the executive power shall be vested in a governor of the territory, to be nominated, and by and with the advice and consent of the Senate of the United States, appointed and commissioned by the President of the United States; or in case of temporary inability of such governor, by a lieutenant governor, to be appointed and commissioned in like manner, for each special occasion: and the said governor shall receive for his servies the sum of   dollars per annum, payable quarter annually out of the treasury of the United States.

Sec. 9. *And be it further enacted*, That no person except a freeman of the said territory who is now a citizen of the United States, or shall be a native born citizen, who shall have attained the age of thirty years, shall be capable of the office of governor or lieutenant governor.

Sec. 10. *And be it further enacted*, That the governor of said territory, before he enters on the execution of his office, shall solemnly swear or affirm, "that he will support the constitution of the United States, and faithfully execute the office of governor of the territory of Columbia." And the lieutenant governor (in case one be appointed) shall, before he enters upon the execution of the duties of his office, solemnly swear and affirm in like manner. The governor shall be commander in chief of the militia of the said territory, shall have power to grant reprieves and pardons for offences against the said territory, and shall appoint and commission all officers of the territory, whose appointments are not herein otherwise provided for, and which shall be established by law; but the legislature may by law vest the appointment of any such officers as they think proper, in other persons, themselves excepted. He shall from time to time send to the House of Representatives information in writing of the state of the territory, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene the House of Representatives; and shall take care that the laws be faithfully executed.

Sec. 11. *And be it further enacted*, That the judicial power shall be vested in the present existing court, a court of chancery, and such inferior courts as the legislature may from time to time ordain and establish: and the said legislature of the territory is hereby authorized and directed to establish and regulate appeals and writs of error from the inferior to the superior courts of the territory, and from the superior courts to the supreme court of the United States. The judge or judges of the supreme court, and the chancellor, shall be nominated, and by and with the advice and consent of the Senate of the United States, shall be appointed and commissioned by the President of the United States; and shall hold the said offices during life, unless removed by the President of the United States, on the application of two successive legislatures of the territory, between which an election shall have intervened. They shall, at stated times, receive from the treasury of the United States as a compensation for service the sum of   dollars, which shall not be diminished during their continuance in office.

Sec. 12. *And be it further enacted*, That no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in the militia when in actual service in time of war or public danger. Nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation. In all criminal prosecutions the accused shall enjoy the right to a speedy trial, by an impartial jury of the vicinage, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process to obtain witnesses in his favor, and to have the assistance of counsel for his defence. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. In all suits at common law where the value in controversy shall exceed twenty dollars, the right of a trial by jury, shall be preserved.

Sec. 13. *And be it further enacted*, That no law shall be made respecting any establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, otherwise than by a liability to private action for falshood in point of fact; or abridging the right of the people peaceably to assemble and to petition for a redress of grievances; nor shall the right of the people to keep and bear arms be infringed, nor shall a soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons to be seized.

Sec. 14. *And be it further enacted*, That the country parts of the said territory shall not be taxed for buildings, improvements or accommodations in any town or city, nor shall any town or city be taxed for those of another, except that the houses for the accommodation of the territorial government, (which are hereby directed to be in the City of Washington) may be built and maintained out of the treasury of the territory; and those for the government of a county or other division, by assessment on the county or other division.

Sec. 15. *And be it further enacted*, That for carrying this government into operation, the said territory of Columbia shall be parcelled into three electoral divisions; the first division to contain all that part of the territory, taken from Maryland, lying east of Rock creek, to elect seven representatives. The second division to contain all the residue of the territory lying east of Potomac river, together with the island in said river commonly called Mason's island, to elect seven representatives. The third division to contain all that part of the territory lying west of Potomac river, to elect eleven representatives. And the marshal for the said district, having first given   days notice, shall cause to be assembled on the   of   at such place in each division, as he shall appoint, all the free white inhabitants thereof, of Twenty-one years of age, citizens of the United States, who shall have resided twelve calender months next preceding in the said territory, then and there to elect by ballot such a number of representatives, as the division in which they then reside is hereby entitled to elect; but no person shall be permitted to vote out of the division in which he shall then reside. And the said marshal by himself and his deputies, (summoning two justices of the peace for each place of election, who are required to attend for the preservation of peace) shall hold the said elections and be judges thereof and make return thereof to the President of the United States; which said representatives shall on the   after their election, meet at such place in the City of Washington as the President of the United States shall direct, then and there to hold their session. One calender month after the end of their said first session, they shall meet at the same place, or any other to which they shall have adjourned in the said city, to hold their second session   days after the end of which second session, the present government of the said territory, and of all offices and authorities exercised under it, except the judges of the present existing court, shall cease; and so much of all acts of congress as authorized the organization and appointments now existing, shall stand repealed; save only that the corporations and charters, existing under the laws of Virginia and Maryland, shall remain in force, but subject to such alterations as the legislature of the territory shall at any time make by law. And that the said legislature shall make provisions for taking a census of the persons qualified as freemen by this act, and for the election of a new House of Representatives, according to the same, to be assembled on or before the   day of   at which time the office of those first chosen shall cease.

☞ The gentleman who exchanged a cloak at the last Dancing Assembly at Mr. Stell's, may find his own by application at the bar.

Feb. 1, 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. 2aw4w

For Sale or Rent,

Two three story brick houses in Alexandria, completely finished, on King and Columbia, street, with sundry valuable property near the same, possession whereof may be had immediately. The situation for the flour and grocery business is equal to any in Alexandria.

For terms apply to Henry Thomas Moore, Alexandria, or to the subscriber.

NICHOLAS VOSS.

Partnership Dissolved.

DOUGHTY & KING have this day by mutual consent dissolved their partnership. it is therefore requested that all persons indebted to the said FIRM will make payment to William Doughty, who is appointed to settle their accounts, and that those having any claim will make application as above.

N. B. James C. King continues the Lumber business on his wharf near the Rock Creek Bridge.

Feb. 3. ep6t

National Intelligencer.

SENATE
OF THE UNITED STATES.

TUESDAY, February 2, 1802.

JUDICIARY BILL.

Mr. ROSS, on presenting the memorial of the bar of Philadelphia, observed that it was not his intention to embarrass the motion of the gentleman from Kentucky, by moving, in the present stage of the business, its reference to the committee now proposed to be dissolved. He offered it, that the Senate having before them the opinions of a respectable set of men, might be properly impressed by them. The opinions expressed were unanimous and were strongly exhibited in a letter accompanying the memorial, addressed to his colleague and himself, and signed on behalf of the bar by Messrs. Dallas and M'Kean, the one the attorney of the district, and the other the attorney-general of Pennsylvania.

Mr. BRECKENRIDGE rose and observed, that it would be recollected he yesterday gave notice, that he should this day move to discharge the select committee, to whom the judiciary bill was last week committed. As there are some gentlemen (continued Mr. B.) now in the Senate who were not present during any part of the discussion which that subject met with, I deem it proper to say a few words, as to its progress and as to the real situation in which it now stands.

Early in January, this discussion commenced on a resolution going to the *unqualified repeal* of the judiciary law of the last session. After many days debate, and at the moment when the question was about to be put on the resolution, a motion was made to transform it into a resolution for the *amendment*, instead of the *repeal* of the law. This was negatived. The resolution was then passed; a bill brought in, and carried to the second reading, when another motion was made to recommit it to a select committee, for the purpose of amending the system. This was also negatived.—The bill was then ordered to its third reading, and on the question for its passage another motion was made for its commitment to a select committee, and carried by the casting vote of the chair.—In this situation it now rests.

During the whole of the discussion, those who were in favor of the repeal uniformly argued and voted against any thing like amendments. They over and again avowed it as their opinion, that they would not consent to go into any amendments in the judiciary system, until that law was repealed; that they considered its existence as an insuperable bar to all amendments; and that indeed the only great amendment, which they wished for at this time, was a repeal of that law, the obnoxious tendencies of which were, cancer like, to be only certainly removed by going to its roots.

On the other hand the gentlemen in opposition contended, that the law was enacted & made with great deliberation and wisdom; that it was essential to the due administration of justice, and the peace of the nation, and that even admitting the courts and judges erected by that law were useless and burthensome, yet Congress had not the power to put down those courts and judges.

From this state of things, what can be expected from the labours of this committee? Can they on the one hand, forward the views of those, who carried to a third reading a bill to *repeal* a certain act which they considered as fundamentally vicious, by attempting to *amend* that act? On the other hand, can they forward the views of those who think this law the result of experience and wisdom, and moreover fastened on the nation by the constitution, by attempting to make radical changes in it? Can they in short, from two such contradictory and opposite opinions, opinions at variance in principle and not in detail, ever hope to produce any thing that will be satisfactory to both sides?—They cannot, and it appears to me impossible that gentlemen can seriously expect it.

I consider it, Mr. President (continued Mr. B.) as a great contest on *principle*, and not on detail. A committee cannot, and ought not to settle principles. On the floor of this house alone ought principles furnishing the ground-work of legislation to be originated and settled. Details only are proper from your select committees.—We cannot abandon this question. It cannot be suffered to escape us, or be entangled in forms.—It must be settled.—We must on this floor meet the plain unqualified question of *repeal*.

And in order that we may be enabled to do so, I now move you, that the committee to whom the bill was referred, on Wednesday last, be discharged from proceeding further therein.—The bill will then be ready for its passage; and the whole merits of the subject open to discussion.

Mr. DAYTON said he would not have risen so soon in the debate, had the member from Kentucky been more correct in the information he had given the Senate. It must be recollected by the Senate, contrary to the gentleman's statement, that neither the first, second or third motions made on the subject were the same. The first motion was to revise and amend, instead of repeal, the act of the last session, and was negatived; the second was for revising the whole judiciary system, and connecting therewith a provision for the judges, which had been disapproved of by one honorable gentleman, and also negatived; the third so far differed from the second, as to be agreeable to that honorable member, and was agreed to. A committee was appointed.—He recollected the anxiety of the friends of the honorable member, and of the honorable member himself, at not being one of the committee. He was sorry his anxiety had produced the extravagant proposition on the table. Is not the gentleman's ambition satisfied. He might have been contented with the agency he already had in this business. He had already delivered two speeches, that had been listened to with attention.

Gentlemen had in the first stages of this business been permitted to take their own course; while employed in the holy work of destroying the constitution, they were suffered to go on, until their course was arrested by the reference of the bill. He would ask, if, when the subject was so referred, for the purpose of revising the whole judiciary system, it was proper, wise or decent, to discharge the committee, without their asking their discharge? He trusted a majority would not be found to sanction such a step. He trusted one at least, perhaps many, would be found among those in favor of a repeal, who would vote against discharging the committee. He trusted that a regard to appearances would save them from sanctioning such a procedure. The committee had not been inattentive to their duty. No such thing was even suggested. He trusted, therefore, the proposition would be rejected, and that in its adoption would not be found a practical comment on the conciliatory recommendation of the President, which had been echoed by gentlemen on that side of the house.

Mr. ROSS said he had long had the honor of a seat in that house, and this was the first time he had ever heard a motion for the discharge of a committee unless by a member of the committee itself. And what is the reason assigned? Difference of opinion on principle. With whom existed this difference? Surely not with one political side distinguished from another.—For we had just heard the opinions of gentlemen of high talents, and of firm adherence to the same politics as those of the honorable gentlemen, stating that the system is susceptible of amendment; and yet shall we say that it is not susceptible of amendment. Are gentleman prepared to decide instantaneously, without information, against opinions so respectable? Surely this would not be legislating with accustomed caution. Are gentlemen prepared to say there is no middle ground? The wisest men deliberate the longest.—Why then not wait until the committee report? Hear what they offer. If bad reject it, but first hear. What appearance would this hasty procedure present? One day the Senate are equally divided, and by a caution and moderation, not easily forgotten, the bill is referred. Afterwards, though opinion is strengthening on one side, all modification whatever is rejected, and the subject is brought forward for a hasty decision. This Mr. Ross did not think wise. He hoped the house would proceed cautiously. He hoped they would not proceed by rapid steps to a point that might be attended with serious consequences.

Mr. BRECKENRIDGE. It is said that what I have done should satisfy a modest man, and that my ambition should be satiated. But, what ambition can I feel? What prospects of ambition lie before me, in proposing the repeal of this law; when instead of opening prospects of office to me, the effect is directly the reverse by destroying those very offices? No, sir, my ambition on this, as I trust it will be on all other occasions, is to put down a system fundamentally pernicious. I have stated the grounds on which I deem it so, and I am ready to meet the sentiments of my country.

We are now told that we are to suspend this business for a short time to stop us from sealing the death warrant of the constitution. Let me tell these gentlemen, whatever expressions of terror they may make, that they pass by my ear like the wind, and leave not a trace behind.—Where is the precipitation talked of? Did not the discussion originate on the 8th of January, and did not the business travel as slow as it could? Had not gentlemen acknowledged it had been fully and deliberately discussed? He knew but one subject which had been so fully discussed. What can this select committee do? Have gentlemen answered my arguments on this point? If our opinions on the constitutionality of the bill are so various and contradictory, what can we expect from the magic of a committee but delay? I am sure, therefore, gentlemen are not serious, when they profess an expectation that the report will furnish a plan of accommodation. The principle must be settled here.

Mr. MORRIS begged leave to mention, that the statement made by the honorable member from Kentucky as fact was not fact. Half of it was true; the gentlemen had said we will listen to no amendment, we will have a simple repeal. But it was not true, that this side of the House had declared the system was pure, and admitted not of amendment. It had, on the contrary, been acknowledged by every member, that had spoken, to be capable of improvement, and gentlemen had been called upon to point out the defective parts.

But, says the gentleman from Kentucky, we will have no modification of the bill. Is that gentleman then the keeper of the consciences of half the House, and the other half too? This is a degree of presumption I never before heard of—that he should get up and say, that nothing could be offered which would be approved of. Mr. Morris believed a system could be devised better than either the old or the new one.

Nay, Mr. Morris said, he would appeal to the language of the gentleman himself, who had told us that after all we were content to repeal the law so that we spared the judges. Did not a member from Connecticut declare, that he had voted against the law last session, believing it then, and still believing it to be a bad one. He could go on citing every member, that had spoken on his side, to the same effect.

Mr. BRACKENRIDGE replied, that the gentleman last up had misstated what he had said, and built all his observations upon it. He appealed to the House, whether he had not stated in so many words, when he made the motion to-day, that *all* the gentlemen in the opposition had during the whole course of the discussion, contended, that the courts and judges could not be put down? He had not said, that all the gentlemen in the opposition were opposed to *any* amendment in the system; and therefore, there was no possibility of the committee's forming any system to meet the wishes of both sides of the House.

Mr. COCKE spoke in favor of the motion.

Mr. S. T. Mason said, he had thought his friend from Kentucky had stated grounds, that would not have been treated so rudely and abruptly by the gentleman from New-York, who had so sternly reproached him with the charge of presumption. His friend had stated truly, that the question was repeal, or not repeal; and it was on this question, that the House had so often decided. As to the idea of the gentleman from Pennsylvania, that to discharge the committee would be indecent and improper, he really did not see in what possible light it was so. Committees were the mere creatures of the House; even the committees of the whole, and nothing was more common than to discharge them. This had been often done, and yet no complaint had been before heard of it.

[Mr. Mason here cited an instance in senate, where two members of a committee of three were prepared to report, when the third member, who was against the report, on motion obtained the discharge of the committee.]

Mr. ANDERSON said, as he was one of the select committee he thought it his duty to inform the House, that on his making enquiry, he found it had been determined by the committee to admit of no amendments to the system, that were not connected with a provision for the judges. This fact would enable the senate to judge what prospect there was of a report that would be satisfactory to them.

Mr. DAYTON contested the fact, and declared, that though one of the committee he had no recollection of it.

Mr. Dayton then went somewhat at large into the subject of reference.

Mr. ANDERSON replied.

Mr. TRACY observed, that in his opinion, few committees had been raised for more important purposes than that now proposed to be discharged; it had been raised for the purpose of considering and reporting such amendments as it would be expedient to make to the whole judiciary system of the United States. They had sat but a short time; too short, he conceived to be prepared to decide on the objects for which they were appointed, with sufficient deliberation and maturity of thought. What light has been shed upon the subject since their appointment to alter the course of proceeding then marked out by a constitutional majority of the senate? If proper then, is it not equally proper now to aim at a plan of accommodation? No new arguments have been urged. Are gentlemen determined at all events not to change their opinions? This would be improper. Daily instances occur, he hoped they always would occur, and he was sure they would occur in proportion to our desire of imbibing correct truths, of our altering our opinions. It will be recollected what fell from the chair on that memorable day, that if the object of gentlemen appeared to be delay, it would not be permitted; but when the House was nicely balanced, it was desirable to give an opportunity to those who desired to devise a plan of accommodation.

Are gentlemen sincerely for making the plan as unexceptionable as possible?