

Capt John Rogers

Gazette of the United States.

PUBLISHED WEDNESDAYS AND SATURDAYS BY JOHN FENNO, No. 41, BROAD-STREET, NEAR THE EXCHANGE, NEW-YORK.

[No. 8, of Vol. II.]

SATURDAY, MAY 8, 1790.

[WHOLE No. 112.]



By Authority.

CONGRESS OF THE UNITED STATES:
AT THE SECOND SESSION,

Begun and held at the city of New York, on Monday the fourth of January, one thousand seven hundred and ninety.

An ACT for regulating the Military Establishment of the United States.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioned officers herein after mentioned, and the number of one thousand two hundred and sixteen non-commissioned officers, privates and musicians, shall be raised for the service of the United States, for the period of three years, unless they should previously by law be discharged.

And be it further enacted, That the non-commissioned officers and privates aforesaid, shall, at the time of their enlistments respectively, be able bodied men, not under five feet six inches in height without shoes, nor under the age of eighteen, nor above the age of forty-six years.

And be it further enacted, That the commissioned officers herein after mentioned, and the said non-commissioned officers, privates and musicians, shall be formed into one regiment of infantry, to consist of three battalions, and one battalion of artillery. The regiment of infantry to be composed of one Lieutenant Colonel Commandant, three Majors, three Adjutants, three Quarter Masters, one Paymaster, one Surgeon, two Surgeon's Mates, and twelve companies, each of which will consist of one Captain, one Lieutenant, one Ensign, four Sergeants, four Corporals, sixty-six privates and two Musicians. The battalion of Artillery shall be composed of one Major Commandant, one Adjutant, one Quarter Master, one Pay Master, one Surgeon's Mate, and four companies, each of which shall consist of one Captain, two Lieutenants, four Sergeants, four Corporals, sixty six privates and two Musicians. Provided always, that the Adjutants, Quarter Masters, and Pay Masters shall be appointed from the line of subalterns of the aforesaid corps respectively.

And be it further enacted, That the President of the United States may from time to time appoint one or two Inspectors, as to him shall seem meet, to inspect the said troops, who shall also muster the same, and each of whom shall receive the like pay and subsistence as a Captain, and be allowed ten dollars per month for forage.

And be it further enacted, That the troops aforesaid shall receive for their services, the following enumerated monthly rates of pay, Lieutenant Colonel Commandant, sixty dollars: Major Commandant of Artillery, forty five dollars: Majors, forty dollars: Captains thirty dollars: Lieutenants, twenty two dollars: Ensigns, eighteen dollars: Surgeons, thirty dollars: Surgeon's Mates, twenty four dollars: Sergeants, five dollar: Corporals, four dollars: Privates three dollars: senior Musician, in each battalion of infantry, and in the battalion of artillery, five dollars: Musicians, three dollars. Provided always, that the sums here in after specified shall be deducted from the pay of the non-commissioned officers, privates and musicians, stipulated as aforesaid, for the purposes of forming a fund for clothing and hospital stores. From the monthly pay of each Sergeant and senior Musician, there shall be deducted for uniform clothing, the sum of one dollar and forty cents, and the farther sum of ten cents for hospital stores; and from the monthly pay of each Corporal, for uniform clothing, one dollar and fifteen cents, and the farther sum of ten cents for hospital stores; and from the monthly pay of each Private and Musician, for uniform clothing, the sum of ninety cents, and the farther sum of ten cents for hospital stores.

And be it further enacted, That the subalterns who may be appointed to act as adjutants, shall each receive for the same, in addition to their regimental pay, ten dollars per month, and quarter and pay-masters to appointed each five dollars per month.

And be it further enacted, That the commissioned officers aforesaid shall receive for their daily subsistence, the following number of rations of provisions, to wit, lieutenant-colonel commandant, six; a major, four; a captain three; a lieutenant, two; an ensign, two; a surgeon, three; a surgeon's mate, two, or money in lieu thereof, at the option of the said officers, at the contract price at the posts respectively where the rations shall become due.

And be it further enacted, That the commissioned officers herein after described shall receive monthly the following enumerated sums, instead of forage: Lieutenant Colonels Commandant twelve dollars: major commandant of artillery, majors and surgeon each ten dollars, surgeon's-mates each six dollars.

And be it further enacted, That every non-commissioned officer private and musician, aforesaid shall receive annually the following articles of uniform clothing: one hat or helmet, one coat, one vest, two pair of woolen, and two pair of linen overalls, four pair of shoes, four shirts, two pair of socks, one blanket, one stock and clasp, and one pair of buckles.

And be it further enacted, That every non-commissioned officer, private and musician aforesaid shall receive daily the following rations of provisions, or the value thereof: One pound of beef or three quarters of a pound of pork, one pound of bread or flour, half a gill of rum, or brandy, or whiskey, or the value thereof at the contract price where the same shall become due, and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap and one pound of candles to every hundred rations.

And be it further enacted, That if any commissioned officer, non-commissioned, private or musician aforesaid, shall be wounded or disabled while in the line of his duty in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations as shall be directed by the President of the United States for the time being: Provided always, That the rate of compensation for such wounds or disabilities, shall never exceed for the highest disability, half the monthly pay received by any commissioned officer, at the time of being so wounded or disabled; and that the rate of compensation to non-commissioned officers privates and musicians, shall never exceed

five dollars per month: And provided also, That all inferior disabilities shall intitle the persons so disabled to receive only a sum in proportion to the highest disability.

And be it further enacted, That every commissioned officer, non-commissioned officer, private and musician aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A. B. do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me, according to the laws and customs of war."

And be it further enacted, That the commissioned officers, non-commissioned officers, privates and musicians aforesaid, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, as far as the same may be applicable to the Constitution of the United States, or by such rules and articles as may hereafter by law be established.

And be it further enacted, That the "Act for recognizing and adapting to the Constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned," passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine, be, and the same is hereby repealed.

Provided always, That the non-commissioned officers and privates continued and engaged under the aforesaid act of the twenty-ninth day of September, one thousand, seven hundred and eighty-nine, and who shall decline to re-enlist under the establishment made by this act, shall be discharged whenever the President of the United States shall direct the same. Provided further, That the whole number of non-commissioned officers, privates and musicians, in the service of the United States at any one time, either by virtue of this act, or by virtue of the aforesaid act, passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine, shall not exceed the number of one thousand two hundred and sixteen.

And be it further enacted, That for the purpose of aiding the troops now in service, or to be raised by this act, in protecting the inhabitants of the frontiers of the United States, the President is hereby authorized to call into service from time to time such part of the militia of the States respectively, as he may judge necessary for the purposes aforesaid; and that their pay and subsistence while in service, be the same as the pay and subsistence of the troops above-mentioned, and they shall be subject to the rules and articles of war.

FREDERICK AUGUSTUS MÜHLENBERG,
Speaker of the House of Representatives.
JOHN ADAMS, Vice-President of the United States.
and President of the Senate.

APPROVED, APRIL THE THIRTIETH 1790.
GEORGE WASHINGTON, President of the United States.
(TRUE COPY)

THOMAS JEFFERSON, Secretary of State.

CONGRESS.

HOUSE OF REPRESENTATIVES.

THURSDAY, APRIL 1, 1790.

The proposition for assuming the State debts under consideration.

MR. HARTLEY. I am, as at present informed, for the assumption, but under certain terms, or distinctions; and in this stage of the business I wish to explain myself in a few words.

The thirteen colonies (now states) united in a common defence, and afterwards declared themselves independent and sovereign states. Quotas were fixed for each state, by different resolutions of Congress, and which they ought to have paid: but when, from the seats of war, one or more states may have been obliged to expend more than such quotas in the common cause, certainly the other states became debtors for so much.

The war was carried on very unequally, raging with more violence in some parts of the United States than in others; and of course some states may have experienced more misery and distress than others, and have been forced to greater exertions. South-Carolina has some merit: She has incurred a large debt. The inhabitants of Pennsylvania have been taxed deep, for many years, to sink her share of the national debt: Nay, the exertions of that state, in the two last years of the war, were so great as to furnish the most efficient means for the support of it. Her citizens have been since distressed with taxes: I wish, if possible, to give them relief.

Quotas, as I have said, were fixed upon the several states. Those quotas, which were perhaps as just as any that could be devised, should be regarded; and, where the requisitions were not complied with, the delinquent states are debtors and would be charged. The accounts should be balanced, and due credit be given to the creditor states; and a plan such as offered by the Secretary in his first report, or some other one, might be adopted to discharge them gradually.

I think it prudent and political that both sorts of debts should be assumed, they being contracted in the common cause.

Sir, I said I was for the assumption, but in the mode of payment I am for distinctions. The debts of the United States, and for which certificates were given, are debts in strict contract: the debts of the several states are equitable claims, or, I will say, just claims, but in sound policy should be placed in a second degree.

In the administration of property, according to the English law, distinctions are often made

in the payment of debts of different kinds: those of strict contract are preferred to those of an inferior sort, and if there is a deficiency of effects the loss falls upon the last. I trust there will be no deficiency here; but let us, for a moment, suppose the worst. And I would observe here, that for the first we have complete means in our power; for the other, we have the rising greatness of America, and perhaps sufficient resources, but which would perhaps be imprudent or oppressive to call them forth at present.

I am for the assumption; I am for a complete provision in the former, and for taking reasonable steps for the gradual discharge of the latter.

I shall, however, object to some articles adopted in the committee, as well as to several articles of means pointed out in both reports, as they strongly operate against the manufactures and interests of the several states, and are contrary to the genius of the people.

Mr. JACKSON said it was granted that it was intended there should be a general treasury, and that the charges for the common defence should be defrayed therefrom. He likewise granted that those charges of the particular states, which had been so incurred, were on an equality with the debts of the Continent; but many of the state charges were not of that nature, and where they were he thought the gentleman from North Carolina (Mr. Williamson) had proved to the House yesterday that they had been transferred. It was a fact that the individual states had assumed them and made them their own. Many of the states had provided for them, and in those provisions had sunk part of those debts.

Some gentlemen had advanced that there was no difference in the debt, and that it would not be exaggerated by the assumption proposed. He begged leave to differ from them, and to suppose, that an accumulation would take place. If the debt is assumed he believed if it was contemplated to suffer the unliquidated accounts to be brought to a settlement; this has been declared by the gentleman from Massachusetts (Mr. Sedgwick) who has spoken so strenuously in favor of the measure. Can this house be partial and say that we will give this privilege to Massachusetts, and not to Georgia? At present the limitation to claims in several of the states is expired, and the citizens are contented: But if this assumption takes place, and the door is again opened, is it not the duty of those citizens, who are to be saddled with those debts, to bring forward their claims; and is it not the interests of the respective states to support them? It will become just and necessary to have all those dormant claims liquidated.

It has been said by several gentlemen, that it will be more in the power of Congress to compel a regularity of taxes, and to remove the inconveniences of individual states. He agreed as to the power, Congress could lay a direct or other tax as the pleased, but the inconveniences would be much greater than if laid by the individual states. To some states an excise would be agreeable; to other states, not in the habit of excise, it would be the most disagreeable tax. It will be so in the southern states, whilst in the northern and eastern states it might be preferred. Some states are in the habit of poll taxes, which are odious in many others, and we find by the eastern papers that direct taxes would be much complained of there. Some of those papers congratulate the farmers that they will have no direct tax to pay. Had not the individual states then better be answerable for, and pay those debts? Cannot they lay a tax on excise where excise is agreeable—a poll tax where that is the custom—and direct taxes where they have been habitual. The direct tax, I will venture to affirm, would be preferred to the Southward. If Congress take this business on themselves, they cannot do this: The tax must be uniform, and of one nature. A general plan must be taken up, which will be unequal and oppressive.

An inference was drawn yesterday on a man in private life, who would not pay part of his debts, because he knew not the amount of the whole of his debts. He would ask what would be said in private life of a man who, to keep his neighbor in subjection, would monopolize his debts. This appeared to him to be similar to the present case. Many of the states were averse to Congress taking up their debts, and if those states (for there is no knowing at present whether they are debtors or creditors) should fall in arrears, they certainly will be at the mercy of the union. He believed the case he had stated would be generally censured as deviating from principles which were right in private life. He knew no difference why it should not be so in public life. Here the house were tampering with the citizens, and debts they had nothing to do with, becoming assignees of the state creditors, and there was no knowing what the union might do at a future day.

It has been advanced on the subject of impost, that consumption depended on numbers: This he did not agree to. The consumption, as it struck his mind, depended on habit. Thus for instance, the Northern states, although possessed of greater numbers, consumed less than the Southern, because they were in the habit of their own manufactures. The Southern states had no manufactures, and consumed chiefly foreign articles.

The consumption cannot be judged of by the importation at any particular port, as Philadelphia or New York; for in those parts a great proportion of foreign articles is again shipped for other ports; and some of the southern ports are almost supplied in this manner. However vast then the revenue which some States are supposed to contribute, that revenue is paid by the consuming States; impost will then bear harder on the southern States than direct taxes.

But, sir, suppose, as the gentlemen express themselves, there will be no accumulation, let us examine how it is proposed we shall provide for this assumption. Salt is one article from which this revenue is to be drawn. This, sir, has been complained of by many of the gentlemen who have spoke in favor of the assumption, and will be very ill relished by many of the States. Another article of revenue has been declared of little value by the gentleman from North-Carolina; and although he has been answered by the gentleman from South-Carolina, yet there appears no certainty. The gentleman from South-Carolina, if the gentleman from North-Carolina has erred, has exaggerated too much the other way. Another principal article of revenue is that of manufactured tobacco, and by which the Secretary proposes to draw a large amount of dollars. But, sir, if we look to the petition on the table, from the manufacturers of that article, I think that they clearly prove we may not expect a shilling from it. I have the highest respect for the Secretary's abilities; but when the opinions of those who carry on this manufacture, and ought to know, are placed in competition, I must confess I am led to give my sanction to the latter. Those, however, are the funds the Secretary has provided for this assumption; and I am led to believe all the