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[Whole No. 395.]

For the GAZETTE of the UNITED STATES.

ON BANKRUPT LAWS.

Extrait of a letter from Virginia.

THE errors and inconveniencies arising from the bankrupt laws in England, are many and obvious: nay, they have arisen to such a height, that Lord Chancellor Thurlow, at the fittings at Lincoln's Inn, two years ago, observed, "that such were the frauds and perjuries that were daily practised, by men who availed themselves of these laws, for the most nefarious purposes, that, unless they could be amended, (the bankrupt laws) it were better that none were in force."—The following is mostly extracted from Mr. Burgess's, "on the law of insolvency," a book which shall be forwarded for the perusal of the Virginia delegation—Mr. LIZARD and Mr. SMITH, of South-Carolina, and Mr. MERCER, of Maryland, should these gentlemen not possess it—before I read this author, I was an advocate for a bankrupt system; because I was a friend to the furtherance of justice, the commerce; but, the author, who is a member of Parliament, a barrister, was under-secretary of state, and also a commissioner of bankruptcy, soon taught me, that in this system none of these advantages were to be found: he took from me my delusion, and shewed me clearly from his reasoning, that any act of this sort in America, unless framed upon wiser principles than any in England, would induce more injurious than beneficial consequences. "It is a common error (says the author) of legislators to frame laws upon the impulse of the moment. When this happens, original principles are disregarded, and consequences are not considered—ought we then to be surprized that inconveniencies ensue?" "They have an appearance of reformation, and a reality of corruption."

"They are inadequate for the purpose intended—see the four capital statutes—13th Eliz. c. 7.—14th of Ja. I. c. 15.—21st of Ja. I. c. 19.—5th Geo. II. c. 30.

1. A summary and unconstitutional mode of proceeding must be introduced—Commissioners must be appointed, who act arbitrarily, and exercise their powers, to be large enough to answer the end of their creation, must be enormous: they were not so under the first act—the next was made to supply its deficiency—They were to examine bankrupts on their oaths, and make them thus, in many instances, criminate themselves, contrary to the law of the land, for they were bound to answer interrogatories on oath—here the principle must be reprobated by all men, who have proper ideas of constitutional and civil rights—but here power was not bounded, they had a right by the law to examine the wives of bankrupts, to break open their houses, and other acts of arbitrary power, yet all did not avail; they were unable to bring the bankrupt to an account, and satisfy the demands of his creditors—So much for these acts on general grounds. Much is to be reprehended in other parts.

"The commissioners proceed first ex parte and secretly, upon the oath of any creditor who is resolved to take out a commission of bankruptcy: there is in this not only secrecy, but too much haste. The bankrupt is not confronted with his accuser, and is therefore deprived, when his credit is about to be ruined, of alleging any thing in vindication of it, and of disproving the facts, which may be false, that his enemy has produced against him—Thus the character of the most established merchant may be blasted by, and is in the power of the most abandoned wretch, who incurs neither the hazard of detection, nor the rigour of punishment.—"Creditors charging their own assignees"—This is a source of fraud; the main engine of villainy—The first thing in this business to be done, is to fabricate a fraudulent bankruptcy, which is easily effected—Goods to a large amount are procured upon credit, suppose the sum of 5000l. Books are kept in all the appearance of regularity—large balances appear to be due to the amount, together with bills of exchange accepted, and promissory notes of hand, &c. &c. of more than 15,000l.—one of the apparent largest creditors, who is, upon the establishment of the bankruptcy, to be one of the assignees, calls at the house of the merchant or trader, who takes care to be at home and deny himself, and thus commits an act of bankruptcy, which warrants this person who called as a creditor, to take out a commission—Others who are to be benefited, are in confederacy with this active person, and are, as will appear by very regular books indeed, in the number of the largest creditors of the bankrupt; which gives them also, as well as the person who took out the commission, a right to be assignees—then ensue the division of the effects among the creditor—five shillings in the pound is paid: the just creditor in this division got only 125l. while the larger ones, not in reality but in appearance, got 3750l. of the 5000l.—Thus the bankrupt and his associates in villainy, by his breaking, make the

sum of 3750l.—this is a common practice; and all the multiplied laws of England, and the invention of their most ingenious jurists, have never been able to supply adequate remedies, in prevention of these notorious frauds.—No sooner is one lopt off, than another and another grows: the hydra-head of villainy is too pululating to be crushed by the vigilance, the dexterity, or the arm of legislative power or wisdom.

"The advocates for the system here, may observe, "these are evils of the English system, and we know them—we consider them as beacons to warn us against running on the like rocks of error: hence we will take care to guard our laws against such enormous defects—we will free it from the arbitrary principles that deform their code—we will make it suitable to those of our own constitution, and never compel a man to answer interrogatories on oath, by which he may criminate himself—the exorbitant power of the commissioners shall be curtailed, and yet they shall be all-efficient to answer the end of their creation: the fraudulent confederacy of assignees shall be prevented, and all the evils of the present system shall be removed: we are prepared to create; and at the same time will give our laws all the force necessary for their complete execution; for the counteraction of fraud, the promotion of justice, and the preservation of the rights of the citizen. Ha! mihi erant artes."

"If this can be effected by the wisdom of the legislature, there can be no objection to such a law. It strikes me, as a matter of great difficulty, to reconcile with the efficiency and the energy of the law, the right of the citizen." Better in my opinion that none existed, unless you can exempt it from the egregious vices of the English code.—You will find it, as Mr. Burgess observes, "An institution, though framed for the protection of virtue, the minister of iniquity, and the destruction of credit and commerce."

FROM THE GENERAL ADVERTISER.

SONNET.

AS o'er the lim'rous birds of feeble wing,
The towering Eagle bears his flight sublime,
On forceful pinions near the radiant spring
Of endless day, within the solar clime;
As o'er the humble hills that smile below,
From their broad base the Alps majestic rise,
Lifting their vesp'le heads into the skies,
Regardless of the storms that round them blow,
Thus, WASHINGTON! appear! 't above that robe,
Who point their venom'd arrows at thy heart;
Thy heart, superior to the potent bribe,
Of flattery's silver tongue, or eloquence's art,
Secure in virtue's armour shall remain,
Unwounded by the arrows of the lurking train.

Feb. 5, 1793.

RYNO.

For the GAZETTE of the UNITED STATES.

At a Meeting of the FAIR ONES, lately,
Mrs. AMABLE in the Chair.

RESOLVED, nem. con.

THAT the present opinions from Boston, relative to our Tolls, are dangerous in the extreme.

Resolved, That the spirit of freemen is but poorly employed when it directs its researches to such frivolity as the non-sense of instituting terms of address, inconsistent with the influence and power of women—as *Citess*, for *Mist* or *Maiden*, or *good woman*.—That we declare ourselves justly alarmed at the progress of the leveling principle—That this disposition, when it directs itself towards us, is derogatory to the honours which the refinements and morals of an enlightened age have justly given us.—That we find in the history of women, in proportion as society refined, the superiority of our sex to be universally acknowledged—in all matters touching our proper female dominion. That terms of the most refined respect, when applied to the Fair, being entirely voluntary, are among our dearest privileges, as they are among the best protections that a moral politeness has reared, to guard those who are so feeble as the sex from occasional offences; and so far are these from weakening the spirit of a manly freedom, that we invariably find those men most disposed to use them who are the most valiant.

Resolved therefore, That we will not yield our privilege of being called and addressed by those terms of respect which a refined and enforced series of opinions and sentiments have bestowed upon us.

Resolved, That it is not unmanly in a brave man to address a beautiful and amiable woman by the word *Mistress*.

Resolved, That nevertheless it shall be tolerated, that timid men, and tender, weakly and puny gentlemen, may exercise the privilege of calling us *Citesses*, or *Citess*.

Resolved, That as such gentlemen and beaux approximate our sex in many things, they may have the privilege of insulting us with impunity.

Signed on behalf of the Meeting,
JULIET EASY.

LAW OF THE UNION.

SECOND CONGRESS OF THE UNITED STATES,

AT THE SECOND SESSION.
Begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday the fifth of November, one thousand seven hundred and ninety-two.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lawful interest, from the sixteenth day of May, in the year one thousand seven hundred and seventy-six, shall be allowed on the sum of two hundred dollars, ordered to be paid to Return Jonathan Meigs, and the legal representative of Christopher Greene, deceased, by a resolve of the United States in Congress assembled, of the twenty-eighth day of September, in the year one thousand seven hundred and eighty-five.

JONATHAN TRUMBULL, Speaker of the House of Representatives.
JOHN ADAMS, Vice-President of the United States, and President of the Senate.
APPROVED, JANUARY 14, 1793.
GEO. WASHINGTON, President of the United States.

FROM THE GENERAL ADVERTISER.

MR. BACHE,
I FEEL the most lively satisfaction in beholding the cause of liberty in France so popular in the United States, notwithstanding the malicious industry employed by those from whom we are obliged to receive our history of the revolution, to defame its leading events and principal authors.

But while I rejoice so much to see the cause in general so well received, I cannot but be disgusted at the disposition which some of us discover to ape every particular circumstance that attends it.

This remark was excited by the use which I see made of the term *Citizen*, in imitation of a custom introduced into France since the last revolution.

This appellation was proper to be introduced & countenanced in that country, in order to make the people feel more strongly the difference between their present elevated rank of citizens, and their former degraded situation of subjects. It was useful for the people of France, after having suffered so much from the miseries of inequality and artificial distinction of rank, to seize with ardor every thing held out to them which pointed out to them the happy change of their situation, and the present superiority of their characters.

In this country, however, we have not felt or known the inconvenience of a distinction of rank or superiority of rights in any privileged part of the community: we have no change of situation to mark by a change of political terms; we have no ancient oppressions to render odious, and no deliverance from them to celebrate; it is therefore unfeasonable and ridiculous to transfer this term from a country where its use was so well justified, to one where no circumstances require it or render it applicable, and to relinquish terms which use has sanctioned and rendered familiar.

O S T E N D, Nov. 6.

F LANDERS is attacked in several different places. By accounts received last night from Dunkirk, they call Dumourier's army 150,000 strong against Tournay and Mons. Last Saturday 425 national guards from Dunkirk attacked the village of Roof-bring, four leagues from Ipres. It was bravely defended by, they say, only thirty troops of Loudonvert, deeply entrenched. The French were repulsed, but next day they were joined by 230 more, with seven pieces of cannon. The Austrians received a reinforcement of only 22 men. The French again attacked, and were a second time repulsed with the loss of 150 killed and wounded. On the same night, 250 cavalry went from Dunkirk to support the attack, and the Austrians were also reinforced from Popping and Ipres. We have heard the cannon every day at this place—it continued the greatest part of yesterday, and at this moment a brisk cannonade is still kept up.

L O N D O N, November 18.

If the French should offer to attack Holland, after overrunning the Austrian Netherlands, it is probable, that a considerable number of British troops will be sent to the assistance of the United States, to oppose the progress of the French arms; which may eventually engage this country in a war with that power.

Orders have been just sent to Woolwich to complete the two battalions of artillery now in England with the utmost possible expedition; and recruiting parties are to be immediately dispatched to every part of Great-Britain for that purpose.

It was reported in Paris on Saturday that the Emperor and the Duke were dead. Since then M. Brillot has repeated the story in his paper.

The Duke of Brunswick it is said is thanked for his services by the King of Prussia, but informed at the same time that they are no longer wanted.

S A V A N N A H, January 10.

WE are authorized to inform the public, that James Seagrove, Esq. Agent of Indian Affairs for the Southern Department of the United States, held a conference, in November last, at Colerain, on the River St. Mary, with a large body of Creek Indians, at which were present Kings and Chiefs from twenty-one of the principal towns in the Upper and Lower Creeks.

The Indians remained with the Agent three weeks, during which time every thing was conducted with great decorum. Many matters of importance to this country were then arranged, and all business between the United States and the Creeks put in an agreeable train.

It was agreed, at this meeting, that all prisoners in the Creek land, belonging to the United States, shall be immediately brought to the Agent, Indians Commissioners being appointed for that purpose. The boundary line from St. Mary's to the Alatamaha is now running by Mr. Ellicott, the Surveyor of the United States, agreeable to treaty. The line on the north-west frontier of this State will be completed next spring. A stop to be put to the Indians from the property by the Indians, from the frontiers. The Chiefs who were present did, in behalf of themselves and the whole of the Creek Nation, give the most unequivocal assurance that they would continue in peace and friendship with the United States; that they would not join any Nation or Tribe of Indians who are or may be at war with the United States; that, should any of their young disorderly men be so imprudent as to join any Tribes at war, the Nation would disown them, and they must share the fate of the hostile Tribe.

Upon the whole of the business the Indians expressed an ardent desire of living in close friendship with this country.

After settling all matters the Agent gave them a plentiful supply of provisions and clothing, also distributed among them a quantity of farming utensils and mechanic tools, which, together with 5000 bushels of corn, had been sent by the President of the United States from Philadelphia, for relieving the wants of those people. The crops of corn in the Nation have fallen very short the last season, a great many of them will draw supplies from the public stores at St. Mary's during this winter and the ensuing spring.

The inhabitants of Georgia may rest assured that the Creek Indians are well disposed towards them, and will not disturb or injure them or their property. It is therefore to be hoped that, when any Indians appear on our frontier hunting, or on their business, that our settlers will treat them with civility.

The reports which have been published of a large body of Creeks having joined the Cherokees and other hostile Tribes, are not just. Not more than 150 of the Creeks have shown any disposition to join them, and those were a disorderly set of young people on the frontier of the Upper Towns, who have been wrought upon by some designing bad white people; but all that business will be at an end to very soon, the Chiefs of the Nation having obligated themselves to do so.

A L B A N Y, January 26.

Some complaints have of late, as well as heretofore, been heard from the seat of government, respecting certain parts of the post-office law—but from no other quarter, except in an instance or two, an echo from some one of the southern states. In this part of the union, its good effects are very conspicuous—for waving the consideration of newspapers, coming to hand with much more regularity than formerly, already are the establishments of the post-office extended as far as Whitestown, to the west; and from thence letters, newspapers, &c. are conveyed, by regular stated private posts, through all the Genesee settlements, to Niagara, the capital of Upper Canada—To the northward, the post-office is established at Burlington, on Lake-Champlain, in the state of Vermont, where it communicates with the established post-offices at Montreal, Quebec, and other parts of the province of Lower-Canada. Thus, through the medium of the post-office, on its present establishment, not only letters and packages, but newspapers, are transmitted with safety and expedition to almost every quarter of this extensive continent.—Will then the post office law be complained of, because a few printers at the seat of government cannot send their papers through the continent free of expense?—Is this a reasonable request, when the citizens of every other part of America, pay to private posts a greater sum for postage than is demanded by the post-office law?

DUMFRIES, (Vir.) Jan. 31.

There is a report (which we sincerely hope may prove true) that the Congress of the United States have voted the sum of 40,000 dollars to the Marquis LA FAYETTE, for his present purposes, and that they have empowered a person to wait on the King of Prussia, and demand of him that brave and injured man, as an American Officer. *Not true yet!*