two branches of which are appointed by the President of the United States.

As to pecuniary considerations, I am at a loss to understand the gentleman from Connecticut, who seems to think that the territory, when formed into a state, actuated by the inordinate possession of power, will be likely to grasp at our lands. But there will be this difference between his plan and ours. If we admit them now into the union, we may make very important terms, which they will observe inviolate, if not lost to every principle of good faith; whereas, if we wait until they shall have acquired the right of admission, without our consent, we can make no terms with them whatever.

Mr. Goddard. The present question arises out of a question decided before. A proposition was made by the legislature of the territory to divide it; an application to this effect was made to congress, who refused their assent to it. The people in consequence of that refusal now come forward and ask to be admitted as a state into the Union, and we are now called upon to make them a state. If the object of these resolutions were barely to say, they *might* be a state, I should have no objection; but we are about exercising a power over that territory that belongs to the legislature of the territory. Does not the legislature possess every power that we are called upon to exercise? Suppose congress were to decide that they should be admitted, would not the legislature of the territory have the power of deciding whether, and how a convention should be called—take the case of Maine. Suppose that we not only admit Maine into the union, but say that a convention shall be called. Would we not in that case interfere with the powers of Massachusetts? And do we not in these resolutions violate the power of the territorial legislature in the same way? [Here Mr. G. read the 3d article, which respects the calling a convention.] The adoption of the first resolution being perfectly useless without the adoption of the 3d resolution, we are to infer that if one shall be adopted, the other will also be adopted. For if this should not be the case, we must wait for the expression of the legislative will of the territory, which we may as well wait for before we adopt the first resolution. It is to be remarked also, that under these resolutions congress are to pay the expenses of the convention, and that the whole business is indeed under the direction of congress. Why precipitate this measure, when, in all probability, before these details can be made, the territory will have obtained the numbers of 60,000, and be entitled of right to admission into the union. For these reasons, I am of opinion, that it will be best to leave the business where it is.

Mr. Macon said the House was brought to a consideration of this subject by the petitions of the people of the North Western Territory who were dissatisfied with their present situation. The people not only of this territory but of all territorial governments will be dissatisfied from the very nature of the government. We first live in one kind of government; we then go to a territorial government; and we dont find there the same government with the one under which we previously lived. Hence the invariable dissatisfaction.

The only question now is, on agreeing to the first resolution, that is, to give our consent to the territory being admitted as a state into the union, before they have attained a population of 60,000 inhabitants. It seems to me from the petitions before us that a decided majority of the people are in favor of being admitted. These numerous signatures could not be obtained in a corner, or without being known over the whole territory; and had sentiments prevailed in the territory different from those expressed in the petitions, we should have had before this time our table covered with counter petitions.

Mr. M. said he had never heard a constitutional question started where there was so little ground for it. He asked whether there was any violation of the constitution in admitting the Mississippi Territory to the rights of a legislature before their numbers justified them in requiring it.

The gentleman from the territory says they may be admitted without a constitution. But does not the ordinance require that the government shall be republican, and he would ask whether the present government is republican? He believed not. So much did he dislike these territorial governments, that he wished all the territories were formed into states, that they might have a share in passing the laws by which they are governed.

The gentleman from Connecticut says this measure will lead to a consolidation of the states. Its effects will be directly the reverse, for the more states there are in the union, the farther removed shall we be from a consolidation.

We are told that if this application were regular, the gentlemen would have no objection to it. But can any act be more regular than that which proceeds directly from the people?

[Mr. Macon went much more at length into the discussion of the question.]

Mr. Fearing conceived nothing would be more likely to promote disturbances in the territory than this law, as he conceived a large portion of citizens would not consider themselves bound by it, and of consequence not send delegates to the convention. He conceived it unconstitutional, as under it a convention might be called, a constitution made, and yet that constitution be void. For suppose that under the act proposed to be passed a convention should be chosen according to the present census, and a constitution formed by them; and suppose that another constitution should be formed by a convention concerned by the legislature of the territory under a different census; which would be the real constitution of the territory? certainly the last, because formed on a true apportionment of the population, and under a law of the legislature by which the territory is governed.

The gentleman from Maryland says that unless Congress interfere, the territory can never become a state; and to prove this he refers to the law of the territorial legislature, lately before us, expressive of their disapprobation of coming into the union. But this opinion is not correct; for many of the people of the territory, though better pleased with the division of the territory proposed by the law, would still wish a state government, in the event of that division being rejected; and it appears on the journals of the legislature that some members voted for a state government in that event. If the arguments of gentlemen are sound, we might be kept from obtaining a state government for one hundred years, in case the President should appoint or continue a governor hostile to such a government. But, Mr. F. said, he conceived the people had a right, when their numbers amount to 60,000, to be admitted, even if Congress shall be against admitting them, or the governor and upper house in addition. He conceived that under the resolutions of the representatives proposing a convention, if the people acceded to them, a constitution might be formed that would be fully obligatory.

Mr. F. said, when the gentleman from North Carolina (Mr. Williams) spoke in relation to the petitions on the table, he had presumed that he was going to state the number of petitions in each county. This, however, he had not done. As to himself he did not know from which counties the petitions came, but he presumed they were principally from Ross and Adams.

The gentleman from North Carolina has said the present revenue of the territory is sufficient to support a state government, as appeared from the contents of the petitions. The reverse, however, of this was clear by a document on the table, which furnished information more worthy of being relied on, than that of the petitioners, who themselves, he presumed, paid little, as the present revenue was derived altogether from land.

If the constitution is as binding as gentlemen contend, Mr. F. conceived that the law of congress had vested a right in the territory, which congress cannot impair, viz. the right of the legislature to call a convention when the numbers of the territory shall reach 60,000.

As to the ideas of gentlemen respecting a republican form of government, Mr. F. conceived Connecticut to be under a republican form of government, which, however, consisted of nothing more than fixed habits, which depended upon a law which might at any time be repealed. There was in reality no constitution, therefore, in Connecticut, so he conceived the territory at liberty to form, or not to form a constitution. If not at liberty, the terms of the ordinance would have been imperative.

Mr. Goddard moved to amend the first resolution, by inserting the words "for giving the consent of congress;" so as to read, "that provision ought at this time to be made by law for giving the consent of congress to the inhabitants of the Eastern division of the territory, to form for themselves a constitution and state government, &c."

Mr. G. said his only objection to the original resolution, was, that under it Congress usurped powers vested in other bodies. Should this amendment prevail, there would be no occasion to enquire into the principles involved in the subsequent resolutions.

The question was taken on this amendment, and lost—Yeas 13.

The question was then taken on the first resolution and carried—Yeas 47.

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, Toilinetts, Velverets, Fancy Coats, Cottings, Ribands, &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

WASHINGTON CITY.

FRIDAY, APRIL 23, 1802.

The Speech of Mr. Nicholson, delivered in the Debate on the Judiciary, is this day published in a pamphlet, at the office of the National Intelligencer.

Extract of a letter from a gentleman in Philadelphia, dated April 19, 1802.

"It is this moment stated to me that a vessel from Bordeaux brings an account that Lord Cornwallis has left Amiens, and hostilities were expected to recommence. He departed on the 15th ult."

The following is the total number of votes given for governor in Massachusetts in 303 towns—For Mr. Strong, 26,033; Mr. Gerry 17,011.

The settled inhabitants of the City of Washington are requested to meet at the Great Hotel on Saturday the 24th inst. at 10 o'clock in the forenoon, in order to take into consideration a petition to Congress for the establishment of some effective form of Civil Police, and the cheap and efficient administration of justice, previous to the termination of the present session.

House of Representatives, U. S.

WEDNESDAY, April 21, 1802.

Mr. Bayard moved the taking up for consideration, a motion made yesterday by him for the adjournment of the two Houses on Monday next. The question was put on taking it up, and lost. Ayes 33—Noes 39.

Mr. Van Ness moved the order of the day, on the going into committee of the whole, on a resolution some time since laid by him on the table, respecting the registering of vessels, &c.

Messrs. Huger and Griswold, opposed the taking up this resolution, from the lateness of the session, and moved a postponement of it to the 4th Monday in November.

Postponement carried. Ayes 51.

The House then took up the amendments of the committee of the whole, reported yesterday, to the bill "to amend the judicial system of the United States."

The first amendment was as follows: "and so much of the act entitled, 'an act to establish the judicial courts of the United States,' passed September 24, 1789, as provides for the holding a session of the supreme court, on the 1st Monday of August annually, is hereby repealed."

On agreeing to this amendment,

Mr. Bayard called for the yeas and nays. He said it was not his intention to consume the time of the House, by repeating the arguments which had been made, without being answered in the committee of the whole. He would barely observe, that the giving to the supreme court one session instead of two was in a great measure a denial of justice to suitors, and would operate with peculiar injustice on the present suitors.

Mr. Mott declared himself against the amendment; inasmuch as it betrayed great inconsistency in the acts of the legislature. He believed the law lately passed, respecting the judiciary system established last session, was right. That law restored the system of 1789, under which two sessions of the supreme court were annually held. The repeal, not operating till the first of July, did not affect the ensuing session in June—If the repealing law was right, we must now be wrong. For this reason, and for others, Mr. Mott declared himself against the amendment.

The yeas and nays were then taken on the amendment, and carried. Yeas 44—Nays 39.

The *second amendment* established an additional circuit, to be called the seventh circuit consisting of Kentucky and Tennessee.

Mr. Alston said he should be impelled to vote against this amendment, unless it should be shewn that it would not materially interfere with the subsequent details of the bill, which, he was at present inclined to believe would be the case.

Mr. Davis said it was far from his intention unnecessarily to consume the time of the House. He begged, however, that the arguments, which he had yesterday urged in committee, would be attended to by gentlemen; he begged gentlemen to respect the rights of Kentucky and Tennessee, which were equal to those of the other states, all of whom, excepting Maine, were allowed the benefit of circuit courts. The only object of the amendment was to unite the labours of the district judges of Kentucky & Tennessee, without incurring the least additional expence. He defied gentlemen to assign any reasons against extending this benefit to Kentucky and Tennessee. Gentlemen may assign certain motives, but they cannot assign arguments for the refusal.

Mr. Fowler said he had never heard of the existence of any complaints respecting the system, as it would stand, without the amendment of his colleague. He believed it was perfectly satisfactory. As to the motives, to which his colleague alluded, he knew of none himself, other than those which were connected with the general good. If his colleague knew of any others, he supposed he would name them.

Mr. Thompson stated the contents of a letter received by him from judge Innes, stating the small number of suits depending in the district of Tennessee—and stating the great distance which the judges would have to travel in case of a circuit being established; from which Mr. Thompson inferred the uselessness of such a court.

Mr. Davis replied, and observed, that he knew that a majority, whether right or wrong, will decide as they please; as to the motives, to which he had alluded, gentlemen could be at no loss to understand him; he believed that another session of congress would unfold those motives.

The question was then taken on the amendment, and lost. Ayes 34—Noes 48.

The *sixth section*, as proposed to be amended, under consideration, Mr. Bayard moved to recommit it. This section directs, that when the two judges of a circuit shall be divided in opinion, the supreme court shall allot a judge of the supreme court to the circuit court, in order to call the decision.

Mr. Bayard stated several points, wherein he conceived the section defective; others were stated by Mr. Griswold.

The recommitment was urged by Messrs. Bayard, Griswold, R. Williams, and Nicholson; and opposed by Messrs. Elmendorf, S. Smith, and Smilie.

The recommitment was carried, Ayes 45—and a committee immediately appointed, consisting of Messrs. Bayard, Nicholson, and R. Williams.

Mr. Bayard moved that his resolution, proposed yesterday, to adjourn the two Houses on Monday next, be taken up.

Motion lost. Ayes 29—Noes 40.

The House took up the amendments of the senate to the Post-office bill.

Among these amendments was one instructing the postmaster-general to establish, if necessary, at the public expence, a line of stages for the carrying of the mail.

On this amendment, an interesting expression of opinion took place on the propriety and policy of extending the accommodations of the Post office department.

Mr. Alston moved to qualify the amendment by a restriction, that the measures contemplated in the amendment should be authorised only so far as the funds of the Post-office department would admit.

Motion lost.

Mr. S. Smith, and Mr. Huger, supported the amendment.

Mr. Griswold and Mr. Eustis, opposed the amendment on the ground of the expense that would arise to the public; and from the present season being premature.

Mr. Milledge contested the remark of Mr. Griswold in relation to expence; to gain information, Mr. M. moved to refer the amendments of the senate, undecided upon, to a select committee.

Mr. Elmendorf spoke for, and Mr. Holland against the commitment. Motion to commit lost. Ayes 19.

Messrs. Holland, Elmer, and Elmendorf spoke against, and Mr. Milledge for agreeing to the amendment, which, on the question being taken, was lost. Ayes 26.

Mr. Huger moved an amendment, authorising the Post-Master-General to allow hereafter one-third more for the conveyance of the mail in close carriages, than is now allowed for the conveyance in chairs, or on horses. Mr. Shepard spoke for, and Mr. Holland against this motion.

Lost. Ayes 27—Noes 36.

Mr. Bayard reported an amendment to the judiciary act in the section stated above to have been referred to a select committee.

Adjourned.

Thursday, April 22, 1802.

The House took up the amendment, reported yesterday, to the judiciary bill, which recommended the striking out the 6th section and substituting a section prescribing that wherever the two judges of the circuit court are divided in opinion, a certificate of the case shall be sent up to the supreme court, who shall decide—subject to certain qualifications.

Mr. Griswold moved to divide the question, and to take the vote in the first instance on *striking out* the question.

The striking out carried.

On the question, on agreeing to the new section proposed to be substituted, Messrs. Henderson, and Griswold, spoke against; and Messrs. Nicholson, R. Williams, and Elmendorf, in favor of agreeing to it.

Agreed to insert the proposed substitute. Ayes 39—Noes 27.

Mr. Leib moved a new section, providing that in cases, in which the selection of special juries has heretofore been made by clerks of courts, the power shall be confided to the marshal.

On this motion a debate ensued, in which Messrs. Leib, Davis and Giles, supported, and Messrs. Dennis, Milledge, and Bayard opposed it.

Motion carried—Ayes 41—Noes 32.

Mr. Dennis moved to strike out the 15th section of the bill, which entrusts to the President the nomination in the first instance of commissioners of bankruptcy, from which the district judge is empowered to appoint a proper number for the decision of each case of bankruptcy.

On this motion a debate of some length ensued, in which the motion to strike out was supported by Messrs. Dennis, Bayard, Goddard and Stott, and opposed by Messrs. S. Smith, Giles, Bacon and Elmendorf.

Mr. Bayard called for the Yeas and Nays; which were Yeas 3[illegible]—Nays 56.

Motion to strike out therefore, lost.

Mr. Bayard moved to amend the 3d section by adding to the [illegible] line the words "and which at the end of the last session shall remain undetermined," and called for the yeas and nays, which were taken, without debate; Yeas 32—Nays 39—lost.

Mr. Bayard moved a new section, providing that this act shall not go into effect until the 1st day of July next.

On which debate ensued, in which Messrs. Bayard and Griswold supported, and Messrs. Nicholson and Bacon opposed the motion.

The question was taken, on the call of Mr. Bayard, by yeas and nays; and lost: Yeas 27—Nays 46.

Ordered to be read a third time tomorrow.

[Debate on the above motions hereafter.]

Mr. Bayard called for the consideration of his motion to adjourn the two houses on Monday.

The taking up the motion was supported by Messrs. Bayard and S. Smith, and opposed by Mr. Elmendorf.

Mr. D. Heister moved the previous question.

Mr. Nicholson moved an adjournment.

Mr. Bayard called for yeas and nays on the question of adjournment; which were taken, and the adjournment lost. Yeas 29—Nays 40.

Motion of Mr. Bayard to adjourn on Monday, under consideration.

Mr. Giles moved to postpone the consideration of the motion till Monday next.

Mr. S. Smith hoped the motion of Mr. Bayard would be agreed to.

Mr. Bayard called for the Yeas and Nays on Mr. Giles's motion.

Mr. Giles said he would much rather withdraw his motion, than consume the time taken in calling the Yeas and Nays.

Mr. Bayard then called for the Yeas and Nays on his own motion—which was carried. Yeas 53—Nays 13.

Mr. Giles, from the committee appointed for that purpose, reported on the memorials of sundry merchants, &c. on French spoliations.

Report ordered to be printed.

New-York, April 19.

The Brig Favourite, Capt. Brown, arrived at this port on Saturday, in 12 days from Cape Francois, which place he left on the 6th inst. Captain B. informs, that between 1st and 5th April, the Batavian fleet, consisting of 3 sail of the line and two frigates, with 2000 French troops on board, arrived at the Cape, and were immediately landed. He adds, that Toussaint was at the distance of a few miles from the Cape, where Christophe is at the head of 15,000 negroes, and that they frequently venture within a quarter of a mile from the gates of the city. General Le Clerc was at Port Republicain. Rigaud, and one of his aides-de-camp, were arrested on suspicion of treason, and put on board a French 74, which sailed on the 4th inst. for France. Gen. Le Clerc, in an engagement with the negroes, had received a wound in the body, his first aid-de-camp killed, and his second dangerously wounded.

Captain Brown left at Cape Francois, ship Ann, Terry, of this port; brig Hope, do. and schooner Perseverance, with 80 or 90 other American vessels; many of them had lain there several weeks, without having obtained permission to discharge their cargoes or to depart for any other port. Those who had disposed of their cargoes were waiting for payment, which is made in government bills at sixty days. The American Consul had left the Cape for Port Republicain for the purpose (as was supposed) of making some arrangement in the business with the commander in chief.

The sloop Harriet and brig Rowena, Brown, of Newport, and several others, had obtained permission to sail.

Captain Brown farther informs, that on the 19th February, whilst he lay at the port of St. Domingo, part of his cargo was taken out, the whole of his crew sent on board the frigate *La Fraternite*, and their places supplied by five French sailors, with whom he was ordered to depart for Cape Francois.

NOTICE.

IN consequence of an error in the date of the advertisement under the signature of Samuel Baker, the Sale advertised for the 26th inst. will not take place until the third day of May next.

April 23, 18[illegible]. 2