They may have their wishes gratified, by giving us an opportunity of improving it, and then, if our amendments are not agreeable to them, they may reject them.

Mr. Tracy said, he voted for the act of the last session, because he thought it a good one; he still thought it so; but he declared, that for the good of his country, he would sacrifice all his pride of opinion, and immolate it unhesitatingly whenever that good required it. Is not prudence and caution pre-eminently required at this time? Does not the state of parties—for parties there are—require that we should heal, instead of irritating, their wounds. If in this body to-day, one party adopts a particular measure, and to-morrow another party by accident destroys it, what would be thought of our proceedings? Was this the dignified mode in which legislation should go on? He was sure gentlemen would not in their hearts say so.

Mr. Morris spoke against the motion.

Mr. Baldwin said, that from the subject as it now stood before the Senate, he was disposed to vote for the discharge of the committee, and that the Senate should itself proceed and finish the business. His reason was that his own mind was made up to come to a decision on the main question, which has been for a month under discussion; and he had no reason to believe but that this was the case with the other members of the Senate. He also thought there could not be expected a more favorable moment to come to a fair and proper decision.—He hoped he should never be in any legislative assembly in which it would not be his wish to have the actual majority of both branches of the legislature make the laws and decide all legislative questions. It would give him great pleasure to see every member of the Senate present on this occasion; next to that was the pleasure of having reason to believe that the decision will now be the same as if the whole number was present; he had no doubt; but it was generally so understood; this is the highest evidence that can be had in any deliberative assembly of what is their duty, and is the only thing that can be expected to give the most general and permanent satisfaction. He thought it very far from being a disrespect to the committee, or an unusual mode of proceeding; when the Senate is not ready to proceed in a business, they either postpone, commit or adjourn it; whenever, in the opinion of the majority, the cause for the delay is removed, whether by the labors of a committee or of an individual member, the house proceed in the business, discharges the committee of the whole or the select committee, as is seen in every day's practice of parliamentary assemblies.

In the discussion of this morning, gentlemen appeared to have in a great degree given up what they had before considered their strong ground, viz. the superior excellency of the new judiciary system of last session, now proposed to be repealed. The argument this morning has turned on the incompetency of that system, and the importance of keeping the committee in session, to devise another new one to be composed out of both the former ones. He must beg leave to submit to the candour of the gentlemen, whether if that was, at present, the state of their minds, they had not better let the old system, which has been in operation ever since the beginning of this government; with which the country is well acquainted, and to which they have been so much accustomed, be continued in operation, till their minds are more settled, and till more time can be given to mature and perfect amendments and alterations, which it seems now to be proposed to make as to juries, and other important provisions, which seem now to be in contemplation. He was very unwilling to distract the country by many propositions of new judiciary systems following each other every session of Congress; he thought it more clearly evident than before, that it was best to go on and restore the old system for a year or two longer at least. As a member of the committee he must declare it as his opinion, that there was very little prospect of their devising a new one, during the remainder of the present session, which would be so likely to be acceptable as the old one, especially as it had never been pretended that the old one was so extremely vicious and intolerable, that it might not be continued a year or two longer, till experience and reflection could devise something in which we could be more unanimous than in any thing which has as yet presented itself.

The debate was further continued by Messrs. Jackson, S. T. Mason, and Wright, for the motion, and Mr. Ross against it; whose speeches we are constrained to omit for want of room.

The question was then taken, as stated in our last, and the committee discharged.

Wednesday, Feb. 3, 1802.

The *Judiciary Bill* was called up, and read a third time.

Mr. Ross submitted an amendment, the object of which was to save the third circuit court, in the repealing law.

On this motion a debate of some length ensued. About half past one o'clock, the question was taken, and the amendment lost. The Yeas and Nays were taken; and were Yeas 14—Nays 16.

The main question then recurred, "Shall the bill pass?"

On which Messrs. Wright, Bradley, Anderson, Nicholas, Breckenridge, and Jackson, delivered their sentiments in favour of the bill; and Messrs. Ross, Ogden, Morris, and Dayton, delivered their sentiments against it.

At 15 minutes after 5 o'clock, the question was taken by Yeas and Nays, as follow:—

Yeas.—Messrs. Anderson, Baldwin, Bradley, Breckenridge, Brown, Cocke, Ellery, Th. Foster, Franklin, Jackson, Logan, S. T. Mason, Nicholas, Stone, Sumter, Wright—16.

Nays.—Messrs. Colhoun, Chipman, Dayton, D. Foster, Hillhouse, Howard, J. Mason, Morris, Ogden, Olcott, Ross, Sheafe, Tracy, Wells, White—15.

And the BILL PASSED.

House of Representatives, U. S.

Monday, Feb. 1, 1802.

An engrossed bill authorising the payment of 2,800 dollars to Philip Sloan, was read the third time, and passed.

Mr. L. R. Morris presented two resolutions of the general assembly of Vermont, proposing certain amendments to the constitution of the United States, in choosing electors of President and Vice-President, and of Representatives to Congress.

The House went into committee of the whole on the bill to prevent intrusion on the public lands. After some discussion, the committee rose, and obtained leave to sit again.

Tuesday, February 2, 1802.

An engrossed bill to authorise the settlement of the account of Samuel Dexter, for his defence in defending against the suit of Joseph Hodgson, was read the third time, and passed.

A petition from sundry inhabitants of Marietta praying that that town may be established a port of entry and delivery, was read.

Referred to the committee of commerce and manufactures.

Resolved, That the President be requested to inform this House, whether any measures have been taken for treating with the Indians south of the Ohio, in consequence of the act of May 13, 1800.

The House, after going into committee of the whole, agreed to the amendments of the Senate to the bill for the protection of the commerce and seamen of the United States, in the Mediterranean and adjoining seas.

The House took up the bill to prevent intrusions on public lands, and for other purposes; and after amending, recommitted it to the committee of Ways and Means.

A message was received from the President of the United States, enclosing, 1. A return of ordnance, arms, and military stores belonging to the United States. 2. Returns of muskets and bayonets fabricated at Harper's Ferry, and Springfield, with the expences thereof; and 3. An estimate of Expenditures necessary for fortifications and barracks for 1802.

The President states his opinion of the propriety of establishing an additional magazine in some point convenient for N. Carolina, S. Carolina, and Georgia.

The message notices several other interesting objects, which shall be distinctly stated.

Resolved, That the Secretary of the Navy be directed to furnish the House, with copies of any documents in his office relative to the object of the voyage or crews of the frigate Insurgent, and brigantine Pickering; and also to state the time when, and the place from whence they sailed, together with any other information respecting their loss, which it may be in his power to furnish.

Wednesday, Feb. 3, 1802.

The House went into committee of the whole, on the subject of military land warrants, when after discussion the committee rose, and the House agreed to the following resolutions, and appointed a committee to bring in a bill.

Resolved, That further time ought to be given to the holders or proprietors of military land warrants, to register and locate the same.

Resolved, That provision ought to be made by law, authorising the holders of warrants, or certificates in the nature of warrants, under an hundred acres, to locate the same.

Resolved, That all warrants and certificates located on a less quantity than four thousand acres, shall be located on the unlocated parts of the fifty quarter townships and fractional quarter townships.

Resolved, That warrants or certificates in the nature of warrants, which have or shall issue for a quantity less than an hundred acres, shall be located on the fractional parts of lots that are less than an hundred acres, and in no other place.

Resolved, That the holders or proprietors of warrants or military services, who shall locate the same on the quarter townships, after the day of next, shall obtain patents in their own name.

The House went into committee of the whole on the bill for the relief of Daniel W. Coxe, and others; when after discussion the committee rose, and obtained leave to sit again to-morrow.

Thursday, Feb. 4, 1802.

The House went into committee of the whole on the bill for the relief of Daniel W. Coxe, and others; when the committee reported the bill; the consideration of which was postponed till Monday.

A bill was received from the senate, to repeal certain acts for the organization of the courts of the United States, and for other purposes.

The bill repeals those acts on the 1st day of July next.

The bill was read twice, when Mr. *Bayard* moved the reference of it to the select committee, to which had been referred resolutions directing an enquiry into the expediency of altering the judiciary system.

Mr. Randolph moved its reference to a committee of the whole House.

This motion, according to the rules of the House, superseded that of Mr. Bayard.

A debate ensued, in which Messrs. Randolph, Giles, Milledge, Smilie, and S. Smith, supported, and Messrs. Bayard, Rutledge, Griswold, and Dana, opposed the reference to a committee of the whole.

The reference to the committee of the whole obtained—ayes 54.—Made the order of the day for Monday week.

Mr. Thomas moved the appointment of a committee to enquire into the expediency of extinguishing balances due by states to the United States.—Referred to a committee of the whole on Monday.

WASHINGTON CITY.

FRIDAY, February 5, 1802.

On Wednesday, the *Judiciary Bill* passed the Senate by a majority of one vote. Had the Senate been full there would have been a majority of two.—Mr. Armstrong, of New-York, being the only member absent.

This act will not fail to be recorded among the most memorable events of the present period. It pre-eminently marks the triumph of republican principles. It demonstrates the inflexible determination of those who now hold the reins of authority, to adhere in power to the same principles, avowed by them when out of power. Their theory was a good one; but their practice is better. Economy in the public expenditure, distrust of extravagant executive patronage, a dread of whatever tends to the unnecessary aggrandisement of the powers of the general government, constitute a few of the features of the repealing act; and they are features which, it is not hesitated to say, will recommend it to national approbation. Indeed so conclusive and irresistible have been the arguments urged in its support, that among the dispassionate part of the community, among those who have not taken their ground with a resolution not to abandon it on any conviction, in short among the nation, it is confidently believed not one man in a thousand will condemn the repealing act.

It may be proper to remark that, this this measure has been carried in the Senate by a majority of but one vote; the relative strength of parties is by no means to be estimated in that proportion. It will be recollected that in the House of Representatives, the division is nearly as two to one; and it will be also recollected that of the 15 members who voted against the repeal, 6 would not now hold their seats, if an election were made at this time by the state legislatures. In such event the votes would stand 22 for the repeal; and 9 against it. And had Mr. Armstrong been present, and had Mr. Colhoun voted in conformity to the sentiments of his constituents, as recently illustrated in the election of general Sumter chosen by a great majority, the vote would have been 24 for the repeal, to 8 against it.

In making this statement, we hope we shall not be understood as implying the least disrespect for the vote of the gentlemen, so situated, in the minority, and particularly for Mr. Colhoun, whom we have stated by name. So far from this being the case, we scruple not to say that in our opinion, Mr. Colhoun has been animated by the purest motives; and that he has lost none of those republican feelings and convictions, which his political deportment has heretofore developed.

The President of the United States has appointed *John Beckley, Librarian* of the two Houses of Congress.

Death of Toussaint contradicted.

Capt. Burbanks, (arrived at New-York in a short passage from Port-Republican) mentions, that he saw Gen. Toussaint on the 13th of January last at that place, in good health.

Capt. Obean, arrived at New-York, in 45 days from Alicant, states, that a Tripolitan corsair had gone out of port Mahon, and that two others were preparing to sail.

On the 27th ult. a motion was made in the legislature of Massachusetts, "That a committee be raised to prepare and report an Address to the President of the United States, expressive of the confidence which this house entertain in his integrity and patriotism, and in the wisdom of the measures of his administration."

The motion of leave was opposed, and a discussion ensued, when on the question, the numbers were:—

For giving leave	76
Against it	95

A reconsideration was then moved for by Mr. Morton; when after some debate, the consideration of the motion was referred to Tuesday next, 11 o'clock.

Notice.—Divine Service will be performed in the War Office, next Sunday afternoon, at 4 o'clock, by the rev. A. T. M'Cormick.

Feb. 5, 1802.

New-York, Jan. 30.

The New-York Insurance Company, in consequence of a resolution of the Board of Directors, passed on the 9th of December, 1800, have presented a silver punch-bowl and ladle, of the value of one hundred pounds, to Capt. William D. Seton, of the ship Northern Liberties, as a testimony of the high sense they entertain of his gallant conduct in defending his vessel and cargo against a French privateer of superior force in the Bay of Bengal.

January 30, 1802.

At a meeting of a number of Citizens of Philadelphia, convened at the house of James Kerr, for the purpose of considering the propriety of presenting an address to Congress praying a repeal of the law establishing a judiciary system, enacted Nov. 17, 1800.

Matthew Lawler, Esq. Mayor of the city of Philadelphia, was appointed Chairman, and Mathew Carey, Secretary.

The following resolutions were moved, and after being duly considered, unanimously agreed to, viz.

Resolved, That Mathew Lawler, Jonathan Bayard Smith, Mahlon Dickerson, John L. Leib, and Mathew Carey, be a committee to draft a memorial to the Congress of the United States, *praying* a repeal of the act, entitled "An act to provide for the more convenient organization of the courts of the United States," passed the 17th of Nov. 1800.

Resolved, That the said committee be directed to draft an address to the legislature of Pennsylvania, requesting them to pass resolutions instructing the members representing this state in the Senate of the United States, to exert themselves by every constitutional means, to procure a repeal of the above mentioned act.

Resolved, That it be recommended to our republican fellow citizens in the different counties of this state, to pursue similar measures to procure a repeal of the said obnoxious act.

MATHEW LAWLER, Chairman.
MATHEW CAREY, Secretary.

The thanks of the meeting were then unanimously voted to the chairman.

MESSAGE,

from the President of the United States.

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

I lay before you the accounts of our Indian trading houses, as rendered up to the 1st day of January, 1801, with a report of the secretary at war thereon, explaining the effects and the situation of that commerce, and the reasons in favor of its further extension. But it is believed that the act authorising this trade expired so long ago as the 3d of March, 1799; its revival therefore, as well as its extension, is submitted to the consideration of the legislature.

The act regulating trade and intercourse with the Indian tribes will also expire on the 3d day of March next. While on the subject of its continuance, it will be worthy the consideration of the legislature, whether the provisions of the law inflicting on Indians, in certain cases, the punishment of death by hanging, might not permit its commutation into death by military execution; the form of the punishment, in the former way, being peculiarly repugnant to their ideas, and increasing the obstacles to the surrender of the criminal.

These people are becoming very sensible of the baneful effects produced on their morals, their health and existence by the abuse of ardent spirits: and some of them earnestly desire a prohibition of that article from being carried among them. The legislature will consider whether the effectuating that desire would not be in the spirit of benevolence and liberality which they have hitherto practised towards these our neighbors, and which has had so happy an effect towards conciliating their friendship. It has been found too, in experience, that the same abuse gives frequent rise to incidents tending much to commit our peace with the Indians.

It is now become necessary to run and mark the boundaries between them and us, in various parts. The law last mentioned has authorised this to be done; but no existing appropriation meets the expence.

Certain papers explanatory of the grounds of this communication are herewith inclosed.

TH. JEFFERSON.
January 27, 1802.

[By Authority.]

AN ACT

Authorising the discharge of Lawrence Erb from his Confinement.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the marshal of the district of Pennsylvania be authorised and directed to discharge Lawrence Erb, late a collector of the revenue of the United States, in the county of Northampton, in the district of Pennsylvania, from confinement; upon a judgment obtained against him in favor of the United States: *Provided*, That he take so much of an oath imposed upon persons imprisoned for debt by the second section of the act, entitled, "An act for the relief of persons imprisoned for debt," as relates to his not having transferred his property with an intent to defraud the United States; and that he shall assign and convey all the estate, real and personal, which he may now own, or be entitled to, to some person or persons for the use and benefit of the United States, under the direction of the Secretary of the Treasury: *Provided*, also, That the said judgment shall remain in full force against any estate, real or personal, which the said Lawrence Erb may hereafter acquire, and that process, may, at any time, be thereupon issued against the same.

NATHL. MACON,
Speaker of the House of Representatives.
A. BURR,
Vice-President of the United States, and President of the Senate.
Approved, Feb. 3, 1802.
TH: JEFFERSON,
President of the United States.

RESOLUTIONS

Expressing the sense of Congress on the gallant conduct of Lieut. Sterret, the officers and crew of the United States schooner Enterprize.

Resolved, *By the Senate and House of Representatives of the United States of America, in Congress assembled*, That they entertain a high sense of the gallant conduct of Lieutenant Sterret, and the other officers, seamen and marines, on board the Schooner Enterprize, in the capture of a Tripolitan corsair of fourteen guns and eighty men.

Resolved, That the President of the United States be requested to present to Lieutenant Sterret a sword, commemorative of the aforesaid heroic action; and that one month's pay be allowed to all the other officers, seamen and marines, who were on board the Enterprize, when the aforesaid action took place.

NATHL. MACON,
Speaker of the House of Representatives.
A. BURR,
Vice-President of the United States, and President of the Senate.
Approved, Feb. 3, 1802.
TH: JEFFERSON,
President of the United States.

NOTICE.

COMMITTED to the Jail of Washington County, in the District of Columbia, as a Runaway, a Negro woman named CHARLOTE, about nineteen years of age, five feet four or five inches high. She says she is the property of L. W. St. John, near Battle Town, Frederick county, Virginia.

The owner is requested to come and pay Charges and take her away.

DANIEL C. BRENT,
Marshal of the District of Columbia.
Feb 5, 1802.

FOR SALE.

LOT No. 21, in square No. 169, in the City of Washington, fronting 53 feet 9 inches on the President's square and 89 feet 11 inches deep to a 30 feet alley, opposite the War Office, between F and G Streets. Its situation in a public point of view cannot be excelled by any in the City; on it is a well dug and walled up, and part of the cellar cleared out. Title indisputable.—For terms apply to

THOMAS HERTY,
Near Rhodes's City Tavern.
Feb. 5. ep3t

Valuable property for Sale.

ON Tuesday the 23d of February next, will be offered to sale to the highest bidder, at Tunnicliff's Tavern at 4 o'clock in the evening, a two story BRICK HOUSE, with 4 rooms and a passage on each floor; situate on Lot No. 10, in square 728, in the City of Washington, on East Capitol street. The terms will be made known on the day of sale, by

SAMUEL TYLER.
Jan. 25, 1801. 1aw4t