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For the National Intelligencer.

INIQUITY OF DUELLING.

The following fentiments againft this immoral and barbarous practice, were contained in a letter from an amiable and fenfible citizen of the United States to the reprefentative in Congrefs from the diftrict in which he refides. The motion made by Mr. Gray of Virginia fome days fince, on the evil tendency of duelling, gave rife to this addrefs from this pious chriftian to his friend. It is publifhed not only on account of the intrinfic value of the Epiftle itfelf; but becaufe, *mutatis mutandis*, the confiderations therein contained may be applicable to the cafe of every legiflator.

1st month 7th, 1803.

"I am induced to addrefs thee in this way not only from the intimation of an individual I efteem, who urged me to do it, but from the impulfe of my own mind which readily yielded to the fuggeftion. The fubject is of no lefs magnitude than to convey to thee, the gladdening impreffion which a late motion in the Houfe of Reprefentatives, relative to duelling, hath excited in many minds. To defcribe to thee the turpitude of the crime, to attempt to delineate its features, under the variety of fhapes, in which it hath exhibited itfelf, might be unneceffary and perhaps needlefsly trefpaffing on thy time. Suffice it therefore to ftate, that as a reprefentative in Congrefs from this place, I believe I may venture to affert, thy advocating and fupporting the meafure, will meet with the fulleft and moft cordial approbation of the folid and thinking part of the community who reprobate the practice, as being repugnant to every civilized fentiment, and highly inconfiftent with natural and revealed religion.

"Let me, therefore, prefs it upon thee to ufe thy utmoft influence, both in council and otherwife to promote an act of Congrefs for the fuppreffion of fo dreadful and heinous a crime! a crime which reflects great difgrace on our nation, and ought to be difcountenanced by its councils. Do not be difcouraged from a firm and inflexible exertion of thy zeal and talents on the occafion. Reflect, it is the caufe of truth, and of humanity;—in fhort, it is no lefs than an attempt to reftore that civilization and regard to the dignity of human nature, which, in many of the citizens of the United States, hath been departed from.

As thou fils an important ftation in the United States, I feel defirous thou may acquit thyfelf with propriety, and difcharge the duty of thy office and allotment with confcious rectitude.

Let it be thy primary concern to promote the true interefts of thy country, and in no way can thou fo fufficiently do it, as by endeavouring to fupport the caufe of Chriftianity, and efpoufing every meafure which is calculated to reform the morals and the manners of the people.

Remember, that it is righteoufnefs which "exalteth a nation, and that fin is a reproach to any people."—May thou, therefore, be of that number, who are advocating the *law* and the *testimony* which will greatly tend to the exaltation of thy character! Adminifter to thee peace & the confolation of thy own mind, and finally be more to thee than the applaufe of this world or the acquifition of any worldly enjoyments.

POST-OFFICE,

Washington, January 15th, 1803.

THE Poftmafter having often, but in vain, folicited thofe with whom accounts of Poftage have been kept, to be punctual in payment, is compelled by duty to give notice, that after the publication hereof, no futher credit for poftage will be given to any perfon or perfons whomfoever, except thofe who have called at the office regularly once a quarter and made payment as required.—The loffes which have been fuftained by giving credit and the trouble, expence, and inconvenience of keeping, copying, and prefenting for payment a great number of accounts, without the fmalleft profit or advantage to the Office, might be affigned as a fufficient reafon for difcontinuing the practice, even if payments were made in all cafes on the firft application, but as a confiderable fum, which the Poft Mafter has been obliged to pay to the Government, yet remains due to him from various perfons, it cannot reafonably be EXPECTED, that he will involve himfelf further.

P. S. Depofits in advance, or fatiffactory arrangements with the Letter carrier may, perhaps, be conveniently made by moft of the Inhabitants.

For the National Intelligencer.

THE DEMOCRAT, No. VII.

On the Judiciary.

The train of reflections purfued in the preceding numbers, naturally led the author to confider the theory and principles of reprefentation as next in order—connected with this, the liberty of the prefs would have been difcuffed as indifpenfably neceffary to the prefervation of a reprefentative democracy, eftablifhed over an extenfive territory; but the monftrous pretenfions fet up by the partizans of the late adminiftration, in favor of the Judiciary department, have founded an alarm that muft fummon every real friend of freedom to the immediate defence of that citadel, which reafon and principle have reared, perhaps as the laft afylum of the rights of man.

It is now boldly and openly maintained, that the judiciary are the judges of the conftitution itfelf; that under this authority, they have a right to declare a law enacted by the legiflature null and void; and confequently, that they may revive and give full validity to laws, and recreate officers, not only without the confent of the people, but in direct oppofition to their exprefs will, as declared by their reprefentatives.

However prepofterous this opinion may be, it is readily admitted to be by no means new; neither wifdom nor folly are the offspring of yefterday. The abftract queftions, whether an act of ordinary or civil legiflation, contrary to a fundamental, conftitutional, or political law (for they are fynonimous terms) is null and void; and whether the judges have a right to declare it fo; are coeval with the hiftory of Britifh jurifprudence, as may be feen by perufing *doctor Bonham's cafe, 7 Janus 1, Co. Rep.* 8. When Europe began to emerge from the Gothic ignorance, which fucceeded the diffolution of the Roman empire, priefts and lawyers had monopolized the fmall portion of learning which furvived, and which confifted of little more than theoretic fubtilities, uncorrected by the demonftrative power of experiment: at fuch an æra we cannot be furprifed that lawyers fhould fuggeft, and judges countenance opinions fo favourable to royalty, for judges were then the mere creatures of the crown; the judiciary and executive powers being united in the perfon of the king, by the feudal fyftem, then univerfally prevalent throughout Europe. But when in the progrefs of political fcience, the judicial became gradually feparated from the executive department, this doctrine of judiciary controul over the legiflature, which judge Blackftone emphatically declares *to be subversive of all government*, became wholly expofed as abfurd and irrational. It is, in fact, an idea fo replete with anarchy and confufion, and fo inconfiftent with the very exiftence of all government, law, and order (as will be demonftrated by the fubfequent enquiry) that the whim, the caprice, and misfortunes of mankind have, I believe, never yet produced but one example where the theory was reduced to practice;—this was the memorable inftance of the juftiza of Arragon, the fudden cataftrophe of which cannot encourage imitation.

But our modern fapients of the day afk what example can Europe furnifh? what authority can be drawn from England, or from other nations, who have no written conftitution, that can apply to the United States, for whom the glory and fafety of written conftitutions have been referved by the partial favor of providence? It will be feen that thefe premifes are falfe, and the conclufions unfounded; but at prefent one obvious reply is all that can be neceffary. The reafons and authorities derived from Europe apply to the abftract queftion of the relative power of judiciary and legiflative departments; and confequently are equally applicable to thefe ftates, and all other governments, where a legiflator and a judge exift.

Far be it from me to attempt to depreciate our moft excellent conftitutions, but in order to form a juft eftimate of their real merits, they muft be divefted of thofe that are merely imaginary; I full well recollect that in the early ftages of our revolution, we were to be exempted from the common deftinies of mankind, by reprefentative government; it was then generally afferted, and as generally believed, that reprefentation, unknown to the ancients, had been referved for the fafety of Britain and her defcendants—a very little enquiry fatisfied the public mind, that reprefentation had been the uniform bafis of the federal conftitutions, and as fuch at one time, univerfal throughout Europe, where it had as univerfally failed, except in England; and there it had been preferved folely by the freedom of the prefs;—deprived of this never ceafing cenforfhip it is naturally the moft corrupt of all fyftems, and as fuch had been abandoned by the ancients, (as we are informed by Ariftotle,) to whom the art of printing was unknown.

Cured of one prejudice, the human mind feems naturally to contract another. The talifmanic powers of a written conftitution are now to preferve us from national misfortune. The mere circumftance of a conftitution being committed to writing, does not even form a diftinction, for there is no civilized nation now, where fundamental laws are not committed to record in fome manner.—In fact, it is altogether a puerile idea, more worthy of the fixth than the nineteenth century—of an age of favage ignorance, when the fubftantial benefit of clergy was attached to the rare faculty of reading or writing; or perhaps, calculated for the banks of the Joliba, where, as Mungo Parkh informs us, the charms of written fupolies are ftill in high eftimation among the fable fons of Africa.

That the collection of fundamental laws into one conftitutional act has its advantages, no one can deny. But this muft, in a great meafure, be confined to the origin of fociety, it is not even calculated for its progrefs:—Believing with Lord Coke, that laws muft be the refult of time and experience, and that the united wifdom and learning of no one age, is competent to the formation of any code of laws, much lefs fundamental laws, that will be calculated for duration, and will not require perpetual changes, I muft alfo doubt, whether it will be found more fafe for the people to make thefe changes, thro' the medium of conventions, confifting of a fingle branch, than through that of their ordinary legiflatures, which generally confift of two or three. The right as well as the power of the people to adopt the mode by convention, can never be queftioned; and I confefs that I am ignorant of any fuperior power that can limit their right to change, alter, and amend their conftitutions by their common legiflatures, or by any other mode they may, in their fovereign capacity, prefer. I highly approve the organic law of Maryland, which confines the power of altering the conftitution to two fucceeding feffions of the legiflature; but had it been conferred on a fingle feffion, no one could have doubted of its equal validity. As it now ftands, the conftitution of this ftate, in procefs of time, will be found like that of England, difperfed in the ftatute books.

PUBLICOLA.

Conclusion of the Message of the President on a Dry Dock.

Mr. LATROBE'S ESTIMATE.

ESTIMATE of the LOCKS.

21,160 yards, earth to be removed to make the flanks of the coffre dam, digging and carting, *a* 30 cents.	6,048
Coffre dam, framed piled and puddled, if rated agreeably to the actual coft of a fimilar dam erected at Philadelphia which meafures 292,800 cubic feet, and coft in labor, machinery and all materials 30,000 dollars nearly, it would ftand in 10 cents per foot,	
54,000 feet, cube of dam, *a* 10 cents digging below high water mark, -	5,400
29,756 yards, lower lock pit *a* 25 cents -	7,439
14,878 yards, Upper lock pit *a* 25 cents, -	3,719 50
14,875 yards, above high water, *a* 15 cents, -	2,231 70

This will account for all the digging of the lock and turning dock; for the amount accounted to the flank dams will come out of thefe places.

WALLING.

384 perch, In wings *a* 3 dolls. - -		1,152
4,992 do. In piers and round the gate receffes *a* 4 dolls. - -		19,968
Faced with Acquia ftone above high water, and the whole bedded and jointed in taves,		
2,932 do. Lock chamber in common ftone *a* 3 50-100 dolls. - -		10,262
1,579 do. Above in afhler *a* 5 dolls. - -		7,895
2,240 do. Gate and fluice walls to upper locks, *a* 4 dolls.		8,960
1,579 do. Lock chamber below high water, *a* 3 50-100 dolls. -		5,226
2,932 do. Lock above in afhler *a* 5 dolls. -		14,660
2,956 do. In the turning dock *a* 5 dolls. -		14,780
4,836 do. Gates to the dry docks and arfenal, *a* 5 dolls.		24,180
1,896 do. Paving in lock chambers and gates, *a* 3 dolls.		5,688
2,660 feet, Cube *a* 25 cents, labor and workmanfhip in each of 6 pair of gates,	665	
2,000 lb. Iron work *a* 20 cents. -	400	
	1065	6,390
12 fluices *a* 150 dolls.		1,800
Pumping, being the expence incurred in a fimilar work in Philadelphia,		3,000
Scaffolding and utenfils		10,000
		152,699
To this fum muft be added 10 per cent for incidental expences of direction, fuperintendance, office expences and other ufual charges, impoffible to be forefeen or enumerated. - -		15,269
Total,		167,968

NAVAL ARSENAL.

13,703 perch, In the dock, *a* 3 50-100 dolls. -	47,960
21,210 do. Above, *a* 5 dolls. - -	106,050
Eight capitals, *a* 200 dolls.	1,600

There is nothing about the building but plain mafonry, faced with Acquia ftone, excepting only the cornices of the piers, and the capitals of the columns; 5 dolls. per perch is a good allowance for the whole of the work including arches, the fmall quantity of moulded work which is in the piers and for the ftairs, which have been meafured as folid.

1,374 fquares, Of compound ribs, labor, nails and all materials, including fheeting *a* 10 dolls. -	13,740
1,374 do. Of fheet iron roof, laid down and painted, *a* 20 dolls. -	27,480
Scaffolding and utenfils beyond what has ferved for the locks, fay -	5,000
Add 10 per cent for incidental charges as on the other fide, - -	20,183
Dollars,	222,013

(Signed) B. HENRY LATROBE,
Engineer.

Washington, 4th Dec. 1802.

ESTIMATE

Of the expence of fupplying the canal by means of the Tiber and Stoddert's Spring, the aggregate amount of which is, - Dolls. 27,295

Navy Yard, Washington, Oct. 22, 1802.

SIR,

Conformably to your letter of inftructions of the 13th July paft, I proceeded without delay, to examine the ftreams of water &c. mentioned therein. On this bufinefs I availed myfelf of the affiftance of Mr. Nicholas King, a judicious and accurate furveyor, and have now the honor to communicate the refult.

The firft fpring to which you refer, by the name of Young's, is known generally and more particularly as Mr. Stoddert's. This fpring rifes at thirty-two feet three inches above the level of high water mark (fpring tides) in the Annacoftia or Eaftern Branch. The quantity of water difcharged by it, is thirteen hundred and twenty-four cubic feet, or forty-nine cubic yards and one foot in an hour. To convey this water to the navy yard, a channel or race muft neceffarily be cut in the face of the hill or bank which margins the Eaftern branch, and of neceffity fo nearly level as only to allow a current fufficient to overcome flight obftructions and prevent the water from ftagnating. The length of the race from the head of the fpring to the navy yard, would be about three miles and one eighth, for in afcertaining the levels we meafured a line exceeding two miles and one quarter; to which, in our judgment, one third fhould be added for paffing the heads of certain vallies or ravines, which occur in its courfe. This race would courfe generally along the fide of gravelly banks or hills, and fome part of the water will confequently be loft by abforption; yet as there are two or three leffer fprings in this diftance, the waters of which may with fafe be brought into the race, it is prefumed that the full quantity which runs from the head fpring, will be delivered at the navy yard.

To afcertain the fall and quantity of water difcharged by Tyber creek, we levelled along its meanders to the mill, belonging to the eftate of the late Notley Young efq. and found the water in the race below the wheel, twenty-nine feet five and 3 10 inches, above the high water in the Tyber and Potomac. The wheel being overfhot, the water in the race above it, is forty-fix feet feven and 3-10 inches above the high water mark aforefaid. The quantity of water which paffes down the Tyber at this mill (though it was a dry feafon) we found equal to one hundred and forty-four and 44-100 cubic yards in an hour. To bring the water of the Tyber from this mill to the navy yard, in an open channel, two courfes may be purfued. One by tracing the level line or nearly fo, until it paffes the upper end of the Piney branch of the Tyber, then continuing acrofs the low and nearly level ground to Stoddert's fpring, there falling into and blending with the water of the firft mentioned race to the navy yard. In this cafe, the diftance to cut would be from the mill to the fpring, one mile and fix eighths, thence to the navy yard, three miles and one eighth as aforefaid. The other courfe would be the fame until it croffed round the head of the Piney branch, then continuing the level weftward along the face of the hill and coming round by the capitol to the navy yard, a diftance of four miles and a half.

When the water is fufficiently high to admit the boats to navigate between the Great and Little Falls of the Potomac, to the locks of the latter, it is then thirty-one feet and four 2-10 inches above the high water in the river.

The diftance between the canal at the Little Falls and the navy yard, as the race would be obliged to courfe, would be eight miles, making ufe of aqueducts to convey the water over the ftream at Mr. Foxall's furnace; over Rock creek, and over the Tyber near the Capitol:—namely, two miles and feven eighths from the locks to Rock creek bridge; and thence five miles and one-eighth through the city to the navy yard.

The feafon, as is before intimated, was, at the time this furvey was taken, extremely dry, and the quantity of water in the Little Falls canal confequently fmall. Not fo high by two feet as when the boats pafs along it. Thus allowing for dry feafons, the height of this canal above high water, may not be reckoned more than twenty-nine feet, for the purpofes contemplated by this furvey.

In the event of ufing the waters of the Tyber and Stoddert's fpring, it would be eligible for the purpofe of fpeedily filling the dry docks, to have a large refervoir of capacity fufficient to contain two fold or upwards of the cubic contents of the docks, for which it would be probably neceffary to purchafe the mill (late Notley Young's) and fome convenient ground adjacent. On enquiry relative to this fubject, I underftand, that for the purchafe of the mill and fix acres of ground adjoining, the fum of about four thoufand dollars will be expected.

I have not yet learned from Mr. Carroll, the price he means to affix on the ground on the Eaftern branch moft convenient for cutting the docks. But I feel firmly perfuaded that, in cafe of a very extravagant value being laid thereon, it would be full as eligible (if not more fo) to make ufe of a part of the navy yard, to the weftward of the warehoufes, which being already public property, and of capacity fufficient for the purpofes contemplated, will preclude the neceffity of ftopping any other of the ftreets of the city, which, in the event of making ufe of Mr. Carroll's ground, muft inevitably take place, and which circumftance might furnifh fpecious pretexts to difaffected perfons to oppofe the whole.

I forbear making any calculation on the probable expence of digging and completing the canals for the conveyance of the waters to the navy yard, as you