From the GAZETTE OF THE UNITED STATES.

Certain interesting representations presented to a Wise assembly gave rise to the following.

WHEREAS it is of consequence,
That Congress should fix its residence,
That seat of learning and renown,
Yclept long since the "*Federal town*;"
The people of this pleasant borough,
From a conviction just and thorough,
That there's no other situation,
Can equal this in all the nation;
Your honours do most humbly pray,
To make it your abode for aye.

Nature provideth here so ample,
We only can select a sample
Of what this blessed place affords,
Enough to tempt a *House of Lords!*
Where'er you turn your wond'ring eyes,
Ten thousand pleasing prospects rise!
The streams meandring thro' the vales,
"*BLUE HILLS*," whose height the skies assails;
The air salubrious, sweet and bracing,
All fogs, and noxious vapours chasing,
And as no mortal man can think,
But what you all must eat and drink,
Our markets give, ye Gods, such meat,
As ye, in your own hotels eat:
We've beef, and veal, and lamb, and mutton,
As fine as e'er wastable put on;
And dunghill fowls, wild ducks and widgeons,
And snipes, and geese, and quails and pidgeons;
Pheasants and ortolans, be sure,
To please the daintiest epicure.
Our Schuylkill gives us fish in plenty,
Of sorts we reckon more than twenty—
As shad and shewives, perry picking,
Without a bone your throat to stick in;
Than Schuylkill there is none of future fong,
Upon whose waves are borne along
Two hundred thousand sacks of wheat,
Transported in muffetto fleet—
Muskets fact! yes, there in peace,
CONGRESS may sit till time shall cease,
Nor fear lest with a gun come near 'em,
At present we've three hundred houses,
All fill'd with loving wives and spouses;
But timber, shingles, scantling, boards,
The neighbourhood great store affords;
We'll give you stones all vein'd with blue,
And thank you when you take them too;
But as for bricks, you pay for making,
They cost us time and pains in baking;
We've carpenters, and masons good,
As ever work'd in stone or wood;
Artists in every kind of work,
To build your houses in a jerk.
We've barbers, taylors, and shoe makers,
Pye-women, hucksters, brewers, bakers;
Taverns in plenty too abound,
And here and there a church is found;
Besides all these, there are "exteriors,"
We need not mention our superiors,
Both for convenience, and delight,
To crown the day, and eke the night.
Then come, good Sirs, make this your seat,
Where nature's choicest bounties meet.—
The public good prompts this petition,
From yours with zeal, peace and submission.

THE ALPHABET.

[*Continued from the second page.*]

Mr. Smith, (S. C.) All the difficulties and inconveniences which the gentlemen have started as arising from the government itself. All the objections made to this court apply equally against having any national judicature. Indeed if they had any weight they would as forcibly apply against the very institution which the gentlemen patronize, viz. a court of admiralty and piracy. If there is to be this perpetual clashing of jurisdictions between the federal and state courts, this eternal jarring between their respective officers, will not these embarrassments exist under any judicial system which the ingenuity of man can devise? Will they not take place under the establishment proposed by the other side; and will the mere alteration of the court from a district to a court of admiralty and piracy remedy the evil? But these objections come too late; a national government is established—the judicial power is a component part of that government, and must be commensurate to it. If we have a government pervading the Union, we must have a judicial power of similar magnitude: We must establish courts in every part of the Union. The only question is, which is the plan best calculated to answer the great objects we all have in view, the carrying the judicial powers into operation with the least inconvenience to the citizens.—This double system of jurisprudence is unavoidable;—It is as much a part of the Constitution as the double system of legislation; each state has a legislative power, and the Congress has a legislative power, both operating on the same persons, and in many cases on the same objects: It is infinitely more difficult to mark with precision the limits of the legislative than of the judicial power: No, one however disputed the propriety of vesting Congress with a legislative power over the Union, and yet that power is perhaps more liable to abuse than the judicial. It has been indeed contended in some of the State Conventions, that Congress ought not to be intrusted with direct taxation; and it is remarkable that the same obstacles were urged against that power which are now suggested against this institution. It was then said that federal and state taxes could not operate at the same time without confusion; it was then facetiously asked, whether the Congressional and the State collector who had seized a horse for the payment of taxes were to divide him between them;—it is now asked with equal pleasantry, whether the marshal of the district court and the sheriff of the State court who have taken the same debtor in execution are to divide him in halves. It was then answered, that if the State collector seized the horse first, he will have the first satisfaction. It was also shewn that there are frequently in the same state, state taxes, county taxes, and corporation taxes, and that these have occasioned any clashing or confusion? I may now be answered, that there are at present in some of the States, State courts, county courts, and corporation courts; and that these are found convenient, and unaccompanied with the clashing so much apprehended. They keep within their particular spheres, and have their limits ascertained. But, in answer to one supposition allow me to state another—Suppose a state sheriff and a county sheriff should seize the same debtor, would he be parcelled out between them? would not the execution which was served first take effect? Is not this the practice at present, and will it not be founder this system? It is very easy for gentlemen in the warmth of their imaginations to suppose a variety of cases, and to raise a multiplicity of objections against any system of jurisprudence whatever: They will all be more or less liable to some objections on the score of inconvenience, but they are submitted to by good citizens, who are sensible that they are the surest means of protecting their property, reputations and lives. After all that has been said, it does not appear that we differ so widely as was imagined, for the gentlemen who advocate the motion, concede the necessity of some inferior federal court in each state. What then do gentlemen object to? If it is the name of the court, that may be altered—if it is the frequency of holding them, it will be very easy to amend the clause in that respect: but why move to strike out the clause altogether, when it is granted on all hands there must be such a court. The objection to the extent of jurisdiction is premature, & ought to be reserved for the clause which ascertains the jurisdiction; if upon an investigation of that clause, it shall appear that it ought to be restricted, that will be the seasonable time for moving to strike out the exceptionable part, but really at present gentlemen are making objections to one clause which, from their own concessions, apply altogether to another. As to several other observations, which relate to the time of holding the courts, and the mode of drawing jurors, it is unnecessary to reply fully to them at present, because, it would be improper to run into a discussion of the detail, while the question is on the principle of the system.—Learn no less than to the time of holding the courts and the mode of drawing jurors, provided by the bill, [illegible] whom the objection came, and [illegible] time, we [illegible] there shall be a suitable number [illegible] will apply to the objection [illegible] in lieu will be unnecessarily harrassing; every care will be taken to accommodate these courts to the convenience of the citizens of each state.

NOTICE is hereby given to the following non-resident proprietors of land in the town of Rowe, county of Hampshire, that their lands are taxed in a state, town and county tax, for the years 1784, 85, 86, 87, 88 and 89, and in a minister tax for 1788 & 89, as follows, viz.

	State tax.				town & coun.				minist.			
	L.	s.	d.	q.	L.	s.	d.	q.	s.	d.	q
Edward Upham	0	6	3	2	0	18	11	3	2	3	3
James Upham	0	4	11	2	0	11	6	1	2	1	0
Obed Foot	0	4	10	3	0	11	6	1	0	9	1
S. Rogers, jun.	0	0	6	0	0	2	7	2	0	10	1
——Goodale	0	0	8	3	0	7	4	0	1	2	1
——Wench	0	0	8	3	0	7	4	0	1	2	1
——Aldrich	0	0	4	0	0	3	4	1	0	7	0
Fullam's grant	1	1	1	6	2	3	10	8	0	8	3
Brooks & Bigelow					0	2	9	1			
Joel Dutton	0	0	10	3	0	4	4	0	0	4	3
Benja. Fisk	0	1	6	1	0	4	7	1	0	5	3
Samuel Pearce					0	4	1	1			
Jonas Leonard	0	0	2	3	0	2	9	2	0	4	3
Elisha Porter, Esq	0	1	0	1	0	5	11	1	1	7	3
——Smith	0	0	2	2	0	1	9	1	1	1	2
Oliver Wilder	0	1	3	3	0	6	7	1	2	1	2
——Cahoon	0	4	1	0	0	16	1	0	2	9	0
Richard Green	0	0	3	3	0	1	9	1	0	4	0
Eller Makepeace					0	16	3	2			
Jesse Marks					0	4	11	1			
Jonas Upham					0	1	7	0			
Noah Bliss					0	1	8	0			
Abel Clary	0	2	4	2	0	5	6	1			
E. Marroon, Esq.					0	9	4	2			
Jason Wright	0	3	4	0	0	6	3	0			
A. Singletary, Esq					0	9	4	2			
Reuben Parker	0	6	3	0	0	12	5	2	6	7	2
——Beeman	0	0	4	2	0	1	10	3	0	11	2
Capt. B. Brown	0	0	10	0	0	3	11	2	2	4	0
R. Ingersol, jun.	0	7	6	0							
Elkanah Hodges	0	10	0	0							
Barna Blackmore	3	8	0	0							
T. Barrowman	0	1	8	0							
Jason Wright	0	3	4	0							
John Crowford	0	6	6	0							
Dr. M. Heaton	0	3	11	0	0	2	4	1			
Nathan Wood	0	1	2	1	0	0	8	3			
Dennis' grant	0	2	4	2	0	1	5	1			

Unless said taxes are paid on or before Monday the 16th day of November next, so much of said land will then be sold at public vendue, at the house of Ambrose Potter, in said Rowe, at 9 o'clock, A. M. as will be sufficient to discharge the same, with intervening charges.

NATHAN WHEELER, Collect. for 1784.
ARCHIBALD THOMAS, for 85 & 86.
JOSEPH NASH, for 86, do.
ISAAC LANKTON, for 87.
JONATHAN WHITE, for 88 & 89.

Rowe, August 27, 1789.

Blackstone's Commentaries.

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ISAIAH THOMAS.

Worcester, August 27, 1789.

*** Subscriptions are taken in by ISAIAH THOMAS, the Publisher, at his Bookstore in Worcester, by said Thomas and Co. No. 45, Newbury-street, Boston, and by all the Printers and Booksellers in the U. States.

Levi Shephard,

Wants to procure a large quantity of good

FLAX,

for the Duck Manufacture—He takes BUTTER, and FLAX-SEED, and wishes to procure a quantity of CHEESE, that will weigh about ten lb. each, for which good pay will be made at his store in Northampton.

CASH,

and a generous price given for

BEES-WAX.

Northampton, Sept. 23, 1789.

WHEREAS a number of the proprietors of Hatfield Great Swamp, have not paid their proportion of the expence of draining the same, according to the taxes levied for that purpose by the commissioners of fewers—Such delinquents are hereby notified, that unless said taxes are paid by the 25th day of September current, so much of their lands will then be sold or leased, as shall be necessary to pay said taxes, and all necessary intervening charges, at the dwelling house of Mr. Joel Wait, inholder in Whately, at 2 o'clock in the afternoon of the aforesaid 25th day of September current.

ELIJAH HUNT, }
LEVI SHEPHARD, } Commissioners.

Northampton, Sept. 8, 1789.

WE, the Subscribers being appointed Commissioners by the hon. Judge of Probate for the County of Hampshire, to receive and examine the claims of the creditors to the estate of Capt. JOB ALVORD, late of South-Hadley, deceased, represented insolvent, hereby give notice, that we shall attend the business of our appointment, on these second Tuesdays of October, December, and January next, from 2 to 6 o'clock P. M. on each day, at the house of Justin Alvord, in South-Hadley. No accounts will be allowed after said term.

DAVID NASH, }
JAHLEEL WOODBRIDGE, } Commissioners.

ALL Persons indebted to said estate are requested to make immediate payment to

JUSTIN ALVORD, Adm'r.

South-Hadley, Sept. 9th, 1789.

Vol. IV.] THE [NUMB. 162.

HAMPSHIRE GAZETTE.

WEDNESDAY, OCTOBER 7, 1789.

NORTHAMPTON, (MASSACHUSETTS) Published by WILLIAM BUTLER.

Proceedings *of* Congress.

(Continued from our last.)

In the HOUSE of REPRESENTATIVES of the UNITED STATES.

MONDAY, August 31.

In Committee of the whole; Mr. Boudinot, in the Chair.

DEBATE on the JUDICIAL BILL—concluded from our last.

Continuation of Mr. Smith's (S. C.) Speech.

SEVERAL other difficulties have been urged as growing out of this plan of jurisprudence; a candid discussion will remove and obviate them. It has been said, that the bill provides a number of appeals from the State to the supreme court, through the district and circuit courts; and that the suitors may be persecuted with appeals carried on from one court to another, through four different courts. An attentive examination of the bill is a sufficient answer to this objection: There is no appeal from the State to the district court, and only a power of removal in certain cases of a federal jurisdiction from the State to the circuit court: neither is there any appeal of fact from the district to the circuit court, but in admiralty causes, & these cannot be afterwards carried up to the supreme court but where the value exceeds 2000 dollars.

It has been said that under the idea of vicinage, a man may be dragged far from his friends to trial from Georgia to North-Carolina; but it must be remembered that there is a constitutional provision, that the criminal shall be tried in the State where the offence is committed, and the bill is conformable to the Constitution in this respect. It has been observed, that the Constitution is no bar to vesting the State courts with federal powers, for the words "such inferior courts as Congress shall from time to time establish," imply that Congress may not institute them, and if they are not instituted, these powers must of course remain with the State courts: In reply to this argument it is to be observed, that the words, "such inferior courts, &c." apply to the number & quality of the inferior federal courts, and not to the possibility of excluding them altogether: It is a latitude of expression empowering Congress to institute such a number of inferior courts, of such particular constitution, & at such particular places as shall be found expedient: In short in these words of the Constitution, Congress may establish such inferior courts as may be requisite. But that Congress must establish some inferior Courts is beyond a doubt: In the first place, the Constitution declares that the judicial power of the United States shall be vested in a supreme, and in inferior courts. The words "shall be vested" have great energy, they are terms of command; they leave no discretion to Congress to "parcel out the judicial powers of the Union to State judicatures, where a discretionary power is left to Congress by the Constitution, the word "may" is employed, where no discretion is left, the words "shall" is the appropriate term; this distinction is cautiously observed. Again, the Supreme Court in two cases only has original, in all others it has appellate jurisdiction; but where is the appeal to come from? Certainly not from the State courts; it must come from a federal tribunal. There is another argument which appears conclusive: The Constitution provides that the judges of the Supreme and inferior courts shall hold their commissions during good behavior, and shall receive salaries not capable of diminution, and it further provides that the judicial power of the Union shall be vested in a Supreme and inferior courts; that is in a Supreme and inferior courts whose judges are to hold their commissions during good behaviour, and are to possess salaries not liable to diminution.

Does not then the Constitution in the plainest and most unequivocal language, preclude us from allotting any part of the judicial authority of the Union to the State judicatures? The bill, it is said, is then unconstitutional, for it recognizes the authority of the State courts in that clause which empowers the Supreme Court to overturn the decisions of the State courts, when such decisions are repugnant to the laws or Constitution of the United States. This is no recognition of such authority, it is a necessary provision to guard the rights of the Union against the invasion of the State. If a State court should usurp jurisdiction of federal causes, and by its adjudications attempt to strip the federal government of its constitutional right, it is necessary that the national tribunal should possess the power of protecting those rights from such invasion. The committee has been told that this multiplication of courts, and of appeals will distress the citizens; and the number of appeals in Great-Britain have been alleged to. I have always heard that there is no country in the world where justice is better administered than in that country; to its excellent and impartial administration the prosperity, freedom and civil rights of its citizens have been attributed: Were appeals too much restrained in this country, I much question whether a great clamour would not be raised against such a restriction: The citizens of a free country, when they lose their cause in one court, like to try their chance in another: This is a privilege they consider themselves justly intitled to, and if a litigious man harrasses his adversary by vexatious appeals, he is sufficiently punished for it by having the costs to pay. By limiting appeals to the Supreme court to sums above 1000 dollars, as is proposed, the poor will be protected from being harrassed by appeals to the Supreme court.

There is one more observation which requires an answer:—It was said that the juries might be dragged from one end of the State to another; provision is expressly made against this in the bill; it is there enacted that the juries shall be so drawn as to occasion the smallest inconvenience to the citizens. After having very maturely considered the subject, and attentively examined the bill in all its modifications, and heard all that has been alledged on this occasion, I am perfectly convinced, that whatever defects may be discovered in other parts of the bill, the adoption of this motion would tend to the restriction of every system of national jurisprudence.

Mr. Livermore; I think this law will entirely change the form of government of the United States.

Several observations have been made on the clause: It is said to be the hinge on which the whole turns: Some of the objections which I have thrown out, have been attempted to be answered—among others the great expence—by expence I do not mean the salaries of Judges—this will however be greater than the whole expence of the judiciary throughout the United States; but I refer to the general expences, which must be borne by the people at large, for jails, court houses, &c.—the expense of jurors and witnesses, and other incidental charges, will be another, great burthen: This is at present borne without repining, as the people receive compensation in personal security and public justice; but if all these are to be doubled throughout, it will be justly considered as intolerable. Another burthen is the rapidity of the course of prosecution in these courts, by which debtors will be obliged very suddenly to pay their debts at a great disadvantage: Something like this, occasioned the insurrection in the Commonwealth of Massachusetts: In other States similar modes of rapidity in the collection of debts have produced conventions: This has been the case in the Northward, and as I have been informed, has also to the Southward.

This new tangled system will eventually swallow up the State Courts, as those who are in favour of this rapid mode of getting debts will have recourse to them. He then adverted to the clashing circumstances which must arise in the administration of justice by these independent courts having similar powers. Gentlemen, said he, may be facetious respecting dividing the horse—but these are serious difficulties—the instances mentioned by the gentleman from South-Carolina, do not apply—the officer here is the same, the same Sheriff has the precept committed to him—and the execution does not clash—the same goal answers for both, &c.

I do not think that difficulties have been answered by any of the examples brought for the purpose.

As to the instance of the trial for piracy in the State of South-Carolina, that was a particular case, which could not otherwise be provided for; but these so rarely happen, that no precedent can be drawn from them to render it necessary to establish these perpetual courts.

He then referred to the observation which had been made respecting those who are opposed to the clause, offering a substitute, and said he thought upon the whole that the motion made by an Hon. Gentleman from South-Carolina, (Mr. Burke,) that there should be no district courts, is better than any substitute.

It may be proper here to refer to the Constitution: He then read the clause upon this subject—The Supreme Federal Court is to have original jurisdiction only in certain specified cases—in all other, it is to have only appellate jurisdiction: It is argued from this, that there are to be Inferior Federal Courts, from which these appeals are to be made: If the Constitution had taken from the State Courts all cognizance of federal causes, something might be said; but this is not the case.—The State Courts are allowed jurisdiction in these cases.

It has been objected that bonds taken by the Judges of the Supreme Court, cannot be sued in the State Courts: I do not see why this cannot be done: Similar processes have been usual among us in times past, and there has been no difficulty.

Admiralty Courts should have cognizance of all maritime matters, and cases of seizures should also be committed to their decision. I hope therefore that the clause will be disagreed to, or struck out, and that the bill may be rejected, that a short concise system may be adopted.

Mr. Vining: I conceive that the institution of general and independent tribunals, are essential to the fair and impartial administration of the laws of the United States—That the power of making laws, of executing laws, and a judicial administration of such laws, is in its nature, inseparable and indivisible, if not so, "*Justice might be said to be lame as well as blind among us.*" The only plausible argument which has been urged against this clause, is the expence: It is true, that the expence must in some degree be necessarily incurred, but it will chiefly consist, and end, with the organization of your courts, and the erection of such buildings as may be essential—such as Court-Houses, Jails, and Offices, as the gentleman has mentioned—and what, at all events, do such expences amount to—they are the price which is paid for the just & equal administration of your laws: From your amazingly increasing system of government, causes must necessarily multiply in a proportionately extensive ratio: These causes must be tried some where, and whether it is in a State Court, or a Federal Judicature, can, in the article of expence, make but little difference to the parties: It is only (for the sake of more impartial justice) transferring the business from one tribunal to another.

The gentleman has told us, that the people do not like courts—that they have been opposed and prevented by violence—nay, by an insurrection in Massachusetts: Surely this operates as a powerful reason to prove that there should be a general, independent, and energetic Judicature—otherwise, if either the State Judges should be so inclined, or a few sons of faction choose to assemble, they could ever frustrate the objects of Justice—and besides, from the different periods fixed by the Constitution of the United States, and the different Constitutions of the several States, with respect to the continuance of the Judges in office, it is equally impossible and inconsistent, to make a general uniform establishment, so as to accommodate them to your government.

I wish to see justice so equally distributed as that every citizen of the United States should be fairly dealt by, and so impartially administered, that every subject or citizen of the World, whether foreigners or alien, friend or foe, should be alike satisfied: By this means you would expand the doors of justice, encourage emigration from all countries into your town, and in short, would make the United States of America, not only an Asylum of Liberty; but a Sanctuary of Justice: The faith of treaties would be preserved inviolately—your extensive funding system would have its intended operation—and your revenue, your navigation, and your import laws would be executed so as to recipe their many advantages—and in effect establish the public and private credit of the Union.

Mr. Stone: I have given the arguments all the attention which their weight demands; considering the respectability of the characters which have spoken upon the subject.

It has been said that the clause in the Constitution is imperative—if this is the case, let us see where it will carry us? It is conceded on all hands that the establishment of these Courts is immutable; but the Constitution says, that Congress shall constitute such inferior Courts from time to time.

The Constitution gives you a right to extend the judiciary power to all those specified; but it does not say that these powers shall be exercised over all these cases.

He then extended this idea to the Legislative Power, which it cannot be pretended, (said he) is incomplete, because it is not extended to all possible cases: Do you divest yourself of the power by not exercising it?—Certainly not. This idea involves the principle mentioned by the gentleman from New-York, (Mr. Benson) that the establishment of these inferior tribunals or district courts, will draw the whole judiciary power along with them; so that the clause which restricts their cognizances to a certain sum, is nullity.

State judges may be considered in two respects as men and as judges: As men they are to submit to the modification of the Constitution, as it respects them as citizens: As judges, they are to confine their relation as such to the Constitution, and are to administer justice agreeable to the Constitution, or they may resign. I can hardly bring myself to consider the subject in a reverse point of view: If it be admitted that the Judges of the several States cannot take cognizance of a law of the United States, because they are laws of the United States, they annihilate their judicial capacity at a blow.

It appears to me that there is nothing that the State Courts are not competent to, but certain cases which are specially designated.