

ry worth we affix to these articles, than to their real value, estimated according to their produce. But satisfactory reasons, of a different kind from that in the appeal, may be assigned for a decrease of value in these articles, supposing it to be the case. Upon the breaking up of the war, vast prospects of profit were opened to adventurers in the mercantile line, which, though they have proved declusive, drew all the cash into that channel, that could be procured. The great advantages that were offered in the purchase of public securities, employed all the specie, that could by any means be scraped together by those who engaged in this adventure. The slow and moderate profits arising from lands, negroes, and houses, had nothing alluring, whilst such objects as these were in view, therefore they attracted but little of the cash in circulation. But this situation was extraordinary. Those scenes were already closed, or closing fast. Our affairs were returning into the old channel. Gold and silver began to have a general circulation in the country as well as in towns. The farmer and the planter began to feel the change; and I am sorry to say, only began; for the wisdom of our present politicians is now exerted, and has been for some time, to deprive them of that sensation as speedily, and effectually, as they can accomplish it, and they may boast of having succeeded already, at least in part. The high premiums, that have been given for specie, may be accounted for by the same reasons, with this additional one, the uncertainty creditors are under of receiving the full amount of their loans. This I hope, will prove an idle fear; but surely there are grounds for it. He who has smarted under the lash will use every means in his power to withdraw himself from the full effect of the blow.

Considerable arrears of taxes have been urged as a proof of the scarcity of a circulating medium, but other and more obvious reasons may be adduced to account for this effect, viz. the remissions of the collectors in the performance of their duties; frauds committed by them with respect to monies received; money collected and appropriated to their own use, never accounted for, and that probably never will be accounted for; repeated laws and resolutions passed in favour of these defaulters. When such causes as these exist, why need we go in search of others to account for an empty treasury, and heavy arrears? It is generally said, and I believe the fact to be so, that there is no inconsiderable number of the citizens of this state, who have not paid a single tax since the commencement of the war. Some are deficient one, some two, and some a greater number of years. And the most of these are not of the lower class of people, but such whose circumstances would well enable them to pay, but who preferred the indulgence to the receipt of the collector, which he has been willing to grant in return for former favours, or in expectation of future services. The poor and industrious class of people have in general paid up their taxes. An emission, in this instance, is not therefore calculated for their benefit, but will rather have a contrary tendency, as they have already discharged their public dues to the full and real amount of the taxes that have been called for by government; nevertheless one of the pretences for an emission of bills of credit is, the relief of the poor in this particular. This pretence is popular, and may appear specious, but has nothing in it solid or substantial.

The bill provided, says the appeal, "that no more than £.200,000 should be in circulation at the same time, unless the governor and council should be fully satisfied that the loaning a further sum would not in any manner affect the value of the sum in circulation." Suppose the governor and council were of opinion that a further loan would affect the value of the bills of credit then in circulation, and of consequence determined that no more should be issued on loan. This might delay an increase of the circulating sum until the next session of assembly; but can we believe that it would not then be done, when the appeal declares it to be immaterial as to the government, whether the bills of credit depreciate or not, and plainly intimates it to be beneficial to the individual if they should? The opinion of the senate might in this case too differ from that of the house of delegates. But the opinion of the senate will be of little avail, should the mode now adopted by the latter to carry their measures meet with success.

However plausible the scheme for reducing the paper in circulation annually, by sinking one half of the interest, and one twentieth of the principal of loans, may appear, there is one circumstance, mentioned in the appeal, which I apprehend will defeat the happy effects that are expected to flow from that project. I mean the annual deficiency of supplies, or in other words, the poverty of the treasury. Let us imagine a case, which is by no means improbable, that money is wanted for some of the purposes of government, viz. for the purchase of produce to raise specie for congress, and that there is not a sufficiency in the treasury for this use, without applying the aforesaid interest and twentieths, perhaps not enough even with this addition. This, I say, is not an improbable case. Should it happen, what will become of the sinking fund? I don't imagine there is much difficulty in answering this question. Present necessities must be satisfied, if possible, and the plan of raising paper money to purchase articles to be refold for specie, with the train of losses and expences attending its operation,

will alone create a necessity sufficient to absorb all the paper that it will be in the power of the legislature to levy upon the people; at best it will leave but a very scanty portion for the other purposes of government. Adieu! then to the sinking funds.

I have said, that the question, which gave rise to the appeal of the house of delegates, though of considerable consequence, is far less important than the consideration itself. I mean not to enter into a discussion of the question respecting the right that either branch of the legislature may have to appeal to the people for instructions on subjects, whereon the two branches cannot agree, nor respecting the right the people may possess of instructing either part, or the whole of the legislature, in all cases where they may deem their instructions necessary. It will be sufficient to shew, that the practice of appeal by either branch will be productive of considerable mischief, and will in the end destroy the constitution itself. I have made use of the term, practice, because where that mode is adopted I see nothing to limit its application, nor can it be discovered to what objects it will be confined. We may therefore conclude, that appeals will be made in all cases of difference between the two branches of the legislature, at least in all those cases that may be deemed important by one of them.

This custom, we observe, has originated with the house of delegates, and it is easy to foresee that it will remain with that body. The members of that house are considered as the more immediate representatives of the people, and it is considered that they know their interest better, and have it more at heart than the members of the other branch. The senate is viewed as an aristocratic body, as composed of rich men, and therefore are supposed to have a distinct interest from the main body of the people. In all differences between the house of delegates and the senate, these ideas being constantly inculcated, it will require no great degree of the spirit of divination to foretell which will, at least, generally prevail.

The constitution says, that the legislature shall consist of two distinct branches. Nay, it seems so desirous of preserving this distinction, that from a consciousness that a privilege confined to the house of delegates, viz. "of originating money bills," might be made use of to destroy the independency of the senate, it declares in strong and expressive terms in the eleventh section, "that the senate may be at full and perfect liberty to exercise their judgment in passing laws, and that they may not be compelled by the house of delegates either to reject a money bill, which the emergency of affairs may require, or to assent to some other act of legislation, in their conscience and judgment injurious to the public welfare; the house of delegates shall not on any occasion, or under any pretence, annex to, or blend with, a money bill, any matter, clause, &c. &c. &c." This section shews the desire, the anxiety, I may say, of the constitution to preserve the independency of that branch of the legislature to which it relates, and which might have suffered by the abuse of a privilege that was confined to the house of delegates alone.

A full and perfect liberty to exercise their judgment in passing laws, is by the constitution deemed a matter so essential, and of such magnitude, that no pretence, no occasion whatever is admitted as a plea with the other branch sufficient to deprive them of the exercise of that right. What is the object of the appeal of the house of delegates? Is it not, in fact, to control the senate in the full exercise of their judgment; I address myself to men of plain understandings. A quibble may impose upon the ignorant, or satisfy the casuist. But men of a different complexion, whatever professions may be used, are not to be convinced by bare assertions, or by flimsy arguments.

Should this mode prevail. Should the full and perfect liberty to exercise their judgment (I repeat the words of the constitution, for there cannot be stronger) be taken from the senate, what will be the consequence? Men of independent spirit will never accept of or retain a seat in a body where they cannot exercise their understandings, or declare their opinions with freedom. Of such men alone will the senate be composed, who will submit to any compliances, and who can adapt their opinions to any occasions. The distinction required by the constitution will be at an end. There will, in fact, be only one branch in our legislature. We have often seen and felt the benefit of two.

Were it however to happen, that the senate, notwithstanding this practice, and being constantly over-ruled in their opinions, did still retain a spirit of freedom in their debates and determinations, this, instead of producing any good effect, would probably be attended with the greatest evils. The state will be kept in continual agitation by the differences of the two branches of the legislature; personal animosities; quarrels amongst neighbours; divisions in families; and often bloodshed, would be the consequence. Government, which is instituted to preserve union and tranquillity amongst men, will become the source of division and disorder. Every new appeal will be the parent of new disturbances, which will be the worse, as the minds of men had been tattered by former opposition.

These are evils, and evils likely to result from that situation of affairs. But what is said on the other side? Shall the senate be a body independent of the people? Shall they know no restrictions but what their own wills impose? Shall they have in-

their power to ruin the state, and shall the people be without relief or remedy? Such questions often terrify, and generally impose upon weak minds. The alarm conveyed by them looks like danger, but it is only the danger of sound.

Should the ends of government be perverted by either, or both branches of the legislature. Should they or either of them become (I mean the real, not the imaginary) oppressors, instead of protectors of the people, I trust there is that sense and spirit in the citizens of this state, that will enable them to discover and urge them to resent every attempt to injure or oppress them, and to provide against future dangers and abuses.

When the people of this state delegate a power to particular men to make laws for their government, which persons by our constitution are to be the most wise, sensible and discreet men in the society, it may reasonably be supposed, that by that constitution it was intended the people at large should not interfere with the body thus appointed, at least in the ordinary course of legislation. The bill of rights has reserved a right to the people in extraordinary emergencies to resist oppression, which undoubtedly they would be entitled to do, even without any particular reservation in the constitution for that purpose. From the complexion of the whole clause in which this reservation is made, I think it appears, that the framers of the constitution esteemed the interference of the people in legislative and executive matters, at least improper and unnecessary, but in cases mentioned in the clause, viz. when the ends of government are perverted, and liberty manifestly endangered. The distinction is founded in wisdom. In matters of opinion, upon which the ordinary business of legislation must turn, the people at large cannot be supposed to be competent judges. In those cases that forcibly strike the senses, and operate upon the feelings, all men are equally qualified to decide.

Let us suppose that the practice of appeals should take place. Can we imagine it will be confined to those cases alone, wherein the ends of government are perverted, or liberty manifestly endangered? Those who have been present at the transaction of public business in either branch of the legislature must have observed, that although the intention of the members may be always directed to the public good, yet their tempers are not always free from passion, or their minds from prejudice. A bill for an emission of paper money, and the other bill mentioned in the appeal may, upon a candid and dispassionate inquiry, be deemed such acts as do not affect the ends of government, or endanger liberty. Yet we find the people are addressed on those subjects. Any other bills may go through the same process that those have done, and thus the people may be called from their ordinary occupations to give directions to those, who they themselves have declared to be the most wise, sensible and discreet amongst them, on subjects that they have never considered, or had an opportunity of considering.

Is a legislature like ours, framed entirely of the representatives of the people, undistinguished by titles, interest, or rank, from their constituents, and regularly returning, at fixed periods, into the common mass of citizens, governed by the same laws, and enjoying the same privileges, one would imagine, that there cannot arise an occasion, which can render them opposed to the interest, and inimical to the welfare of their country. In legislatures composed partly of the representatives of the people, and partly of those, who, in their legislative capacity, are independent of them, there may at times be occasion for the interposition of the people. For there being two, or as in the British constitution, three distinct branches, and only one of them taken from the common body, and depending on them for their existence, the others forming bodies, not only independent on the people in this respect, but distinguished, and separated from the rest of the society by prerogatives, titles, honours, and considerable privileges; in such governments, I say, there may often be occasion for the intervention of the people, to watch over their own representatives, and to guard them against any undue authority, or influence in the other branches, which might prove prejudicial to their general interest, and dangerous to liberty. But in our constitution, there is no such body. Arguments therefore drawn from a practice in governments like these, are totally inapplicable to us. Authors are quoted on this occasion. But they are quoted with the same taste, and propriety, as such arguments are advanced.

I am sensible, that to question even the propriety of the interference of the people in any case, be it what it may, in matters of legislation will be deemed an attempt on liberty. All the topics used in the most desperate and dangerous cases, will be urged in opposition to such a sentiment. Revolutions of government in favour of, or against liberty, will contribute to furnish means for the purpose of opposing a doctrine so pernicious. But, in the midst of this clamour, let it not be forgotten by the citizens of this state, who now live under a free government, and who are desirous of preserving the constitution, as it now is, that they cannot more effectually reduce this to the situation of the worst of governments, than by throwing such a weight into either branch of our legislature, as will overbalance, or countenance such conduct in one, as will destroy the effect and independency of the other.

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