(Continued from first page.)

either or by both of these clauses a power is given to your judiciary to declare your laws null and void? They may, to be sure, for a while impede the passage of a law, by a decision against its constitutionality; yet notwithstanding, the law is in force, is not nullified, and will be acted upon whenever there is a change of opinion.—The legislative, executive and judicial departments should be kept separate and distinct.—This I agree to, it has become an axiom in politics that they should—Yet, I enquire, will this be the case, if you allow to the judiciary the power to annul your laws, and concede that the common law is attached to the constitution? I am persuaded you thereby concentrate all power in one department. The common law is the constitution; and the court may, if they please, declare it void.

But I have not heard it explained whether the common law simply, without statutory amendments—or the common law with statutory amendments—or with *what* statutory amendments is to be attached to the constitution? I believe it is intended they have a right to apply such parts of it as are applicable to the constitution. The common law extends to all persons and all things. The judges have the right of adopting this law, or such parts as they deem applicable; they can annul your laws. If these powers are really contended for on the part of the judiciary, and if these powers should ever be conceded, they would without doubt possess an unlimited and uncontrolable power of legislation. I am free for my own part to declare, that I had rather live under the government of a lenient despot, than such a government of judges. And if those powers are really contended for I feel no hesitation in informing you, Mr. Chairman, that this is the tree where despotism lies concealed. And this too is the auspicious moment, when those branches should be pruned away, which of late have vegitated with extraordinary luxuriancy. But, sir, nurture it with your treasure, stop not its ramifications, and suffer me seriously to enquire what will be the consequence? It will overshadow your extensive republic; your soil will become too sterile for the plant of liberty; your atmosphere will be contaminated with its poisonous effluvia, and your soaring eagle will fall dead at its root.

Mr. Davis.—Mr. Chairman, I beg leave to be indulged with a few remarks on this subject, which I shall submit with great diffidence, being sensible of my incompetency to illustrate a subject of such immense importance: but as I am to give a vote, the reasons that govern that vote I think it my duty to express. I rejoice that we are called upon to decide this great national question at a time when the public mind is calm and tranquil, when uninfluenced by extrinsic circumstances, we can settle a principle of such great magnitude to our country.

I did hope we should have taken up this subject with cool deliberation, and I have to lament that the honourable gentleman from North-Carolina (Mr. Henderson) who opened the debate, instead of appealing to our sober reflections, sounded the trump of alarm.—That honourable member told us we were about to prostrate the constitution. If this really be the case, the sound of danger is proper, and we, who are about to do it, must expect to answer it to our country and to generations yet unborn. But above all, we must expect to answer for it in a day of awful reckoning. The honourable member told us "That the spirit that had rode on a whirlwind and directed the storm—the spirit that had brought twenty millions of people to bow to a single despot, had entered this house on the 7th day of December last, and with gigantic strides was bearing down all before it." When the honourable member spoke of this tremendous spirit, I was at a loss how to understand him. I thought he alluded to a spirit that a few years ago threatened to humble my parent state in *dust and ashes*, because her citizens refused to sing praises to the late administration and own its superior wisdom and patriotism. But when the gentleman spoke of twenty millions of people I found he alluded to the French nation. On a subject where the interest of the United States is alone concerned, and which furnishes matter for the most brilliant or diffusive genius, I wonder that gentlemen will not confine themselves to America, and not seek for occurrences among the Trans-Atlantic nations. But I ask that honourable member if he is now prepared to degrade that spirit so much approved by the great Washington of America that in addressing a late minister of that nation he spoke the following words—"To call your nation brave is but to pronounce common fame. Wonderful people." Is he prepared to degrade a spirit that resisted the union of kings and emperors against an infant republic. This as well as other remarks are foreign to the subject but deserve to be considered. The hon. member then told us that every thing that bore the majesty of the people was about to be destroyed. The excise, he says, pledged to pay the national debt is to be repealed. Has that honorable member forgotten the agitations that this excise law cost the public—has he forgotten that the prison of Philadelphia was filled with those who resisted the law—has he forgotten, that citizen was armed against citizen, and state against state to inforce this law, and that it was carried into execution at the point of the bayonet—does that gentleman think the majesty of the people consists in holding the law in one hand, and the sword in the other, and ruling the nation with a rod of iron. The mint, he says, is to be knocked down. Surely he does not remember that it cost us twenty-one thousand dollars per annum, and renders us no service—Does he think, the majesty of the people consists in useless expensive establishments, from which no good has, or ever will result.

The gentleman then reads the constitution, and tells us the acceptation of the office of judge, is a contract between the government and the individual who undertakes the office, the words on which he relies are "the judges of the supreme and inferior courts, shall hold their office during good behaviour," hence he infers, that the government is obliged to continue the office to the judge as long as he behaves well, whether it has any thing for him to do or not, and to take the office from him, is a violation of the contract and constitution. Let me examine this principle and see to what it leads. If it be a contract, it is equally binding on the judge and government—If the words, "shall hold his office during good behaviour" means, that the government shall continue the office during that time; it must also mean, that the judge shall fill the office during that time, and that he cannot resign without first misbehaving—which is not correct, because we know that judges have resigned, and have been removed by more eligible appointments, neither of which could be done, if the principle be a sound one; for then the contract operates unequally as the government is bound to continue an office and the judge is at liberty to vacate when he pleases. If, therefore, 'tis a contract between the judge and government, to make it equal, the government should have the right to abolish the office when it thought it inexpedient, and the judge the right to vacate it when he thought proper, and this I hold to be the proper ground. But I make a material distinction between removing a judge from office and abolishing the office—the first implies guilt, the latter that the office is useless and abolishing it imports no blame to the judge. The office is created by act of law—the appointment to fill it is by constitutional authority—to remove a judge without proper complaint would be wrong, but to abolish an office created by law, when found useless or inexpedient, would be proper. The gentleman reads further, "And shall receive for their *services* a compensation which shall not be diminished during their continuance in office." 'Tis worthy of remark that the word *compensation* is not annexed to the word *office*, but is attached to the word *services*.

This evinces to my mind that the compensation is for *services* to be performed by the judges, and not for holding the office. Thus when we abolish the office we leave no services for him to perform; but he retains his commission which we have no power to wrest from him, and the latter words go to prove it, "shall not be diminished during their continuance in office." The word *compensation* being attached to the word *service* to complete the right to compensation; there must be an office of judge, and services rendered in that office. When this law we are about to repeal passed, this seems to have been the opinion of those who passed it. For by a legislative act they abolished the district courts in Tennessee and Kentucky, and created circuit courts in their stead, and directed the judges of the district courts to perform circuit court services. Where, let me ask, is the difference between our abolishing courts and a former majority doing it? This I take to be the only difference, we abolish courts and do not order the judges to do services in other courts. The last Congress abolished courts and then seized the power confided by the constitution to the President and Senate, namely, the appointment of judges in certain newly created courts.

But it is said the law of last session is admitted to be constitutional, and that we have no power to repeal it. Look at the second section of this law, and compare it with the constitution and no candid man will declare it constitutional. The original jurisdiction given by that section to the judges of the supreme court exceeds those intended by the constitution. [Here Mr. Davis read the law and constitution.] Besides this I think there is an infraction of the constitution in the 27th section, as well as in that part which relates to the judges of Tennessee and Kentucky before alluded to. As to the right of repealing, I cannot hesitate, because I believe this congress possesses equal power with the former, and that the power of making and repealing laws, are at all times vested in the legislature. If this be not the case, we lose the benefit of experience, the only faithful guide to human concerns. Most of our statutes are experimentally adopted, and when we find that they ope-

(Continued on second page.)

Public Auction.

Will positively be sold at the ferry on the premises, on Monday the 15th of March next, on terms that will then be made known.

ALL that tract of land, known by the name of Blue Plains, containing near 500 acres, on which Mr. William Bayly now lives. This property has been so frequently advertised and described, that it is supposed useless particularly to describe it; suffice it to say, it combines more advantages than any tract of its size in the United States. A good and indisputable title will be made upon receipt of the purchase money.

WALTER MACKALL, Trustee

Feb. 22, 1802. 22w3w

Public Auction.

By virtue of an order from the Orphan's court of Prince Georgs county, will be exposed to Public Sale, for cash, on the 24th day of March next, at the dwelling of Richard Lamar, in said county.

ALL the property of Mary Lamar, deceased; consisting of twelve negroes, among which are women, girls, and boys—Also a variety of household furniture.

All persons indebted to the said estate are desired to make payment immediately; and those that have claims against the same, are requested to exhibit them properly authenticated, before the first day of May next, to the subscriber.

JOHN LAMAR, Adm'r.

Feb. 19, 1802. ep3w

NOTICE.

Will be offered for sale by Auction, on the 18th day of March next, on the premises, one moiety or half part of an excellent frame house in the City of Washington, on Pennsylvania Avenue, between the Seven Buildings and George-Town.

At present occupied by Mr. Watkins, and adjoining the brick house in which Mr. Amariah Frost lives. One half part of the lot will be sold with the house, and Jacob R. Rhodes's title to the same will be conveyed to the highest bidder. This property is taken by virtue of two writs of fieri facias to me directed, issued out of the circuit court of the United States, for the district of Columbia, sitting in the county of Washington, Frederick Betz, against Hugh Boyd, Jacob R. Rhodes, and George Haywood—Terms of sale cash—Time of sale 11 o'clock. A. M.

DANIEL C. BRENT, Marshal.

Feb. 19. 1802. epts

GEORGE WALKER,

REQUESTS those who may have any claims against him, that have not yet come to his knowledge, to bring them in for immediate settlement; and informs those who are indebted to him, that no longer indulgence than the 15th of next month will be given.

He has yet remaining on hand for sale, six hundred and thirty-six of the very best of the lots arising from the tract of land of which he was fee simple proprietor before the City of Washington was laid out; and which lots are situated on the Eastern Branch near to where the bridge is about to be built; extending from thence over the high ground on each side of the Post Road, north east of the Capitol.

The recording clerk's office here, will shew the title to be good.

He will let for a reasonable rent, about 80 acres of land, inclosed at the north end of his plantation, and within ten minutes walk of the Capitol; containing a large barn and two good stables, two large orchards of choice fruit, a new garden, two good springs, and the use of an excellent well of water convenient, with a small dwelling house which will be erected in a few weeks hence. This place is well calculated for gardening, a dairy and a livery stable.

He also wishes to let a two story frame house calculated for a store, on square No 728. And will sell or let, a barn 50 feet by 25, on square No. 919, East Capitol street

Washington, Feb. 17, 1802. eptf

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 T. BAKER, Attorney for J. Addison.

Jan. 18, 1802. epts

COALS, hickory and oak wood, all of a superior quality, to be sold low for cash, at Redmond and Garrett Barry's new wharf. Also 12 cases of hollow glass, and 14 liquor travelling cases.

Jan. 27, 1802. ep1m

FOR SALE.

A superb Curricle with plated Harness.

ALSO a pair of young, handsome and fleet PONIES, and a capital saddle horse, who never was in harness. Enquire of the Printer.

Dec. 18. eptf

For Sale,

Or to To Let, on Ground Rent for ever,

FIFTY LOTS,

SITUATE between the President's House and Capitol.—The titles to which is indisputable.

ISAAC POLOCK.

Dec. 16. eptf

NOTICE.

THE Creditors of Mr. William Baily are requested to meet at Mr. Semmes's Tavern George Town on Thursday the 18th March next at 5 o'clock, in the afternoon.—They are particularly requested to make known, at that time, the amount of their claims.

WALTER MACKALL, Trustee.

Feb. 22. ep3t

The Subscriber

RESPECTFULLY informs the public, that he has removed from George-Town to the Fountain Inn, near Rhodes's City Tavern Where he is furnished with a good hostler, carriage house, and stabling for eighteen horses, and every thing in his line to render the accommodation of travellers agreeable.—The strictest attention will be paid by

CHARLES ROGERS.

N. B. Ten or fifteen gentlemen can get board and lodging on moderate terms.

Dec. 23. eptf

NOTICE.

COMMITTED to the Jail of Washington County, in the District of Columbia, as a Runaway, a Negro Woman named CHARLOTTE, about nineteen years of age, five feet four or five inches high. She says she is the property of Lewis 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.

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, 1801. eptf

CHARLES VARDEN,

Merchant Taylor, from Philadelphia,

GRATEFULLY acknowledges the favors conferred on him by the gentlemen of this City, and flatters himself that the general satisfaction he has already given will merit a continuation of the same He has also received a handsome assortment of goods from Philadelphia, consisting of,

Best superfine cloths, Cassimeres, Swansdown, Toylenetts, Velverets, Fancy Cords, Coatings, Flannels, &c.

N. B Regimentals, Naval Uniforms, and Ladies' Habits, made in the neatest and most fashionable manner, and at the shortest notice—Washington City, New-Jersey Avenue, next to Mr. Rapine's book store.

Dec. 16, 1801. eptf

To Rent,

And possession given immediately,

A TWO STORY

BRICK HOUSE,

North front of the President's House,

CONTAINING

TWO Parlours and four Bed-rooms, with Garden, &c. It is convenient to the Public offices, and may be had furnished or unfurnished, with or without board, on reasonable terms, to an agreeable tenant. Enquire of the Printer, or on the premises. Also,

Wanted Employment,

For a YOUNG MAN, who would engage as an assistant in a store, having kept one of his own, of course accustomed to it. Would act as steward and superintend a plantation, or the like—would make himself useful in any situation.—Enquire of the Printer hereof.

November 25. ttawtf

Michael Roberts,

Has just received from Europe and Philadelphia, and now offers for sale at his store, High-Street, George Town, a large supply of best

STATIONARY,

And other articles in his line, among which are:

PAPER, Atlas, Imperial, Superroyal, Medium, Demy, Folio post, Fools Cap, and hot press'd gilt wove, and plain 4to post of a superior quality.

Blank books, parchment, printers ink, quills, ready made pens, sealing wax, and wafers.

Fowling pieces and pistols.

Swords, sword knots, epaulets and military articles of every description.

Plated ware and fine cutlery.

Perfumery and dressing apparatus.

Morocco skins, bend and cork soals.

Buckskin pantaloons and breeches.

Coach lamps, gig springs, and plated harness.

Drum battle doors, back gammon tables, cribbidge boxes, billiard balls, dice, playing cards and chessmen, whips and canes; beaver hats, umbrellas, travelling trunks, and an assortment of hard ware, upholsterers ware, &c. &c.

Also for sale at the above store, by

Edgar Patterson,

Madeira and Sherry wines, best French brandy, and Cherry Bounce; Imperial and hyson teas, loaf sugar, cheese, liquor cases demijohns &c. &c.

Feb. 12, 1802. ep6t

ROBERT CHERRY,

Near the Sugar House, New-Jersey Avenue, has just received (in addition to his former stock) per the sloop Harmony, captain Elwood, from Philadelphia.

A GENERAL assortment of groceries and liquors, viz Pennington's loaf and lump sugar, Havannah white, Jamaica and St. Croix brown do. hyson, young hyson, hyson skin, souchong, and bohea teas, coffee, pepper, alspice, nutmegs, and cloves; hair powder, plain and scented, box and keg raisins, mould and dipt candles, white and brown soap, Dexon's best mustard, shad, mackeral, and herring in barrels, dried codfish, &c.

Cogniac brandy, Holland gin, Jamaica and Antigua rum, Madeira and Lisbon wine, with other articles, all of a good quality

Also a trunk of swansdown, lass in boxes, 12 by 10 and 8 by 6, which he will sell low for cash, or barter for first quality tobacco.—

The above articles have been laid in at a falling market, and shall sell the same at very reduced prices for cash.

He returns his sincere thanks to his friends and the public, for the encouragement he has already met with since his residence here, and hopes for a continuance of their favours, which will be thankfully acknowledged.

January 9, 1802. eptf

BOLTING CLOTHS.

A GENERAL ASSORTMENT OF

BOLTING CLOTHS

OF the best qualities and latest importations, are kept for sale by OLIVER EVANS, at the corner of Market and Ninth streets, Philadelphia, and

By OLIVER & EVAN EVANS,

With BOHN and SLINGLUFF, at the corner of Market and Howard streets, Baltimore, Also, with DEAN & GARDNER, Union street, Alexandria.

The book entitled the YOUNG MILL-WRIGHT and MILLER's GUIDE, may also be had at the above places.

Jan. 29, 1802. ep4w&op4w

TO THE MERCHANTS

Of George-Town and Alexandria.

A GENTLEMAN of experience in business intends going to the West Indies the ensuing Spring, and will have leisure to transact any commission business that may be confided to his care.

His credentials will be unexceptionable.—Any gentleman wishing further information, will be attended to by addressing a line to A. Z. and left in the care of the Editor of the National Intelligencer.

Jan. 29, 1802. 2aw4w

District of Columbia.
Washington County, to wit:

THIS IS TO GIVE NOTICE,

THAT the subscribers of Washington county, in the District of Columbia, have obtained from the Orphan's Court of Washington County, in the said district, Letters of administration on the personal estate of Jasper De Carnap, late of Washington county deceased; all persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereof to the subscribers, at or before the 15th day of August next; they may otherwise by law be excluded from all benefit of the said estate.—

Given under our hands this 12th day of February 1802.

ELIZABETH DE CARNAP, Administratrix.

HENRY INGLE, Administrator, Of Jasper de Carnap, deceased.

Feb. 15, 1802. 1aw2M

For sale, or to be rented.

A House and lot on the Capitol Hill—the lot is 20 feet 2 inches on Delaware Avenue, and about 190 feet deep extending back to a 30 feet Alley. The House is a handsome well furnished convenient three story brick house, containing 2 sealed garrets, 5 chambers, 2 parlours—kitchen with a pantry and cellar.

It is directly opposite to the Buildings of WASHINGTON, occupied by Gen. Dearborn, near adjoining to a number of houses belonging to Mr. Carroll, rented to Mr Dalton and others From its vicinity to the Capitol, it is well calculated for a private family; or a person attached to the offices of the Federal Legislature.—Adjoining is a lot of about 40 feet front on same Avenue, and running same depth back (the whole under a good post and rail fence) which, if required would be sold at same time. If rented, the Tenant may have the use of the whole of the lot, which would make an excellent garden, having a South and Eastern exposure, as long as convenient to the proprietor. This property would be sold a Bargain for satisfactory payments, or well situate property in Philadelphia would be taken in exchange.

Apply to Benjamin Burch, New Jersey Avenue or to the Editor of the National Intelligencer—or to Karrick and Percival, Philadelphia.

Nov. 21. tf.

FOR SALE.

A TRACT of land containing 2,500 acres lying immediately on the river Potowmac, in the county of Northumberland, Virginia, late the residence of PRESLEY THORNTON, Esq. Seventeen hundred acres of which are of the most valuable kind of low grounds on the river; between three and four hundred acres heavily timbered, the remainder is wavy high land extremely productive The soil of this tract is equal to any in the state for cultivation of corn, wheat, tobacco, timothy, and small grain of all kinds. On this tract are a large commodious two story brick mansion house and two offices, a large brick stable, a valuable barn, cow house and many other out-houses, all in good repair. The orchards and garden contain a variety of valuable fruit trees, and the waters abound with excellent fish and oysters It is situated about a day's sail from Alexandria, Baltimore or Norfolk.—There are two good mill seats for grist, or sawmills on this estate, and plenty of cedar and chesnut timber, exclusive of the heavy timber, which if sawed up into scantling will command a price in the City of Washington, nearly equal to the value of the land

The terms will be made easy to the purchaser or purchasers, and the tract will be divided into two or more plantations if necessary.—Apply to

RICHARD PETERS, junr. No. 85, Walnut-street Philadelphia.

Philadelphia, Nov. 11. eptf