

Gazette of the United States.

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

[No. 20, of Vol. II.]

SATURDAY, JUNE 19, 1790.

[WHOLE NO. 124.]

THE TABLET.—No. CXXIV.

"A legislature oftener has occasion to guide the public opinion, than to be guided by it."

I HAVE observed that there is a general disposition in legislators to consult and follow what they call the public opinion. Whether this regard to the public voice proceeds from a wish to gain popularity, or from a real desire to promote the public welfare, is not material to the purpose of this essay. It must be presumed that legislators act with as much purity of intentions as other men, and that the tendency rather than the motives of their conduct should be made a subject of examination. The frequent reference to the public opinion, in legislative assemblies, seems to pre-suppose two things; one is, that the popular sentiment is fixed, and can be definitely ascertained; and the other, that it ought to be deemed proper and obligatory upon the legislature. Both these conclusions however should be adopted under some restrictions. As I have before touched upon this subject, in the 7th and 8th numbers of my speculations, I shall be the less diffuse on this occasion.

That the public opinion cannot be distinguished by unequivocal marks, may be inferred from its being quoted by persons, who, in the same debate, are advocating opposite sides of the question. It is certain both cannot be perfectly in the right; and yet neither seems able to prove that the other is absolutely in the wrong. From this circumstance, I conclude that the public opinion is often too indefinite to be admitted as a rule of conduct. If indeed we are to gather the public opinion by obtaining that of every individual in the community, it would be not only fluctuating, but contradictory. It would amount to nothing. Men, living in different districts of the community, or pursuing different occupations, cannot be supposed to have an exact similarity of opinions and feelings. Were the various classes of people to be respectively consulted, so far as to render their advice obligatory, they would recommend such a contrariety of measures, as would lead to confusion, and terminate in the dissolution of civil society. To avoid the perplexity of putting into operation such clashing views, a legislature is formed; whose duty it is to represent those various districts and occupations. Such a representative body should bring together all the interesting facts that relate to their constituents, and from an aggregate view of their circumstances, adopt such expedients as will equalize the advantages and burdens of government. In this manner the sharp points of local interests and wishes may be worn off, and a system of laws enacted, that will in the greatest degree embrace the general interest and convenience. The legislature therefore have only to consult the public welfare, and their laws will generally create a common consent in their favor, though there pre-existed no general sentiment relative to the affair; or even though there did pre-exist a general sentiment contrary to the tenor of such laws.

There is scarce an individual who ascends from a private into a public situation, but will find he had entertained ideas respecting legislation that were erroneous and partial. Most men will have the candor to confess, that their most pertinent opinions, in public matters, have been the result of experience. And however they were disposed to gratify the wishes, and promote the interest of every class of their constituents, they are still constrained to believe that the public good is a very different thing from the views and prejudices of individuals. There are some occasions where the public opinion will be steady and uniform, and where it must and will control the legislature. In my next number I will enter into some exemplification of the subject.

Extract from a late Proclamation of the Governor of Vermont, appointing a day of fasting and prayer.

THAT the Supreme Governor of the Universe would remove every obstacle out of the way of the reception of this State into the Federal Union—that he would bless the United States of America—succeed their councils at home, and negotiations abroad—preserve and strengthen their Union, bless their allies, and render the connection formed with them mutually beneficial—that he would grant wisdom and council to their legislative, executive, and judiciary departments, and that he would prolong and render eminently useful the life of the President of the United States of America.



LAWS OF THE UNITED STATES.
PUBLISHED

By Authority

CONGRESS OF THE UNITED STATES:

AT THE SECOND SESSION:

Began and held at the City of New-York, on Monday the fourth of January, one thousand seven hundred and ninety.

AN ACT for giving Effect to the several Acts therein mentioned, in respect to the State of Rhode-Island and Providence Plantations.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several and respective duties specified and laid in and by the act, intitled, "An act for laying a duty on goods, wares and merchandizes imported into the United States," and in and by the act, intitled, "An act imposing duties on tonnage," shall be paid and collected upon all goods, wares and merchandizes, which after the expiration of five days from the passing of this act, shall be imported into the State of Rhode-Island and Providence Plantations from any foreign port or place, and upon the tonnage of all ships and vessels which after the said day shall be entered within the said State of Rhode-Island and Providence Plantations, subject to the exceptions, qualifications, allowances and abatements in the said acts contained or expressed, which acts shall be deemed to have the like force and operation within the said State of Rhode-Island and Providence Plantations, as elsewhere within the United States.

And be it further enacted, That for the due collection of the said duties, there shall be in the said State of Rhode-Island and Providence Plantations, two districts, to wit, the district of Newport, and the district of Providence. The district of Newport shall comprehend all the waters, shores, bays, harbors, creeks and inlets, from the West line of the said State all along the sea-coast, and northward up the Narragansett Bay as far as the most easterly part of Kinnimicut point at high water mark; and shall include the several towns, harbors and landing places at Westerly, Charlestown, South-Kingstown, North-Kingstown, East-Greenwich, and all that part of the town of Warwick southward of the latitude of said Kinnimicut-point; and also the towns, harbors and landing places of Barrington, Warren, Bristol, Tiverton, Little-Compton, and all the towns, harbors and landing places of the island of Rhode-Island, Kinnimicut, Prudence, New-Shoreham, and every other island and place within the said State southward of the latitude of the said Kinnimicut-point. The district of Providence shall comprehend all the waters, shores, bays, harbors, creeks and inlets within the said State northward of the latitude of said Kinnimicut-point. The town of Newport shall be sole port of entry in the said district of Newport, and a collector, naval-officer and surveyor shall be appointed to reside at the said town of Newport; and North-Kingstown, East-Greenwich, Barrington, Warren, Bristol, and Pawcatuck river in Westerly, shall be ports of delivery only, and a surveyor shall be appointed to reside at each of the ports of North-Kingstown, East-Greenwich, Warren, Bristol and Pawcatuck river, and the surveyor to reside at Warren shall be surveyor for the port of Barrington. The town of Providence shall be the sole port of entry in the said district of Providence, and Patuxet in the same district shall be a port of delivery only; and a collector, naval-officer and surveyor shall be appointed to reside at Providence, and a surveyor shall be appointed to reside at Patuxet.

And be it further enacted, That all the regulations, provisions, exceptions, allowances, compensations, directions, authorities, penalties, forfeitures and other matters whatsoever contained or expressed in the act, intitled, "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandizes imported into the United States," and not locally inapplicable, shall have the like force and effect within the said State of Rhode-Island and Providence Plantations, for the collection of the said duties, as elsewhere within the United States, and as if the same were repeated and re-enacted in this present act. Provided always, and be it declared, That the thirty-ninth section of the said act, and the third section of an act, intitled, "An act to suspend part of an act, intitled, 'An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandizes imported into the United States, and for other purposes,'" did, by virtue of the adoption of the Constitution of the United States by the said State of Rhode-Island and Providence Plantations, cease to operate in respect to the same.

And be it further enacted, That the act intitled, "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," shall, after the expiration of five days from the passing of this act, have the like force and operation within the State of Rhode-Island and Providence Plantations, as elsewhere within the United States, and as if the several clauses thereof were repeated and re-enacted in this present act.

FREDERICK AUGUSTUS MÜHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States,

and President of the Senate.

APPROVED, JUNE THE FOURTEENTH, 1790.

GEORGE WASHINGTON, President of the United States.

(TRUE COPY)

THOMAS JEFFERSON, Secretary of State.

A N E C D O T E.

THE poor old Man who quitted his native hills, and from the summit of MOUNT JURA, undertook a journey to Versailles, to behold and return thanks to the National Assembly for the vote which had freed him and his poor countrymen from the feudal yoke, died lately at Paris, at the prodigious age of 121 years.

CONGRESS.

HOUSE OF REPRESENTATIVES.

TUESDAY, MAY 25.

Mr. GERRY's motion on the assumption of the State debts, which was inserted in this paper of the 26th, under consideration.

MR. SHYMAN.—The question now under consideration is, whether the State debts that have been contracted for the benefit of the Union shall be assumed by the United States. This is an essential part of the system reported by the Secretary of the Treasury for funding the National debt. The substance of the arguments in favor of the assumption are.

1. That the debts were contracted on behalf and for the benefit of the United States, and therefore justice requires that they should be assumed.

2. That some states have taken upon themselves greater sums than others, and beyond their just proportions or abilities to pay.

3. That the funds out of which these debts ought to be paid, are by the constitution put under the direction of the federal government, and this has been done by the authority of the people, since the debts were contracted, and for the express purpose of paying the debts of the United States, of which these are a part, and therefore ought to follow the funds.

4. That the imposts and excises, so far as excises may be necessary, can be best managed under one direction.

5. That equal justice ought to be done to all the creditors, but this cannot be done by the individual states, some of them being unable to make the necessary provision, they being burthened beyond their quota, and deprived of their former revenues.

6. That the measure is founded in good policy, as well as justice as it will promote harmony among the different classes of creditors, and among the several states, and attach them to the government, and facilitate its operations.

I shall now take notice of some of the principal objections.

1. It is said that the accounts of the several states with the United States ought to be settled. I agree that no payment ought to be made to the states until their accounts are settled. But that ought not to effect the rights of individuals, who have liquidated claims for services or supplies rendered for the benefit of the Union, whether the contract was made with a member, or an officer of the United States. It is not in the power of these creditors to compel a settlement, nor ought their claims to be postponed or affected for want of such settlement, but such of the securities as may be the property of a state are on a different footing.

2. It is objected that when the states took the debts on themselves, they expected to pay them. This cannot be admitted without some explanation—by the confederation all charges of war, &c. incurred for the common defence and general welfare were to be paid out of a common Treasury, which was to be supplied by the several states, paying in their respective quotas, and a final adjustment of the accounts was to be made; and the individual states expected that all the sources of revenue would remain in their hands, out of which they expected to pay their quotas of all the debts and expenses of the Union: But by a revolution in government, the revenues are put under the power of the federal government, for the express purpose of paying the debts, so that the mode of payment is materially altered, and the obligation transferred from the individual states to the United States.

3. It is objected that this is a new project—and not mentioned in the constitution. The novelty of it is no just objection against adopting it—if the measure be just. It was mentioned in the general convention—but it was not thought necessary or proper to insert it in the constitution, for Congress would have sufficient power to adopt it if they should judge it expedient.

4. It is said that the states most urgent for this measure are not incapacitated by adopting the new constitution for paying their debts.

Ans. The states most burthened with debts, and the only ones who expected to have sums greater than their quotas assumed, are Massachusetts and South-Carolina, and these depended chiefly on impost, of which they are now wholly deprived.

Connecticut does not wish, or expect to have more of her debt assumed, than her just quota of the whole sum to be assumed, so that no other state will bear any greater burthen on her account. The debt of New-Hampshire will not amount to half the sum of her quotas, of the debts proposed to be assumed, but she has been in favor of the measure on principles of justice and national policy.

But a very fallacious argument has been advanced respecting the ratio in which some states contribute to the common funds by way of impost: And it comes with a very ill grace from the gentleman who advanced it, because it is so fully refuted by the report of a committee of the late Congress, of which committee, he was a member. It appears on the journal of the 29th April 1783, page 203, whereby it is shewn that the several states contribute by a general impost, in portion to the number of their inhabitants, whether the articles are imported, and the duties paid, in the state in which they are consumed or not, as the tax is ultimately paid by the consumers—(Here a part of the journal was read.)

5. It is objected that it will be difficult to discriminate the state debts contracted for the Union, from their other debts: But what necessity is there for such a discrimination, if only certain sums are assumed, and the states charged with them, the whole will be adjusted among the states on the settlement of their accounts; besides their debts for other purposes are inconsiderable.

6. Objection, if only part of the state debts be assumed, equal justice will not be done to all the creditors.

Answer, The small sums that will remain of the debts of any of the states can, and doubtless will be, as well provided for by the respective states, as those assumed, will by the United States.

It is proposed to assume the whole of the debts, of the states of New-Hampshire, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia and Georgia, and the small sums that will remain of the debts, of Massachusetts, Connecticut, North-Carolina and South-Carolina, can easily be provided for by those states.

7. It has been objected that Virginia has made great exertions in complying with the specie requisitions of Congress, and in sinking a considerable part of the principle of her debts, since the peace, and therefore it would be inequitable to increase her burthen by assuming the debts of other States which have not made like exertions.

The answer is, that it is not proposed to lay any additional burthen on that State. The amount of the State debts to be assumed will not exceed 23 millions of dollars; the debt of Virginia to be assumed amounts to 3,681,000 dollars, which is something more than that State's quota of the whole sum to be assumed, in proportion to its number of Representatives, so that the interest of Virginia would be no otherwise affected by the assumption than by transferring its debt, from its particular fund to the common funds. It is also proposed, to assume of the debts of Connecticut and North-Carolina, the just amount of their respective quotas of the whole sum proposed to be assumed.