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SATURDAY, JUNE 25, 1791.

[Whole No. 225.]

FROM THE (BOSTON) COLUMBIAN CENTINEL.

MR. RUSSELL,

IN examining the question whether the English nation, have a right, fundamentally to demolish their present form of government, it becomes necessary to inquire whether Mr. PAINE's assertion that there is no such thing as an English constitution, be really true? This question may, perhaps, in some measure affect the people of America. For if the government of Great-Britain, is an usurpation, it may be worthy of consideration how far we are bound by treaties, which do not reciprocally bind the inhabitants of that Island.

"A Constitution," says Mr. PAINE, "is not a thing in name only, but in fact. It has not an ideal, but a real existence; and wherever it cannot be produced in a visible form, there is none." Mr. PAINE should have gone further, and told us, whether like a deed it must be written on paper or parchment, or whether it has a larger latitude, and may be engraved on stone, or carved in wood. From the tenor of his argument it should seem, that he had only the American Constitutions in his mind, for excepting them, I believe he would not find in all history, a government which will come within his definition; and of course, there never was a people that had a constitution, previous to the year 1776. But the word with an idea affixed to it, had been in use, and commonly understood, for centuries before that period, and therefore Mr. PAINE must, to suit his purpose, alter its acceptations, and in the warmth of his zeal for revolutions, endeavor to bring about a revolution in language also. When all the most illustrious whig writers in England have contended for the liberty of their country upon the principles of the English constitution; when the glorious Congress of 1774 declared that "the inhabitants of the English colonies in North-America were entitled to certain rights by the immutable laws of nature, the principles of the English Constitution, and the several charters or compacts," they knew very well what they meant, and were perfectly understood by all mankind. Mr. Paine says that "a constitution is to a government, what the laws, made afterwards by that government are to a court of judicature." But, when the American States, by their constitutions, expressly adopted the whole body of the common law, so far as it was applicable to their respective situations, did they adopt nothing at all, because that law cannot be produced in a visible form? No, Sir, the constitution of a country is not the paper or parchment upon which the compact is written, it is the system of fundamental laws, by which the people have consented to be governed, which is always supposed to be impressed upon the mind of every individual, and of which the written or printed copies are nothing more than the evidence.

In this sense, Sir, the British nation have a constitution, which was for many years the admiration of the world; the people of America, with very good reason, have renounced some of its defects, and infirmities. But in defence of some of its principles, they have fought and conquered. It is composed of a venerable system of unwritten or customary laws handed down from time immemorial, and sanctioned by the accumulated experience of ages; and of a body of statutes enacted by an authority lawfully competent to that purpose. Mr. Paine is certainly mistaken when he considers the British government, as having originated in the conquest of William of Normandy. This principle of being governed by an oral or traditional law prevailed in England eleven hundred years before that invasion. It has continued to this day, and has been adopted by all the American States. I hope they will never abolish a system so excellent, merely because it cannot be produced in a visible form. The constitution of Great-Britain is a constitution of principles, not of articles, and however frequently it may have been violated by tyrants, monarchical, aristocratical or democratical, the people have always found it expedient to restore the original foundations, while from time to time they have been successful in improving and ornamenting the building.

The people of England are bound therefore by a social compact now existing. And they have no right to demolish their government, unless it be clearly incompetent for the purposes for which

it was instituted. They have delegated their whole collective power to a legislature, consisting of a king, lords and commons, and they have included even the power of altering the constitution itself. Should they abuse this power so that the nation itself should be oppressed, and their rights to life, liberty, and property instead of protection, should meet with tyranny, the people would certainly be entitled to appeal in the last resort to themselves, to resume the trust which has been so unworthily betrayed, and (not to do whatever they should choose, but) to form another constitution, which should more permanently secure the natural rights of the whole community. The same may be said of the National Assembly of France, who according to Mr. Paine's idea, are possessed of the whole collective power of the nation, and who seem like him to think they have a right to do whatever they choose. Mr. Paine says, that "the authority of the present assembly is different to what the authority of future assemblies will be." But if the present assembly should decree that all future national assemblies should possess the same power with themselves, it would certainly be binding as an article of the constitution. Mr. Paine, indeed, will not acknowledge this, and it is the second right which he denies his nation, which at the same time has a right to do every thing. Mr. Paine's ideas upon this subject appear to have been formed by a partial adoption of the principle upon which Rousseau founds the social compact. But neither the principle of Rousseau, nor that of Mr. Paine, is true. Rousseau contends that the social compact is formed by a personal association of individuals, which must be unanimously assented to, and which cannot possibly be made by a representative body. I shall not at present spend my time in shewing that this is neither practicable nor even metaphysically true. I shall only observe, that its operation would annihilate in an instant, all the power of the National Assembly, and turn the whole body of the American constitutions (the pride of man, the glory of the human understanding) into a mass of tyrannical and unfounded usurpations. Mr. Paine does not go quite so far, but we must examine whether his arguments are not equally wide from the truth. "A government, says he, on the principles on which constitutional governments arising out of society are established, cannot have the right of altering itself. Why not? Because, if it had, it would be arbitrary." But this reason is not sufficient. A nation in forming a social compact may delegate the whole of their collective powers to ordinary legislatures in perpetual succession, and reserve only the right of resisting the abuse of those powers; and every other question relative to the reservation of powers to the nation, must be only a question of expediency. The same power which the present national assembly possess in France, is by the English constitution, constantly vested in the king and parliament of Great-Britain; and the people in both kingdoms have the same right to resist and punish the abuse of that power. Surely, Sir, the people of the United States have a constitution, although they have given the power of making alterations, to those by whom it is administered, in conjunction with the State legislatures. Surely, the people of Massachusetts have a constitution, though it provides for certain alterations by the ordinary legislatures, and though since it was formed, such alterations have accordingly been made. The constitutions of several of the United States, are expressly made alterable in every part by their ordinary legislatures. I think there is not one of them, but admits of alterations without recurring to "the nation in its original character." Yet Mr. Paine will surely acknowledge that the American constitutions arose out of the people and not over them. His principle therefore "that a constitutional government cannot have the right of altering itself" is not true. In forming their constitution a nation may reserve to themselves such powers as they think proper. They may reserve only the unalienable right of resistance against tyranny. The people of England have reserved only this right. The French national assembly have been in session more than two years, to make laws nominally paramount to their future legislatures: I shall hazard some observations upon this subject, when I attempt to follow Mr. Paine, through his comparison between the French and English constitutions. But

as the English have delegated all their power, I contend they have no right in their original character to change their form of government, unless it has become incompetent for the purposes, for which all governments are instituted. I am aware of the question which will occur here, Who is to judge of this incompetency? and I am aware of the triumphant manner in which it may be asked. But a triumph is not my object, and in the pursuit of truth I shall venture in my next number to consider this subject.

PUBLICOLA.

REPORT OF THE SECRETARY OF STATE, ON THE SUBJECT OF THE COD AND WHALE FISHERIES.

[CONTINUED.]

No. XII.

State of the WHALE-FISHERY in Massachusetts, from 1771 to 1775.

PORTS from which the equipments were made.	Number vessels fitted out annually for the northern fishery.	Their tonnage.	Number vessels fitted out annually for the southern fishery.	Their tonnage.	Number of seamen employed.	Barrels spermaceti oil taken annually.	Barrels of whale oil taken annually.
Nantucket,	65	4875	85	10200	2025	26000	4000
Wellfleet,	20	1600	10	1000	420	2250	2250
Dartmouth,	60	4500	20	2000	1040	7200	1400
Lynn,	1	75	1	120	28	200	100
Mar. Vineyard,	12	720			156	900	300
Barnstable,	2	150			26	240	
Boston,	15	1300	5	700	260	1800	600
Falmouth, county of Barnstable,	4	300			52	400	
Swansey,	4	300			52	400	
	183	13820	121	14020	4059	39390	8650

State of the WHALE-FISHERY, from 1787 to 1789, both inclusive.

PORTS from which the equipments were made.	Number vessels fitted out annually for the northern fishery.	Their tonnage.	Number vessels fitted out annually for the southern fishery.	Their tonnage.	Number of seamen employed.	Barrels spermaceti oil taken annually.	Barrels of whale oil taken annually.
Nantucket,	18	1350	18	2700	487	3800	8260
Wellfleet & other ports at Cape Cod	12	720	4	400	212		1920
Dartmouth,	45	2700	5	750	650	2700	1750
Cape Ann,			2	350	28		1200
Plymouth,	1	60			13	100	
Mar. Vineyard,	2	120	1	100	39	220	
Boston,	6	450			78	360	
Rochester and Wareham,	7	420	1	90	104	800	
	91	6820	31	4390	1611	7980	13130

True Copy.

Attest, JOHN AVERY, jun. Sec'y.

N. B. About one quarter of the spermaceti is head-matter, one quarter of which was exported to Great-Britain, the remainder manufactured into candles. The spermaceti oil, previous to the revolution, was mostly exported to Great-Britain. The average price in that market for five years previous to the war, about forty pounds sterling for the spermaceti oil, and fifty pounds for head. The whale oil was formerly about one half exported to the French and English West-India islands, the other half sold in the United States. The average price of this oil, about seventy dollars per ton. A whale producing one hundred and twenty barrels whale oil, will generally produce two thousand pounds bone, which was chiefly exported to Great-Britain, the price about half a dollar per pound. A whale producing fifty to sixty barrels, will generally produce nearest ten pounds of bone to a barrel of oil.—The average price of oil for three years past, as follows, viz. Spermaceti, one hundred dollars per ton. Whale oil, fifty dollars per ton. Head-matter, one hundred and fifty dollars per ton. Bone, about fifteen cents per pound.

No. XIII.

Extract from a Memorial presented to the States General in 1775, by a Committee of the Merchants engaged in the Whale Fishery.

THE whale fishery is of great importance to Holland, as the produce yielded by the sea may properly be considered as our country produce, which furnish employ for thousands of hands; all the apparatus being made, and the vessels fitted out in our own country.

A new vessel from 110 to 116 feet, including anchors, cables, rigging, &c. cost from 32 to 36000 Guilders. Sixty or seventy lines, six or seven sloop, casks, harpoons, and other materials, 8 to 9000 Store rent, lighters, victualling, &c. for 42 to 48 men, 4 to 5000

Total, 44 to 50000

From these outfits the country evidently derives real advantages, whereas those immediately concerned risk their property, as has formerly been represented, that during a period of forty-seven years, fourteen millions have been lost in this traffic, besides the loss arising from the decrease of capital.

(To be continued.)

A FRENCH ANECDOTE. THE PATRIOTIC COOK.

AN aristocratic lady of Caen, gave out two days ago that there would be every day two covers at her table for Priests who had not taken the Civic Oath—her cook, hearing of the invitation of his mistress, said—"Let the bad Priests come, I will prepare for them a better feast than they are aware of. I shall write the Civic Oath on small tickets, and put them up nicely in petty patties: so that if they have not the oath in their hearts, they shall have it in their bellies."