by taxing the citizens of all the States.—The arguments urged against the assumption apply with equal force to the non-assumption.

The same answer will be equally proper to be given to those who object—that it will operate unjustly against the States which have advanced beyond their proportion, and now will have to bear a part of the debt of the other States, some of whom are debtors.

The States are either creditors or debtors.—If creditors, the assumption is a prompt payment of that amount of their claims—if debtors, the charge of inequality is absurd even in terms.—The debt is to be paid or it is not—if not, the debate is improper; if it is to be paid, then equally or unequally. If the latter, abandon the plea of justice—if the former, then apportion it; if the debt was actually divided among the States according to their quotas, the assumption would be unexceptionable—because it is manifest that the burden could be more conveniently borne by the people under one system—If it is unequally divided, why should the people be crushed by the inequality of the burden?

Congress have already agreed to pay the balances which may be found due to the States. This is virtually an assumption—why should we forbear to do that in the first instance which we are ultimately bound to do?

WEDNESDAY, MARCH 17.

Reports from the Secretary at War, and the Secretary of the Treasury were read, on sundry petitions.

The ratification of the State of Pennsylvania of the 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 articles of amendments proposed by Congress to the Constitution was read.

In Committee of the whole on the report of the select committee, to whom was referred the memorials of the people called Quakers, on the subject of the Slave Trade.

The question of order was put, when it was determined that Mr. Tucker's last amendment was not in order.

The report was then taken up by paragraphs. The first proposition being read Mr. White moved that it be struck out. He did this he said, because he was against entering into a consideration at this time of the powers of Congress, he thought it would be time enough for this when the powers are called in question. He then read the next, which he said was entirely unnecessary as it contains nothing more than what is contained in express terms in the constitution.

He passed on to the 3d, which he said was equally unnecessary; and so to the 4th, which was provided for by the constitution. He said that he should agree to the 5th, and 6th, with certain modifications. Agreeable to this idea he offered those two in a different form. He disagreed to the 7th proposition, as unnecessary and improper. He concluded by observing, that his wish was to promote the happiness of all mankind—and among the rest those who are the objects of present consideration—but this he wished to do in conformity to the principles of justice and with a due regard to the peace and happiness of others; he would contribute all in his power to their comfort and well being while in a state of slavery; but he was fully of opinion that Congress has no right to interfere in the business, any further than he proposed by the two propositions as modified. He did not however anticipate the difficulties from a total prohibition which some gentlemen seem to apprehend—and if Congress had it in their power to interdict this business at the present moment, he did not think the essential interests of the Southern States would suffer. Twenty years ago, he supposed the idea he now suggested, would have caused universal alarm. Virginia however about twelve years since, prohibited the importation of negroes from Africa, and the consequences apprehended never were realized; on the contrary the agriculture of that State was never in a more flourishing situation.

Mr. Hartley.—I have the honor to be one of the committee on the memorials, and will with the leave of this committee mention some particulars which took place in the course of the investigation of the business; he premised that he was sorry that the question of right had been brought forward yesterday—and was not a little surprised to hear the cause of slavery advocated in that House, and language held towards the petitioners, which his experience he said, had never shown to be parliamentary—he read some memorandums taken in committee, and had particular reference to a law passed in Grenada which he applauded for its humanity, and truly benevolent spirit.

He reprobated the illiberal treatment which the memorialists had received, and asserted that they were friends to the constitution, and that on the present occasion they came forward from the most laudable motives, from a wish to promote the happiness of mankind, that their conduct so far from meriting censure, deserved, and would receive the applause of the civilized world.

Mr. Brown in a considerable speech advocated the motion of Mr. White, he enlarged on the pernicious consequences that may be expected to flow from the interference of Congress; he pointed out the effects which had resulted from the interposition of the Quakers, by which the prospects of the Southern States in slaves had been rendered very precarious—and if Congress should adopt the report as it is, the consequences will be pernicious in the highest degree. The negro property will be annihilated. The emancipation of slaves will be effected in time, it ought to be a gradual business—but he hoped that Congress would not, to gratify people who never had been friendly to the independence of America, precipitate the business to the great injury of the Southern States.

Mr. Burke entered into a very extensive consideration of the subject; he gave an account of the humane treatment which the slaves of the Southern States received, their habitations, families, children, privileges, &c. He then shewed that their emancipation would tend to make them wretched in the highest degree—he alluded to with great freedom on the past and present conduct of the Quakers—he denied that they were the friends of freedom—he said that during the late war, they were for bringing this country under a foreign yoke, they descended to the characters of spies—they supplied the enemy with provisions, they were guides and conductors to their armies—and whenever the American army came into their neighborhood they formed themselves in an enemy's country. Mr. Burke was proceeding in this strain when he was interrupted by its being said he was not in order; a warm altercation ensued, and in the midst of it, a motion was made that the committee should rise: this motion was negatived, and Mr. Burke added a few more observations on the injustice of the measure of interference, as it respected the property of the Southern States.

Mr. Smith (S. C.) followed Mr. Burke in a speech or essay, in defence of the slave trade of nearly two hours length—the committee rose without a decision.

THURSDAY, MARCH 18.

Sundry memorials and petitions were read and referred—The report of the committee on the memorials respecting the slave trade being the order of the day,

Mr. Benson after premising that any further discussion of the subject in the line it was now in, would be a useless expence of time—moved that the committee of the whole should be discharged from any further attention to the report—and that the memorials be again referred to a select committee—he offered a variety of reasons on which he founded this motion. This was seconded by Mr. Baldwin who at the same time entered into a lengthy discussion of the subject—Mr. Baldwin was followed by many other gentlemen which gave the business a totally different direction from what appeared to be the object of the motion.

The question being taken, Mr. Benson's motion was lost—the House then went into a committee of the whole, on the report—the debate was continued with ardor—and the speakers on both sides were numerous; several alterations in the report were agreed to—but the committee rose without finishing the business, and the House adjourned.

FRIDAY, MARCH 19.

Hon. Hugh Williamson, member from the State of North-Carolina, appeared, was qualified, and took his seat this day.

A message was received from the Senate, with two bills which they have passed with amendments, viz. An act to provide for the remission or mitigation of fines, forfeitures and penalties in certain cases—and an act to establish a uniform rule of naturalization.

Sundry reports from the heads of departments, on memorials and petitions were read.

On motion of Mr. Sherman, the report of the committee on the memorial of Robert Morris, Esq. was read the second time—the report respecting the settlement of his accounts, only.

Mr. Sherman moved that a committee of five members be appointed, to enquire into the receipts and expenditures of public monies during the administration of Robert Morris, Esq. late superintendent of finance—and to report to the House a state of the accounts respecting the same.—This motion after some debate was agreed to—and Mr. Sherman, Mr. Madison, Mr. Lawrance, Mr. Sedgwick, and Mr. Smith (S. C.) appointed.

In committee of the whole, the report of the committee on the slave trade under consideration. The fourth proposition respecting a duty of ten dollars on slaves imported, being read, it was moved that it be struck out, which motion after much debate was adopted. Several modifications of the fifth proposition were offered, but the following in substance offered by Mr. Madison was agreed to, viz. Congress have authority to restrain the citizens of the United States who are concerned in the African trade, from supplying Foreigners with slaves; and to provide for their humane treatment, while on their passages to the United States.

The committee then rose, and the House adjourned till Monday next.

The ADDRESS of the INTENDANT and WARDENS of the City of CHARLESTON, South-Carolina.

To GEORGE WASHINGTON, President of the United States.

THOUGH among the latest, yet not among the least zealous of the citizens of America, we take the liberty to intrude for a moment on your time, which is so precious to the people over whom you preside, to offer our congratulations on your unanimous appointment to the most honorable station amongst men, the first magistracy of the freest people on the earth.

United with our Eastern and Northern brethren in our ardent attachment to the principles of a free government, equally remote from tyranny and anarchy, we rejoice with them, that you have been prevailed upon by the voice of your country to relinquish your private walks of domestic life, for the toils of an untried government, where your wisdom, moderation, and firmness would be requisite to the discharge of its various and intricate duties. With grateful hearts, we add this to the catalogue of eminent sacrifices and services, by which you have so compleatly endeared yourself to the people of America.

As magistrates of a commercial city deeply interested in the measures of the federal government, we feel peculiar pleasure in finding it introduced into action under the auspices of an administration every way qualified to correct those errors, or supply those defects, which are alleged by its enemies, or apprehended by its friends: And as in its first operations, it will receive from you a tone correspondent to the spirit in which it was framed, we felicitate ourselves in the happy omens of a firm government acting by wholesome laws through the medium of a mild and equal administration.

Possessing the fullest confidence that our distance from the seat of government will not deprive us of any of its essential benefits, we beg leave to tender you our assurances of a cheerful submission to, and active support of the constitution, and the laws which may be framed in conformity thereto by the wisdom of Congress.

We cherish the confidence from whence spring these assurances, because we remember that we were not neglected or deserted during the late glorious struggle for independency, but were substantially aided by the policy of your counsels, the wisdom of your appointments, and the vigor of the exertions of our northern friends who shared and lessened our severest toils.

It is our earnest prayer to the Almighty ruler of the universe, that he will take you into his holy keeping, and suffer no incident to arise which may disturb the felicity of your private life; and that he will make your public administration honorable to yourself, and happy to the people who have so unanimously confided themselves to your care.

THOMAS JONES, Intendant of the city of Charleston, by desire of, and for the whole.

City-Council, Charleston, (S. C.) 18th Feb. 1790. To the Intendant and Wardens of the City of Charleston, South-Carolina.

GENTLEMEN, I RECEIVE your congratulations, on my unanimous appointment to the first magistracy of a free people, with that grateful sensibility which is due to the occasion, and which your flattering expressions of regard could not fail to awaken. Persuaded that the candor of my countrymen will do justice to the rectitude of my intentions, I am happy under the assurance, that their active support of the constitution, and disposition to maintain the dignity of our free and equal government, will ensure facility and success to the administration of its laws, and, if the result of my anxious endeavors, in some measure, to justify the two partial sentiments of my fellow-citizens, should, in any degree, approach to the wish which I entertain for their happiness, I shall not regret the domestic enjoyment and personal repose, which may have been yielded to this superior consideration.

As magistrates of a commercial city, deeply interested in the measures of the federal government, you must have beheld, with satisfaction, the equal and salutary influence of its regulations on the trade of America. As citizens of a State, whose sufferings and services possess a distinguished rank in the history of our revolution, you must rejoice in the completion of our toils, and the reward which awaits them—and as members of the great family of the union, connected by the closest ties of interest and endearment, the confidence which you justly cherish of sharing in all the benefits of the national compact, must be strengthened by the experience already received of the justice, wisdom, and prudence of its measures, a candid review of which will establish a conviction of liberal policy, and justify the most favorable anticipation of future advantage. I desire to assure you, gentlemen, of my gratitude for the tender interest you are pleased to take in my personal felicity, and I intreat the Almighty ruler of the universe, to crown your wishes with deserved prosperity.

G. WASHINGTON.

The Address of the State of Georgia in our next.