

Gazette of the United States.

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WEDNESDAY, FEBRUARY 16, 1791.

[Whole No. 188.]

FOR THE GAZETTE OF THE UNITED STATES.

MR. FENNO,

ALTHOUGH I conceive it improper for individuals to obtrude their sentiments on the public, too frequently, with respect to subjects that engage the attention, and require the deliberation of the legislature of the Union; yet if it appear from proceedings already had, that any thing will be pretermitted, which merits legislative provision, it ought to be communicated. The multiplicity and variety of business that is presented to the minds of the members of the honorable body, unavoidably prevent an accurate and precise view of every part: Hence I infer the reason that induced Congress to adopt the practice of referring certain subjects to those officers, that fill the different executive departments to report on: A practice proper enough, if confined within due bounds: The danger which may result is, that so implicit a reliance may be placed on those reports, as to preclude a due investigation of the subjects reported on—Few men possessing industry enough to investigate a subject already considered to their hand. This I presume, hath been the case, from certain proceedings of the house of representatives, in consequence of a late report, made by the Attorney-General, relative to the Judiciary System, the revision of which, as there recommended, hath been postponed to a subsequent period. The Attorney-General among other things, recommends it to the legislature as proper, "That the Clerks and Marshals should have emoluments equal to a livelihood," considering with justice that the precarious profits of their respective offices cannot be adequate to their support: Upon the ground of this recommendation, I suppose the house of representatives have appointed a committee "to prepare and bring in a bill making provision for the Clerks and Marshals."

An indifferent observer would be led to suppose, from this circumstance, that those were the only officers known in the courts of the Union, and that by some novel regulation, they had dispensed with a third officer, who hath been heretofore deemed important and essential in the constitution of judicial tribunals—I mean the *Prosecutor of the pleas of the State*, whom it would be conjectured from his stile was a character that filled an appointment of considerable trust and confidence. Our observer would be not a little surpris'd to be told, that altho such an officer existed, yet he was thought of such trifling account, that he was left without any kind of provision, except the uncertain allowance of so much as the court might deem sufficient for casual services—and that he was not even permitted to make his own charge for such service.

I cannot avoid expressing my astonishment, that it should never have occurred to the Attorney-General, or to the Members of Congress, that it was the duty of the District Attornies, as well as of the Clerks and Marshals, to attend the respective sessions of the Courts of the Union—distant perhaps from their residence, without much prospect of professional employment, and with no other object in view but a discharge of the duties of their office, and generally no doubt to the very great injury of their business at home.

It is unnecessary to mention the duties incumbent on that officer—they will occur upon reflection to the understandings of gentlemen—who, in revolving this subject in their minds, must be strongly impressed with an idea that talents and professional knowledge are requisite for the due discharge of the office—contrary to the usual, I may say, almost *universal practice of the honorable body*, they have expected that services will be rendered by the Attornies without proper compensation. I have lately been informed, that it hath some time ago been required of them, by certain officers in some of the executive departments, to perform certain services that called for considerable attention and trouble, and that they were told their *actual expenditures* should be reimbursed. I am certainly no friend to salaries, but I think government ought to preserve some degree of consistency.

There is one consideration, in my view, that is conclusive as to the propriety of rendering the *district Attornies* an adequate compensation: It is well known that most, if not all the States, have taken effectual steps, either by legislative acts, or the inculcation of a jealous distrust, to exclude all federal officers from state appointments—in or-

der, as they say, to preserve the state governments free from the influence of the federal government—the consequence of which is, that every person who accepts an appointment under the federal government, "ipso facto" expatriates himself, and loseth all chance, while in office, of any appointment in the particular State, however important. Is it to be supposed then that persons, whose talents afford them prospects of advancement *at home*, will accept of the office of *district Attorney*, estimated at so low a rate as it is at present by Congress. On the contrary, will it not be spurned at by men of abilities, inasmuch that none but inferior characters can be obtained to discharge its duties: Would this, I ask, be an *eligible plight for pleas*, that regard the interest and welfare of the Union, to be placed in. It is obviously the interest of the Union, that a due attention be paid to the prosecution of smugglers, the bane of its productive resources—and it is equally certain, that a spirited and determined prosecution of such offenders, will tend much to the discouragement of their mal-practices—This rests very much upon the *district Attornies*, who are the principal agents in the commencement and conduct of suits: Men must be rewarded for doing their duty—the imperfections of humanity require the spur of interest—"If you expect work well done, you must pay well."

CURTIS.

NEW-YORK, Feb. 11.

Extract of a letter from London, November 30.

"It is with pleasure I inform you that the credit and character of the American states is rapidly appreciating in this country; one considerable proof of which is, the speedy appointment of an ambassador, to reside in Philadelphia, whose arrival, it is said, will be succeeded by a commercial treaty with Great Britain; and which if constituted upon the liberal basis of reciprocal advantage, cannot be otherwise than highly beneficial to both countries. Many of your works of literature are in growing estimation on this side of the Atlantic; and, as refinement advances we have no small apprehensions of rivals in the fine arts rising in the western woods. An American production, entitled, "A law case between Solomon Dash and Frederick Flute,"* has been lately delivered with great eclat in the British theatre, owing to that fund of satirical humour with which it abounds, and yet is of such a nature as to please without offending."

NOTE.

* See a volume of Miscellaneous pieces, by P. Freneau—page 216.

PROVIDENCE, February 3.

While we remark with pleasure, on the advantages resulting to the public from the new regulation, by the Post Master General, for conveying the mails from the seat of the general government, we cannot help regretting, that the portmanteaus used in that business are so small, that *Newspapers directed to Printers*, are frequently excluded, and thereby the editors of the public papers at a distance from the capital prevented the pleasure of presenting their readers with the latest proceedings of Congress.—The more than usual number of public dispatches which weekly go with the mail, point out the necessity of enlarging the portmanteaus, in order to leave as much room as formerly for newspapers.—It is of the greatest importance to the general government, that the people in all parts of the union should have *early and authentic* accounts of the proceedings of Congress—and in no other manner can they receive such accounts but by a free and general circulation of newspapers.—By newspapers thus being stopped, opportunities are given to those so disposed to misrepresent such proceedings—and sorry are we to say there are such dispositions in every part of the United States. Other substantial reasons could be given, were it deemed necessary, to shew that the legislature of the union ought immediately, to give special directions to the officers by them appointed in the Post-Office department to attend *punctually and faithfully* to the forwarding and delivery of newspapers—especially those published at the seat of government.

BOSTON, February 2.

FOREIGN ARTICLES.

Mr. Burke, for his Philippic on the French National Assembly, is denominated at Paris, *Guy Faux*, and the 5th of November, was burnt in effigy, *à l'Angloise*.

The exiled Nobility of France, in various quarters, are still projecting counter-revolutions.

M. de Calonne, the Ex-Minister of France, has lately left England for Turin.

The city of London has addressed the British King on the pacification with Spain. It approves highly of the Convention—and the Recorder [Mr. Rose] who read, and the Sheriff who presented the Address, were Knighted.

The British Parliament will again take up the Abolition of the Slave Trade.

Mr. Pitt has a majority in the new British Parliament of two to one.

John Boydell, Esq. the celebrated printfeller, is elected Lord Mayor of London.

Of Assignats [or funded Paper Money] Nov. 4, last, there was sold at Paris, 125,000,000 livres, at 5¼ per cent. above par.



CONGRESS OF THE UNITED STATES:

AT THE THIRD SESSION,

Begun and held at the City of Philadelphia, on Monday the sixth of December, one thousand seven hundred and ninety.

An ACT declaring the consent of Congress to a certain act of the State of Maryland.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be, and is hereby granted and declared to the operation of an act of the General Assembly of Maryland, made and passed at a session begun and held at the city of Annapolis, on the first Monday in November last, intituled, "An act to empower the wardens of the port of Baltimore to levy and collect the duty therein mentioned, until the tenth day of January next, and from thence until the end of the then next session of Congress, and no longer.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

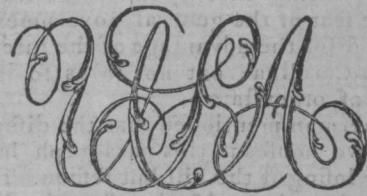
JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, FEBRUARY NINTH, 1791.

GEORGE WASHINGTON, President of the United States.

(TRUE COPY)

THOMAS JEFFERSON, Secretary of State.



CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, Jan. 31.

In committee of the whole, on the bill for the establishment of Post-Offices and Post-Roads.

Mr. Boudinot in the Chair.

MR. STEELE moved to expunge the second section, for the purpose of introducing another as an amendment; in substance, that the most direct route from Wiscasset in the district of Maine, to Savannah in the state of Georgia be established as the post road; and that the President of the United States be empowered to establish cross post roads, where they shall appear to him necessary.

He observed that upon the present establishment of the principal post road, a considerable and populous part of North-Carolina derived no advantage from the establishment, and the sea coast exclusively enjoyed the benefit of a regular and speedy conveyance for their correspondencies, and thus the agricultural interest was sacrificed to the commercial.

In the last session, it was true, he had been of opinion that a discretionary power, which by his amendment was proposed to be left, with the President, should not be given to him; not that he thought it unconstitutional, but because he then conceived the representatives, from their collected local information, better able to determine in what parts of the country posts would be required: But the Senate did not concur with the house in exercising that power, and a change of circumstances required a change of measures;—the President, by a tour to the southward, he said, could collect the necessary information whereon to found proper regulations in that quarter.

Mr. Williamson opposed the amendment offered by his colleague. The object of an established post was not to afford the most speedy conveyance, by the straightest line between two distant places: but to accommodate on the route as many persons desirous of writing as possible. If the