self and Vice-President, *shall* be removed upon impeachment and conviction by the legislature. No part of the constitution expressly gives the power of removal to the President; but a construction has been adopted and practised upon from necessity giving him that power in all cases in which he is not expressly restrained from the exercise of it. The judges afford an instance in which he is expressly restrained from removal. It being declared by the 1st section of the 3d article of the constitution, that the judges both of the supreme and inferior courts shall hold their offices during good behaviour.—They doubtless shall (as against the President's power to retain them in office) in common with other officers of his appointment, be removed from office by impeachment and conviction; but it does not follow that they may not be removed by other means. They shall hold their offices during good behaviour, and they shall be removed from office upon impeachment and conviction of treason, bribery and other high crimes and misdemeanors. If the word *impeachment of high crimes and misdemeanors*, be understood according to any construction of them hitherto received and established, it will be found that although a judge, guilty of high crimes and misdemeanors, is always guilty of misbehaviour in office, yet that of the various species of misbehavior in office, which may render it exceedingly improper that a judge should continue in office, many of them are neither treason, nor bribery, nor can they properly be dignified by the appellation of high crimes and misdemeanors. And for the impeachment of which no precedent can be found; nor would the words of the constitution justify such impeachment. To what source then shall we resort for a knowledge of what constitutes this thing called misbehavior in office? The constitution surely did not intend that a circumstance so important as the tenure by which the judges hold their offices, should be incapable of being ascertained. *Their misbehaviour* certainly is not an impeachable offence; still it is the ground upon which the judges are to be removed from office. The process of impeachment, therefore, cannot be the only one by which the judges may be removed from office, under and according to the constitution. I take it, therefore, to be a thing undeniable that that there resides somewhere in the government a power to declare what shall amount to misbehaviour in office by the judges, and to remove them from office for the same without impeachment. The constitution does not prohibit their removal by the legislature, who have the power to make all laws necessary and proper for carrying into execution the powers vested by the constitution in the government of the United States. But, says the gentleman from New-York, the judges are officers instituted by the constitution to save the people from their greatest enemies, themselves—and therefore they should be entirely independent of, and beyond the controul of the legislature.—If such was the design of those wise men who framed and adopted the constitution, can it be presumed they would have provided so ineffectual a barrier as these judges can readily be shown to be? It is allowed on all hands, the legislature may modify the courts—they may add judges, they may fix the times at which the courts shall sit, &c. Suppose the legislature to have interests distinct from the people—and the judges to stand in the way of executing any favorite measure. Can any thing be more easy than for the legislature to declare that the courts instead of being held semi-annually, or oftener, shall be held only once in six, eight, ten, or twenty years; or in order to free themselves from the opposition of the present Supreme Court to declare, that court shall hereafter be held by thirteen judges. An understanding between the President and the Senate would make it practicable to fill the new offices with men of different views and opinions from those now in office—And what, in either case, would become of this boasted protection of the people against themselves. I cannot conceive the constitution intended so feeble a barrier—a barrier so easily evaded.

What danger is there to the people from the legislature which the courts can control? The means of oppression nearest at hand to the legislature, and which afford the strongest temptation to their use, are, the raising extravagant and unnecessary sums of money, and the embodying large and useless armies.—Can the courts oppose effectual checks to these powers? I presume not. The constitution permits their exercise to any extent within the discretion of the legislature.

The objects of courts of law, as I understand them, are, to settle questions of right between suitors—to enforce obedience to the laws—and to protect the citizens against the oppressive use of power in the executive officers.—Not to protect them against the legislature; for that I think I have shewn to be impossible with the powers which the legislature may safely use and exercise; and because the people have retained in their own hands the power of controlling and directing the legislature, by their immediate and mediate elections of President, Senate and House of Representatives.

It is not alone the sixteen rank and file, which the gentleman from New-York has so ludicrously depicted, that I apprehend immediate danger from, but it is the principle which converts the office of judge into an hospital of incurables, and declares that an expiring faction, after having lost the public confidence, may add to those sixteen until they become 1600, or 16,000; and that the restored good sense of the legislature, the whole government and constitution retains no means of casting them off, but by destroying itself and resorting to revolutionary principles.—The legislature may repeal unnecessary taxes, may disband useless and expensive armies, may declare they will no longer be bound by the stipulations of an oppressive treaty; and if war should follow the constitution is still safe. But if the construction which gentlemen contend for be correct, a band of drones to any amount in number under the denomination of judges, may prey upon the substance of the people, and the government retains not the power to remove them but by destroying the constitution itself.

I beseech this enlightened assembly to pause before they adopt a construction capable of producing so great mischief, and so ineffectual to the ends proposed.

The question is not now, as it would seem from the arguments of gentlemen, they understand it to be; whether we shall abolish offices without compensating the officers for the sacrifices they may have made. If a proposal to compensate them shall be brought forward, the legislature will surely do what honor and justice shall require.

If I possessed equal powers of speech with the gentleman from Connecticut, I might be tempted to make as impressive an address to the feelings of the Senate. Sure I am, I feel as deep an interest in, and solicitude for, the constitution, as that gentleman. I view it with him as the bond of our union and the foundation of our safety. But it must be supported on reasonable and practical grounds. My understanding is incapable of seeing how the absurdities and evils of the construction contended for, can be avoided. I hope therefore that the power of the legislature to put down as well as to build up, courts of justice, as the public good may require, will be established.

Not having accustomed myself to deliver my sentiments in this or the other branch of the legislature, I may not have comprised them in so short a compass, nor in such orderly shape, as would be proper in submitting them to this enlightened assembly. If, however, I have succeeded in stating intelligibly the grounds of my conviction, I am satisfied. If my remarks have contributed to elucidate the subject to others, I shall rejoice; but if failing in this, they also are mixed with error, I trust gentlemen will set them right.

FOR SALE.

THE subscriber is authorised to sell a tract of land containing four hundred acres, lying in Prince George county, on Oxen Run, adjoining the district of Columbia, and about two miles from the City of Washington, with a good road to that part of the Eastern Branch over which a bridge is to be built.—This land is healthy and abounds with springs of excellent water.

There are between twenty and thirty acres of meadow ground, with a fine stream through it, which may be prepared for timothy at a small expense, and at least two hundred acres in wood and timber. The wood itself will more than pay for the land. The cleared land, except a small part indeed, is of an excellent quality, and has on it a large tobacco house, and several houses suitable for the accommodation of labourers. This land has on it some elegant situations for country seats, commanding a view of the river and the city. If this land be not sold at private sale, before the 10th day of March next (and if it be, timely notice will be given) it will on that day, if fair, if not, the first fair day thereafter be sold to the highest bidder on the premises. The greater part of the purchase money will be required down; a credit of three months will be given on the balance, the purchaser securing the punctual payment of the balance at the expiration of that time. Persons disposed to make a private purchase, may know the terms by application to Wm. Cooke, of Baltimore Town, of Mr. James F. Leitch of Manchester, Virginia, Mr. John Addison at Geesborough, near the City of Washington, or to the subscriber in the city of Washington.

PHILIP B. BAKER,
Attorney for J. Addison.

Jan. 18, 1802 epts

Fifty Dollars Reward.

RANAWAY on Saturday night the 26th of last month, a Mulatto named CYRUS, about 21 or 22 years of age, five feet six or seven inches high, with dark bushy hair. He has served an apprenticeship with a millwright, and is a good workman. He stole from Popes Creek, the estate of Daniel McCarty, Esq. in the county of Westmoreland, a small sorrel horse, a neat light saddle, not much worn, made by James Smock, Fredericksburg, and a snaffle bridle, with a variety of wearing apparel. He has for wife a maid belonging to general Lee of Stratford, and it is conjectured he will endeavor to secret himself in the neighbourhood of the City of Washington, in expectation of meeting with his wife. Whoever will apprehend the said slave and deliver him to me, shall receive the sum of fifty dollars; and I will also give a farther reward of ten dollars to any one who may restore the horse and saddle.

JOHN ROSE.

Virga. Leeds, Jan. 11, 1802. wat

[*From the Baltimore American.*]

Washington, Jan. 10, 1802.

On January 1, 1802, the Mammoth Cheese was presented to the President: accompanied with the following address.

THE GREATEST CHEESE IN AMERICA,
FOR
THE GREATEST MAN IN AMERICA.

SIR,

Notwithstanding we live remote from the seat of the national government, and in an extreme part of our own state; yet we claim the right of judging for ourselves.

Our attachment to the national constitution is strong & indissoluble. We consider it a description of those *powers*, which the people have submitted to their magistrates, to be exercised for *definitive* purposes, and not a charter of favors, granted by a sovereign to his subjects.—Among its beautiful features, the right of free suffrage, to correct all abuses—The prohibition of religious tests, to prevent all hierarchy—The means of amendment, which it contains within itself, to remove defects as fast as they are discovered, appear the most prominent. But for several years past, our apprehension has been, that the genius of the government was not attended to in sundry cases; and that the administration bordered upon monarchy. Our joy, of course must have been great, on your election to the first office in the nation; having good evidence, from your announced sentiments and uniform conduct that it would be your strife and glory to turn back the government, to its virgin purity. The trust is great! The task is arduous! But we console ourselves, that the Supreme Ruler of the universe, who raises up men to atchieve great events, has raised up a Jefferson for this critical day, to defend republicanism and baffle all the arts of aristocracy.

Sir, we have attempted to prove our love to our President, not in words alone, but in deeds and truth. With this address, we send you a cheese, by the hands of Messrs. John Leland and Darius Brown, as a pepper-corn of the esteem which we bear to our chief magistrate, and as a sacrifice to republicanism. It is not the last stone in the Bastile, nor is it of any great consequence as an article of worth; but as a free-will offering, we hope it will be received. The cheese was not made by his lordship, for his sacred majesty; nor with a view to gain dignified titles or lucrative offices; but by the personal labour of free-born farmers (without a single slave to assist) for an elective President of a free people—with the only view of casting a mite into the scale of democracy.

The late triumphant return of republicanism has more animated the inhabitants of Cheshire, to bear the burthens of government, and treat the characters and persons of those in authority with all due respect, than the long list of alien—sedition—naval, and provisional army laws ever did.

Sir, we had some thoughts of impressing some significant inscription on the cheese; but we have found such inconveniency in stamps on paper, that we rather chose to send it in plain republican form.

May God long preserve your life and health, for a blessing to the United States and the world at large.

Signed by order of all Cheshire,

Daniel Brown,
Hezekiah Mason,
Jona. Richardson, } Committee.
John Waterman,
John Wells, jun.

P. S. The cheese was made, July 20 1801.—Weight 1235 lbs.

THE PRESIDENT'S REPLY.

To Messrs. Daniel Brown, Hezekiah Mason, Jonathan Richardson, John Waterman, and John Wells, jun. a committee of the town of Cheshire, in Massachusetts.

Gentlemen,

I concur with you in the sentiments expressed in your kind address on behalf of the inhabitants of the town of Cheshire, that the constitution of the States is a charter of authorities, and duties, not a charter of rights to its officers; and among its most precious provisions are the right of suffrage, the prohibition of religious tests, and its means of peaceable amendment. Nothing ensures duration of this fair fabric of government so effectually as the due sense entertained by the body of our citizens, of the value of these principles and their care to preserve them.

I received with particular pleasure the testimony of good will with which your citizens, have been pleased to charge you to me; it presents an extraordinary proof of the skill with which those domestic arts, which contribute so much to our daily comfort, are practised by them, and particularly by that portion of them most interesting to the affections, the care, and the happiness of man.

To myself this mark of esteem from freeborn farmers, employed personally in the most useful labors of life, is peculiarly grateful, having no wish but to preserve to them the fruits of their labour, their sense of this truth will be my highest reward.

I pray you, gentleman, to make my thanks for their favor acceptable to them, and to be assured yourself of my high respect and esteem.

TH: JEFFERSON.

Jan. 1, 1802.

The agents have been highly gratified with the *simple plainness* with which they have been received in the presenting of the *cheese*; which they conceive to be the *dignity of republicanism*: and take this opportunity of acknowledging the polite usage they have received from men of public spirit, through the whole line of removals, from Cheshire to Washington.

A
LIST OF LETTERS,

Remaining in the Post Office, Washington City, on the 1st January 1802.

A.

Thomas G. Addison.

B.

Lieut. Lewis C. Bailey, 2, Joseph Boone, David Brown, James Burnsides Mary Betton, Parker Bowen, junr. John Buchanan, Thomas Boys, Hetta Bankson, Richard Bainhouse, David Bates, William Bayley, capt. Lloyd Beall, John Brown, Edward P. Ball, Ignatius Boone.

C.

Dabney Carr, 2, James Clarke, 2, John Coles, Chancey Camp, hon. William Cushing, Chacol Grose, Michael Clarke, David Chiles, Charles Collins, James Campbell, Joseph Costleton, Dr. Crocker, Commissioner of the navy loan. Lieut. Richard Chandler, care of Caleb Swan, Lieut. Howell Cobb, Gabriel Christie.

D.

John Dawson, Messrs. Duncanson & Ray, Cato Duy, 2, Lucy Deaton, Philip Delany.

E.

Nathan Edmondson, Robert Eagan, Joseph Evans, Eli Elston.

F.

Robert Flinn, 3, Joseph Field, 2, James Frazer, 2, Zephaniah Farrell, Robert Flanagan, Gabriel Ford, Fidilia Frond, (care of William Vidler) Samuel B. Fagan, or Joseph Swiles, Michael Forman, (care of Mr. Garboos) Philip Fitzhugh.

G.

Samuel Gothard, Jacob Grose, Bennett Green.

H.

Walter Hellen, 3, Richard Hutcheson, William Howard, Upton Hobbs, William Hull, capt. Charles Hyde, John Hall.

I.

Capt. James Johnston, Joseph Jeffries, Sarah Jacques.

K.

Peregrine Knotts, William Keefe, John and William Kennedy, John L. Keajs, Mrs. John Kane, Alex. Kelly.

L.

Capt. John Legatt, E. W. Laight Nicholas Long, Joseph Levy, Townsend Lamborn, (care of Messrs. Sharpeless & Smith) Samuel Llewellyn, Messrs. William and John Lee, Capt. C. Lyman.

M.

Charles Minifree, Cormac M'Nancy, James M'Nenon, Richard M'Clure, Elizabeth M'Coy, Capt. M'Keel, (care of Messrs. Gibbs and Ross.)

N.

Samuel Nicholson, John Neilson. 2 Edward Neufville, Thomas Niles, Lewis Nicholas.

O.

Alexander Offutt.

P.

Richard Peters, junr. John H. Purviance, Capt. Pratt, Winslow Parke. junr. J. A. Pearson, Charles P. Polk, Daniel Patterson.

R.

Samuel Ringgold, Samuel Reif, John Rodgers, Robert Ritchie, John Richards, Benjamin Rhodes, John H. O. Rideout, John Read, John Ross, William Ross.

S.

Peleg Sanford, 2, Thomas S. Stephens, 2, Mr. Spalding, Erickson Hale Stone, John C. Scott, James Shanly, John W. Smoot, Margaret H. Scott, John Stickney, Matthew Shaw, James Stevens, William Slater, 2.

T.

John Tayloe, 2, Emily Thompson, Thomas Tracey, Francis L. Taney, James Taylor, Jane Isabella Thompson, William Thorn, Capt. John Thompson, Mrs. Tidyman, 2, Dr. Philip Tidyman, Thomas Truxton.

W.

Eli Whitney, 2. maj. Jonathan Williams, 2, Almony Wading, Miss F. Williams, Amos Wilkinson, Mrs. S. Wragg, Hugh Wilson, Capt. W. H. Washington, Richard W. West, Thomas White, (care of Mr. Duckwith) Mr. Wilde, Basil Wood, William Wright.

Y. | Z.
Patrick Yanardly. | Jacob Zimmer.

Jan 8, 1802. ep2 1a3taw

Estimate of the expences necessary for carrying into effect the Convention between the United States of America and the French Republic, of the 30th of Sept. 1801.

	Dolls.
For captures made prior to the date of the treaty on which no final condemnation had then passed, and of which the property was brought into the United States,	137,770
For captures made subsequent to the date of the treaty,	70,351
For captures, where the property was not brought into the United States, nor any condemnation had,	122,156
For cases of capture not at present known, & for a possible excess of the indemnities to be paid above the estimate, say	19,723
Dolls.	350,000

NOTE—The sum of 2000 dollars per annum, to cover the allowance to an agent at Paris to perform the office of soliciting the claims for restitution under the Convention, has been included in the general estimate for the service of the year 1802.

The repairs put upon the Corvette Berceau before her delivery to the French Republic, are not included in the above estimate:—They amount to, Dolls. 32,839 54-100.

Respecting City of Washington.

MESSAGE.

from the President, delivered on the 11th, instant.

Gentlemen of the Senate, and of the House of Representatives,

I now communicate to you a memorial of the commissioners for the City of Washington, together with a letter of later date, which, with their memorial of January 28, 1801, will possess the legislature fully of the state of the public interests, and of those of the City of Washington, confided to them. The monies now due, and soon to become due to the state of Maryland, on the loan guarantied by the United States, call for an early attention. The lots in the City, which are chargeable with the payment of these monies, are deemed not only equal to the indemnification of the public, but to ensure a considerable surplus to the city to be employed for its improvement, provided they are offered for sale, only in sufficient numbers, to meet the existing demand: But the act of 1796 requires, that they shall be positively sold in such numbers as shall be necessary for the punctual payment of the loans—9000 dollars of interest are lately become due; 3000 dollars quarterly-yearly will continue to become due; and 50,000 dollars, an additional loan, are reimburseable on the 1st day of November next. These sums would require sales so far beyond the actual demand of the market, that it is apprehended that the whole property may be thereby sacrificed, the public security destroyed, and the residuary interest of the city entirely lost. Under these circumstances I have thought it my duty, before I proceed to direct a rigorous execution of the law, to submit the subject to the consideration of the legislature—whether the public interest will be better secured in the end, and that of the city saved by offering sales commensurate only to the demand at market, and advancing from the treasury, in the first instance, what these may prove deficient, to be replaced by subsequent sales, rests for the determination of the legislature; if indulgence for the sands can be admitted, they will probably form a resource of great and permanent value; and their embarrassments have been produced only by overstrained exertions to provide accommodations for the government of the Union.

TH: JEFFERSON.

January 11, 1802.

Charlottee Hall School,

SCHOOL will open on the 8th day of January next. The trustees at their quarterly meeting, held on the 30th of November, having taken into consideration the great increase of the School, and thinking that the moral conduct, and improvement of the pupils might be best promoted by the residence of the principal in the family, have induced him to undertake this duty; therefore the Rev. GEORGE RALPH, with proper assistants, will receive boarders, at Charlotte Hall, on the terms heretofore established, by the trustees, viz.

	l. s. d.
Board, lodging, and washing,	27 10 0
Or, by furnishing bedding,	25 per annum.

The payments, as usual, will be expected to be made quarterly, and in advance.

Signed by order,
NEALE H. SHAW, Reg.

Cool Springs, Dec. 28, 1801. 2aw3w

FOR SALE,
A Servant about twenty-five

or twenty-six years of age, who has been accustomed to serve as BUTLER, in a Gentleman's family, for 10 or 12 years. He is also an attentive body servant. Apply to the subscriber, at Stelle's Hotel.

SKELTON JONES,

Washington Dec. 14, 1801. ep3w