

found the feeble yell that calumniate the republican policy, as if impracticable for a great nation: it would cause philosophy every where to relate the lying doctrines of despotism.

A constitution truly republican, necessarily involves the distribution, and the consequent reciprocity, and equitation, of the public powers. Establish, then, such a constitution, and the establishment will give the desiderated system to your affairs;—will aid the efforts of your valour;—will extend the triumph of principle;—will finally finish the empire of prejudice;—will accelerate the overthrow of the alieys, and thrones, of iniquity. Then, fedulity attend to the momentous work of constituting an equitable system of republican order!—Remembering, that the engine of freedom is yet to dance on the face of the Danube, and the plains of Cañite, on the palaces of Moscow, of Peking, and of Jeddah! Remembering, that the tree of liberty is yet to be planted on the shores of the Baltic, and the Propontis, on the banks of the Tiber, of the Ganges, and the Thames!

In vain is it for the French, in this interesting moment, to think of treating of peace with the despoils who have confiscated against them. Franks! Ye are engaged in a war of principle. Such a war admits no partial compromise. 'Tis the combat of death between vice, and virtue: And despotism, or liberty, must expire. Then wisely organize your national policy, and thus prepare to exert your affiliated force with the rapid energy of lightning! Expect the canopy of every tyrant around the globe, and well emulate the high character which ye are called to sustain!

The eyes of nations are upon you. History will record your conduct. The tribunes of posterity will sit in judgment upon it. Again, therefore, I say;—Listen to the voice of philosophy, and consider your situation!

Are ye, in a general action, of the universe, ordered to the foot of battle? Then speak, heroic Franks! Is not the glory of being assigned to such a post, a glory worth ambition? Rise, then, to the majesty of the scene before you! With elevated head, attentive eye, and manly breast, let disciplined valour point your equitable arms! Reverencing your gallant selves, meet the warrior tempest with bold and impressive ferocity! Conduct as best heroes ordered to act a glorious part in the regeneration of the world! Then terror attend to the war! Then eagle-winged victory, attending the republican banner, shall dance to the music of freedom. And, however any detached encounters may issue, be assured, that, IN THE EVENT OF THIS VAST CONFLICT, EITHER UNIVERSAL BEING MUST EXPIRE, OR UNIVERSAL LIBERTY MUST TRIUMPH!

Chief Justice JAY'S opinion, on the question—“Whether a State be liable to be sued by a private citizen of another State?”

WILL it be said, that the fifty odd thousand citizens in Delaware being affiliated associates of the same government, and in a political respect to the forty odd states of this Union, are situated under their charter, that although they are both the latter to meet an individual on an equal footing in a court of Justice, yet that such a procedure would not comport with the dignity of the former?—In this land of equal liberty, shall forty odd thousand in one place be compellable to do justice, and yet fifty thousand in another place be privileged to do justice only as they may think proper?—Such objections would not correspond with the equal rights we claim—with the equality we profess to admire and maintain, and with that popular sovereignty in which every citizen partakes. Grant that the Governor of Delaware holds an office of superior rank to the Mayor of Philadelphia; they are both nevertheless the officers of the people; and however more exalted the one may be than the other, yet in the opinion of those who dislike aristocracy, that circumstance cannot be a good reason for impeding the course of justice.

If there be any such incompatibility as is pretended, whence does it arise? in what does it consist?

There is at least one strong undeniable fact against this incompatibility—and that is this—as one State in the Union may sue another State, in this court, so that the people of one State may sue for the people of another State. It is plain then, that a State may be sued, and hence it is plain follows, that *judicial and State Sovereignty* are not incompatible.

As one State may sue another State in this court, it is plain that no degradation to a State is thought to accompany her appearance in this court—it is not therefore to an appearance in this Court that the objection points.—To what does it point? It points

to an appearance at the suit of one or more citizens.

But why it should be more incompatible, that all the people of a State should be sued by one citizen than by one hundred thousand, cannot perceive—the process in both cases being alike—the judgments alike—and the consequences of the judgment alike. Nor can I observe any greater inconvenience in the one case than in the other, except what may arise from the feelings of those who may regard a letter number in an inferior light.

But if any reliance be made on this inconsistency as an objection, at least one half of it is done away by this fact, viz. that in this court it is plain that a State may appear in this court as defendant, and the truth is, that the State of Georgia is at this moment prosecuting an action in this court against two citizens of South Carolina.

The only reason of objection therefore that remains is, that the State is not bound to appear and answer as a defendant at the suit of an individual; but why it is unreasonable that the State should be bound, is hard to conjecture.—That tale is said to be a bad one, which does not work both ways—the citizens of Georgia are content with a right of suing citizens of other States; but are not content that citizens of other States should have a right to sue them.

Let us now proceed to enquire whether Georgia has not, by being a party to the national compact, contracted to be liable by individual citizens of another State.

This inquiry naturally leads our attention, (1) To the design of the Constitution, (2) To the letter and express declaration in it.

Prior to the date of the Constitution, the people had not any national tribunal to which they could resort for justice.—The distribution of justice was then confined to State judiciaries, in whose institutions and organization the people of the other States had no participation, and over whom they had no control. There was then no general court of appellate jurisdiction, by whom the errors of the courts, affecting either the nation at large, or the citizens of any other State, could be reviewed and corrected. Each State was obliged to acquiesce in the measure of justice which another State might yield to her, or to her citizens; and that even in cases where State considerations were not always favorable to the most exact measures—there was danger that from this source animosities would in time result; and as the transition from animosities to hostilities was frequent in the history of independent States, a compromise was necessary for the termination of both of justice and policy.

Prior also to that period, the United States lay, by taking a place among the nations of the earth, become amenable to the laws of nations; and it was their interest as well as their duty to provide, that those laws should be respected and obeyed.—In their national character and capacity, the U. S. were responsible to foreign nations for the conduct of each State, and to the laws of nations, and the performance of treaties; and there the expediency of referring all such questions to State courts of delinquencies, became apparent.—While all the States were bound to protect each, and the citizens of each, it was their duty, not only to cause justice to be done to each, and the citizens of each; but also to cause justice to be done by each, and the citizens of each; and that, not by violence and force, but in a stable, fedate, and regular course of judicial procedure.

There were among the evils against which it was proper for the nation; that is, the people of the United States to provide by a national judiciary, to be instituted by the whole nation, and to be responsible to the whole nation.

Let us now return to the constitution.

The people therein declare, that their design in establishing it, comprehends the objects,

- (1) To form a more perfect union.
 - (2) To establish justice.
 - (3) To enforce domestic tranquillity.
 - (4) To provide for the common defence.
 - (5) To promote the general welfare.
 - (6) To secure the blessings of liberty to themselves and their posterity.
- It would be pleasing and useful to consider and trace the relations which each of these objects bear to the others; and to show that they collectively comprise every branch of the blessing of Divine Providence, to render a people prosperous and happy.—On the present occasion few distinctions would be unreasonable, because foreign to the subject immediately under consideration.
- It may be asked, what is the precise force and latitude in which the words “in establishing justice,” as here used, are to be understood? The answer to this question will result from the provisions made in the constitution on this head. They are specified in the second part, of the 3d. article, where it is declared, that the judicial power of the United States shall extend to ten descriptions of cases, viz.
- (1) To all cases arising under the Constitution.—Because the meaning, construction and operation of a compact ought always to be ascertained by all the parties, or by authority derived from them all; and not by one of the parties, or by authority derived only from one of them.
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 - (5) To all cases of admiralty and maritime jurisdiction.—Because, as the seas are the joint property of nations, whose rights and privileges relative thereto, are regulated by the law of nations and treaties, such cases necessarily belong to national jurisdiction.
 - (6) To controversies to which the United States shall be a party.—Because in cases in which the whole people are interested, it would not be equal or wise to let any one State decide and measure out the justice due to the others.
 - (7) To controversies between two or more States.—Because domestic tranquillity requires, that the contentions of States should be peaceably terminated by a common judiciary; and, because, in a free country justice ought not to depend on the will of either of the litigants.
 - (8) To controversies which were a State and citizens of another State.—Because in a case of this nature, the citizens of one State are liable to demands against the citizens of another State; it is better that the should prosecute their demands in a national court, than in a court of the State to which those citizens belong—the danger of irritation and criminal animosity arising from apprehensions and suspicions of partiality, being thereby obviated.
 - Because, in cases where some citizens of one State have demands against all the citizens of another State, the cause of liberty and the rights of man forbid, that the latter should be the sole judges of the justice due to the latter; and true republicanism requires that free and equal citizens should have free, fair, and equal justice.
 - (9) To controversies between citizens of the same State, claiming lands under grants of different States.—Because, as the rights of the two States to grant the land, are drawn into question, neither of the two States ought to decide the controversy.
 - (10) To controversies between a State, or the citizens thereof; and foreign States, citizens or subjects.—Because, as every nation is responsible for the conduct of its citizens toward other nations; all questions touching the justice due to foreign nations or people, ought to be ascertained, and depend on national authority.

IMPORTANT COMMERCIAL COMMUNICATION.

PHILADELPHIA, AUGUST 28, 1793.

Complaint having been made to the government of the United States of some instances of unjustifiable vexation and imposition committed on our merchant-vessels by the privateers of the powers at war, and it being possible that other instances may have happened, of which no information has been given to the government: I have it in charge from the government to assure the merchants of the United States, concerned in Foreign commerce or navigation, that due attention will be paid to any injuries they may suffer on the high seas, or in foreign countries, contrary to the law of nations, or to existing treaties; and that on forwarding them well-attested evidence of the same, proper proceedings will be adopted for their relief: The just and friendly dispositions of fore-

ignil intelligent powers, as well as the established expectation that they will be used to take effectual measures for relieving their armed vessels from committing vexatious and vexatious on our citizens or their property.

There being no particular proposition or description of the mercantile body provided by the laws for receiving commissions or addressing in the nature, I take the liberty for the State of Massachusetts, and of no queuing that through them it may be known to all those of this State, whom it may concern. Information will be freely received, either from individuals, or from any association of merchants, who will be pleased to take the trouble of giving it, to a safe to take it to themselves and their country.

I have the honour to be, with great respect, Gentlemen, your most obedient servant,

THOMAS JEFFERSON.
The Merchants in Effigy.

IRELAND.

Disfranchisement in the Counties of Sligo and Donegal.

SLIGO, July 28.

THE misconception of the militia as operated like electric fire, on the walls and defences of the poor and uneducated multitude. They believed that they were to be torn from their wives, and children, and transported to the continent; and on the holidays of Whit-tide, to be wife some pain by which they might avoid the enrollment. In these apprehensions, they were equally misled by the false information, that the catholic clergy had actually engaged to rise to 5000 men for his Majesty's service, when ever required: Hence, and from the misconception: Hence, and from the influence of violence was thusing up, the stated doors, and threatening to massacre the priests.

At the Fair of Ballynash, in the County of Roscommon, on the 18th inst. they began to administer their confidence out, viz. “To be true and faithful to his Majesty, King George, and all the royal family—loyal to each other—and to resist the militia act with all their power.” Mr. Tennison, (Catholic) in this conduct, recommended a long time with these ungodly wretches, who at length would not listen to reason, but trusted this repeated, gentleman, with all the violence of heated error, and compelled him at length to fly, in order to avoid their fury; to intimidate them and suppress, if possible, this wicked spirit in its birth, before a party of soldiers and some prisoners, who were lodged in Carrick goal; the consequence was, a sack on his house, and the total demolition of all his furniture and papers. The Commission of this atrocious act rendered the cottages of his family, and drove them from the country, communicated their fear to all the neighbouring peasantry, and a general burst of insurrection appeared, which instantaneously in the counties of Leitrim and Sligo.

Their own clergy, for the reason already offered, and those gentlemen who accept any commission under the late militia act, were the chief objects of their fury.

Their audacity carried them so far, as to attack in a bold and temerarious manner the house of Mercury, in this county, the seat of the Right Hon. John Coote, where they broke up his cellar, and were drinking to excess the wine, and other liquors, filled great quantities, and committed several acts of unaccountable outrage. Capt. Down, a Quaker within five miles of this town, was also attacked. He, by the assistance of William Plunkin, Esq. did not escape a scolding from Mr. Down, of Heathtown, the late Catholic delegate for the county, who treated him unaccountably; as near Mr. O'Riordan, another catholic gentleman, who, for some time, was carried away by the furious agents, to give themselves additional vengeance. Capt. Carter, of Drogheda, who was also seized by these deluded wretches, and who, being in the act of setting out, they only demanded his arms by advantage from the main body, who said they would not attack near the house, lest they should terrify Mrs. Carter. His nephew, John Johnson, Esq. of Friarstown, was, for some time, carried away by night from his own house by their Captains for the ensuing day's expedition; he, however, had the good fortune to get away from them before morning.

By their numbers, and other means, they did spread terror and dismay, and the country gentlemen were flying from their (Sligo) and the inhabitants were filled with the utmost alarm, apprehending for their lives, safety, from the angry reports and un-

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(2) To all cases arising under the laws of the United States.—Because as such laws, constitutionally made, are obligatory on each State, the measure of obligation and obedience ought not to be decided and fixed by the party from whom they are due, but by a tribunal deriving authority from both the parties.

(3) To all cases arising under treaties made by their authority.—Because, as treaties are compacts made by, and obligatory on the whole nation, their operation ought not to be affected or regulated by the local laws or courts of a part of the nation.

(4) To all cases affecting ambassadors, or other public ministers and consuls.—Because, as these are officers of foreign nations, whom this nation are bound to protect and treat according to the laws of nations, cases affecting them ought only to be cognizable by national authority.

(5) To all cases of admiralty and maritime jurisdiction.—Because, as the seas are the joint property of nations, whose rights and privileges relative thereto, are regulated by the law of nations and treaties, such cases necessarily belong to national jurisdiction.

(6) To controversies to which the United States shall be a party.—Because in cases in which the whole people are interested, it would not be equal or wise to let any one State decide and measure out the justice due to the others.

(7) To controversies between two or more States.—Because domestic tranquillity requires, that the contentions of States should be peaceably terminated by a common judiciary; and, because, in a free country justice ought not to depend on the will of either of the litigants.

(8) To controversies which were a State and citizens of another State.—Because in a case of this nature, the citizens of one State are liable to demands against the citizens of another State; it is better that the should prosecute their demands in a national court, than in a court of the State to which those citizens belong—the danger of irritation and criminal animosity arising from apprehensions and suspicions of partiality, being thereby obviated.

Because, in cases where some citizens of one State have demands against all the citizens of another State, the cause of liberty and the rights of man forbid, that the latter should be the sole judges of the justice due to the latter; and true republicanism requires that free and equal citizens should have free, fair, and equal justice.

(9) To controversies between citizens of the same State, claiming lands under grants of different States.—Because, as the rights of the two States to grant the land, are drawn into question, neither of the two States ought to decide the controversy.

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