the weak against the strong, the poor against the rich, the oppressed against the oppressor. And is this little which they ask, to be denied? Are the means by which the injured can obtain redress, to be curtailed and diminished? Much may be feared from armies—They may turn their swords against our bosoms, they may elevate a chief to despotic power. But what danger is to be apprehended from an army of judges.

Gentlemen say, recur to the ancient system. What is that system? Six judges of the supreme court to ride the circuits of America twice a year, and sit twice a year at the seat of government. Without enquiring into the accuracy of a statement made by the gentleman respecting the courts of England in which, I apprehend, he will find himself deceived; let me ask what would be the effects of the old system here. Cast an eye over the extent of our country, and a moment's consideration will shew, that the first magistrate in selecting a character for the bench, must seek less the learning of a judge than the agility of a post-boy. Can it be possible, that men advanced in years, for such alone can have the maturity of judgment fitting for the office, that men educated in the closet, men who from their habits of life must have more strength of mind than of body; is it I say, possible, that such men can be running from one end of the continent to the other? Or if they could, can they find time to hear and decide causes? I have been told by men of eminence on the bench, that they could not hold their offices under the old arrangement.

What is the present system? You have added to the old judges seven district, and sixteen circuit judges. What will be the effect of the desired repeal? Will it not be a declaration to the remaining judges that they hold their offices subject to your will and pleasure? And what will be the result of this? It will be that the check established by the constitution, wished for by the people, and necessary in every contemplation of common sense, is destroyed. It had been said, and truly too, that governments are made to provide against the follies and vices of men. For to suppose that governments rest upon reason, is a pitiful solecism. If mankind were reasonable they would want no government. Hence checks are required in the distribution of power among those who are to exercise it for the benefit of the people. Did the people of America vest all powers in the legislature? No. They had vested in the judges a check intended to be efficient; a check of the first necessity, to prevent an invasion of the constitution by unconstitutional laws, a check which might prevent any faction from intimidating or annihilating the tribunals themselves.

On this ground, said Mr. Morris, I stand to arrest the victory meditated over the constitution of my country; a victory meditated by those who wish to prostrate that constitution for the furtherance of their own ambitious views. Not of him who had recommended this measure, nor of those who now urge it; for on his uprightness and their uprightness I have the fullest reliance; but of those in the back ground who have further and higher objects.—These troops that protect the outworks are to be first dismissed. Those posts which present the strongest barriers are first to be taken, and then the constitution becomes an easy prey.

Let us then, secondly, consider whether we have constitutionally a power to repeal this law. (Here Mr. Morris quoted the third art. and first section of the constitution.) I have heard a verbal criticism about the words *shall* and *may*, which appeared the more unnecessary to me, as the same word, *shall*, is applied to both members of the section.—For it says "the judicial power, &c. shall be vested in one supreme court and such inferior courts as the Congress *may* from time to time ordain and establish."—The legislature, therefore, had without doubt the right of determining in the first instance, what inferior courts should be established; but when established the words are imperative, a part of the judicial power shall vest in them—And "the judges *shall* hold their offices during good behaviour."—"They *shall* receive a compensation which *shall* not be diminished during their continuance in office." Therefore, whether the remarks be applied to the tenure of office, or the quantum of compensation, the constitution is equally imperative. After this exposition, gentlemen are welcome to any advantage to be derived from the criticism on *shall* and *may*.

But another criticism, which, but for its serious effects, I would call *pleasant*, has been made; the amount of which is, you shall not take the man from the office, but you may take the office from the man; you shall not drown him, but you may sink his boat under him; you shall not put him to death, but you may take away his life. The constitution secures to a judge his office, says he shall hold it, that is, it shall not be taken from him during good behavior; the legislature shall not diminish, though their bounty may increase, his salary; the constitution provides perfectly for the inviolability of his tenure; but yet we may destroy the office which we cannot take away, as if the destruction of the office would not as effectually deprive him of it as the grant to another person. It is admitted that no power derived from the constitution can deprive him of the office, and yet it is contended that by repeal of the law that office may be destroyed. Is not this absurd? It had been said, that whatever one legislature can do another can undo; because no legislature can bind its successor, and therefore that whatever we make we can destroy.—This I deny on the ground of reason, and on that of the constitution. What! can a man destroy his own children? Can you annul your own compacts? Can you annihilate the national debt? When you have by law created a political existence, can you by repealing the law dissolve the corporation you had made? When by your laws you give to an individual any right whatever, can you by a subsequent law rightfully take it away? No. When you make a compact you are bound by it. When you make a promise you must perform it. Establish the contrary doctrine and what follows? The whim of the moment becomes the law of the land; your country will be looked upon as a den of robbers; every honest man will fly your shores. Who will trust you, when you are the first to violate your own contracts? The position, therefore, that the legislature may rightfully repeal every law made by a preceding legislature, when, tested by reason, is untrue; and it is equally untrue when compared with the precepts of the constitution; for what does the constitution say? "You shall make no *ex post facto* law."—Is not this an *ex post facto* law?

Gentlemen say the system of the last session is mere theory. For argument sake it shall be granted; and what then is the language of reason? Try it, put it to the test of experience. What respect can the people have for a legislature that without reflection meets but to undo the acts of its predecessors. Is it prudent, is it decent, even if the law were unwise, thus to commit our reputation and *theirs?* Is it not highly dangerous to call upon the people to decide which of us are fools; for one of us must be.

And what would be the effect on the injured man who seeks redress in a court of justice, and whom, by this repeal, you shall have deprived of his right? You have saved him a miserable cent, and you have perhaps utterly ruined him.

But the honorable mover of the resolution has told us, not only what is, but what is to be. He has told us not only that suits have decreased but that they will decrease, and, relying on his preconception, informs us that the internal taxes will be repealed; and grounds the expediency of repealing the judiciary law on the annihilation of these taxes. Thus taking for granted the non-existence of a law that yet exists, he infers from its destruction, and the consequent cessation of suits under it, the inutility of the judicial establishment. And when he has carried his present point, and broke down the judiciary system, he will tell us perhaps that we may as well repeal the internal taxes because we have no judges to enforce the collection of them.

But what will be the effect of these repeals, and of all these dismissions from office? I impeach not the motives of gentlemen who advocate this measure. In my heart I believe them to be upright. But they see not the consequences—We are told the States want, and ought to have more power. We are told, that they are the legitimate sources from which the citizen is to derive protection.—Their judges are, I suppose to enforce our laws—Judges appointed by State authority, supported by State salary, and looking for promotion to State influence, or dependent upon State party. There are some honorable gentlemen now present, who sat in the Convention which formed this Constitution. I appeal to their recollection, have they not seen the time when the fate of America was suspended by a hair; my life for it, if another Convention be assembled they will part without doing any thing.—Never in the flow of time was there a moment so propitious, as that in which the Convention assembled. The States had been convinced by melancholy experience, how inadequate they were to the management of our national concerns. The passions of the people were lulled to sleep—State pride slumbered—the Constitution was promulgated—and then it awoke; and opposition was formed—but it was vain. The people of America bound the States down by this compact.

One great provision of the Constitution, a provision, that exhibited the sublime spectacle of a great State bowing before the tribunal of justice, is gone! Another great bulwark is now to be removed. You are told, you must look to the States for protection; your internal revenues are to be swept away; your sole reliance must rest upon commercial duties—In this reliance you will be deceived. But what is to be the effect of all these changes? I am afraid to say—I will leave it to the feelings and consciences of gentlemen. But remember, the moment this Union is dissolved, we shall no longer be governed by votes.

Examine the annals of history, look into the records of time, see what has been the ruin of every republic? The vile love of *popularity*. Why are we here? To save the people from their greatest enemy; to save them from themselves. What caused the ruin of the republics of Greece and Rome? Demagogues, who by flattery gained the aid of the populace to establish despotism. But if you will shut your eyes to the light of history, and your ears to the voice of experience—see at least what has happened in your own times. In 1789, it was no longer a doubt with enlightened Statesmen, what would be the event of the French revolution; before the first of January 1790, the only question was, who would become the despot. The word Liberty, indeed, from that day to this, had been sounded in our ears, but never had any real existence; there is nothing left but the word.

We are now about to violate the Constitution. Once touch it with unhallowed hands, sacrifice but one of its provisions, and we are gone. We commit the fate of America to the mercy of time and chance.

I hope the honorable gentleman from Maryland will pardon me, if from the Section of the Law which he has cited, I deduce an inference diametrically opposite to that for which he has contended. He has told us, that 'the last Congress in reducing the Judges of the Supreme court from six to five, have exercised the right which is now to be used, and made a legislative construction of this clause in the Constitution.' But look at the law. It declares, that this reduction shall not be made, until by death or resignation only five judges shall remain. Thus in the very moment when they express the opinion, that five judges are sufficient, they acknowledge their incompetency to remove the sixth judge, and thereby make the legislative declaration, that they had not the right now contended for.

[Mr. Morris here noticed some other remarks which had fallen from the gentleman from Maryland, Mr. Wright, on the construction of the Constitution. But as they are substantially comprised in the preceding statement we omit them.]

He concluded by recapitulating his arguments. A contract, said he, is made between the government and the judge—The President appoints—The legislature fixes his salary—He accepts the office. The contract is complete. He is then under the protection of the Constitution, which neither the President nor Congress can infringe. The contract is a solemn one. Can you violate it? If you can, you may throw this Constitution into the flames—it is gone, it is dead.

[*To be continued.*]

The Rev. Mr. M'Cormick,

RESPECTFULLY informs the citizens of Washington, that he purposes opening SCHOOL in his house, South B Street near the Capitol, on the first Monday in January next, if due encouragement be given—His terms may be known by application to him at his present residence, New-Jersey Avenue.

Dec. 18. ep6t

To be sold, let, or leased.

A VERY convenient two-story brick house on the north of, and very near to the Capitol, at the corner of B and First streets. The square at the corner of which it stands has been improved in the course of the last summer, with a number of buildings erected by D. Carroll, Esq. and others—Terms may be known on application to Mr. Joseph Hodgson, between the Six and Seven Buildings, Washington; or to the subscriber in Baltimore.

MATTHEW BROWN.

Dec. 28. ep6t

JOHN GOULDING,

Broker and Commission Merchant,

RESPECTFULLY offers his services to his friends, to the friends of his friends and to the public. He proposes to do business in this line, for the sale, purchase and transfer of real and personal property of every description, the barter and exchange of lots, houses, &c. for merchandise, and vice versa.

He has just received and for sale, madeira, port, Lisbon, claret and Malaga wine, shrub, brandy, gin, and cherry bounce, grapes, raisins, currants, figs, almonds, capers, olives, anchovies, citron, Corks, &c. Philadelphia porter, loaf sugar, and shoes of all sizes, particularly Ladies morocco, kid and spangled shoes. All which are for sale on reasonable terms, for cash, flour or tobacco; and again begs leave to solicit his friends, the friends of his friends and the public, to give him an opportunity, by partaking of their favors, to gratify them, in more respects than one.

George-Town, next the Post Office Dec. 18, 1801. } ep2m

JOHN MARCH,

STATIONER,

High-Street, George-Town,

Respectfully informs the Public, that he has received, from England, an assortment of Stationary goods of the best qualities, including:

Writing paper, from atlas to fools-cap, wove drawing paper from atlas to demy, music paper, royal and fools-cap, coloured and marbled do. best black lead pencils, Reeve's colours, and camel-hair pencils, sealing wax, and Irish wafers, best red and black ink-powder, black ebony and mahogany writing desks, letter cases, and ass's skin books, English quills, and an assortment of pewter, glass, Leather and wedgewood inkstands, round rules, &c. Morocco, Russia, calf, red, green, and white sheep, very fine and large—also American papers of different qualities, at the lowest cash prices.

J. M. has an assortment of blank and ruled books; and makes them to order, on short notice.

*** Where may be had Dr. Church, Lee, and Bateley's Patent Medicines,

Dec. 18. 6t

WASHINGTON CITY.

WEDNESDAY, JANUARY 13, 1802.

Arrived yesterday morning AARON BURR, Vice-President of the United States.

We have received several files of English prints by the late arrivals, as late as the 4th of of November inclusive. In our next and ensuing papers, we shall present interesting extracts from them. The debate in the House of commons on the treaty of peace, does not from a hasty perusal *appear* to be so interesting, as was anticipated.

SENATE OF UNITED STATES.

MONDAY, January 11, 1802.

The *Apportionment Bill*, as received from the House of Representatives, was taken up.

This bill fixes the ratio of representation at one member for every 33,000 persons in each state.

Mr. Wells moved to strike out 33,000, his object being to introduce 30,000, for which he assigned his reasons at some length.

On this motion a debate of some length ensued, in which the provisions of the bill as they stood were supported by Messrs. Jackson, Mason, Wright and Cocke; and opposed by Messrs. Wells, White and Hillhouse.

The question was then taken on the motion to strike out 33,000, and lost—Ayes, 11—Noes, 15.

Mr. Morris then moved, and Mr. Tracey seconded the motion, to add, after "one representative for every 33,000," the words "and one representative for every fractional number of 27,000 persons." The number 27,000 was used to avoid a violation of the constitution, which prohibits the allotting to each state more representatives than one for every 30,000. Thus in the case of Delaware, the ratio being 33,000, Delaware would be entitled to one member for 33,000, and one for the fraction of 27,000; both which numbers would amount 60,000; which last number entitled a state to two members without violating the constitution. This motion was opposed by Messrs. Wright and Anderson, and was lost: Ayes, 10—Noes, 15.

The bill was then read a third time and passed.

On the passage the yeas and nays were taken, and were Yeas, 23—Nays, 5.

A message was received from the President of the United States, with sundry statements of the Commissioners of the City of Washington, representing the state of the funds of the city.

The message states the existing funds of the city to be incommensurate to the payment of present and future demands, without a sale of a great portion of the lots, which would probably be sacrificed by an immediate disposition of them, and the great interests of the city materially injured; and involves an opinion that, if Congress authorize temporary draughts on the Treasury, grounded on these lots, the city funds will be ultimately competent to reimburse the United States, and to pay all demands. The President states the communication to have been made to apprise Congress of the situation of the city property, before he pursued the rigorous measures respecting a sale of the property required by law.

TUESDAY, Jan. 12, 1802.

The Senate took up the resolution of Mr. Brackenridge, for repealing an act of the last session, for the new organization of the Judiciary of the United States; when gen. Jackson of Georgia, spoke in favor, and Mr. Tracy of Connecticut against the motion; after which the further consideration of the motion was postponed until to-morrow.

Debate continued in our next.

HOUSE OF REPRESENTATIVES, U. S.

FRIDAY, January 8, 1802.

The committee on the memorial of Samuel Dexter, reported a resolution, instructing the accounting officers of the Treasury to adjust, and pay whatever should be decided to be due on account of the destruction of the house of J. Hodgson, occupied as a War Office.

Mr. Varnum from the committee appointed, presented a bill fixing the military peace establishment of the United States, which was read twice, and referred to a committee of the whole house on Thursday.

The house resolved itself into a committee of the whole on the bill for the protection of the commerce of the United States, in the Mediterranean and adjoining seas; when, after considering the same, the committee rose, and Mr. Milledge, reported progress and asked leave to sit again, which was granted.

A petition was presented from Joseph Ward, and others, holders of certain bills of credit, emitted in pursuance of a resolution of Congress under the former government, of the 18th March 1780 praying that such provision may be made for the payment of the amount of the principal and interest, as the nature of the public engagements and substantial justice will suggest.

Referred to the Secretary of the Treasury.

Resolved, That Messrs. Mitchell, Eustis, Leib, Archer, and Lowndes, be a committee to enquire and report whether any, and what alterations are necessary in the act respecting quarantines and health laws.

Resolved, That the President of the United States be requested to cause to be laid before this House, an estimate of the expences which are necessary for carrying into effect the convention between the United States and the French Republic; and that Messrs. Randolph and Bayard, be a committee to present the Resolution.

Resolved, That the President be requested to cause to be laid before this House such information and documents as are in possession of the Department of State, relative to spoliations committed on the commerce of the United States under Spanish authority, and also relative to the imprisonment of the American Consul at St. Jago de Cuba; and that Messrs. Bayard and Randolph be a committee to present the resolution.

The House proceeded to consider the report of a select committee on allowing the holders of military land warrants further time to obtain and locate the same, &c. when, after some time spent therein, the further consideration was postponed till Monday.

MONDAY, January 11, 1802.

The House went into a committee of the whole on the Resolutions of the Senate respecting captain Sterrett; when after some consideration thereof the committee rose, and the house refused them liberty to sit again.

This was done at the suggestion of several members that it would be the most proper course, to refer the resolutions to a select committee for the purpose of ascertaining the uses of honor, that it would be fit to bestow upon captain Sterrett, his officers and crew.

After this vote a reference was made to a select committee.

Mr. RANDOLPH moved a resolution directing the Secretary of the Treasury to lay before the House an estimate of the value of the exports of the United States, for the last five years to ports situated within the Streights of Gibraltar, discriminating articles of American growth from other productions.

Mr. Randolph observed that he was aware of the inability of the Secretary to distinguish precisely the exports of the United States, carried to the Mediterranean ports of France and Spain, from those carried to their other ports. But still he thought it probable that the Secretary might be able to furnish information that would be valuable.

Gen S. SMITH said that when the report was made by the Secretary it would be a report of deception. A great part of our trade to the Mediterranean had been lopped off in consequence of the war.

Mr. Smith afterwards remarked that on the report being made, he feared the enquiry would be, whether we should give up the protection of the Mediterranean trade, or not. Gentlemen would probably go into a calculation of figures; and if the expence of protection appeared to be greater than the benefit of the trade, they might be for withholding protection. There was one description of trade to the Mediterranean, which we could obtain no estimate of, which was however very important—the tonnage of American shipping employed in going from European ports to the Mediterranean, and from the Mediterranean to European ports—and American shipping employed between the East-Indies and the Mediterranean. This trade the government was as much bound to protect, as it was bound to protect the landed interest of the country.

Still Mr. Smith knew not that it would be proper to oppose the passage of a resolution that asked for information.

Mr. SMILIE knew not what information we could receive; but he knew that whatever it should be, it could do no harm.

Mr. NICHOLSON remarked that the House would not be in a worse situation after the report than it was now. For himself, he was in a state of total ignorance, and he believed a large part of the House was also ignorant, of the extent of our Mediterranean trade. It was impossible that the house could be deceived by the report; as if any part of it should be calculated to deceive us, his colleague would be able to detect its errors. He had heard and that too from commercial men, that our Mediterranean trade was not valuable, and not worth the expence of the squadron fitted out to protect it. He was at a loss to decide between these opinions and those of his colleague.

Mr. MITCHELL spoke in favor of the resolution.

Mr. GRISWOLD had no objection to obtaining the estimate, if desired by gentlemen: not that he supposed the report could present the information that was desired. With regard to our Mediterranean trade, it was well known, that lately, owing to our contest with Algiers, our fish and oil went in European bottoms, which could not be noticed in the treasury statements, as they went first to other ports.

Mr. EUSTIS was perfectly willing to obtain the report, that the great increase in our trade to the Mediterranean should be seen; from which its great value would fully appear, and its claim to encouragement.

Mr. VARNUM suggested the propriety of a reference to a select committee, which, from the documents before the House, could select the desired information.

Mr. RUTLEDGE feared, that the call for this information would delay the passage of an important bill before the House for the protection of our Mediterranean commerce. He hoped, in order as promptly as possible to obtain information, the secretary of the treasury would be called upon for it. With respect to the protection of our trade in the Mediterranean, it was, in his opinion, unimportant what its extent was. We were bound to protect the commerce of our citizens in all its ramifications, whether great or small.

The resolution of Mr. Randolph was then agreed to.

TUESDAY, Jan. 12, 1802.

A motion made by Mr. Bayard, for referring to the committee of ways and means the expediency of reducing the tax on salt was taken up, on which a debate took place, which occupied the whole of the sitting.