

All to the last observation, viz that such an admission of witnesses, does not answer the end proposed, i. e. the more complete detection, prevention, and punishment of villany, we need but appeal to experience to make it evident. Villany is neither so completely prevented, nor so impartially punished as it might be, if such a measure never took place. One, two, or three of a class of thieves, money makers, or of some other knot of villains are detected, and in danger of suffering the penalty of the law. A suspected (probably jolly) by those interested in the prosecution, that a greater number are concerned in the villany. In order to detect and punish the yet unknown rogues, a proposal is made to the already defunct, to tender witnesses for the state, upon promise of immunity from their own part of the punishment. By this means frequently some of the most artful knaves, have the opportunity to inform and witness against others of the most artful and unprincipled, whom they themselves have led in; (for I believe scarce an instance can be given where such a witness has made a complete discovery.) And in this way the most notorious rogues escape punishment, and find so easy an escape from justice, that they are again ready to pursue their former plan of villany, with the greater cheerfulness. While others who have been rather the dupes of their own simplicity, than deeply criminal, suffer the penalty of the law. A mode of administering justice this, which God abhors. That this is but too commonly the case, that the greatest rogues escape, while those who are comparatively innocent suffer, of which those acquainted with the several lists of criminals, convicted at the various courts throughout this commonwealth, need no proof. The instance of breaking up the continental loan office at Boston, some years since, several counterfeiting clubs in this and other counties, particularly a recent one in this county, not yet finished, afford evidences of this truth, too glaring to be forgotten. These and many more are well known to gentlemen of extensive information about the affairs of this commonwealth. This is in many respects of a pernicious tendency. It multiplies crimes and criminals, instead of preventing and punishing. It most commonly happens that when knots of villains are discovered, some of the principal ones may be convicted and punished without having recourse to this method. And supposing numbers of the less quality should escape unpunished, the punishment of the most criminal would be much more effectual to break up such clubs, than the usual method. When a person not yet hardened in villany, sees the danger of persisting in his present course, exemplified in the detection and punishment of others more criminal than himself, and finds at the same time that he may now escape unhurt, either in person or character, perhaps no motive whatsoever could be more powerful to reclaim him. But to have an unmy member of a community reclaim'd without punishment, is doubtless much more advantageous to society, than to punish without reclaiming. But if his present escape should not have this salutary effect, if he still persists, he will most probably in the end, bring himself to conviction and punishment. When an individual, who has the privilege of witnesses, escapes in a manner tending to ripen them more for another scene of villany, and to give them an opportunity to draw in another company of unwarly, foolish men, and they who are punished, though less criminal, finding their characters gone, are too often fill'd with revenge, for what they justly view to be unequal treatment, commencing, from that moment, more hardened criminals. So that, in the view of the writer, this method of procuring witnesses, tends to the depraving of morals, and is wholly unnecessary. But if it is even more necessary than it is, it is such a manifest infringement upon the rights of freemen, as no necessity whatsoever can justify. I have been informed by a gentleman of extensive knowledge in the law department, that the practice is found to upon to be a tacit subterfuge of this Commonwealth, but obtain only by a tacit subterfuge of England. 'Tis a pity that it ever should be adopted, it might very well be left with the rick of the leeks and onions of Egypt, on laws are in, but too many instances, foured with that leave. Let the principles of our free constitution be sacred, and let all laws sink in oblivion which are inconsistent with these. But it will be said, it has been practised time out of mind, all nations even the most free, wile and enlightened have admitted it; which is a proof that the necessity & usefulness of the measure has been experienced. I. e. It may plead prescription, its hairs are as hoary with age as those of other errors in principle and practice, but the rights of freemen are more ancient, and the preservation of morals by wholesome laws more sacred. Many other practices of a plebeian prescription will stand up to the standard of universality and utility, as well as necessary, yet they now appear so ridiculous, that we wonder they were ever practised among a civilized people. And, as improvements are progressive, it is probable that in some future age, it will appear so strange, that the testimony of witnesses of such a description should ever have been admitted in a criminal court, that were not the fact well authenticated by history, that ever such a practice had obtained among their forefathers. Habit and custom operate powerfully upon the mind: we become insensibly habituated to many things, both in religion and common life, which are in themselves indefensible, and never would be thought reasonable, did not custom become a second nature. And such customs do not continue as long as the time of necessity, and it is with the greatest difficulty they are forsaken. But if nothing more can be urged in defence of the measure under consideration except custom, or a certain mode of thinking and acting to which we have become habituated by long use, and have received from our forefathers, tis high time to attempt a

reformation, and to fix upon something more consonant to the common privileges of freemen. A reformation I presume is justly wished by a major part of the citizens of this commonwealth. But in cases where it shall finally be found necessary for government to avail itself of this source of information—Let such be considered simply as informers, and their information no further proof, than as it is confirmed by other testimony. And if it should even be found convenient to mitigate the rigour of the law, on this account, in certain cases, where alleviating circumstances appear in behalf of the criminal, and his information appears to be of great consequence to the public, this would be very different from granting indemnity to a number of the greatest rogues, or three others, who, as appears from their very testimony, are by many degrees less criminal than themselves, which is the main, tho' I presume not the design of the present custom. Whether the practice be not contrary to justice and sound policy, contrary to the rights of freemen, and to the spirit of our excellent constitution, is submitted to the consideration of the public, by

IMPARTIALS.

CONGRESS.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 27.

THE order of the day for the consideration of the bill for giving effect to the provisions of the States United in the State of North-Carolina, was taken up, and the bill passed to be enacted. In committee of the whole, on the bill to provide the means of intercourse between the United States and foreign nations; the motion before the committee yesterday, for striking out Mr. Lee's proposed amendment, the words, "by and with the advice and consent of the senate," was again read.

Mr. Jackson opposed the principle of the bill, as tending to establish arbitrary power—as diverting the senate of their prerogative—as relinquishing the control of the House over the Treasury of the United States. Besides, he contended that it is the duty of the House to fix the salaries, and this he conceived the legislative body fully competent to. His disposal of the public money is a trust committed to us, nor can we constitutionally divert ourselves of it.

Mr. Boutwell was opposed to the amendment, and in favour of striking out the words, and contended that the bill went to make all those provisions as fully as the nature of the case would permit, which gentlemen appeared to earnestly to contend for.

The bill empowers the President to draw out of the public treasury a specified sum, it has also determined a point beyond which the salaries shall not extend; all the power proposed to be vested in the President, is to reduce the salaries, and to dispose of the appropriation to the best advantage. This cannot be considered an extraordinary or unconstitutional trust; it is agreeable to the uniform usage of the house in making the appropriations, when any trust is reported. It is easy to foresee innumerable difficulties in allocating the senate with the President in this business.

Mr. Scott asked whether the question was a legislative or executive matter—for his part he thought it of a legislative nature; and therefore granting any power to appropriate the public money for purposes where the house could not ascertain the quantum necessary, was acting contrary to the constitution. It was improper he said that either the President or senate, or both, would expend money for any services, the amount of which could not be fixed by law. He was therefore wholly opposed to the principle of the bill, and moved that the committee should rise, for the purpose of introducing a motion in the house to recommitt it.

Mr. Sedgwick observed that if a discretionary power cannot be lodged with any person to determine what sums shall be paid for particular services, it is difficult to conceive how the public business can be carried on. He was sure he said, there was nothing in the Constitution against the delegation of such a power—and in fact constant experience was directly opposed to the position. Mr. Smith (S. C.) pursuing the idea of Mr. Sedgwick adverted to the circumstance of voting 20,000 dollars the last session for the Indian business—it is true the compensations of the Commissioners was fixed—but their allowance, absorbed but a small proportion of the sum committed in trust to the President and Senate of the United States.

The question then was, on the proposed amendment, without the words "by and with the advice and consent of the Senate" the vote being taken the amendment was not adopted.

Mr. Lawrence proposed and additional clause for limiting the duration of the bill to the term of three years and from thence to the end of the next session of Congress thereafter.

It was moved that the clause which enjoins that the accounts of expenditures be rendered under oath, should be struck out.

Mr. Sedgwick was in favor of retaining the words: there could no injury arise from their being retained in the bill; they may conduce to the public satisfaction. In the disposition of public monies, cases will frequently occur in which a confidence in the integrity of public officers, may be all the satisfaction the people can receive in disposal of their money. It is not to be expected that the formality of an oath is to be heeded as, the ideas, went to be conveyed is that the accounts are rendered under the impression of such a solemnity.

Mr. Huntington, Mr. Wadsworth and Mr. Ames were severally in favor of the motion for striking out the words. It was observed that they involved an absurdity, except gentlemen supposed it necessary that the President should take his oath of office de novo.

The words respecting the oath were struck out. A motion of Mr. Maddison's, that the President should make a statement of the account of expenditures to be laid before Congress, occasioned some further conversation—This motion was adopted.

The whole paragraph as thus amended, was then agreed to.

The motion for the limitation of the bill was next discussed—it was moved that there be struck out before "years" and "two" inserted—This motion obtained.

The clause thus amended was adopted.

The committee then rose reported the bill with amendments—to which the House acceded—and ordered that the bill be engrossed for a third reading to-morrow.

TUESDAY, January 25.

The bill for making compensation to persons employed in the intercourse between the United States and foreign nations, was brought in, engrossed, and read the third time.

Mr. Sherman moved that the bill should lie on the table. He thought the sum of forty thousand dollars too much for the purposes specified in the bill, and that the house had no measure at present whereby they could ascertain the sums necessary to be appropriated.

This motion was carried in the affirmative.

This being the day assigned by the house for taking up the Report of the Secretary of the Treasury relative to a provision for the support of the public credit—Mr. Ames introduced the business by saying, that he apprehended, sufficient time had not yet been allowed for the members to prepare themselves for the discussion of a subject of such intricacy and magnitude—he therefore moved that the order of the day be postponed to next Monday week, which was carried.

A message from the President of the United States by his Secretary, communicating the act of Rhode-Island for calling a convention—also a letter from the Governor of that State to the President, respecting a further suspension of the collection act, &c.

These papers were referred to a committee consisting of Mr. Benson, Mr. Brown and Mr. Cole.

Mr. Burke from the committee appointed, brought in a bill for securing to authors and proprietors, the exclusive right to their writings.

Mr. Burke also presented to the house a motion, that it be an infraction to the committee appointed to bring in a bill for encouraging manufactures, to add a clause respecting the securing to inventors, the right to their discoveries.

This was agreed to.

Mr. White, Mr. Muhlenberg and Mr. Seney, were appointed.

BOSTON, Feb. 20. THE EXCISE BILL. On Wednesday, the debate on this interesting subject seemed to be carried on with an unusual warmth; but on Thursday the House got into a better humor, and very facetious remarks were made by two worthy gentlemen who adorn the respective coasts in their several counties. At a late hour, Mr. Gardner proposed an adjournment until the afternoon, as he supposed four gentlemen's dinners were waiting; he however had two articles of Excise, which he wished to introduce into the Bill, and which he doubted he would prove very popular; he would mention them, the gentlemen might turn them in their minds during the adjournment.—They were no other than OLD BATTLESHORS and *old's legs*. This occasioned much laughter. And the House adjourned on till 3 o'clock, P. M.

A HIGHWAY ROBBERY. We hear, was committed a few evenings since, near Tewksbury, on Mr. Wilson—who was robbed by two fellows, of about 100 dollars.

The danger of *peis* of *cheval* in *coasted* places. Last Monday evening, a seaman by the name of N. Tinker, of Norwich, (Conn.) belonging to the ship Mary, Capt. John Leach, going to bed in the steeple of said vessel, in which was a pot of charcoal, was found dead in the morning. The Captain's Inquest brought in their verdict, "That he died of infection."

FEBRUARY, 25. Tuesday a Bill for increasing the Salaries of the Judges of the Supreme Judicial Court, passed in the House of Representatives to be engrossed. By this Bill the Chief Judge is allowed 3700, and the other Judges 3350, per annum.

S A L E M, Feb. 16. Some piece of witty words, How may thierk into the foridrid hat, Of cheelers poverty!

We are told, that the sufferings of the poor in Marblehead, in the present severe season, are extreme, and that the several have been finally perished through want of the means of defending them against the incursions of the weather. This indolence and carelessness in the town was emphatically the subject of the exhortations of the pastor, by which many inhabitants were reduced to a most pitiable state of poverty and wretchedness. What industry could do, under the smiles of peace, to retrieve their situation, and heal their wounds, has been done already—but who could give back to the mourning widow her husband and protector—who could restore to the helpless orphan, the parent that was to lead him up to the stage of manhood? Our sympathies must be roused, when we are told, that according to an actual enumeration made a few days since, there are in Marblehead no less than Four Hundred and Fifty NINE WIDOWS, and Eight Hundred and Sixty FIVE ORPHANS (five hundred of which are Females)—constituting, probably, near a quarter part of the inhabitants—and many of them wretched beyond description!—The Scholars in the Academy in that town, touched by the representation of their miseries, have voluntarily offered their services, to endeavor to procure them relief; and FOR THE BENEFIT OF THE POOR, will, on Thursday evening next, under the direction of their Preceptor, exhibit the Tragedy of GEORGE BARNWELL, and the Comedies of THE RECRUITING OFFICER and the HARLOT HOUSE, May their benevolent endeavors be crowned with success!

From a late Dublin Paper. Arrived from America, Mrs. Montgomery, wife to the late Gen. Montgomery, and sister to the Hon. R. B. Livingston, Chancellor of New-York. The arrival of Mrs. Montgomery to this country, cannot fall of being interesting to Irishmen, whose zeal for that cause in which her husband gallantly fought and bled on the plains of Quebec, was ardent and general. When we reflect, that a revolution, the greatest recorded in the annals of history, the most important in the diffusion of civil and religious liberty, was sanctioned by the character of Mr. Montgomery, it is to be regretted that his fall was so untimely, before he had seen the people of liberty raised, of which he laid the corner stone, before he had seen the revolution of the rights of man confirmed—before he had seen the unions of Europe reaping the fruits of that harvest, the fruits of which he had sown. But though the zeal which he entered into the contest, and the spirit with which he supported it, were conspicuous—yet in justice to his character, we must observe, that he was of a mild, conciliatory cast of mind, was dear to all parties, and was even venerated, and honored, by those against whom he had drawn the sword; nay, the benevolence of his nature was so great, that he might have brought about a general reconciliation between the two countries, to their mutual advantage. We sympathize with Mrs. Montgomery, in lamenting the loss of so illustrious a patriot; but serious reflection on the event of that great revolution, in which he bled, and which he has lived to see completed, must give her high consolation, and make her an object of admiration and fear to the people of this country, (whose liberties are established by the event of the American war) as the deliverance is among the people of America—fire, in the native land of Montgomery, the will find none not infensible to American merit—in Ireland he will find, that "Sunbe etiam sua premia laetit; laetitiam verum, and mentem mortalitatem tangunt."

N O R T H A M P T O N, March 4. On Wednesday the 17th inst. agreeably the united desire of the church and inhabitants of Granby, Mr. Benjamin Chapman was ordained to the work of the

ministry there.—The Rev. Mr. Warner, of Woburn, made the introductory prayer—the Rev. Mr. Parsons of Amherst, preached a sermon suitable to the occasion, from II. Cor. vii. 1.—The Rev. Mr. Howard of Springfield, made the concluding prayer—the Rev. Mr. Hopkins of Hadley, gave the charge—the Rev. Mr. Hays of South-Hadley, gave the right hand of fellowship—the Rev. Mr. Store of Longmeadow, made the concluding prayer. The exercises of the day was then closed by singing an anthem, from the 42th chapter of Isaiah. The whole was conducted with propriety and attended to with becoming decency and solemnity.

Within the sphere of Philadelphia market—in the States of Pennsylvania, Jersey and Delaware—are 63 paper mills, which make nearly 50,000,000 worth of that article annually. Three-fifths of the mill, for making iron work by water, which consumes 350 tons of steel, 100,000 of iron-ore, in a six, time, &c. But these are manufactured in 16,000 barrels of malleable iron annually.

THE FAMOUS SWEDENBORG. Was visited for the first time with two millions of celestial agents which have been so much talked of, on the day on which he was to sail from England for his native country. During the voyage, the Captain of the ship observed him arranging chairs upon the quarter deck, and apparently conversing with some invisible beings. Upon inquiring the reason of this conduct, Swedenborg informed him, that some of his celestial friends desired to visit and converse with him. The Captain took no further notice; but upon his arrival, charged SWEDENBORG with the capture of his friends. He was now returned to the dilemma either to deny the visit, and retract his former assertions, or to pay the money. He preferred the latter, and the Captain was perfectly satisfied.

ENGLISH REFORMATION SOCIETY. At the Anniversary Meeting of the REVOLUTION SOCIETY, held in London, at the London Tavern, on the 4th of November last, (the Right Honourable Earl STAMFORD in the chair) the following resolution was moved by the Reverend Doctor PRICE, and unanimously approved, viz.

"That the Society for commemorating the Revolution in Great Britain, disseminating national principles, and rejecting in every branch of liberty and justice every arbitrary power, offer to the NATIONAL REVOLUTIONARY SOCIETY, their congratulations on the revolution in that country, and on the prospect it gives of the two first kingdoms in the world, of a common participation in the blessings of civil and religious liberty; they cannot help adding their ardent wishes for a happy settlement of so important a revolution, and at the same time expressing the particular satisfaction with which they reflect on the tendency of the glorious example given in France, to offer the unalienable rights of mankind, and thereby to introduce a general reformation in the government of Europe, and to make the world FREE and HAPPY."

On the 15th inst. it was usually unanimously resolved, "That the said resolution be signed by the Rev. Mr. Price, in the name of the Meeting; and that it be transmitted by him to the National Assembly of France."

Commonwealth of Massachusetts. In Senate, Feb. 26, 1790. WHEREAS it appears that some of the Justices of the Peace within this Commonwealth, in issuing execution on judgments recovered before them, by virtue of a law of this Commonwealth, made and passed on the fourteenth day of February last past, intitled "An Act for rendering process at law less expensive," have made use of a form of execution prescribed by a previous law of the same Commonwealth, passed in the year of our Lord, one thousand seven hundred and eighty six, intitled, "An Act for rendering process at law less expensive."

Resolved, That all executions issued as aforesaid, be and they are hereby declared to be good and valid in law, as if they had been issued and returned in conformity with the form of execution prescribed in the said Act, and all property whatsoever of real or personal, on which such execution may have been levied, shall be holden in the same manner as the same would have been holden, if such execution had been made agreeably to the form prescribed in the law first aforesaid.

Scanned down for concurrence. THOMAS DAWES, President, per. Sen. In the House of Representatives, Feb. 8, 1790. Read and concurred. DAVID COBB, Speaker.

Approved— JOHN HANCOCK. True copy—Attest. JOHN AVERY, jun. Secretary.

Commonwealth of Massachusetts. In the House of Representatives on June 17, 1789. ON a Representation made to this Court, that by an order of Council, in the year 1777, the Commissioners General directed to the Selection of several townships, number of six acres which were appraised, and took their receipt for the same; in which receipt, said Selections promised to return said farms when called for; and in consequence of an order of the last General Court, the several towns were called upon for the sums said farms were appraised; upon which call, a number of said farms were offered to the Commissioners General, which ams he refused to receive, as he supposed he was not authorized to receive them.

Resolved, That the Commissioners General, be and he is hereby empowered and authorized to receive the several towns, the sums of said farms were appraised, the sums said farms were appraised at, they making up to

appear in the satisfaction of the Commissioners General, that the sums so tendered, are the same they received from this State: Provided said farms are returned in good order and fit for use, within six months from the date of this resolve: any law or resolve to the contrary notwithstanding.

Sent up for concurrence. DAVID COBB, Speaker. In Senate, Feb. 2, 1790. Read and concurred. THOMAS DAWES, President, per. Sen. Approved— JOHN HANCOCK. True copy—Attest. JOHN AVERY, jun. Secretary.

CASH given for old Continental and New Edition MONEY, of either of the United States, by NATHANIEL BLAKE. Northampton, Feb. 1790.

The Subscriber hereby informs his customers that this paper begins a new Quarter—He therefore calls upon all subscribers for the last and all former quarters, to make immediate payment, that he may be enabled to fulfil his engagements with the Printer. ANDREW WOOD. March 3, 1790.

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 AARON WARNER, late of Amherst, deceased, represented insolvent, hereby give notice, that we shall attend the business of our appointment, at the house of Gideon Parsons, innholder, in said Amherst, on the first Mondays of May, June, and September next, from 7 to 6 o'clock, P. M. on each day.

SETH COLEMAN, MARTIN KELLOGG, JOHN BILLINGS. Amherst, Feb. 3, 1790.

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 NATHANIEL PHELPS, late of Northampton, deceased, represented insolvent, and ten months before the first of January last, for the creditors to bring in and support their claims—do hereby give notice, that we shall attend said business at the house of Nathaniel Phelps, in said Northampton, on the first Mondays of May, July and October next, from one to six o'clock, P. M. No accounts will be allowed after said term.

EPHRAIM WRIGHT, JOSIAH CLARK, ELIJAH CLARK. ALL persons indebted to said estate, are requested to make immediate payment, to NATHANIEL PHELPS, Executor. Northampton, Feb. 17, 1790.

LEFT with the subscriber on the 2d day of January last, a light bay HORSE, with a black mane and tail, which face, both eyes white, one hind foot white, 13 bands and a half high, ten or eleven years old, trots and paces—is supposed to be a stolen horse. The owner is desir'd to prove his property, pay charges and take him away. SOLOMON NEWELL. Colrain, Feb. 20, 1790.

NOTICE is hereby given to the following non-resident proprietors of land in the town of Gothen, county of Hampshire, that their lands are taxed in the list for 1788, as follows, viz. William Brakebridge, 3s. 7d. Joseph Basset, 16s. 8d. Lt. Paul King, 10s. 7d. Unless said taxes are paid on or before the 5th of April next, so much of said lands will be then sold at public auction, at the dwelling-house of Mr. Nehemiah May, innholder in said Gothen, at one o'clock, P. M. as will be sufficient to discharge the same, with intervening charges. EBENEZER PARSONS, Collector. Gothen, Feb. 22, 1790.

STOLEN from the subscriber, about the middle of October last, a black MARE, about 14 hands high, nine years old, short hair, trots and paces, one hind footlock white, a small horn, on one of her fore feet just above her hoof. Whoever will take up said Mare and thief, shall have Twelve Dollars reward, and for the mare only Six Dollars, and all necessary charges paid, by ZEMRY SMITH. Winchester, (N. Hampshire) Feb. 24, 1790.

ALL Persons indebted to the estate of Doctor JOB RAINGER, late of Gothen, deceased, or that have demands on said estate are desired to call on William Wright, Esq. of said Gothen, for settlement. As the said sickness of the deceased was expensive, and there are some demands on his estate which must be paid soon, it is necessary that there should be a speedy settlement of his accounts. And unless they are soon settled they will be put in suit. JOHN RAINGER, Adm'r. Feb. 7, 1790.