

under the direction of the court as in other cases.

Sec. 7. That all courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered without denial or delay.

Sec. 8. That the right of trial by jury shall be inviolate.

Sec. 9. That no power of suspending laws, shall be exercised, unless by the legislature.

Sec. 10. That no person arrested or confined in jail shall be treated with unnecessary rigour, or be put to answer any criminal charge, but by presentment, or impeachment.

Sec. 11. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him and to have a copy thereof, to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favour, and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county or district in which the offence shall have been committed, and shall not be compelled to give evidence against himself nor shall he be twice put in jeopardy for the same offence.

Sec. 12. That all persons shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or the presumption great, and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it.

Sec. 13. Excessive bail shall not be required, excessive fines shall not be imposed, nor cruel and unusual punishments inflicted.

Sec. 14. All penalties shall be proportioned to the nature of the offence. No wife legislature will affix the same punishment to the crimes of theft, forgery and the like, which they do to those of murder and treason. When the same undistinguished severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences. For the same reason a multitude of sanguinary laws are both impolitic and unjust; the true design of all punishments being to reform, not to exterminate mankind.

Sec. 15. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 16. No *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made and no conviction shall work corruption of blood nor forfeiture of estate.

Sec. 17. That no person shall be liable to be transported out of this state for any offence committed within the state.

Sec. 18. That a frequent recurrence to the fundamental principles of civil government, is absolutely necessary to preserve the blessings of liberty.

Sec. 19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

Sec. 20. That the people have a right to bear arms for the defence of themselves and the state, and as standing armies in time of peace are dangerous to liberty, they shall not be kept up, and that the military shall be kept under strict subordination to the civil power.

Sec. 21. That no person in this state, except such as are employed in the army or navy of the United States or militia in actual service, shall be subject to corporal punishment under the military law.

Sec. 22. That no soldier in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in the manner prescribed by law.

Sec. 23. That the levying taxes by the poll is grievous and oppressive, therefore the legislature shall never levy a poll tax for county or state purposes.

Sec. 24. That no hereditary emoluments, privileges or honors shall ever be granted or conferred by this state.

Sec. 25. That no law shall be passed to prevent the poor in the several counties and townships within this state, from an equal participation in the schools, academies, colleges and universities within this state, which are endowed, in whole or in part, from the revenue arising from the donations made by the United States for the support of schools and colleges, and the doors of the said schools, academies and universities, shall be open for the reception of scholars, students and teachers of every grade, without any distinction or preference whatever, contrary to the intent for which the said donations were made.

Sec. 26. That laws shall be passed by the legislature, which shall secure to each and every denomination of religious societies in each surveyed township which now is, or may hereafter be, formed in the state, an equal participation, according to their number of adherents, of

the profits arising from the land granted by Congress for the support of religion, agreeably to the ordinance or act of Congress, making the appropriation.

Sec. 27. That every association of persons, when regularly formed within this state, and having given themselves a name, may, on application to the legislature, be entitled to receive letters of incorporation to enable them to hold estates, real and personal, for the support of their schools, academies, colleges, universities, and for other purposes.

Sec. 28. To guard against the transgressions of the high powers which we have delegated, we declare, that all powers, not hereby delegated, remain with the people.

SCHEDULE.

Sec. 1. That no evils or inconveniences may arise from the change of a territorial government to a permanent state government, it is declared by this convention, that all rights, suits, actions, prosecutions claims and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government.

Sec. 2. All fines, penalties and forfeitures, due and owing to the Territory of the United States North-west of the river Ohio, shall inure to the use of the state. All bonds executed to the governor, or any other officer in his official capacity, in the Territory, shall pass over to the governor or the other officers of the state and their successors in office, for the use of the state, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

Sec. 3. The governor, secretary and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments, until the said officers are superseded under the authority of this constitution.

Sec. 4. All laws and parts of laws now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect until repealed by the legislature, except so much of the act, entitled, "An act regulating the admission and practice of attorneys and counsellors at law;" and of the act made amendatory thereto, as relates to the term of time which the applicant shall have studied law, his residence within the territory and the term of time which he shall have practised as an attorney at law, before he can be admitted to the degree of a counsellor at law.

Sec. 5. The governor of the state shall make use of his private seal, until a state seal be procured.

Sec. 6. The President of the convention shall issue writs of election to the sheriffs of the several counties, requiring them to proceed to the election of a governor, members of the general assembly, sheriffs and coroners, at the respective election districts in each county, on the second Tuesday of January next, which elections shall be conducted in the manner prescribed by the existing election laws of this territory, and the members of the general assembly, sheriffs and coroners, then elected, shall continue to exercise the duties of their respective offices, until the next annual or biennial election thereafter, as prescribed in this constitution and no longer.

Sec. 7. Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the county of Hamilton shall be entitled to four senators and eight representatives. The county of Adams, one senator and three representatives. The county of Ross, two senators and four representatives. The county of Fairfield, one senator and two representatives. The county of Washington, two senators and three representatives. The county of Belmont, one senator and two representatives. The county of Jefferson, two senators and four representatives, and the county of Trouball, one senator and two representatives.

Done in Convention at Chillicothe, the 29th day of November, in the year of our Lord 1802, and of the independence of the United States of America the twenty seventh.

In testimony whereof, we have hereunto subscribed our names.

EDWARD TIFFIN, President and Representative from the county of Ross.

- Joseph Darlington, Adams Coun.
- Israel Donalson, Adams Coun.
- Thomas Kirker, Belmont Co.
- James Caldwell, Belmont Co.
- Elijah Woods, Clermont co.
- Philip Gatch, Clermont co.
- James Sargent, Fairfield co.
- Henry Abrams, Fairfield co.
- Emanuel Carpenter, Fairfield co.
- John W. Browne, Fairfield co.
- Charles Willing Byrd, Hamilton co.
- Francis Dunlavy, Hamilton co.
- William Goforth, Hamilton co.
- John Kitchel, Hamilton co.
- Jeremiah Morrow, Hamilton co.
- John Paul, Hamilton co.
- John Reilly, Hamilton co.
- John Smith, Hamilton co.
- John Wilson, Hamilton co.
- Rudolph Bear, Hamilton co.
- George Humphrey, Hamilton co.
- John Milligan, Jefferson co.
- Nathan Updegraff, Jefferson co.
- Bazael Wells, Jefferson co.

- Michael Baldwin, Ross co.
- James Grubb, Ross co.
- Nathaniel Mallie, Ross co.
- T. Worthington, Trumbull co.
- David Abbot, Trumbull co.
- Sannuel Huntington, Washington county.
- Ephraim Cutler, Washington county.
- Benjamin Ives Gilman, Washington county.
- John M'Intire, Washington county.
- Rufus Putnam, Washington county.

Attest,
THOMAS SCOTT, Sec'y.

PROPOSITIONS, &c.

WE the Representatives of the people of the Eastern Division of the Territory North-West of the river Ohio, being assembled in Convention pursuant to an act of Congress, entitled "An act to enable the people of the Eastern Division of the Territory North-West of the river Ohio, to form a Constitution and State Government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes;" And having had under our consideration the propositions offered by the said act, for our free acceptance or rejection, do resolve to accept of the said propositions: provided, the following addition to, and modification of the said propositions shall be agreed to by the Congress of the United States, viz:

That in addition to the first proposition, securing the section No. sixteen, in every township within certain tracts to the inhabitants thereof for the use of schools, a like donation equal to the one thirty sixth part of the amount of the lands in the United States' military tract, shall be made for the support of schools within that tract, and that the like provision shall be made for the support of schools in the Virginia reservation, so far as the unlocated lands in that tract will supply the proportion aforesaid, after the warrants issued from said state have been satisfied, and also that a donation of the same kind, or such provision as Congress shall deem expedient, shall be made to the inhabitants of the Connecticut reserve.

That all the lands which may hereafter be purchased of the Indian tribes by the United States, and lying within the state of Ohio, the one thirty-sixth part shall be given as aforesaid for the support of public schools.

That all lands before mentioned to be appropriated by the United States for the support of schools, shall be vested in the Legislature of this state, in trust for said purpose.

That not less than three per cent. of the net proceeds of the lands of the United States lying within the limits of the state of Ohio, sold and to be sold after the thirtieth day of June last, shall be applied in laying out roads within the state, under the direction of the legislature thereof.

And if the Congress of the United States shall agree to the above addition to, and modification of the said propositions, it is hereby declared and ordained, that every and each tract of land sold or to be sold by Congress, from and after the thirtieth day of June last, shall be and remain exempt from any tax laid by order or under the authority of this state, whether for state, county, township, or any other purpose whatever, for the term of five years after the day of sale, to be reckoned from the date of certificate of the first quarterly payment.

That whereas Congress by a law entitled, "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates," passed the fifth day of May, 1792, did authorize the President of the United States to convey by letters patent unto the said John Cleves Symmes, and his associates, their heirs and assigns, a certain tract of land therein described, and did further authorize the President, by the act aforesaid, to grant and convey unto the said John Cleves Symmes, and his associates, their heirs and assigns in trust for the purpose of establishing an academy, and other public schools, and seminaries of learning, one complete township to be included and located, within such limits and lines of boundary as the President may judge expedient, and in pursuance thereof, the President did convey unto the said John Cleves Symmes, and his associates, their heirs and assigns, by his letters patent, the aforesaid one complete township, to be located and accepted by the governor of the territory north-west of the river Ohio, and inasmuch as the township aforesaid has never been located and accepted, agreeable to the provision of the said act:

The convention recommend the following propositions to Congress as an equivalent for the one complete township aforesaid, to wit: The lots numbered 8, 11, and 26, reserved in the several townships for the future disposition of Congress, or so many of the said lots as will amount to the number contained in the aforesaid complete township, to be vested in the legislature in trust to and for the purposes for which the said township was originally intended to be designated by the legislature of this state.

Resolved, That Thomas Worthington be appointed a special agent to lay the aforesaid resolution and propositions be-

fore Congress, and that said agent do endeavour to procure the assent of Congress thereto.

Passed in convention at Chillicothe, the 29th day of November, 1802.
EDWARD TIFFIN, President of the Committee.
THOMAS SCOTT, Secretary.

TIMBER Wanted for cash on delivery.

The Directors for building a Bridge over the Eastern Branch, at the City of Washington, will contract for timber of the following kinds and scantlings, viz:

80 pieces white oak 34ft long to be 14 in. by 14	8	by 10
200 do do 42	8	by 10
400 do do 22	8	by 10
80 piles do 18	14	14
20 do do 20	14	14
20 do do 30	15	15
32 do do 28	14	14
40 do do 18	14	14
60 do do 40	15	15
36 do do 26	14	14
40 piec. white or blk oak	33	12 12
80 do do 24	12	13
80 do do 12	12	13
480 piec. w. oak 10	5	7
480 do do 12	5	7

The piles will be required square only 15 feet from the butts, and may taper to 10 inches square at the small end. The timber must be cut before the first of March, and delivered in April. Proposals for contracts will be received until the 25th day of January next.
by Wm. BRENT, Sec'y.
Dec. 29. ept25f

MARIE ANNE PIC, RESPECTFULLY informs her customers that she has received a fresh assortment of elegant muslin and tippets, which she can sell very low. Gapes of all colors, white satin for dresses, pelings of all colors, velvet ditto. And a most elegant assortment of artificial flowers consisting of half wreath, more gay and diadems, bandeau and ornaments with gold and silver beads, great coats, velvet bonnets and hats, wigs, macarons, and gentlemen's fur gloves, with all sorts of perfumes. The whole will be disposed of at very reasonable prices for ready cash.
Dec. 29. 4f.

FOR SALE, Or would be exchanged for a woman house servant that does not breed, A likely NEGRO WOMAN & CHILD—The Child a boy two years old, the mother has been chiefly used to house service, and is an excellent workwoman. The present owner has no reason for parting with her except her breeding, which is inconvenient in a family—Enquire of the Printer.
Nov. 29. 4f.

GENUINE WINES. Madeira, Sherry, Port, Lisbon, Claret, &c. Philadelphia and London Porter, Cognac and Peach Brandy, Jamaica and Antigua spirits, Cordials and Syrups, Sweet Meats, Fresh Fruit, Fresh Teas, Coffee and Sugars, Spanish Serrans in boxes and Indian baskets, Garden seeds and flower roots, Shoes, and pewter ink stands. With sundry articles of Groceries for sale at Reduced prices, by JOHN GOULDING, Broker.
December 8. ept1f

Thomas Carpenter, TAYLOR. HAS received a very handsome assortment of goods, consisting of superfine cloths, cassimere and coatings of all colours. Patent water proof Cloths, Silk and woolen Melansins, Tailinettes, velveteens, &c. of superior quality. From which, and an acquisition of the newest fashions and the best workmen, he can assure whatever commanded. Pennsylvania Avenue, near the President's Square, and New Jersey Avenue, about eight houses from Capitol Square.
Dec. 1, 1802. 4f.

TO LET, And be entered upon immediately, three well finished BRICK HOUSES, NEARLY opposite Morin's Tavern, on Fawcett street very near Pennsylvania Avenue, built for the WASHINGTON BUILDING COMPANY. The Houses will be rented on very reasonable terms. Apply to THOMAS CARPENTER near the President's Square. eptf.
Dec. 12.

ATTENTION. I will sell at public sale on the 20th inst. at 11 o'clock, on the premises, if not sold before at private sale, the house and lot at present occupied by Messrs. ANDERSON & CHERRY—SITUATED in square 929 or near the Navy Yard, a credit of ten years to be paid by instalments, good and approved security will be required—those that wish to purchase at private sale, will call on Mr. SAMUEL N. SMALLWOOD, at Washington Navy-Yard, who is fully authorized to make sale of the same. JAMES W. UGH.
Fairfax County, State of Virginia.
Dec. 12. 3f.

Twenty Dollars Reward WILL be paid for the delivery of a small black TRUNK, containing wearing apparel for a gentleman. It was lost between Deuts Tavern and Elkridge landing from the Coachee on Friday last. It delivered at Mr. Sillies Hotel in the city of Washington.
Dec. 22. 3f.

Congress of the United States, HOUSE OF REPRESENTATIVES.

WEDNESDAY, DEC. 29, 1802.
Mr. Gray addressed the House in the following words:

Mr. Speaker, I rise to offer to the consideration of this honorable House, a subject of an uncommon nature.

In order that the crime of murder may no longer be deemed honorable, and with a view to mark with disgrace a wicked and pernicious practice, which has lately destroyed the social harmony of some of our fairest cities, and brought some of our most valuable citizens to an untimely end, I move the following resolution.

Mr. Gray then offered a resolution for the appointment of a Committee with instruction to enquire into the expediency of disqualifying any person from holding an office under the government of the United States who shall hereafter be concerned in a duel, or in sending or carrying a challenge.

Ordered to lie on the table.
John C. Smith, from the committee of claims, made a report on the petition of Charles Hyde. The report disallows one part, and sanctions another part of the claim of the petitioner.

Referred to a committee of the whole on Friday next.

Mr. Southard offered a resolution for the appointment of a committee with instructions to enquire into the propriety of granting further time to the proprietors or holders of military land warrants to obtain and locate the same.

Carried, and referred to a select committee of five.

Mr. Davis called up his resolution instructing the committee of elections to enquire whether Mr. Van Ness had not forfeited his seat by accepting the appointment of major in the militia of the territory of Columbia.

Mr. Van Ness laid that so far as the decision of the House might affect him personally, he felt little concern; but so far as it affected him as a representative of an important state, he was not so indifferent. He had no objection whatever to the proposed enquiry being made. As it involved the decision of an important principle it deserved great attention. He had no doubt of the enquiry being made with that candour and fairness which, in most cases, characterized the proceedings of the House. He was far from imputing any impure motives to the mover or seconder of the resolution. It would be as derogatory in him to impute, as in them to entertain, any views dishonorable or base. He had risen barely to state his wish that an enquiry might be made.

Mr. Elmcroft proposed a verbal amendment, which was not agreed to.

The resolution was then adopted without a division.

Mr. Davis said that while on the subject of seats improperly held, he hoped another member would, by resigning, relieve the House from the necessity of deciding on his case. He questioned whether a territorial delegate could represent a state. He alluded to the state of Ohio. It appeared to him that a state must be represented in a full manner, by representatives entitled as well to vote as to deliberate. The gentleman, therefore, who held his seat as the representative of the territory could not remain in that character after the territory had become a state; neither could he be considered as the representative of the state, inasmuch as he had been appointed under the territorial government. Mr. Davis concluded by giving notice that unless the gentleman resigned, he should offer a motion to vacate his seat.

Mr. Randolph said that on examining the rules of the house he found two to which he wished to draw their attention. One in the following words: "When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the house." This rule had yesterday been decided [and in his opinion correctly] to apply only to papers already in the possession of the house, and not to those which had never before been heard. But, sir, said Mr. R. I find another rule directing that all petitions, memorials and other papers addressed to the house, shall be presented by the Speaker, or by a member in his place, and a brief statement of the contents thereof shall be verbally made by the introducer, &c.—And wherefore? That the house may not be betrayed into the reading of that, which it might be indiscreet in them to hear. Conceiving then that they should be guided in the interpretation of their rules by the same principle which governed courts of justice in the construction of a law;—the adopting of such an interpretation as would give meaning and efficacy (if practicable) to every part of the instrument;—he had yesterday been compelled, however reluctantly, to differ from an authority eminently entitled to his respect. Since, will he be censured in the construction given to the rule which he had first read, he could not perceive that the right of the house to refuse to be put into possession of improper matter was, thereby, at all affected. Otherwise the provision contained in the se-