

Direct your attention also to the conduct of the national officers—and let not any corruptions, frauds, extortions, or criminal negligences, with which you may find any of them justly chargeable, pass unnoticed. In a word, Gentlemen, Your province and your duty extend (as has been before observed) to the enquiry and prevention of all offences of every kind committed against the United States in this district, or on the high seas by persons in it. If in the performance of your duty, you should meet with difficulties, the court will be ready to afford you proper assistance.

It cannot be too strongly impressed on the minds of us all, how greatly our individual prosperity depends on our national prosperity; and how greatly our national prosperity depends on a well organized, vigorous government, ruling by wise and equal laws, faithfully executed, nor is such a government unfriendly to liberty—to that liberty which is really inestimable. On the contrary, nothing but a strong government of laws, irresistibly bearing down arbitrary power and licentiousness, can defend it against those two formidable enemies. Let it be remembered, that civil liberty consists, not in a right to every man to do just what he pleases—but it consists in an equal right to all the citizens to have, enjoy, and to do in peace, security, and without molestation, whatever the equal and constitutional laws of the country admit, to be consistent with the public good. It is the duty and the interest, therefore, of all good citizens, in their several stations to support the laws and government, which thus protect their rights and liberties. I am persuaded, Gentlemen, that you will cheerfully and faithfully perform the task now assigned you: and I forbear, by additional remarks, to detain you longer from it.

[To the foregoing Charge, the following REPLY was made by the Grand-Jury, for the Massachusetts District.]

MAY IT PLEASE YOUR HONOURS,
THE very excellent charge given to the Grand-Jury of this district, by his Honor the chief Judge of the Federal court, demands our thanks, and particular attention: And that it may be more influential, and impress the minds of our fellow citizens at large, we beg leave to ask a copy of it for the press.

Your Honours may be assured, we shall in our several departments, when dismissed, exert our influence to promote peace, good order, and a strict regard to the laws of the United States, agreeably to the constitution so lately adopted; and we trust the judicial department will ever be filled, as it now is with gentlemen of the first characters for learning, integrity and ability.

We wish your Honours the divine presence in all your circuits, and that you may be guarded by a good providence.
BENJAMIN AUSTIN, Foreman.

May 4, 1790.

The Supreme Court of the United States for the Eastern Circuit, was held in the District of New-York, on the 4th—of Connecticut on the 22d days of April—of Massachusetts on the 4th, and of New Hampshire on the 20th days of May last.

THE TABLET.—No. CXXIII.

“The best institutions may appear imperfect, while the people are so, among whom they are established.”

(Continuation and conclusion of the arguments in support of the position, that the universal diffusion of literature must precede and prepare the way for the universal prevalence of religion.)

THERE may be an objection brought against the principles of this discussion. It may be suggested, and I am willing to concede to the truth of it, that in nations arrived to the greatest degree of refinement in learning, every species of vice and immorality has been carried to the greatest degree of excess. To obviate this objection it must be considered, that these vices proceed from causes totally alien from literary improvements. The corruption of learning, of manners and religion, are a necessary stage in the progress of nations, and inseparable from humanity. Literary improvements flourish most in the period immediately subsequent to the civilization of a kingdom, and their declension always precedes its destruction. These stages are essential to every thing capable of progression. In the vegetable world we see plants spring from the earth, grow to maturity, and decay. Our bodies exhibit the tenderness of infancy, the vigor of manhood—then the feebleness and deformity of age. Our intellectual faculties pass through stages precisely corresponding to those of the body; and we may as well impute the decays of old age to the enlargement of our intellectual powers, as to ascribe national decays of religion to improvements in literature. These stages are in a peculiar manner incident to nations. And as the growth of the body must, in some measure, precede the improvement of the mind; so the introduction of literature into a nation must, in some measure, precede the reception of religion. Then both flourish in their purity and are corrupted together. Literature, like the body, ceases to exist; religion like the intellectual faculties is extended to immortality. The objection therefore amounts to no more than this: that it is impossible to give a perfect religion to imperfect creatures; that is, one sufficient, without miraculous interposition, to restrain their vicious inclinations; or to express it in other words, that it is impossible to give perfection to the moral character of a race of beings, who are imperfect in all other respects.

When therefore we reflect that religion is cultivated most in a state of mediocrity, equally removed from opulence and indigence, every rational mind must be convinced not only of the futility of the objection just mentioned, but that religion, as well as civil liberty, flourishes best in a land of knowledge.

This enumeration of historical facts, and the observations we have made, may be comprised in the following concise deductions.—That mankind in the savage state are incapable of entertaining any just notions of an infinite invisible Deity, or of understanding the fundamental principles of christianity; that of course it is naturally impossible they should believe, much less practise its precepts; that this dispensation was first published and propagated among the most learned nations on earth, the Greeks and Romans; that wherever it has been preached among savages, it has been immediately buried in ignorance, or blended with idolatry; that wherever it has been established, it has been preceded by the introduction of literature or supported and promoted by progressive civilization; that at present it exists only in nations where learning is more or less encouraged; that a corruption of literature, of manners and of religion are essential to humanity and inseparable companions. From these principles, which we find established by the invariable experience of the whole human race, we conclude with all possible certainty, that so glorious an event as the universal prevalence of religion must be preceded by the universal diffusion of literature.

CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, MAY 17.

IN the bill for extending the Judiciary laws to the state of N. Carolina, a clause was inserted by which the District Court of the State of N. Hampshire was to have been held only at Portsmouth, instead of Portsmouth and Exeter alternately as in the act passed last session. This clause was amended in the House by inserting “Exeter”: The Senate disagreed to this amendment—a conference was held, and the joint committee proposed that the House should recede from their disagreement. This was moved in the House accordingly—and the motion supported by Mr. Livermore, and opposed by Mr. Gilman and Mr. Foster.

Mr. Gilman called for the reading of the report of the select committee on the Memorial from Portsmouth—which being read, Mr. Livermore observed, that he had no doubt the facts stated in this report were true, and that a ship of two or three hundred tons had been at Exeter; but he was instructed to say, that the ship was only built there; that she was towed down the river light, without masts, or loading of any kind, hauled by ropes over mud, and flaid down to Portsmouth, and has never been at Exeter since, and will never go there again. That Exeter never was or can be a place of greater maritime trade than several other places in the State, at which it never was contemplated to hold any Court, there being but 3 or 4 feet water in the winding creek or river which leads to it. Courts have been invariably held at Portsmouth—The Maritime Court was always held there—it is indisputably the best place for the District Court, and I hope said Mr. Livermore it will never be held any where else.

Mr. Gilman replied to Mr. Livermore: He observed that there was a majority of the representation from New-Hampshire, in favor of adhering to the original arrangement: He thought some regard should be paid to their opinion—that a majority of the Legislature of that State, it was to be presumed, were also in favor of it. He further observed that he had no doubt his Hon. Colleague was instructed to say, what he did; but he beg'd leave to observe, that the gentleman's information was false respecting the depth of water in the navigation to Exeter—so far from this being a mere mud creek, there was from 8 to 10 feet water at high tide, and at spring tides 11 feet; and it is fact that vessels from 50 to 70 tons partly load there, and bring their cargoes to that place. The dispute is a mere scramble between two towns, and if Congress should agree to the alteration, other alterations will be found necessary, when the Excise law shall be passed—for in the neighborhood of Exeter more than three fourths of the whole Excise will be collected—and there are no places beside, in the vicinity, which can accommodate Courts, but Exeter. He wished therefore that the House would adhere to the original arrangement.

Mr. Thatcher hoped the House would not agree to the report of the joint committee, but would insist on their amendment. It seemed to be a party matter between the towns of Portsmouth and Exeter, and the former only has been heard before this house.—Some gentlemen from Portsmouth have come forward and prayed Congress to grant them a particular privilege, to the injury of Exeter. The fixing of Courts in a place is esteemed by the inhabitants thereof, a considerable privilege; but Exeter has not yet been heard—He therefore hoped this House would not agree to remove the Courts from Exeter to Portsmouth, till time enough has elapsed for the gentlemen in Exeter to come forward and state their reasons why the Courts should be continued as they now are. And this undoubtedly would be done by next session of Congress. No injustice can accrue to Portsmouth till that time. There will not be more than one or two sessions of the Court before Congress meets again. He could not help observing, that the Senate, in this case, had not acted with their usual stability, but seem to have attempted to change the place of holding the Courts in Hampshire without due consideration. They have attended to the prayer of the gentlemen from Portsmouth, and have not given the gentlemen of Exeter an opportunity of shewing why that prayer ought not to be granted. It is a fact that Portsmouth and Exeter are, in some respects, rivals—and this House ought not to favor one to the injury of the other. Portsmouth has many natural advantages for carrying on trade and commerce, while Exeter labors under every inconvenience, and therefore Congress will do well to extend to her everything that may promote and encourage her trade. The gentleman first up from N. Hampshire, (Mr. Livermore,) says, that he has been informed there is not more than 3 or 4 feet of water leading to Exeter; but another gentleman, from that State, (Mr. Gilman,) who has lived many years in Exeter, and been engaged in Commerce there, declares there is a depth of water of 8 or 10 feet leading to that town. It is to be presumed the latter gentleman is best acquainted with this fact, I therefore shall take it for granted the depth of water is much greater than has been represented by those who advocate the removal of the Court.

It has been said the petitioners are respectable merchants in Portsmouth—He doubted not but many of them were very respectable merchants—but he had reason to believe some of them were not in the mercantile line—It is said the maritime courts were never held Exeter; but during the war were established, by the Legislature of that state, at Portsmouth—the reason was because the maritime courts were then erected solely for the purpose of trying captures—and at that time there was but little, or no commerce carried on at Exeter, which if he had been rightly informed, is not the case now. If the law for establishing the district courts be inserted, it will appear, that in several instances, they are appointed to be held at places where they were never held before; he believed that was the case in the district of Maine—the court is now held twice a year for that district, at Wiscasset, which begins to be a flourishing place, though but a few years ago there might be no commerce there. This he took to be the case with Exeter.

It has been said the Gentlemen at Portsmouth are willing the circuit court should be held alternately at Portsmouth and Exeter, and he conceived there was the same reason why the district court should be held at Exeter also. He thought this reason would be much stronger when the excise laws were contemplated as a source of judicial business.

He said he had one observation to make on the method the Senate had taken to effect the removal of the court from Exeter. A clause is tucked in at the very close of a bill for establishing the judicial courts in the state of North Carolina—It is of great importance to have the courts established, as soon as possible, in that State, and without doubt the Senate presumed the House, under this impression, would consent to the clause respecting Exeter, rather than retard the passing of the more essential parts of the law. But he hoped the House would persist in their original amendment, and if at the next session it should appear necessary to remove the court from Exeter to Portsmouth, it will then be time enough to do it, and a law may pass for that purpose.

Mr. Sedgwick said that some observations had been thrown out against the Senate, which he did not conceive their conduct merited; and from the known candor of the gentlemen who had used them, he did not doubt that on mature reflection they would consider them in the same light that he did. The subject now before the House has been canvassed by a committee from both Houses; every member of which except one, was in favour of the report which had been made—they are gentlemen of undoubted integrity—they had the fullest opportunity of investigating the subject, a much better opportunity than the House can possibly have—and if the reports of such committees are not to be a rule to the House, their utility is destroyed. He had formerly been in favor of the court's being held at Exeter, as a majority of the members from that State had represented it as eligible; but since it has become a subject of dispute, and the matter has been carried to such lengths, and the result has been the report now read, he was in favour of receding.

Mr. Foster observed that the Gentleman from Massachusetts was mistaken, as there were two members of that committee against it—he added some observations which we did not hear.

The question for receding being put, was lost—and the house voted to adhere to their amendment.

MONDAY, JUNE 14, 1790.

The Committee to whom was re committed the bill for the relief of Nathaniel Twining, reported an amendment to said bill, which was, to strike out the first clause.—The bill as it now stands, provides only for a remission of the penalties incurred by said Twining for failures in his contract for transporting the mail.—The amend-

ment reported was agreed to, and the bill ordered to be engrossed for a third reading.

In Committee of the whole on the bill for repealing, after the last day of ——— the duties heretofore laid on spirits of foreign manufacture, and laying others in their stead.

Mr. Seney in the Chair.

The Committee proceeded in the discussion of the bill, and finished it.—They then rose, and the Chairman reported the same to the House, with sundry amendments.

Mr. Sedgwick made some objections to entering into a consideration of the amendments proposed to this bill.—He wished that the question of assumption should be first decided upon.

Mr. Sherman was in favor of finishing the bill at this time—He wished and expected that the assumption would be taken up, before the close of the session—and said, it may be made the subject of a separate bill.

Mr. Bloodworth offered several objections to the bill.

Mr. Madison was in favor of finishing it.

Mr. Fitzsimons observed, that the gentlemen who are for delaying the passage of this bill, do not explicitly object to the mode pointed out for raising the additional revenue.—They do not say, that if this plan is rejected, they will agree to substituting other objects of revenue—so that those who are in favor of providing the Ways and Means to carry into effect the funding system, are embarrassed how to proceed.—If the gentlemen will be explicit—and declare that if the proposed duties are not taken by the general government, they will point out, and agree to others, we shall know what to do—but at present, it is utterly impossible to determine, from their mode of procedure, what their object is.

Mr. Sedgwick replied to Mr. Fitzsimons. He said for his own part, he had always aimed to be open and explicit on this subject—and that he was now ready to declare, that on the principle of not assuming the State Debts, the duties contemplated by the bill would be impolitic and unjust—they will operate in a most inauspicious manner, both with respect to the creditors of the States, the tranquility of the State Governments, and the peace and honor of the general government—This had been he said the invariable tenor of his observations on this subject, from the first to the last.

Mr. Stone read a statement which he had prepared, containing several duties on Imposts and Tonnage, in addition to those already laid—and some new ones—which he supposed might be substituted, in lieu of the Excise proposed in the bill, to which he was opposed.

Mr. Gerry was opposed to proceeding in the consideration of the bill—He wished it might lie for a few days, till the House could possess themselves of the opinion of the Senate—whom, he had been informed, now had the subject of assumption under consideration.

Mr. Fitzsimons replied to Mr. Gerry. He tho't it a very extraordinary proposition, that the house should wait for the determination of the Senate upon any subject, more especially a question of this kind—besides he very much doubted the right of the Senate to originate any thing on the business of the assumption—but we are not to decide hastily, said he, because a majority may determine differently from what some gentlemen appear to wish should take place!

I would ask, said he, how this legislature is ever to go on with the important business before them, except they are to abide by the decision of the majority. Some gentlemen appear to be opposed to the principle of the bill—others are opposed to all duties except the State debts are assumed. Let us reflect on our situation, provided no provision is to be made for the domestic debt of the United States. He hoped the consideration of the bill would be delayed no longer.

Mr. Gerry replied to Mr. Fitzsimons; he contended that the Senate had a right to originate the business of the assumption, and that it had been customary for that house to wait for the decision of the Senate, when they had been informed that they were on a subject which the house had contemplated taking up; he declared that no man realized more than he did, the importance of funding the public debts—but then he wished the system to be commensurate to the object—to be impartial, liberal, and just.

On the question to take up the report of the Committee, Mr. Vining moved for the Ayes and Noes, which being called, are as follow:

AYES.

Messrs Ashe, Baldwin, Brown, Cadwallader, Clymer, Contee, Fitzsimons, Floyd, Foster, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Livermore, Madison, Matthews, Moore, Schureman, Seney, Sherman, Sinnickson, Smith (M.) Stone, Sumpter, Vining, White, Wynkoop, Williamson.—30.

NOES.

Messrs Ames, Bloodworth, Boudinot, Burke, Coles, Gerry, Goodhue, Grout, Huger, Lawrence, Leonard, Page, Partridge, Parker, Sedgwick, Ranfellaer, Sylvester, Smith (S. C.) Steele, Sturges, Thatcher, Trumbull, Tucker, Wadsworth.—24.