

misapplying them, even in matters of ordinary legislation, they may, if they think the abuse or misapplication requires it, immediately interfere by remonstrances and instructions; and as the people are the sole judges whether there has been an abuse or misapplication of the powers of legislation, both branches are bound to submit and act according to instructions. And I really should consider it as *impudens in the extreme*, for either branch or both to set up a claim of *rightful authority* to over-rule the *national voice*, when clearly expressed and *decidedly* communicated.

You have been pleased to put a case in which you admit a suspension or dissolution of government would be proper, "a certain prospect of a powerful invasion, and the legislature's declining all means of placing the state in a posture of defence."

I beg your attention to a few observations on the case you put. Who are the judges, Aristides, of the certainty of this invasion? And who are the judges whether the legislature has declined the means of placing the state in a posture of defence? You will say, no doubt, *the people*; for on the case put it is admitted the legislature are *delinquents*, and consequently cannot be judges.

But what, if it was stated in the case, that the delegates were for measures of defence, but the senate were of a different opinion, under an impression there was no certainty of an invasion? Are the people still the judges? They must, Sir, be the judges, or you must maintain that the senate have a right to over-rule both the people and their immediate delegates. But if the people are the judges, then the judgment of the senate, in the case put, is to be disregarded, and you say the people may suspend or dissolve the government.

Let us now consider for a moment the *blissfulness* of your doctrine, and the *pestilence* of mine.

You say the people on the case put may *suspend or dissolve* the government. What, Aristides, *suspend or dissolve* the government in the moment of a *powerful invasion*? How are troops to be raised, officers appointed, arms purchased, magazines provided, taxes imposed, and money raised and collected? Your doctrine, Sir, no doubt, exhibits a great display of political talents, but it delivers up the people and the country a prey to the invader.

And now for the pestilence of my doctrine. I contend that the people's right of instructing is and ought to be considered as the constitutional doctrine of the state, having the effect of a command, if the people think proper to speak in that style. And what would be the consequence of it in the case you put? The people instead of *suspending or dissolving* the government in the moment of a powerful invasion, would direct and instruct the senate to co-operate with the delegates in measures of defence: the senate would receive the instructions as a constitutional authority, and submit to them; and thus the government would be preserved, proper measures taken for defence, and the people and country saved from ruin and destruction.

But, Aristides exclaims, this is a *pestilent* doctrine; it is a *force* upon the senate; it is a *force* upon their judgments; it is exercising the *powers of legislation*.

And pray, which of our doctrines operates as the *greater force* upon the judgment of the senate? And which is the most assuming of the right of legislation? If to instruct is to over-rule the judgment of the senate, and amounts to legislation, surely to *suspend or dissolve* the government, *against the judgment* of the senate, is to exert a much *greater force* upon them, and amounts more completely to a *resumption* of the powers of government.

Having admitted the right of the people to judge in the case of an invasion whether the legislature employ their powers properly or not; and if not, to over-rule the judgment of the senate, and even of both branches, and to suspend or dissolve the government, I would now, Sir, ask you, what it is that forbids the people from exercising the like power in *all cases* where they shall form the like judgment of the conduct of the legislature? And I submit to your *serious* consideration, whether it is not clearly for the interest and happiness of the state, that the people should possess and exercise the right of remonstrating and instructing, *before* they proceed to the last extremity of suspending and dissolving the government?—

But you want no other ground to destroy the right of instructing than our compact, constitution, and government. "This compact, you say, defines the rights of the people, and ascertains with precision the powers delegated, &c. Wherefore during the *existence of the compact*, there can be rightfully exercised no powers whatever except those therein mentioned and defined." And you have said, the right of instructing is not therein mentioned, and so does not exist.

I deny, Sir, the position, that during the existence of our compact no powers or rights can be exercised, but those that are therein mentioned and defined. I maintain all powers and rights may be exercised, which the people possessed before the compact, and which are not therein mentioned, parted with, and transferred. I maintain that the right to instruct a deputy, or agent of trust, was a natural right, *paramount* the compact, and not being therein mentioned or transferred, it still exists, and may be rightfully exercised.

When America resisted the tyranny of Great Britain, the then colonies had charters, compacts, constitutions and governments. Did congress resist

the rights of America upon these charters or compacts? Or did they deduce them from a higher source, *the laws of God and nature*? Did any patriot or judge broach the absurd doctrine, or make the absurd position, that the people could exercise no other rights or powers, except those mentioned and defined in their respective charters, compacts and constitutions? Read, Sir, the proceedings of congress; be assured it will be no imputation upon you to trust *more* to the authority of books and the writings of others, and less to your own powers and faculties.

But you admit the *right of instructing* so far as to give *advice and information*; this, no doubt is a *great kindness* to the people; but where shall we find even this right mentioned or defined in our compact? No matter for that; you are a *judge*, and you so decide.

Again. By our constitution and government delegates are to be chosen annually to congress; and the legislature claims and exercises the right of instructing and binding them by such instructions. But according to your position, the legislature has no such right; for there is not one word about it in the compact; it is neither mentioned nor defined.

You see, Aristides, if the compact is to destroy the right of instructing, it lies upon you to shew that the right is *parted from* and *transferred* by the compact; if it is not mentioned in the compact, it cannot be *parted with* or *transferred*, but remains with the people; for I have already observed, that in a state of nature, antecedent to government, it was a natural right to instruct a delegate, deputy, agent or trustee. But independently of this ground, the very relationship between principal and delegate, implies and maintains the right.

You complain that you are *dejected*. I think I understand you; you stood, you mean to say, by the senate; and the senate have not stood by you. You were certainly thought a *laborious partisan* for them; as such you at least deserved their thanks. But when you aspired to be a *deputy* to the convention, your ambition took too lofty a flight, and they could not gratify you. A person may be well qualified for a *partisan* in a news paper, but not for a *deputy* to the convention. A deputy ought at least to be *acquainted* with the rights and liberties of his fellow-citizens, and to respect and regard them. But do not despair, Aristides; the senate may remember you in due season, and reward you for your *services*. At present perhaps they have taken a *personal dislike* to you; for you know in human affairs it sometimes so happens, that we love the *treason* but hate the *traitor*.

PUBLICOLA.
Annapolis, 22d June, 1787.
[To be continued.]

C L E V E S, March 20.

IT is said here, that the Landgrave of Hesse Cassel has not yet accepted of the mediation offered by the court of Prussia, relative to the affair of Buckenburgh Lippe, it seems however, to be clear, that if the mediation of his majesty is not accepted, the circle will be obliged to take the affair in hand, in which case the king of Prussia, as nearest neighbour, will settle matters. It is confirmed, that a mandate is arrived at Cassel, ordering the Landgrave to draw off his troops in twice 24 hours on pain of a penalty of 2000 marks of gold.

From the borders of the Danube.

The last accounts from Constantinople breathe nothing but war since the Russian minister gave notice to the Porte of the intended journey of the empress of Russia to Cherson, together with the desire of her imperial majesty to be complimented by an extraordinary embassy from the Ottoman court. The grand signior immediately assembled the divan where the debates ran very high, and as soon as the meeting was over, orders were sent to the commanders of the frontiers to assemble all the troops they could get together; 100,000 recruits have also been raised, which, added to the janissaries, will form an army of 150,000 men. It was at the same time ordered to put the Castle of Adrianople in a proper state for the reception of the grand signior and his court as is usual in time of war. A fleet of 20 men of war is also fitting out, and the old admiral will be recalled from Egypt.

V I E N N A, March 21.

It is daily more and more confirmed that the emperor's journey to Cherson is set aside. The day before yesterday one of the noble Hungarian guards was sent express to Kiow, most likely with intelligence of the above determination of his majesty, and that other couriers were sent to different courts, particularly two officers of the French ambassador's household were dispatched, one to Paris and the other to Constantinople. These concurrences form matter of much conjecture.

March 22. We this moment learn that his imperial majesty has dispatched couriers to several courts of Europe, particularly one to Kiow, charged with expresses of great importance, and authorized to announce to the empress that he can see no security either to her imperial majesty or himself in pursuing the route to Cherson.

We have accounts that the Turks oppose the coronation of the empress of Russia at Cherson with all their might.

B O S T O N, July 7, 1787.

The following is a copy of an original letter found at the high sheriff's door, two days after the date, supposed to have been written by one of the felons who had fled to York state after the defeat of Hamlin, with this superscription on the outside.

"To colonel Hide, high sheriff of the county of Berkshire—With care,
New-Lebanon, April 15, 1787.

Sir,
Please to take this for a compliment. I understand that there is a number of my countrymen condemned to die, because they fought for justice, I pray have a care that you *assist* not in the execution of so horrid a crime, for by all that is above, he that condemns and he that executes shall share alike. So no more at present but prepare for death with speed, for your life or mine is short, when the woods are well cover'd with leaves I will return and pay you a short visit.

So no more at present but I remain your most inveterate
E N E M Y.

The following is a DEPOSITION given by Joseph Metcalf, Esquire.

I Joseph Metcalf, of Orange, in the county of Hampshire and commonwealth of Massachusetts, of lawful age, do certify and say, that on Monday the 21st day of May, 1787, about noon, as I was returning from Chesterfield, in the state of New-Hampshire, I was near Butler's tavern in the town of Hinsdale, state aforesaid, taken prisoner by a party of about twenty insurgents, commanded by one colonel William Smith, late of New-Salem, in the said county of Hampshire. On my hesitating to consider myself their prisoner, Smith drew his sword and swore he would take my life instantly if I was reluctant. I was then carried to Brattleborough in the state of Vermont, and delivered into the hands of Luke Day, Elijah Day, and Thomas Day, and others; and was then taken to the house of Giles Day in the town of New-Marlborough, state of Vermont aforesaid; previously being told by Luke Day that I was one taken by their agreement to retaliate the death of those who were under sentence for the late insurrections, and they intended to take Medad Pomeroy, Esquire, and colonel Mayo, of Warwick, in the state of Massachusetts, and such other characters as would most likely produce (if held as hostages) a pardon for their friends, and that they shall execute us on hearing of the execution of their friends instantly. While the party were at Giles Day's aforesaid, they posted a centinel to prevent any surprise by the inhabitants, of which they seemed to be very apprehensive.—Two persons passed the house, said to be two deputy-sheriffs, who had warrants against Luke Day, which so alarmed the party that they deliberated whether they should repair to the woods, but were determined otherwise by the return of a person who had seen the sheriffs, and reported that they said they had pursued to silence any speeches that might else have been made, but that they would lie in bed until the insurgents should pass them in the morning; after which I was carried over the Green Mountain into Stamford, at which place I fortunately make my escape, about eleven o'clock on Tuesday night ensuing. During the time I was in their hands, they frequently declared their resolutions to disturb and molest the citizens of Massachusetts, and that they should plunder promiscuously in future—indeed their whole conduct was most morally abandoned and wicked; and farther faith not your deponent.

Hampshire, 21 May 24, 1787.
PERSONALLY appeared Joseph Metcalf, and made oath to the truth of the foregoing deposition.
Cor. E. MATTOON, Junior. Just. Pacis.

N O R T H A M T O N, May 30.

Yesterday was committed to gaol in this town, lieutenant Bullard, of Orange, and two others.—Bullard was taken at Swanzy, in the state of New-Hampshire, enlisting men for Shays.

Extract of a letter from a commanding officer at Northfield, dated May 26, 1787.

"Last Friday I received information from Caleb Frink, Esq; of Swanzy in the state of New-Hampshire, that he had taken up lieutenant Isaac Bullard, who had engaged forty men, some in this state, but chiefly in Vermont and New-Hampshire. In consequence of which, I collected ten horsemen, and sent for him, and immediately ordered a detachment from the troops under my command to follow after and cover their retreat, which proved a favourable circumstance, for the inhabitants of Winchester, on hearing of the movement, immediately beat to arms, and probably would have rescued Bullard, but the detachment arriving seasonably they dispersed.

"Last Wednesday night a party came down the river and advanced near this town, but being informed that part of my regiment was here, they concluded it would not be best to proceed any further, and returned without doing any mischief. We have them frequently round our camp, and our centries have fired on them, but none as yet have been either killed or taken."

P H I L A D E L P H I A, June 11.

As many persons in the United States have been in some degree interested in the capture of St. Eustatius, we have extracted from the Gentleman's Magazine the following authentic account of the proceedings in that business.