

# Gazette of the United States.

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FROM THE DELAWARE GAZETTE.

## CONSTITUTION OF GOVERNMENT.

PUBLISHED FOR THE CONSIDERATION OF

THE CITIZENS OF THE DELAWARE STATE;

Pursuant to an Order of the Convention of the 31st Dec. 1791.

(CONCLUDED FROM OUR LAST.)

2. UPON the reversal of a judgment or decree of the supreme court, or of the common pleas, or decree of the chancellor, this court shall respectively render such judgment, or pass such decree, as the supreme court of the common pleas, or the chancellor ought to have rendered or passed, except where the reversal is in favor of the plaintiff or petitioner in the original suit, and the damages to be assessed, or the matters to be decreed, are uncertain: in any of which cases the cause shall be remanded, in order to a final decision.

3. The judges of this court may issue all process proper for bringing records fully before them, and for carrying their determinations into execution.

## ARTICLE VIII.

SECTION 1. The members of the Senate and House of Representatives, the judges of the supreme court and the common pleas, and the chancellor, shall by virtue of their offices be conservators of the peace throughout the State; and the treasurer, attorney-general, secretary, clerks of the supreme court, prothonotaries, registers, recorders, sheriffs, and coroners shall by virtue of their offices, be conservators thereof, within the counties respectively in which they reside.

2. Provision respecting the militia shall be made by law, conformably to the constitution of the United States.

3. The representative, and when there shall be more than one, the representatives of the people of this State in Congress, shall be voted for at the same places where representatives in the State legislature are voted for, and in the same manner.

4. The State treasurer shall be appointed annually by the House of Representative with the concurrence of the Senate. No person, who hath served in the office of State treasurer, shall be eligible to a seat in either House of the legislature, until he shall have made a final settlement of his accounts as treasurer.

5. Two persons for the office of sheriff, and two for the office of coroner, shall be chosen by the citizens residing in each county, and having right to vote for representatives at the time and places of election of representatives, one of whom for each office respectively, shall be appointed by the Governor. They shall hold their offices for three years, if so long they shall behave themselves well, and until successors be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of six years. The Governor shall fill vacancies in these offices by new appointments to continue unto the next general election, and until successors shall be chosen and duly qualified. Every sheriff shall keep a regular statement and account of all monies received by him as sheriff, and of the application thereof, and of all fees becoming due to him; and within three months after the expiration of his office, shall deposit the book containing the same, or a true duplicate thereof, among the records of the prothonotary's office, there to remain for inspection, under such penalties for default as shall be prescribed by the legislature; and in like manner shall return a statement and account of all monies received and applied, and fees becoming due, upon sales made by him after the expiration of his office, within three months after every such sale. The legislature, two thirds of each branch concurring, may when it shall be judged expedient, vest the appointment of sheriffs in the Governor, but no person shall be twice appointed sheriff in any term of six years.

6. The attorney-general, clerks of the supreme court, prothonotaries, registers, clerks of the orphans courts, and of the peace, shall respectively be commissioned for five years if so long they shall behave themselves well; but may be removed by the Governor within that time on conviction of misbehavior in office, or on the address of both houses of the legislature. Prothonotaries, clerks of the supreme court, of the orphans courts, registers, recorders, and sheriffs, shall keep their offices in the town or place in each county, in which the supreme court and the court of common pleas are usually held.

7. All inferior officers in the treasury department, attorneys at law, election officers, officers relating to taxes, to the poor, and to highways, constables, and hundred officers, shall be appointed in such manner as is or may be directed by law.

8. All salaries and fees annexed to offices shall be moderate; and no officer shall receive any fees whatever, without giving to the person who pays, a receipt for them, if required, therein specifying every particular and the charge for it.

9. No costs shall be paid by a person accused, on a bill being returned *Ignoramus*; nor on acquittal by a jury, unless a majority of the judges present at the trial certify, that there was probable cause for the prosecution.

10. The rights, privileges, immunities, and estates of religious societies and corporate bodies, shall remain as if the constitution of this State had not been altered. No clergyman or preacher of the gospel, of any denomination, shall be capable of holding any civil office in this State, or of being a member of either branch of the legislature, while he continues in the exercise of the pastoral or clerical functions.

11. All the laws of this State, existing at the time of making this constitution and not inconsistent with it, shall remain in force, unless they shall be altered by future laws: And all actions and prosecutions now pending, shall proceed as if this constitution had not been made.

12. This constitution shall be prefixed to every edition of the laws made by direction of the legislature.

13. The legislature shall, as soon as conveniently may be, provide by law, for ascertaining what statutes, and parts of statutes, shall continue to be in force within this State; for reducing them, and all acts of the general assembly, into such order, and publishing them in such manner, that thereby the knowledge of them may be generally diffused; for choosing inspectors and judges of elections, and regulating the same in such manner as shall most effectually guard the rights of the citizens entitled to vote; for better securing personal liberty, and easily and speedily redressing all wrongful restraints thereof; for more certainly obtaining returns of impartial juries; for dividing lands and tenements in sales by sheriffs, where they will bear a division, into as many parcels as may be, without spoiling the whole; and for advertising and making the sales in such manner, and at such times, and places, as may render them most beneficial to all persons concerned; and for establishing schools, and promoting arts and sciences in one or more seminaries of learning.

## ARTICLE IX.

Members of the general assembly, and all officers executive and judicial, shall be bound by oath or affirmation to support the constitution of this State, and to perform the duties of their respective offices with fidelity.

## ARTICLE X.

The general assembly, whenever two thirds of each house shall deem it necessary, may with the approbation of the Governor, propose amendments to this constitution, and duly publish them in print for the consideration of the people, at least three and not more than six months before the next general election of representatives; and if three fourths of each branch of the legislature shall after such an election, and before another, ratify the said amendments, they shall be valid to all intents and purposes as parts of this constitution. No convention shall be called but by the authority of the people; and an unexceptionable mode of making their sense known will be for them at a general election of representatives, to vote also by ballot for or against a convention, as they shall severally choose to do; and if thereupon it shall appear, that a majority of all the citizens in the State voting for representatives, have voted for a convention, the general assembly, shall accordingly at their next sessions, call a convention to consist of at least as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are, by the citizens entitled to vote for representatives, on due notice to them given for one month, and to meet within three months after the said election.

A TRUE COPY.

JAMES BOOTH, Secretary of the Convention.

FOR THE GAZETTE OF THE UNITED STATES.

MR. FENNO,

I AM a plain farmer; and as the winter evenings are long, I love to get the city papers and to con over the affairs of the nation. My own affairs go very well; wheat has sold very well since the new government began, the crops have been good, and I find since the debt has made such a fuss I get the ready cash better than ever, for cash is grown plenty. Thus I am quite at leisure to mind what does not more concern me than another man. I have a family, however, and I look forward to futurity as I ought. No body will wonder then that I am a deep politician. I have read the city papers till the cold sweat ran down my face—I never sweated more at the plow. I read about the danger that our republican principles are exposed to, and how monied men are growing up to the size of Goliath, and how Congress is all wrong, and how we are too rich now to be virtuous and free, tho' other day we were too poor to pay for a government, and then the charge of it would take our bread away, and our children would cry for a crust. I love my family as well as a bird loves her nest, and my children as well as she loves her young. I had rather secure to them a good education and a free government, than to learn them to dance and leave behind me a great estate. I have been led into an hundred scrapes by thinking too well of my own opinion, and so says I, I will see how the wind is with my neighbors, for we live mighty well together. A dozen of us got together on new year's evening, and then we talked all these matters over.

If we had drunked small-beer, it would be a short story to tell you all that passed, but as small beer would not go down, we were all very talkative—we did not drink to excess however. Instead of telling you all that was said, it will be sufficient to tell you what was finally agreed to.

The funding system was at first condemned as very improper, and anti-republican—but after mature enquiry it was allowed that it was a very good thing. What does that promise, said we, more than to pay our just debts—Debts contracted to make the lands we live on our own, and to remove a stranger and intruder from them. Tho we pay at 20s. in the pound, as some complain, we had the value at that time when the debt was contracted, and now we have the benefit more than twenty fold, having beaten our enemies, and being set down to enjoy peace and security under a free government. If then we owe the debt, what harm to promise to pay it. The funding system acknowledges the debt, and engages to pay the interest quarterly. Something was to be done with the debt—Congress must either pay the principal of the debt at once, or pay the interest yearly by annual grants, or fund it as they have done, or take the sponge and rub it out. When we blame Congress for the way they have pursued, it is but fair to see what other ways lay open for them. We should not have thanked Congress to call for a direct tax to pay off the debt at once. We had not the money. Such a great demand would have crushed us, and it is out of the question.—Had Congress forborne to fund the debt, it would have been a better speculating scheme than it is now. The more uncertain from year to year, the better for the

speculators. They would have speculated on the chance that the interest would not be voted for at the year's end. Who would have been the gainers by this uncertainty. Not the farmers. The money would have been drawn to the seaports, where this scheme of yearly grants for the interest would have opened the most profitable market for money. Therefore few would have engaged in the improvements or purchase of lands. And the debt itself, tho always employing money, would not have taken the place of money as it has done of late. Another very bad consequence has been told us, that foreigners would have got the certificates for a trifle. It is true they have bought them since the debt was funded, but we have got into the country 24s. or 25s. for every 20s. We receive more than we give, and it is not easy to see how the country can be made poor by making good bargains. Why then should we not fund the debt at once. We mean to pay it—where was the harm of saying so. The last method of disposing of the debt was to blot it out.—Some people think that would be throwing off a weight they are tired of carrying on their backs. Now, I teach my children the ten commandments. I endeavor to bring them up to be honest men—and I should be miserable if I foresaw that they would be brought to shame for their misdeeds.—I should truly be afraid of their turning out rogues in spite of my care, if Congress had agreed to sponge out the debt. Government, by shewing what advantage is to be got by dishonesty, would do a great deal towards spoiling all the youth in the land. Therefore, if the devil tempted Congress to jockey the public creditors, I am glad for my children's sake they did not yield to him.

Some have found fault because the whole debt cannot be redeemed at pleasure. Where is the harm of that, pray? We have taken a stout slice from the creditors on that account; and have we parted with any very valuable rights? Have we not reserved the right to redeem as much of the debt as we have money to pay off. And what a rout is kept up in the newspapers, because we have parted with the right to do what we cannot do. And yet we have been well paid for parting with the right by the funding system, i. e. by the 3 per cents and deferred debt.

This is alledged to be dangerous to a republican people. There may be a snake in the grass, but I cannot see how a people expose themselves by acting according to good conscience. We owe the debt, and we ought to pay it as soon as we can. I cannot for my life see what there is anti-republican in pursuing the plain old path of common honesty.

As to the fiddle-faddle story of the great nabobs becoming lords, I feel quite at my ease. They must leave off getting children—otherwise half a dozen or half a score young fellows in each family, will be found to have a greater inheritance in folly and luxury than in 6 per cents. And what care we, the lords of the soil, for the six per cent gentry. Their wealth gives them no power over us—and as to their number and influence, they will affect the price of pheasants and venison more than the votes of the yeomanry. The country is in the hands of the landed interest—which outweighs as much as it outnumber the monied interest. The latter has ever been as a drop in the bucket:—and though it has increased of late very unexpectedly, the landed interest has not increased less—and it is going on with a speed and to an extent that mocks the silly apprehensions of the monied interest eating it up. Look round and see how the frontier circle widens—see how the interior part improves—see how arts and manufactures multiply—A man who stands on a wharf, sees none of this wonderful growth of the landed interest—he sees the growth of trade, which indeed flows from the growth of the country produce—he sees the merchants and rich people scattering handfulls of money for luxuries, and he is ready to cry out that the newspapers are in the right to sound the alarm for liberty; and so he snatches his pen and ink to tell us how we are made beggars by growing rich, and all slaves by honest and equal laws. But the landed interest governs every country—and as in this men live on their own farms, and are not tenants, nothing is more certain than that the people may govern if they will. Liberty is not exposed to any new danger by the new monied interest, as the public creditors are termed by the angry newspaper writers. On the con-