NATIONAL INTELLIGENCER,

AND

WASHINGTON ADVERTISER.

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FIVE DOLLS. PER ANN. WEDNESDAY, JANUARY 27th, 1802. PAID IN ADVANCE.

NATIONAL INTELLIGENCER.

On Wednesday last, Mr. Fearing laid before the House of Representatives the following act.

An act declaring the assent of the Territory North West of the river Ohio, to an alteration in the ordinance for the government thereof.

Whereas in the opinion of the legiſlature, it would be inconvenient and injurious to the intereſt of the citizens of the territory, ſhould the ſame be divided into ſtates, according to the ordinance of Congreſs of the 13th day of July, A. D. 1787 : inasmuch as the ſaid ſtates would be extremely unequal in territory and in population, and the eaſtern ſtate in particular would be too extenſive for the purpoſes of internal government, embracing nearly the one half of that part of the North Weſtern and Indiana territories that lies below the line, to be drawn through the ſouthern bend or extremity of lake Michigan. And whereas the legiſlature are deſirous, by a timely diviſion, to guard againſt the inconvenience and the injury that is likely to ariſe therefrom : Therefore,

SECT. 1. *Be it enacted by the Legiſlative Council and House of Representatives in general Assembly, and it is hereby enacted by the authority of the same,* That ſo ſoon as the Congreſs of the United States ſhall declare their aſſent thereto, the aforeſaid ordinance for the government of the Territory, north weſt of the river Ohio, done by the United States in Congreſs aſſembled, on the thirteenth day of July, A. D. 1787, & of their ſovereignty and independence the twelfth, ſhall be altered ſo far as the ſame relates to the boundaries of the three ſtates that are firſt hereafter to be erected in the ſaid territory and in the ſtead of thoſe boundaries, the boundaries of the ſaid ſtates ſhall be fixed and eſtabliſhed as follows, to wit : The weſtern ſtate in the ſaid territory ſhall be bounded by the Miſſiſſippi, the Ohio, and a line begining at a point on the Ohio river, where the ſame is interſected by the weſtern boundary of the land granted to General George Rogers Clark, and the officers and ſoldiers of his regiment ; thence running directly to the head of Chicagan river, thence by ſaid river to lake Michigan, thence by a line drawn due north, to the territorial line between the United States and Canada ; and by the ſaid territorial line to the lake of the woods and of the Miſſiſſippi.

The middle ſtate ſhall be bounded by the eaſtern boundary of the aforeſaid weſtern ſtate, by the Ohio river to the mouth of the Scioto river, by the Scioto river to the Indian boundary line as eſtabliſhed in the treaty of Grenville, by a direct line drawn from thence to the ſouth weſt corner of the Connecticut reſerve ; thence by a line due north to the territorial line, and by the ſaid territorial line.

The eaſtern ſtate ſhall be bounded by the ſaid eaſtern boundary of the middle ſtate, by the Ohio to the Pennſylvania line, by the Pennſylvania line to the territorial line, and by the ſaid territorial line.

Provided always, That nothing herein contained ſhall be intended to annul, or in any way to affect the authority of Congreſs, to form one or two ſtates in that part of the ſaid territory which lies north of an eaſt line drawn through the ſoutherly bend of lake Michigan.

EDWARD TIFFIN,
Speaker of the House of Representatives.
ROBERT OLIVER,
President of the Council.

APPROVED—21ſt Dec. 1801.

AR : ST. CLAIR,
Governor of the territory of the United States North West of the Ohio.

Mr. Giles then presented the following petition

To the Honorable the Senate and Houſe of Repreſentatives of the United States, in Congreſs aſſembled.

The petition of Sundry inhabitants of the Territory of the United States, North Weſt of the river Ohio,

Respectfully sheweth—

That the legiſlature of the ſaid territory, at their ſeſſion, begun and held in the town of Chillicothe, in the territory aforeſaid, on the fourth Monday of November, one thouſand eight hundred and one, paſſed " An act declaring the aſſent of the territory of the United States, North Weſt of the river Ohio, to an alteration in the ordinance for the government thereof," requeſting the conſent of Congreſs to the alteration of the boundaries of the different ſtates within ſaid territory, as eſtabliſhed by the articles of compact ; which alterations are as followeth, to wit : " The weſtern ſtate, in ſaid territory, ſhall be bounded by the Miſſiſſippi, the Ohio, a line direct from the mouth of Silver creek, at or near the foot of the rapids of Ohio, due north to the territorial line between the United States and Canada, by the ſaid territorial line to the lake of the Woods and the Miſſiſſippi. The middle ſtate ſhall be bounded by the ſaid direct line, by the Ohio river to the mouth of the Scioto river ; by the Scioto river to the Indian boundary line, eſtabliſhed by the treaty of Greenville, by a direct line drawn from thence to the mouth of the Sanduſky river, thence through the Sanduſky lake to the mouth thereof ; thence by a line due north to the territorial line, and by the ſaid territorial line. The eaſtern ſtate ſhall be bounded by the ſaid eaſtern boundary of the middle ſtate, by the Ohio to the Pennſylvania line, thence by ſaid line to the territorial line, and by ſaid territoral line." Your petitioners conceived that the ſaid act is unconſtitutional and directly repugnant to the articles of compact entered into by the Congreſs of the United States, the ſtate of Virginia, and the people and ſtates in the ſaid territory, as expreſſed in the ordinance for the government of the territory of the United States North Weſt of the river Ohio, paſſed on the thirteenth day of July, one thouſand ſeven hundred and eighty ſeven. In the clauſe declaratory of the articles of compact, it is expreſsly ſtipulated, that the ſaid articles ſhall be conſidered as articles of compact between the original ſtates, and the people and ſtates in the ſaid territory, and for ever remain unalterable, except by common conſent. By the fifth article of the compact, the boundaries of the ſtates are pointed out, fixed and eſtabliſhed, as ſoon as Virginia ſhall alter her act of ceſſion and conſent to the ſame, which Virginia has done by an act paſſed the thirtieth of December, one thouſand ſeven hundred and eighty-eight.

Your petitioners view the ordinance as their conſtitution, and that agreeable to the declaratory clauſe of the article of compact, the boundaries of the different ſtates, as eſtabliſhed by the fifth article, cannot be altered, but by the conſent of the original ſtates, the ſtate of Virginia, and the people and ſtates of the ſaid territory ; and that during our territorial government, our legiſlature is not warranted in acting on the ſubject, and that if we were under a ſtate government, they would not be warranted but by the poſitive inſtruction of the citizens electing repreſentatives for that ſpecial purpoſe.—Your petitioners were entirely unacquainted with the intention of the legiſlature acting upon this ſubject, until the bill, (which originated in the Council) was ſent down to the Houſe of Repreſentatives for their approbation.—Your petitioners view it as a conſpiracy formed by a number of the repreſentatives from the extreme parts of the territory, originating with and ſupported by the influence of the executive, to anſwer their local views, and to ruin the middle and moſt promiſing part of the territory. Particular regard was had to the articles of compact by many of your petitioners in purchaſing and ſettling down in what they conceived to be the moſt central part of the eaſtern ſtate.

If the above recited act ſhould be by you carried into a law, many of your petitioners would be left on the extremes of the middle and eaſtern ſtates, and thereby their property greatly leſſened in value, and be ſubject for many years to our preſent colonial, oppreſſive and unequal government, and be deprived of all thoſe advantages that flow to every part of community from a free, republican, independent government. Your petitioners view themſelves as a party to the original contract, and cannot but conſider it as a wanton uſurpation in the territorial legiſlature to attempt a radical alteration in a contract to which they are a party, without conſulting them.

Many of your petitioners ſettled down in this country in the moſt troubleſome and dangerous times, and have cheerfully braved all the difficulties which a new country preſents, and others of us made of late large purchaſes at the ſales of the United States' land, under a firm conviction that the articles of compact would be religiouſly obſerved, and that we ſhould ere this, or ſhortly hence, be compenſated by forming a link in the bright chain of the Union, which we conceive the propoſed alteration calculated purpoſely to retard. Your petitioners expect that from the petition & from the documents that will be laid before the honorable Senate and Houſe of Repreſentatives by our conſtituted agents, Thomas Worthington and Michael Baldwin, eſquires, that you will have no heſitation in granting the prayer of your petitioners, in not ſuffering the *Solemn contract* aforeſaid to be violated.

Signed &c.

Mrs. PICK,

Takes the liberty to inform

the ladies of George-Town and City of Waſhington, and its vicinity, that ſhe has this day opened at Mr Kurtz's, oppoſite the Union Tavern, an elegant aſſortment of MILLINERY, conſiſting of,

Velvet bonnets, caps, ſhawls, embroidery, dreſſes, handkerchiefs, artificial flowers, plumes, trimmings both gold and ſilver, bugle ſpangles, ſacks, muffs, belts and taſſels, ſtraw bonnets, caſſimere ſhawls and bonnets, gold and ſilver thread, wigs and frizettes, perfumery of all kinds, &c. &c. and other articles too numerous to mention ; which ſhe will ſell on moderate terms.

Dec. 23 eptf

THOMAS CARPENTER,

TAYLOR,

SOLICITS a continuation of that generous encouragement which he has experienced from the Ladies and Gentlemen of this City and its vicinity. Having procured an elegant aſſortment of cloths, caſſimeres, ſwanſdowns, &c. and engaged workmen of ſuperior talents. His unremitting attention ſhall be given to merit patronage.

Capitol Hill, next houſe eaſt of Mrs. Finch's boarding houſe, and Pennſylvania Avenue between the Preſident's ſquare and Seven Buildings.

Dec. 7, 1802. eptf

Marshal's Sale.

Notice is hereby given, that by virtue of a Writ of Vendition Exponas iſſued out of the Circuit Court of the Diſtrict of Columbia, for the county of Waſhington, to me directed, John Aſhley and Henry Pratt, againſt the lands and Tenements of Robert Morris, will be expoſed to Public Sale,

To the higheſt bidder, for

caſh, at Rhodes's Hotel, on the third day of February next, all the ſaid Morris's title in and to lot No 2, in ſquare No. 706, in the City of Waſhington. Sale to take place at 11 o'clock, A. M.

DANIEL C. BRENT.
Marſhal of the Diſtrict of Columbia.

Jan. 18, 1802. epts

By virtue of a decree of the Circuit Court for the Diſtrict of Columbia in the county of Waſhington, in chancery ſitting, in the caſe of George Walker complainant, againſt Overton Carr, defendant,

WILL BE SOLD,

TO the higheſt bidder, for ready money at Tunnicliff's tavern in the City of Waſhington, on MONDAY the eighth day of February next, the following ſquares and lots, or ſo much thereof as will ſatisfy the decree aforeſaid, viz. Squares 861 862 863, lots 1 2 3 8 9 10 11 in ſq. 864, ſquares 891 913, lots 2 3 10 11 13 14 15 and 20 in ſquare 93[illegible], lots 3 4 5 6 7 13 14 15 16 and 17 in ſquare 964, 1 [illegible] 3 6 7 20 21 and 24 in ſquare 1077, lots 2 3 and 4 in ſquare north eaſt of ſquare 1065, lots 11, 12 13 14 15 16 17 18 19 20 lots 7 8 9 10 11 12 13 14 15 16 17 18 19 21 22 23 27 28 29 30 31 32 and 33 in ſq. 1043, 20 21 22 and 23 in ſquare 1042, lots 5 6 7 8 9 10 11 12 13 14 15 16 17 and 18 in ſquare 1017, lots 1 2 6 7 and 8 in ſquare 943, ſquare 890, lots 1 2 3 7 8 9 15 16 17 and 18 in ſquare 1067. The ſale will commence at 11 o'clock, and will continue from day to day until the whole of this property or ſo much thereof be ſold as will comply with the requiſites of the aforementioned decree.

PHILIP T. BAKER, Truſtee.

Jan. 5, 1802. epts

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. Leiceh 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

National Intelligencer.

SENATE
OF THE UNITED STATES.

THURSDAY, Jan. 14, 1802.

DEBATE

On motion of Mr. Breckenridge to repeal the act paſſed laſt ſeſſion for new organiſing the courts of the United States.

JUDICIARY ESTABLISHMENT.

[CONTINUED]

MR. BRECKENRIDGE. It is high time, Mr. Preſident, that the attention of the committee ſhould be again called to the *real* merits of the queſtion under diſcuſſion. We have wandered long enough, with the gentlemen in the oppoſition, in thoſe regions of fancy and of terror, to which they have led us. They muſt indulge us in returning and purſuing our object.

I cannot, however, in juſtice to my feelings, go into the diſcuſſion, without making ſome remarks on the manner with which the attempts of thoſe who are in favor of this repeal, have been treated. It has been echoed and re-echoed at every ſentence ; that we are attacking a law, matured by wiſdom, and upon which the rights and ſecurity of the nation depend. That we are about to demoliſh the principal pillar in the fabric of our conſtitution, and thereby diſſolve the union : and we are politely reminded by the gentleman from Connecticut that the Roman government, alſo once the favorite fabric of the world, ſunk under the rude ſtroke of gothic hands. Without inquiring what has entitled theſe honorable gentlemen, to aſſume to themſelves the excluſive guardianſhip of the conſtitution ; and without inquiring what their attachment to it is ; I do pretend ſir, and that without paying to myſelf any compliment, that great as theirs may be ; mine is not leſs. Gentlemen may, therefore, for the future, ſave themſelves the trouble of attempting to arouze my fears on this ſubject, when I once for all aſſure them, that my duty as a citizen, and my oath as a ſenator, are more operative with me, than the warning voice of any man or ſet of men, from what quarter ſoever it may come, and however high the pretenſions to experience and patriotiſm are, which they may chooſe to aſſume. But, nevertheleſs my anxiety to preſerve inviolate this conſtitution, I am not to be diverted from my object by every tocſin of alarm which gentlemen may think fit to ſound. Let me not be told of dangers to the conſtitution, and of dangers to the Union. Contemptible, indeed, is the baſis on which that conſtitution reſts, poor is the compliment to the good ſenſe and patriotiſm of the people of America, if that conſtitution and their liberties can, as has been contended, be ſhaken to the centre, by the repeal of a ſingle law, of but a ſingle year's duration ; ſuſpicious indeed in its origin, burdenſome and uſeleſs to the community, and affecting ſimply a few individuals, intereſted againſt that repeal, by paltry pecuniary conſiderations only.

I ſhall commence the remarks I am about to make, by aſking a ſingle queſtion, which applies to *all* the obſervations of the gentlemen in the oppoſition. Has any gentleman ſhewed, or attempted to ſhew, that the increaſe of courts and judges by this law, was neceſſary or juſtifiable from the ſtate of things, at the time it was paſſed ? They have I admit attempted to ſhew by reaſoning at a great diſtance, that they may be wanting hereafter, that our empire is large, that it is populating faſt, and that inſurrections might happen. Indeed the gentlemen in the oppoſition have taken different and inconſiſtent ground. The honorable gentleman from New-Hampſhire, venerable from his years, and reſpectable from his talents, tells us, this law was not the offspring of a night, but has been well matured. The gentleman from Vermont requeſts that we may not proſtrate meaſures from pique. The gentleman from Maſſachuſetts takes different ground, and denies the power of congreſs to repeal the law : and the gentleman from Connecticut ſays, that the original law, eſtabliſhing the judiciary, was but an *experiment* ; and that experience is the only ſure teſt of all human contrivances.

Now for the conſiſtency of gentlemen. Some contend that the law was well matured, and ought not to be diſpenſed with. Others, that we cannot repeal it at all, whether matured or not well matured ; and others that it is a part of a ſyſtem of experiment. If, ſir, the firſt law was an experiment, this law is of courſe an experiment upon an experiment. Now for the reaſoning of the gentleman from Connecticut. " Experience is the only ſure teſt of all regulations ;" therefore, you may make an experiment, and even an experiment upon an experiment, but yet theſe experiments are unalterable. This is really an original notion about experiments ; that you may try them to ſee if they will anſwer, but whether they do or do not, they are faſtened on you.

The honorable gentleman from Georgia could not after two explanations atone to the gentleman from Connecticut for an inadvertent expreſſion dropt by him in the warmth of argument, which carried an inſinuation, that this law was made in a *passion.* Let the gentleman from Connecticut, therefore, have it as he ſtated it, that the law paſſed with *great coolness and deliberation* ; If gentlemen then ſuppoſed it was to be an irrepealable experiment, and to be entailed on their country, *I will say* it was a wanton experiment. I will ſay more : It was an experiment, which inſtead of being juſtified by a ſhadow of neceſſity, was negatived by the exiſting ſtate of things at the time it was made ; and that it was an experiment never made upon earth before, to try, how courts and judges would anſwer, without buſineſs. The abſurdity, moreover, with reſpect to this ſtrange doctrine of irrepealable experiments, is increaſed, becauſe ſome gentlemen admit, that you may modify and change the law, but ſo as not to affect the judges. I underſtand them then on that point to mean, that you may modify and change the law as you pleaſe, provided you increaſe the number of judges, or the expence of the ſyſtem ; but that you violate the conſtitution, if you diminiſh the number of judges or attempt to economize the ſyſtem : or in other words, it is conſtitutional to aboliſh any part, or all of the ſyſtem, but what relates to the ſalary part of it : which in plain Engliſh would be " do what you pleaſe, gentlemen, with our ſyſtem ; but ſpare, oh ſpare thoſe for for whom the ſyſtem was made, the judges."

The gentleman from Maſſachuſetts aſks for any inſtance of an attempt ſimilar to the one under conſideration. If he meant of an example of the abolition of courts and judges, which had become unneceſſary, I refer him to the examples of Maryland and Virginia already cited ; States compoſed of one million two-hundred thouſand inhabitants, and compoſing more than one-fifth part of the Union, who have each exerciſed that power. An inſtance, exactly or very nearly ſimilar to the one under conſideration, cannot, I ſuppoſe, be adduced ; for I would aſk him in my turn, if he can ſhew me in the Union, or the univerſe, an inſtance of a ſet of courts created without any buſineſs for them to act on ; and beneficial to the judges only ?

The gentleman from Maſſachuſetts has conceded a point, which is at variance with the principal ground he has taken. He admits, if a judge in a particular diſtrict be incompetent from inſanity, diſability, or other ſufficient cauſe to perform his duties, Congreſs might repeal ſo much of the law as relates to his diſtrict, and thereby put down that judge. How is this ? If a law can be repealed, and a judge put down, becauſe he is unable to diſcharge the duties of his office, cannot a law be repealed and a judge be put down, where he has no duties to diſcharge. If becauſe a judge who cannot diſcharge the duties actually aſſigned him, (although by the act of government) may be diſpenſed with, is it ſound reaſoning to ſay, that you cannot diſpenſe with a judge, although you have aboliſhed his duties ? Again, purſuing the gentleman's own caſe, if *part* of a law can be repealed, and a particular diſtrict and judge put down, what is it that arreſts your power, as to all the diſtricts, and the whole corps of judges ?

[Here Mr. Jona. Maſon roſe to explain ; and ſaid the gentleman had miſunderſtood him. The idea he intended to convey was, that if congreſs had power to put down one judge or one diſtrict, they had the power to put down all the courts and judges, but that they had no power to do either.]

Mr. Breckenridge ſaid, he was ſorry he had miſunderſtood the gentleman ; he had ſo noted his obſervation ; but he would then beg leave to notice an obſervation of the gentleman from New York ; which applies to this part of the ſubject. That gentleman has admitted, that you may new model your courts *for the benefit of the people* ; but you