NATIONAL INTELLIGENCER,

AND

WASHINGTON ADVERTISER.

VOL. III | WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. | No. CCCLXII.

FIVE DOLLS. PER ANN. | MONDAY, FEBRUARY 14th, 1803. | PAID IN ADVANCE.

United States, diſtrict of Columbia, County of Waſhington, to wit:

In Chancery, January, 1803.

Thomas Low, Complainant.
verſus,
James Piercy, J. & James Ray, Samuel Treat, James Piercy, Senr. & Amariah Froſt. } Defendants.

THE Bill ſtates that the defendant James Piercy, junr. being indebted to the Complainant in a large ſum of money, in ſaid Bill ſpecified in order to ſecure the repayment thereof mortgaged certain property ſpecified in ſaid Bill to the complainant, and that afterwards the complainant at the requeſt of the ſaid defendant, James Piercy, junr advanced to him another large ſum of money, alſo ſpecified in the bill, to ſecure the repayment whereof; and alſo for other purpoſes the ſaid defendant James Piercy, Junr. mortgaged certain other property likewiſe ſpecified in ſaid bill to the complainant, one James Ray and a certain Daniel Carroll; That the ſaid Daniel Carroll hath no intereſt in the property in the ſaid laſt mentioned deed deſignated, he having been paid the amount that was to be ſecured by the ſaid Deed. That the complainant relying upon the ſecurity contained in the ſaid mortgages became ſecurity for the ſaid Piercy for large amounts, for which the ſaid complainants was ſued, and had to pay, and that he alſo lent, advanced and paid away for the ſaid Defendant James Piercy, junr. other large ſums of money under the impreſſion of his being ſecured by the ſaid mortgages. That the ſaid Piercy, Junr. in order to defraud the complainant charged the ſaid property deſignated in the ſaid mortgages before mentioned, by mortgages to the ſaid Defendants James Ray, Samuel Treat, James Piercy, ſen. and Amariah Froſt. The bill further ſtates that all the defendants named in this reſide out of the Diſtrict of Columbia and out of the Juriſdiction of this Court.

The object of this bill is to foreclose the equity of redemption of the ſaid property reſting in the ſaid defendant James Piercy, Junr. or in the other defendants or any of them, or any other perſon.

The bill ſtates that the ſaid James Piercy, jun. in order to defraud his creditors, ran away from the county of Waſhington, and now reſides in Portſmouth, Virginia, that Samuel Treat reſides there alſo, that James Ray reſides in the city of Annapolis, in the ſtate of Maryland, probably in jail, that James Piercy, ſen. reſides, and always has reſided in the kingdom of Great Britain, and that Amariah Froſt reſides in the city of Waſhington.

It is on the complainant's motion ordered that he procure a copy of this order to be inſerted once a week in each of three ſucceſſive weeks, in the National Intelligencer and Waſhington Federaliſt, before the firſt day of March next enſuing, to the end that the ſaid James Piercy, jun. James Ray, Samuel Treat, and James Piercy, ſen. four of the defendants above named, and all other perſons (if any there be) intereſted in the premiſes, may have notice of the complainant's application, and of the object of his ſaid bill, and that the ſaid defendants may be warned to appear in perſon, or by ſolicitor, on or before the fourth Monday in July next enſuing, to ſhew cauſe (if any they can) why a decree as prayed for in and by the ſaid bill, ſhould not be made.

By order,
URIAH FORREST, Clerk.

United States, Diſtrict of Columbia, County of, Waſhington, viz.

In Chancery, January 19, 1803.

Ninian Magruder, complainant.
Verſus.
Ann Seyle, John Seyle, George Seyle, Jacob Seyle, Lewis Seyle, Samuel Seyle, Suſannah Edmundſon, Polly & George Adams, Catharine & Peter Montz, Betſey and Jacob Stuner, Barbara, Daniel and Lewis Hauer, Peggy and John Stover, Henry, Polly and Adam Hauer, Defendants.

The object of this bill is to obtain a decree to foreclose certain property therein mentioned of which the defendants are claimants.

The bill ſtates that Samuel Seyle, Polly and George Adams, Catharine and Peter Montz, Betſey and Jacob Steiner, Barbara, Daniel and Lewis Hauer, Peggy and John Stover, Henry, Polly and Adam Hauer, do not reſide within the diſtrict of Columbia, or within the reach of proceſs of this court.

It is therefore on the motion of the complainant order that he cauſe a copy of this order to be inſerted at leaſt once in each of three ſucceſſive weeks in the National Intelligencer, and Waſhington Federaliſt, before the firſt day of March next, to the intent that the abſent defendants may have notice of the preſent application, and of the object of this bill, and may be warned to appear in this court in perſon or by ſolicitor on or before the fourth Monday in July next, to ſhew cauſe if any they can, why a decree ſhould not paſs as prayed,

By order
URIAH FORREST, Clk.

Feb. 7. 1803.

A few hundred weight of Baltimore manufactured loaf Sugar, and a parcel of Seine Twine, of a very ſuperior quality, juſt received and for ſale by

STEUART & BEALL.

N. B. They have on hand, French, Peach, and Apple Brandy, Whiſkey, Tar and Flour by the barrel, a large ſupply of Salt and Plaiſter of Paris and Shad.

Jan. 17, 1803. ep2m

WANTED,

One or two Boys to learn the BOOT and SHOE-MAKING Buſineſs.—Apply to

JOHN CROOKSHANK.

George-Town, Jan. 19, 1803. tf.

National Intelligencer.

Congreſs of the United States.

HOUSE OF REPRESENTATIVES.

TUESDAY, Feb. 8, 1803.

Debate on Mr. BAYARD's motion to go into a committee of the whole on the ſtate of the union, in order to take into conſideration the amendment to the Conſtitution reſpecting the Election of President and Vice-President.

[CONTINUED.]

Mr. Huger thought this a ſubject of the firſt importance. It propoſed to alter the Conſtitution of the United States on an important point. This was of much greater importance than the ceſſion of a ſmall diſtrict of territory. It appeared to him moſt extraordinary that ſo much pains were taken to poſtpone the conſideration of it to a late period of the ſeſſion. This had been done the laſt ſeſſion. It was in vain to ſay members ought to keep their ſeats. It was well known that private purſuits would take them away. He truſted, therefore, that at the preſent time, while the Houſe was full, a deciſion would be made.

Mr. Smilie thought, if gentlemen would ſuffer the queſtion to be taken without unneceſſarily conſuming the time of the Houſe, they would progreſs in a much more orderly manner with the public buſineſs.

Mr. Bacon ſaid there was no doubt about the importance of the propoſed amendment to the Conſtitution. But did it neceſſarily follow that it was proper to take up that ſubject to day. On the contrary, he thought it moſt proper to take firſt into conſideration the propoſitions reſpecting Columbia for the reaſons aſſigned by ſeveral gentlemen.

Mr. Griswold hoped the Houſe would adhere to their own rules. A reference to a committee of the whole on the ſtate of the union was, according to thoſe rules, the order for every day. Certainly whatever relates to an amendment to the Conſtitution is important. It is agreed on all hands that this amendment is of great importance. It was not abſolutely neceſſary that this ſubject, or that which related to the diſtrict of Columbia, ſhould be acted upon to-day—Neither of the objects were ſo preſſing. But where they were equally preſſing, was it not proper to take up that firſt which was acknowledgedly of the greateſt importance. He admitted that it was the duty of gentlemen to remain in their ſeats; but he did not know what reaſon the Houſe had to find fault with their abſence, as they had by formal vote ſanctioned it.

Gentlemen will admit that a queſtion of ſuch importance as went to change the national compact under which they held their ſeats ought not to be decided upon but by the votes of every perſon entitled to vote upon it. Shall we then delay its deciſion until a third of the members are gone? A deciſion under ſuch circumſtances would not be doing juſtice to the ſpirit of the Conſtitution that required the concurrence of two thirds of the members of both Houſes.

Mr. Davis could not account for the change produced in the minds of ſome gentlemen on this ſubject. Laſt ſeſſion, when this ſubject was before Congreſs, the gentleman from Delaware was oppoſed to deciding upon it; to day he is earneſtly for deciding upon it. He is from time to time calling it up, contrary to the eſtabliſhed uſage of the Houſe, which when a gentleman lays a motion on the table, permits it as a matter of compliment to lie until he calls it up. Now the gentleman from Delaware unceaſingly calls for it. Laſt ſeſſion, when taken up, he voted againſt it. The gentleman from Connecticut alſo (Mr. Griſwold) while he charges us with inconſiſtency, expoſes his own. Mr. Davis declared he could only account for this ſtrange conduct on the part of gentlemen by their knowledge, that, owing to the particular ſtate of the Senate, as to the attendance of members, though the propoſed amendment might carry here, it would at preſent fail there.

Mr. Bayard ſaid, if the gentleman from Kentucky had attended to what he had ſaid, he would not have been at a loſs to account for his conduct. He was glad to find conſiſtency recommended from that quarter, as he might hope in future, to find a reformation. But as to the remarks of the gentleman applied to him (Mr. B.) he ſhould ſhew by his vote his conſiſtency. He voted then againſt the amendment, and ſhould do ſo again. What then? Did that betray any inconſiſtency? Did his now calling up the ſubject mark any inconſiſtency? He had avowed his motive. The numbers of the Houſe were waſting every day, and they may ſoon vary in ſuch a degree as to affect the reſult, and make it different from that which would appear were the vote now taken. Laſt ſeſſion ſuch an effect was produced by delaying the deciſion until the cloſe of the ſeſſion. To avoid a ſimilar effect was the ſubject of his call. His deſire was that the deciſion ſhould be fairly made by the whole votes in the Houſe.

The gentleman from Maryland (Mr. S. Smith) had ſaid the Houſe ought not to be hurried. He did not know what to underſtand by this expreſſion. The reſolution had laid on the table for more than one month. Notice had been given a week ago by the honorable mover that it would be called up; and yeſterday it had been voted down by the majority. Notice had been then given that it would be called up to day—and yet the gentleman talks of hurry. When is this hurry to ceaſe? If it ſhall be delayed until the laſt day of the ſeſſion the ſame ground of objection will exiſt. Why not now decide it? When it was called up yeſterday, gentlemen profeſſed their ſolicitude to take up another ſubject and ſaid this queſtion might be taken up to day. Now it is called, and the old ſong is ſung. If gentlemen are ſerious in their wiſh to frugaliſe time, they will go into a committee of the whole on this ſubject immediately, and decide it; and no longer waſte time about diſcuſſing it. Mr. Bayard did not believe the diſcuſſion of it could occupy more than half an hour. As it had laſt ſeſſion been fully diſcuſſed, it would be a work of ſupererogation to go over the ſame ground again.

Mr. S. Smith obſerved that this was rather a novel attempt. According to the eſtabliſhed uſage of the houſe, when a gentleman lays a reſolution on the table, he takes his own time to call it up. He underſtood it was the intention of the gentleman from Pennſylvania, who had offered the reſolution (Mr. Leib) to notify the houſe that he would at a certain day call it up. And now the gentleman from Delaware takes it out of his hands, and is preſſing for an inſtantaneous deciſion. And for what? Not for our convenience; not for the convenience of the majority of this houſe who are friendly to the propoſition. But for his own convenience and that of his friends who are hoſtile to it. This was a novel leſſon to give a majority. No, ſir, we are to ſtudy our own convenience; and to adopt that courſe, which we deem beſt, for tranſacting the public buſineſs. If certain gentlemen, from private reaſons, leave their ſeats, they are not to expect that buſineſs will be delayed or precipitated on their account. The arguments that have been urged are againſt the gentleman. This buſineſs is before the houſe, does not require the paſſage of a law, and may be decided upon at any moment; whereas the reſolutions reſpecting the receſſion of the diſtrict of Columbia require firſt to be acted upon, to enable the houſe to determine what buſineſs in relation to this territory, it will be neceſſary to take up.

Meſſrs. *Lowndes* and *T. Morris* ſpoke in favor of going into a committee of the whole on the amendment to the conſtitution.

Mr. Leib ſaid he was yeſterday in favour of taking up the propoſition of amendment. As, however, he was ſatisfied that the other buſineſs was of a more preſſing nature, he was willing that it ſhould give place to that.

Mr. Bayard. We are told by the gentleman from Maryland that it is the duty of the majority to ſtudy their own convenience. He is for ſtudying his own convenience. What he means by their convenience, or his convenience I am at a loſs to underſtand. I ſuppoſe however, he means that their convenience will conſiſt in delaying this deciſion, until the members on one ſide of the houſe may dwindle down ſo low that a majority of two-thirds may remain on the other ſide; ſo that a fair expreſſion of the will of the whole houſe ſhall not prevail. For this declaration, I feel obliged to the gentleman. He had often before made many a precious confeſſion, and this was one to be added to their number. He told us the other day that he and his friends had taken great pains to get the power of the country into their hands. I ſuppoſe the ſame pains are now to be taken, by creating a majority by artificial means.

I only roſe, however, to ſay one word as to this being conſidered as the reſolution of the gentleman from Pennſylvania. The gentleman from Kentucky has told us that it is an affair of compliment to ſuffer a reſolution offered by a particular member to reſt until called up by him. I confeſs that, however diſpoſed I may be in perſonal intercourſe to obſerve ſuch rules, I am not here diſpoſed to obſerve compliment at the expence of duty. In this caſe there was a peculiar reaſon for the call. The gentleman who originally offered the reſolution gave notice of his intention to call it up on a fixed day. That day has gone over without any call. We ſee the houſe daily waſting in numbers. We wiſh a fair deciſion, one made by the whole votes of all the members. Gentlemen therefore cannot complain of our doing, what they recommend, that is to ſtudy our own convenience. They ſeldom ſtudy ours, and if we did not ſtudy our own, it is probable that it would be but little regarded. But what am I to underſtand when the gentleman from Maryland (Mr. S. Smith) talks of his majority. Does he mean that the gentlemen on my left (the greater number of the republican members ſit on that ſide) will vote for it barely becauſe he means to vote for it. I muſt believe thoſe gentlemen in voting on this queſtion will exerciſe the independent powers of their own minds, will follow the dictates of their own judgements, and be actuated by a patriotiſm as honorable, and motives as pure as thoſe of the gentleman himſelf.

Mr. S. Smith. However the gentleman from Delaware may not have underſtood our convenience, he has ſhewn that he underſtands his own, by putting words in my mouth which I never uttered. I never ſaid the majority of this houſe was my majority. The reaſon why I ſaid a majority was in favor of the amendment, appears from the journals of the laſt ſeſſion, on which the fact appears by the votes of two-thirds of the members in favor of it. It would ill become me to talk of any majority. It would be preſumption in me to hold that language. Gentlemen with whom I generally act, know me better and themſelves. I did, however, ſay that it ſuited the convenience of this Houſe to make the buſineſs, which they had to tranſact, progreſs in their own way, and not according to the convenience of the gentleman from Delaware. I conſidered that a ſufficient explanation; and if theſe remarks were thoſe for which the gentleman obtained leave to ſpeak a third time, he might have ſpared himſelf the trouble. I am not averſe to taking up this ſubject at a proper time; but I muſt object to forcing it into the place of other buſineſs that according to the uſual courſe of proceeding, ought to take precedence.

The queſtion was then taken on Mr. Griſwold's motion, by Yeas and Nays and loſt—Yeas 37—Ayes 61.

The Yeas and Nays are as follow:

YEAS.—Meſſrs. Bayard, Boude, Campbell, Cutler, Dana, Davenport, Foſter, Goddard, Griſwold, Grove, Haſtings, Hemphill, Henderſon, Hill, Huger, Hunt, Lowndes, Mattoon, L. R. Morris, T. Morris, Perkins, Plater, Read, Rutledge, Shepard, J. C. Smith, Joſiah Smith, Stanley, Tallmage, Tenney, Thatcher, Tillinghaſt, Upham, Van Renſſelaer, Wadſworth, L. Williams, Woods—37.

NAYS—Meſſrs. Alſton, Archer, Bacon, Bailey, Biſhop, Brent, Brown, Butler, Cabell, Claiborne, Clay, Clopton, Candit, Cutts, Davis, Dawſon, Dickſon, Early, Elmendorf, Elmer, Euſtis, Fowler, Gray, Gregg, Hanna, D. Heiſter, J. Heiſter, Helms, Hoge, Holland, Holmes, Jackſon, Jones, Leib, Meriwether, Mitchill, Moore, Mott, New, Newton, jun. Nicholſon, Randolph, jun. Smilie, Iſrael Smith, J. Smith, N. Y. J. Smith, Virg. S. Smith, Southard, Stanford, Stanton, Taliaferro, jun. Thomas, Thompſon, A. Trigg, J. Trigg, Van Cortlandt, Varnum, Van Horne, R. Williams, Winn, Wynns—61.

Mr. Griſwold ſaid he hoped it would ſuit the convenience of the majority to take up the ſubject to-morrow. He gave notice that he would call for it then.

RECESSION OF COLUMBIA.

The houſe went into a committee of the whole, Mr. John C. Smith in the Chair, on the following reſolutions offered by Mr. Bacon:

"*Resolved*, That it is expedient for Congreſs to recede to the ſtate of Virginia, the juriſdiction of that part of the territory of Columbia, which was ceded to the United States by the ſaid ſtate of Virginia, by an act paſſed the 3d day of December, in the year 1789, intitled "An act for the ceſſion of ten miles ſquare," or any leſſer quantity of "territory within this ſtate, to the U. States, in Congreſs aſſembled," for the permanent ſeat of the general government."

Provided, the ſaid ſtate of Virginia ſhall conſent and agree thereto.

"*Resolved*, That it is expedient for Congreſs to recede to the ſtate of Maryland the juriſdiction of that part of the territory of Columbia which was ceded to the United States by the ſaid ſtate of Maryland, by an act paſſed the 19th day of December in the year 1791, intitled "An act concerning the territory of Columbia and the City of Waſhington.

Provided the ſaid ſtate of Maryland ſhall conſent and agree thereto.—

The *first* reſolution being read;

Mr. Smilie ſaid it was not his wiſh to take up the time of the Houſe, but barely to aſſign in a few words his reaſons for the vote he ſhould give. In the laſt Congreſs he had voted againſt the aſſumption: and he had heard no reaſons ſince to change his opinion on the propriety of that vote. He ſhould, therefore, vote now for a receſſion. He never could underſtand the reaſon for giving Congreſs an excluſive juriſdiction over ten miles ſquare. He believed there was but one reaſon. It had been thought good policy to introduce this article into the Conſtitution to facilitate its adoption; as it was known that all parts of the union were anxious to have the ſeat of government. It did not appear to him in any proper point of view, neceſſary that Congreſs ſhould poſſeſs ſuch excluſive juriſdiction. There was no doubt that, let Congreſs ſit where they would, they would always have ſufficient power to protect themſelve. Unfortunately, however, there was on this ſubject an aſſociation of ideas, in the minds of many perſons, not in the leaſt connected; which was that the reſidence of Congreſs in this place, and their poſſeſſing excluſive juriſdiction was the ſame thing. If the exerciſe of excluſive juriſdiction could have any effect on his mind as to the other point, it would be directly oppoſite; as he would much rather ſit here without then with excluſive juriſdiction; as we cannot poſſeſs this authority without depriving the citizens of rights which were the moſt dear to them. When he looked around him, and ſaw no man, unleſs a ſtranger, who was not a political ſlave, he felt the moſt painful ſenſations. Under our exerciſe of excluſive juriſdiction the citizens here are deprived of all political rights; nor can we confer them. If Congreſs can derive no ſolid benefit from the exerciſe of this power, why keep the people in this degraded ſituation? It is true this place may be ſettled by foreigners; but can we ſuppoſe that any native citizen, who values his political rights, will come here. For the honor of the country, he muſt ſuppoſe there would be none. Why not then recede the people to their former condition? Mr. Smilie concluded by declaring that the act of receſſion would have no effect upon his mind as to ſtaying here.

Mr. Bacon ſaid he would ſtate in a few words the reaſons that influenced him in ſubmitting theſe reſolutions. In the firſt place, he knew of no advantage which the United States derived from retaining the excluſive juriſdiction of this diſtrict. Therefore, if the ſtates to which it originally belonged were diſpoſed to take it back, there could be no objection derived from this conſideration. In the ſecond place, it appeared from their ſhort experience that the exerciſe of excluſive legiſlation would take up a great deal of time, and produce a great expence to the nation; and it was probable that in the courſe of events, the trouble and expence would increaſe with the increaſing number of the inhabitants. Should juſtice be done to the exerciſe of this power, it was likely that as much time would be ſpent in legiſlating for this diſtrict as for the whole United States. It was certain that very conſiderable time would be conſumed. They would likewiſe be ſubjected to other expences than thoſe attendant on legiſlation. In the next place the government would be very diverſe from that in the other parts of the union. He would rather ſee the government in the United States uniform. Here the citizens would be governed by laws in the making of which they have no voice; by laws not made with their own conſent, but by the United States for them; by men who have not the intereſt in the laws made that legiſlators ought always to poſſeſs; by men alſo not acquainted with the minute and local intereſts of the place, coming as they did from diſtances of 500 to 1000 miles. From