

in the future correspondence and in the message after the whole negotiation was closed, to insinuate that he had no competent power—that he had made no specific offer, and that his intimations were accompanied with inadmissible pretensions on this point.

I shall hereafter distinctly examine these pretensions which are declared inadmissible, but at present my object is simply to shew, and that I have fully done, that our cabinet have in very indecorous language contradicted Mr. Jackson's most solemn asseverations, and misrepresented in a glaring manner his observations.

As to the third charge brought against Great Britain, that of having made no proposals for the repeal of the orders in council, it is the only one in which our government have not come to a flat contradiction of Mr. Jackson's declarations.

But it will be seen that they do not stand on better ground as to this charge.

It is true that Mr. Jackson did not come authorised to receive or to make any other proposals for the repeal of the orders in council.

And what are the reasons? The most respectful to us, the most justifiable in themselves. They are—

1st. Because it would have been indelicate and indeed affrontive to renew the propositions which, although probably first emanated from our cabinet, we had seen fit to disavow and reject.

2dly. Because we, claiming the repeal of a measure which Great Britain had adopted as a just retaliation on her enemy, she had right to expect that we should propose a substitute of resistance to her enemy which would take the place of her orders, and would fulfil the duty which she contended we were bound to perform in order to entitle us to our neutral privileges.

But lastly, & the most important reason of all, was that she had in repeated instances tried the effect of propositions in vain. In the case of Mr. Rose and Mr. Erskine she had stated her terms, and soon as they were known we had demanded something which she could not grant—besides, as the last proposal came from her and we had rejected it, she had a right to expect a proposal from us.

#### STATE LEGISLATURE.

##### DEBATE

In the House of Commons of North-Carolina, on the Bill for the Relief of Debtors.

[This Bill provided, that where any Judgment had been obtained for debt or damages before the 31st of December, 1809, execution should be suspended until the 31st of December 1810, on the debtor paying the interest and costs, with one half of the principal, and giving security for the remainder.]

Mr. BLACKLEDGE moved to amend the Bill so as to extend relief to those only who had contracted debts prior to the end of that session of Congress which laid the Embargo, to wit, the 25th of April, 1808.

Mr. GLISSON was opposed to the amendment, as many persons had contracted debts under the expectation of being enabled to discharge them at the expiration of the suspension law of last session; and was this amendment to be adopted, it would, to them, prove very injurious by its unequal operation.

Mr. BLACKLEDGE said the suspension law grew out of the Embargo, and that having been removed, the doors of a profitable commerce were now open; and persons who had contracted debts during the Embargo, had purchased cheap, and were generally enterprising well informed men, who knew how to calculate on the course of events:—This Bill, as it now stands, would be giving them a double advantage over other citizens.

Mr. WEAH thought equal indulgence ought to be extended to those who have contracted debts, upon which suits have not been brought, as to those who have given bonds on judgment, which was not the case in the present Bill; and this unjust inequality of operation, the proposed amendment would go to increase. To this amendment he was opposed, but he should, when in order, move another amendment conformable to the opinions he had expressed. He could see no reason for giving a preference to those who had become debtors at different periods. Few might have become such from motives of speculation; but with the far greater part it was a measure, not of choice, but of necessity; and it would be impossible to discriminate between those classes of debtors. Besides, it was never expected the embargo would be of long continuance, and few could have been benefitted by a knowledge that it would have continued for a year and half, though many, probably, suffered from a want of that knowledge. He was, on every point of view in which he could consider it, opposed to the amendment.

Mr. W. W. JONES was in favour of the amendment. He believed debts contracted during the embargo were by speculators, who obtained the property of the necessitous at very reduced prices. The gentleman from Halifax says, they might have entered into contracts under the expectation that the embargo would not have

continued long. But Mr. J. thought the Legislature were under no obligation to relieve those (for the biter sometimes gets bit) who speculated upon possibilities. It was no business of the Legislature to take care of their speculations.

Mr. W. R. KING said, as the debts must have been contracted under an expectation of being able to meet the demand out of monies, the payment of which was suspended by the act of last session, unless they were to be benefited by the present bill, we should do them a manifest injustice. If we could ascertain speculators, those who had taken advantage of the necessities of their fellow citizens, and had purchased property for a consideration unequal to its value, he would readily embrace a proposition that would exclude them. But as that could not be done, he would place all on an equality.

Mr. BLACKLEDGE observed, that we ought to provide for those who do not read the newspapers, and see into political events, and not for daring speculators. If we do not make this exception, said Mr. B. I very much fear we shall be accused of legislating for this unprincipled set, for suspicions to that effect have already been whispered about.—We have before us a Bill to prevent speculations in land, but these land speculators are mere pigmies compared with those which this Bill would protect.

The question on the amendment was put and negatived.

A desultory conversation now took place between Messrs. Norsworthy, Edmund Jones, W. W. Jones and James, respecting some further amendments—when

Mr. MOORING rose and said that he deemed it improper to waste time in amendments, when it was very uncertain whether the House approved of the principle of the Bill. In order, therefore, to come directly to the point and ascertain the fact, he moved to strike out the enacting clause.

Mr. GASTON seconded the motion.—It was certainly proper first to settle the principle before going into details. The committee to whom this subject was referred, reported nothing upon which the House could directly act. This Bill was first received by the House, who referred it to the committee, and they again returned it to the House, unaccompanied with any report, and without offering any opinions—and we immediately go into the discussion of petty amendments, when after exhausting all our ingenuity, and perhaps spending days in the discussion, there may be, as I verily believe there is, a majority of the House utterly opposed to the whole principle. I therefore approve of the course pointed out by the gentleman from Pitt, and hope his motion will prevail.

We are constantly presented with one solitary reason—one standing pretext for withholding the rights of creditors.—It is the Embargo upon commerce. Great as this evil may in fact be—great as gentlemen may be disposed to represent it; it dwindles into nothing before this most tremendous of all embargoes, an embargo of justice.

If gentlemen should entertain a conscientious and, as I trust they would, a well founded belief that we have no legitimate right to legislate upon this subject, it will be sufficient to procure the rejection of this Bill, whatever opinions may be entertained of its expediency in other respects; for I have a firm conviction that they have too much respect for the sanctity of an oath, and the obligations of patriotism, to give countenance to principles and measures at variance with the letter and spirit of our constitution.

The constitution of the United States is the supreme law of the land, paramount to the constitution of this State and to its laws, and which we have all solemnly sworn to support. In this instrument it is declared, "that no State shall emit bills of credit, make any thing but gold or silver a tender in payment of debts, pass any bill of attainder on *ex post facto* law, or law impairing the obligation of contracts."

This clause of the constitution was made to meet precisely such a case as the present.—Before the adoption of the constitution, some of the states, not yet emerged from the difficulties imposed by the revolutionary struggle, had, from very mistaken ideas of policy, undertaken to ameliorate the condition of their citizens by such expedients as this clause of the constitution goes expressly to prohibit.—In some of the states paper money was issued to an amount beyond their ability to redeem; in others contracts were altered by making that tender which the parties themselves had not stipulated; and in others contracts were impaired in their obligation, by making that payable at the distance of a year, which the parties had stipulated, should be paid within a month. By these regulations, the public distresses were increased to such a degree, the confidence of individuals in each other and in the constituted authorities was so greatly impaired, that to apply a remedy to these accumulated evils, was a great and leading motive to the formation of the Federal Constitution. Un-

der these circumstances, with all these facts existing before the eyes of the convention, we see a reason for this clause of the constitution that cannot possibly be mistaken; and which, was there any ambiguity in the expression I have just quoted, might be safely trusted for an explanation. But the language of the constitution, dictated by the purest of motives, and by the wisest of men, is so very clear and explicit, that it must stand obvious to all, an insuperable bar to the passage of this bill.

If we were told that by passing this bill we should not impair the contract itself, but deprive one of the parties of the opportunity of enforcing it, if the indignation we should feel at the attempt to quibble away in this manner the provisions of our hallowed charter would permit, we should smile at the weakness of such a miserable subterfuge. It is a quibble that would satisfy no man's conscience, nor convince any man's understanding; for how can a contract be more effectually impaired than by taking away the power to enforce it—a power that may either be suspended for a time, or by the same principle, or rather abandonment of principle, be suspended forever. If you can delay a payment for one year, you may do it for two years; and if you can for two years, you can with equal right delay it for fifty or a hundred years. You do not in express terms say, that a debt of twenty pounds, shall be discharged by the payment of ten pounds; or that it shall never be paid; but by delaying the payment you may produce an effect that will render the fact substantially the same.

It is ridiculous, worse than ridiculous—to my feelings it is sinful to seek for a salvo to the passage of this bill under the pretext, that instead of interfering with contracts, we are merely regulating the courts. The object and the effect of the regulation give the character to the measure.

What is a contract, if the Legislature may interpose other terms than those agreed upon by the parties, and give advantages to the one, and operating injury to the other by interposing conditions which did not originally exist. You alter, you impair, you destroy it.—To my understanding you would, by such a measure, directly and essentially violate the constitution which we have all sworn to support; and with this conviction, which I as firmly believe as any principle of my faith, or any precept which was ever instilled into my mind by parental instruction, I should feel it a crime in myself, a crime of the deepest dye, to suffer this Bill to pass without opposing it with my voice. I do not extend this observation to others. If any one can possibly think it constitutional, he may without crime, give it his support, provided he takes care to enlighten his understanding on the subject; for to vote without enquiry, is as censurable as to vote against conviction.

This, to me, would be enough to influence my decided opposition to the Bill. But even if there were no prohibitory clause in the constitution, if it was considered only in the abstract as a measure of policy and expediency, I should, on that ground, also be decidedly opposed to it. I believe the law of the last session has aggravated the evils it was intended to redress.

In these sentiments I firmly believe a large majority of this House heartily concur; and I will go yet farther and say, that the suspension law of the last session was carried through the two houses by public clamour, against the sober judgement of a majority.—Many firmly believed they were doing more mischief than good, but they considered it their bounden duty to obey what appeared to be the voice of the people. Their wishes were to be indulged, though they should be mistaken in what regarded their true interests.—But with the experience which this law has afforded during the year of its continuance, & a knowledge of what must be the inevitable consequence, I believe a yet greater majority regret that it ever was passed.—Yet possibly many of these will vote for its revival in the Bill now before the House, because the pressure has become greater by the delay, and they want resolution to retrieve past errors, by firmly facing the evils, and encountering with vigorous exertion the daily accumulating embarrassments.

It was originally alledged in favour of the suspension act, that the Embargo made it necessary; that the sudden suspension of commerce left our surplus produce to lie unproductive in our Ware-Houses, and in the hands of the planters. That pretence no longer exists. The Embargo is no more. It has gone "to the tomb of all the Capulets," never to rise again. The only restraints then upon commerce, which can be afforded now as an argument for the revival of the suspension, is, that a *direct* intercourse with England and France is prohibited.

Shall we, by a solemn act proclaim to those nations in the face of the world, that we are so entirely dependent on them, that a regulation which deprives us of the favour of a *direct* intercourse with them,

distresses and harasses us in such an insupportable manner, that we are compelled to interrupt the course of law. Were we to make this humiliating, this degrading confession, I should blush for my country.—I should feel ashamed for the abasement of the nation, and still more for that of the state of North-Carolina. And is not this the language of the Bill, and can we employ it and have any pretensions to the name of an independent people? Shall we, by a solemn act of Legislation, which more emphatically than words can express it, say to the Tyrants of the Land and of the Ocean, "we once declared ourselves an independent nation; but it was a vain boast; we are so dependent upon your favours, that if any restraint is imposed upon our mutual intercourse, we are a ruined and undone people."

Is this the fact?—Is it true that we must make this confession of our weakness, of our abasement?—If it be the humiliating fact, much as it would mortify my pride, I would still retain so much regard for my country's honour as to scorn to confess it.

But it is not the fact. We have the knowledge, and I thank God for the knowledge of it, that we are not in that abject state of weakness and dependence, in which some would attempt to persuade us we are. We have, indeed, seen more prosperous times; but even at this time our situation, compared with that of other states and nations, is enviable. The produce of our country is abundant; and tho' the prices have been better, they are still good. [Here Mr. G. enumerated the prices of several articles.] Are these prices low? because some articles have suffered a little diminution of price, is that sufficient to justify in interruption of the usual course of justice, to suspend the payment of debts; if this cause is sufficient, when shall we ever hope to find an end to the evils? Are our foreign differences settled? Are they not now more gloomy than ever? and because produce does not command former high prices, are our Courts of Justice to remain shut? If it depends upon the recurrence of the golden times which have passed away, the interdict may be eternal. A man is never to pay his debts. Are we willing to adopt this ruinous, this fatal alternative? We must at some time stop; and when can we hope for a better time than the present.

By a longer delay you will only add to the original evil. You are now accumulating, upon the top of a precipice, an immense Glacier that will, sooner or later, fall with a tremendous ruin. Debtors will become more improvident by repeated indulgence. Debts will daily accumulate, and ten years hence, such will be their immensity, that one common ruin will overwhelm all who have accepted the deceitful favours of delay.

It has been refused to limit the operation of this proposed law to a time when the next Legislature might not have the power to continue it still longer. But if this Legislature is not willing to take the responsibility of once more opening the Courts of Justice upon itself, can it be expected that succeeding Legislature will do so, when debts shall have accumulated—when public calamities may, perhaps be added to private distresses—when the rights of creditors will be less regarded, and the claims of debtors increased. Then no man, however firm his heart, or strong his nerves, may, perhaps, be able to encounter the unpopularity, or the odium of such an attempt.

This miserable time-serving policy, of shifting upon our successors the odium of removing this interdict upon the rights of creditors, will, unless it is promptly abandoned, bring disgraceful ruin upon our country. If we aspire to the character of patriots—if we wish to prove ourselves truly the friends of our country—if we wish to serve the people usefully, and not flatter them at the expense of their interests, let us not flinch from our duty; but promptly do that ourselves, which some would assign over to be affected by others.

Besides the general impolicy & monstrous injustice of this Bill, it is calculated to operate with peculiar hardship upon orphans and minors. You are their guardians. You say their property shall be sold and leased upon a credit, for which notes are taken; and yet, in the same breath, you say they shall not be collected. How are they to be supported and educated? I know how much many of them suffered from the law of the last session, and I can easily imagine how much they will be increased by its continuance. It was not enough that a dispensation of Heaven should deprive them of their natural guardians, but you must add to their calamities, by depriving them of the very means of their existence.

And whom does your law benefit? Why, the dishonest debtor, and the fraudulent, unprincipled speculator. You enable the last to profit by the distresses of the disappointed creditor, and the bereaved orphan. To all others it operates as a direct or an eventual injury.—It introduces an evil which will only be cured by the ut-